



# **Student Code of Conduct**

## **2024-2025**

If you have any difficulty accessing this Student Code of Conduct, please contact Student Services at 972-968-6500, 1820 Pearl St. Bldg. A, Carrollton, TX 75006.

Dear Parent/Guardian:

This Student Code of Conduct provides information regarding expectations for student behavior and consequences for misconduct. Please read and review the information in the Student Code of Conduct with your student so that you have a clear understanding of its content. Once you and your student have reviewed the Student Code of Conduct, please electronically sign the acknowledgment form below. Please contact your student's teacher or campus administrator if you have any questions about the Code.

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**Carrollton-Farmers Branch Independent School District**  
**2024-2025 Student Code of Conduct**  
**Acknowledgment Form**

Student Name: \_\_\_\_\_

School Campus: \_\_\_\_\_ Grade Level: \_\_\_\_\_

I have read, understand, and agree to abide by CFBISD's Student Code of Conduct for the 2024-2025 school year. I understand that \_\_\_\_\_ (student name) will be held accountable for the behavior expectations and disciplinary consequences outlined in the Student Code of Conduct. I understand that the Student Code of Conduct governs all behavior at school, at school-sponsored and school-related activities, during school-related travel, or while traveling in a vehicle owned or operated by the District. I also understand the Student Code of Conduct governs some designated behaviors occurring within 300 feet of school property, some designated behaviors occurring off-campus, including certain electronic communications and postings, and any school-related misconduct regardless of time or location. I understand that a referral for criminal prosecution is possible for certain violations of law.

\_\_\_\_\_  
Parent/Guardian Printed Name

\_\_\_\_\_  
Student Printed Name

\_\_\_\_\_  
Parent/Guardian Signature

\_\_\_\_\_  
Student Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

# Table of Contents

General Overview.....	1
Accessibility	
Purpose	
Additional Rules	
General Standards of Student Conduct	
Notice of Disciplinary Action	
Anti-Discrimination	
Discipline of Students with Special Needs	
Discipline Appeals	
Effect of Student Withdrawal	
Scope of the District's Disciplinary Authority .....	4
General Authority	
Searches	
Reporting Crimes	
Discipline Considerations & Techniques.....	5
Discipline Considerations	
Discipline Management Techniques	
General Types of Prohibited Conduct .....	8
Misconduct Involving Others	
Possessing, Using, Giving, Selling, or Buying Prohibited Items	
Misuse of Property	
Safety/Disruption	
Technology	
Failure to Follow Rules	
Other Misconduct	
Removal from District Transportation .....	14
Reasons for Removal	
Procedure for Removal	
Removal from Classroom by Teacher .....	15
Ordinary Teacher Removal	
Formal Teacher Removal	
Placement During Removal	
Procedures for Teacher Removal	
Return to the Classroom	
In-School Suspension (ISS) .....	17
Reasons for ISS	
Procedure for ISS	

Out-of-School Suspension (OSS) .....	17
Reasons for OSS	
Procedure for OSS	
Assignments During ISS and OSS	
Grade Level and Other Restrictions on Suspension	
Disciplinary Alternative Education Program (DAEP) .....	18
Reasons for Mandatory DAEP Placement	
Reasons for Discretionary DAEP Placement	
Emergency DAEP Placement	
Procedure for DAEP Placement	
Length of DAEP Placement	
Particular Rules for Registered Sex Offenders	
Other DAEP Issues	
Expulsion .....	27
Reasons for Mandatory Expulsion	
Reasons for Discretionary Expulsion	
Emergency Expulsion	
Procedure for Expulsion	
Length of Expulsion	
Other Expulsion Issues	
Expulsion Appeals	
Definitions .....	34

# General Overview

## Accessibility

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If you have difficulty accessing the Code of Conduct, please contact Student Services at 972-968-6500.

## Purpose

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The Student Code of Conduct ("Code of Conduct"), as required by Chapter 37 of the Texas Education Code, provides methods and options for managing student behavior, preventing and intervening when it comes to student disciplinary problems, and imposing disciplinary consequences.

The law requires the district to define misconduct that may or must result in a range of specific disciplinary consequences, including removal from a regular classroom or campus, out-of-school suspension, placement in a disciplinary alternative education program (DAEP), or placement in a juvenile justice alternative education program (JJAP).

The Carrollton Farmers Branch Board of Trustees adopted this Student Code of Conduct (COC) to promote a safe, secure, and optimal learning environment for all students. Inside you will find information regarding:

- The District-wide discipline management plan,
- A description of prohibited conduct,
- The disciplinary options, methods, and consequences for preventing and addressing student misconduct, and
- The process the District will follow when administering disciplinary consequences.

This Code of Conduct remains in effect during summer school and at all school-related events and activities outside the school year until the board adopts an updated version for the next school year. Because the Code of Conduct is adopted by the district's board of trustees, it has the force of policy. If there is a conflict between the COC and the Student Handbook, the terms of the COC shall prevail. If there is a conflict between the COC and local District policy, the more recently adopted item will control.

## Additional Rules

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Students may be subject to campus, classroom, transportation, extracurricular, and/or organization rules in addition to those found in the COC. Students may face consequences under these additional rules as well as possible disciplinary action under the COC. Further, to the extent a student engages in misconduct that is not specifically

addressed in the COC, the student may still be disciplined if the misconduct threatens students or staff or disrupts or interferes with the educational process, learning environment, or school safety.

## **General Standards of Student Conduct**

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In order to promote a positive educational experience for all students, the District expects students to adhere to seven basic standards of conduct: (1) exercise self-control, self-respect, and self-discipline, (2) demonstrate a positive attitude, (3) respect the rights and feelings of others, (4) respect school property and the property of others, (5) support the learning process, (6) adhere to rules, and (7) promote a safe environment that does not threaten school safety. Because of significant variations in student conduct, it is not always possible for the COC to address each and every act of student misbehavior. To that end, the District retains discretion to address student misconduct that is inconsistent with these seven standards even though the conduct may not be specifically included in the COC.

## **Notice of Disciplinary Action**

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Teachers and administrators strive to notify parents/guardians of student conduct concerns as they occur. If a student is placed in in-school or out-of-school suspension, placed in a disciplinary alternative education program, expelled from school, assigned to a juvenile justice alternative education program, or taken into custody by a law enforcement officer, the campus behavior coordinator will promptly contact the parent/guardian by phone or in person and will also make a good faith effort to provide the student with written notice of the disciplinary action to be delivered to the parent/guardian on the same day the consequence is assigned or recommended. If the parent/guardian is not reached by phone or in person by 5:00 p.m. on the first business day after the disciplinary consequence is assigned or recommended, a written notice will be sent to the parent's/guardian's last known address. Another campus administrator may provide notice of disciplinary action if the campus behavior coordinator is not able or available to provide notice. Failure to send any notice within this time period or as noted elsewhere in the COC does not preclude imposing a disciplinary consequence. A school district that receives a bomb threat or terroristic threat relating to a campus or other district facility at which students are present shall provide notification of the threat as soon as possible to the parent(s), guardian(s), or other person(s) standing in parental relation to each student who is assigned to the campus or who regularly uses the facility.

## **Anti-Discrimination**

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The District does not discriminate against students on the basis of race, sex, national origin, disability, religion, color, or ethnicity when enforcing the provisions of the COC.

## **Discipline of Students with Special Needs**

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The Code of Conduct applies to all students. However, when enforcing the Code of Conduct, the District will comply with federal and state laws pertaining to students with disabilities. The discipline of students with disabilities who are eligible for services under federal law (Individuals with Disabilities Education Act and Section 504 of the Rehabilitation Act of 1973) is subject to the provisions of those laws. For more information regarding the discipline of students with disabilities, see policy FOF(LEGAL).

Please note: In accordance with the Education Code, a student who receives special education services may not be disciplined for conduct meeting the definition of bullying, cyberbullying, harassment, or making hit lists (see glossary) until an Admission, Review, and Dismissal (ARD) committee meeting has been held to review the conduct.

## **Discipline Appeals**

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Questions from parents regarding disciplinary measures should be directed to the student's teacher, campus administrator, or campus behavior coordinator as appropriate. Formal appeals or complaints regarding the use of specific discipline management techniques should be addressed in accordance with district policies FNG, FOC, or FOD as appropriate. Depending on the consequence assigned, different complaint procedures may apply. A copy of the appropriate policy is available at the campus or central administration office or on the district website: <https://www.cfbisd.edu/about-us/district-policies>. Please note that the email address and dedicated phone number of the campus behavior coordinator or campus administrator responsible for student discipline are listed on the campus homepage.

Timelines for filing appeals from disciplinary decisions stated in the policy will be enforced. Disciplinary consequences will not be delayed or deferred pending the outcome of an appeal.

Allegations of sexual harassment by a student will be investigated in accordance with federal law and Board policies FFH(LEGAL) and (LOCAL), to include the Title IX formal complaint process, as applicable.

## **Effect of Student Withdrawal**

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Withdrawal from school after a student has been accused of a violation of the COC will not prevent the District from investigating the alleged violation and, if it is determined that a violation did occur, assessing the appropriate disciplinary consequence and enforcing that consequence should the student re-enroll in the District.

# Scope of the District's Disciplinary Authority

## General Authority and Jurisdiction

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In addition to the disciplinary authority established for certain types of offenses as described within the COC, the District has general disciplinary authority over a student at the following times:

- At any time during the school day
- While traveling on District-owned or operated transportation or during school-related travel
- While attending any school-sponsored or school-related activity, regardless of time or location
- As provided in extracurricular or organization handbooks, by-laws, constitutions, or other guidelines
- During lunch periods, including those in which a student leaves the campus
- While on school property
- For any school-related misconduct, regardless of time or location
- Other off-campus conduct as permitted and defined by Chapter 37 of the Texas Education Code 37.0832, including cyberbullying
- For certain offenses committed within 300 feet of school property as measured from any point on the school's real property boundary line
- For certain offenses against other students and school employees, regardless of time or location
- If the student is a registered sex offender

## Searches

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District officials may conduct searches of student's clothing, personal property, electronic equipment, method of transportation, or school property used by the student (such as lockers, desks, and district-provided technology) may be searched at any time without notice in accordance with state and federal law and district policy when there is reasonable suspicion to believe the search will reveal articles or materials prohibited by the District or other violations of school rules and/or laws. Searches of students shall be conducted in a reasonable and nondiscriminatory manner. Students are responsible for ensuring that any personal property, method of transportation, or school property used by the student does not contain prohibited items. Students may be disciplined for possession of prohibited items discovered during a search. For more



information about searches, please review the District's Student Handbook and policy FNF(LOCAL) and FNF(LEGAL).

## **Reporting Crimes**

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The CBC and other school administrators as appropriate shall report crimes as required by law and shall contact local law enforcement regarding suspected criminal activity on campus. Certain acts of misconduct may constitute criminal offenses in addition to violations of the COC. Because school discipline is independent of criminal proceedings, disciplinary consequences may not be postponed pending the outcome of any criminal proceeding or affected by the outcome of any criminal proceeding.

Finally, as the District expects its students to adhere to certain standards of conduct, the District also expects that parents of our students and other visitors will comply with similar standards of conduct and civility expected of our students. Accordingly, a school administrator, resource officer, or school district peace officer may refuse to allow a person to enter or may eject a person from any property under the control of the school district if the person refuses to leave peaceably upon request, and 1) the person poses a substantial risk of harm to themselves or others, or 2) is behaving in a way that is inappropriate for a school setting. A person behaving inappropriately in a school setting may be removed if, prior to the person being removed from District property, the school employee issued a verbal warning that the behavior was inappropriate and could lead to the person's removal of the individual and 2) the person persisted in the behavior. Any person removed from District property may appeal such removal under Board policy FNG(LOCAL) or GF(LOCAL) and shall be permitted to address the Board in person within 90 days of filing the initial complaint unless the complaint is resolved before the Board has an opportunity to consider the complaint.

# **Discipline Considerations & Techniques**

## **Discipline Considerations**

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Using their professional judgment, campus behavior coordinators will consider a variety of factors when administering disciplinary consequences and determining the duration of the consequence, including but not limited to:

- the degree of severity and risk of danger
- the effect of the misconduct
- the age and grade level of the student

- legal requirements
- the frequency of the misconduct
- the student's demeanor
- the possibility of disruption of the school environment

When deciding to order a student to out-of-school suspension, DAEP placement, expulsion, or placement in JJAEP the District will consider: (1) self-defense (*see definitions*), (2) the student's intent (*see definitions*) or lack of intent at the time of the misconduct, (3) the student's disciplinary history, (4) a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct to the extent required by state and federal law, (5) a student's status in the conservatorship of the Department of Family and Protective Services and (6) a student's status as homeless. These factors will be taken into consideration regardless of whether it is a discretionary or mandatory disciplinary consequence.

A student who, upon investigation, is found to be subject to bullying (*see definitions*) will not be disciplined on the basis of using reasonable self-defense (*see definitions*) in response to the bullying, as determined by the campus administration.

The District will also establish a "threat assessment and safe and supportive school team" to serve at each campus of the district and will adopt policies and procedures for the teams. The team is responsible for developing and implementing the safe and supportive school program and conducting threat assessments. These will include assessing and reporting individuals who make threats of violence or exhibit harmful, threatening, or violent behavior, gathering and analyzing data to determine the level of risk and appropriate intervention (including referring a student for mental health assessment and implementing an escalation procedure, if appropriate based on the team's assessment), and providing guidance to students and school employees on recognizing harmful, threatening, or violent behavior that may pose a threat to the community, school, or individual.

Finally, security personnel are important members of the District safety team. State law requires that the job duties of peace officers, school resource officers, and security personnel be listed in the District Student Code of Conduct. See job duties listed below:

The duties of the SROs shall include, but not be limited to, the following: (a) Monitoring access to the school grounds and assisting in limiting access to authorized persons; (b) Protecting the property of CFBISD and the security and safety of its students, personnel, and any person in the jurisdiction, of the SROs, as outlined in the Agreement, in accordance with the duties of a commissioned peace officer of the CITY; (c) Patrolling school property during and after school hours; (d) Answering calls for assistance from school officials; (e) Investigating and/or deterring the commission of criminal acts which may occur on school property and within their hereinafter- described jurisdiction; (f)

Preparing reports and documentation on criminal activities and filing of cases with the proper authorities; (g) Making court appearances as necessary, related to events occurring within the officer's jurisdiction as addressed herein below; (h) Answering calls and assisting with the facilitation of dispute resolution between students, students and school authorities and parents and school authorities; (i) Coordinating the Crime Stoppers Program; (j) Serving as liaison between CFBISD school and CITY's Police Department, juvenile officials, probation officials, courts, and other agencies of the juvenile justice system; (k) Providing a high visibility, crime deterrent on school properties, In buildings, or parking lots, and on athletic fields; (l) Attempting to detect and identify the early signs of deviant behavior associations; (m) Promoting student adherence to the CFBISD Student Code of Conduct; (n) Providing traffic control and direction at locations and during time specified by CFBISD; (o) Being present upon request, when a school official is conducting a search of a student and the school official has reasonable grounds to believe that the search will discover evidence that the student has violated or is violating the law or the rules of the school; (p) Attending meetings as requested by CFBISD; and (q) Other duties as assigned by CFBISD and agreed upon by the City's Police Department.

## **Discipline Management Techniques**

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Discipline shall be designed to improve conduct and encourage students to be responsible members of the school community. Disciplinary action shall draw on the professional judgment of teachers and administrators and on a range of discipline management techniques, including restorative practices. Discipline shall be based on the seriousness of the offense, the student's age and grade level, the frequency of misbehavior, the student's attitude, the effect of the misconduct on the school environment, and statutory requirements.

The District may use any one or a combination of the following strategies or techniques to manage student behavior, prevent or intervene in discipline problems, or address violations of the COC or campus or classroom rules:

- Verbal correction
- Seating changes
- Parent conferences
- Removal from the classroom
- Sending the student to the office or other area
- Transfer to a different classroom or campus
- Assignment to an alternate setting
- Behavior modification contracts or improvement plans
- Assignment of school-related tasks, services, or duties
- Confiscation of items
- School probation

- Revocation of interdistrict transfer, as permitted by state law or local DOI Plan, if applicable
- Restitution or restoration
- Calming-down time
- Demerits or rewards
- Restorative practices
- Positive behavior interventions
- Mediation
- Peer mentoring
- Training in conflict management, social skills, managing emotions, and impulse control
- Loss or restriction of privileges, including participation or membership in co-curricular or extracurricular activities, seeking or holding honorary positions, or speaking at school activities
- Revocation of transportation privileges
- Counseling
- Detention
- Grade penalties as permitted by policy
- Consequences identified in co-curricular or extracurricular codes of conduct, constitutions, by-laws, or other guidelines
- In-school suspension
- Out-of-school suspension
- Disciplinary Alternative Education Program (DAEP)
- Expulsion
- Other methods and consequences as stated in the COC

State law includes a list of prohibited "aversive" disciplinary techniques, defined as those "intended to reduce the likelihood of a behavior reoccurring by intentionally inflicting on a student significant physical or emotional discomfort or pain". While school districts may still utilize corporal punishment or legally permissible restraints, all other techniques listed in this statute are explicitly prohibited and will not be utilized.

## General Types of Prohibited Conduct

### Misconduct Involving Others

Misconduct identified in the list of prohibited behaviors below will result in the assignment of one or more "Discipline Management Techniques" if the behavior is committed at school, a school-sponsored or school-related activity, during related school-related travel, while traveling on District-owned or operated transportation, or

when the District has "Disciplinary Authority" as described in the COC.

- Horseplay, roughhousing, and other playful behavior that, though not intended to harm, presents a reasonable risk of harm, threatens the safety of others, or actually causes injury to others
- Fighting (*see definitions*) or scuffling that may or may not result in physical pain, illness, or any impairment of a physical condition
- Engaging in conduct that can or does cause bodily injury (*see definitions*)
- Forcing an unwilling person to act or not act or obtaining money or another object of value from an unwilling person through duress, threats, force, extortion, coercion, or blackmail
- Subjecting a student or District employee, official, or volunteer to physical harm, confinement, or restraint
- Bullying, including cyberbullying (*see definitions*)
- Name-calling, ethnic or racial slurs, or derogatory statements that school employees reasonably believe could substantially disrupt the school environment or incite violence
- Adding any substance, whether harmful or not, without permission to any food or beverages belonging to, in the possession of, or meant to be consumed by another student or District employee, official, or volunteer
- Engaging in harassment (*see definitions*) toward another student or a District employee, official, or volunteer, including harassment based on race, color, religion, national origin, disability, sex, gender, or age
- Engaging in sexual harassment (*see definitions*) or sexual abuse
- Releasing or threatening to release intimate visual material of a minor or a student who is 18 years of age or older without the student's consent.
- Inappropriate verbal (oral or written), physical, or sexual contact toward another student or a District employee, official, or volunteer, regardless of whether it is consensual
- Touching one's own private body parts in a sexual manner
- Consensual hugging, touching, or other displays of affection that interfere with, detract from, or disrupt the school environment
- Engaging in physical, sexual, verbal, or emotional abuse as a means to harm, threaten, intimidate, or control another person in a current or past dating relationship
- Engaging in oral or written threats to cause harm or bodily injury (*see definitions*) to another student, a District employee, official, or volunteer, or school property, including threats made using the Internet or other technology resources at school. Students may be disciplined for threats made outside of school, including website or Internet postings, if the threat causes a material or substantial disruption at school or is reasonably forecast to cause one
- Engaging in oral or written threats of any kind of violence or violent acts

- Wrongfully obtaining and using another person's identifying information or personal data without permission in order to mislead, defraud, or deceive
- Hazing (see definitions)
- Retaliating against a student for (1) reporting either a violation of the COC or bullying or (2) participating in an investigation of a violation of the COC or bullying

## **Possessing, Using, Giving, or Buying Prohibited Items**

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- Matches or a lighter
- Tobacco products
- Electronic cigarettes (see definition) electronic vaping devices, or any of its components, personal vaporizers, electronic nicotine delivery systems, or paraphernalia, including but not limited to Juul and Juul pods, or vials, cartridges, or "pens" with liquid or other types of material for use in such devices
- Fireworks or any other pyrotechnic device
- Smoke or stink bombs
- Laser pointers (unauthorized use)
- Pepper spray or other small chemical dispensers sold commercially for personal protection
- "Look-alike" drugs or items attempted to be passed off as drugs, including non-prescription drugs, medications, or herbal or dietary supplements except as permitted by District policy
- Prescription drugs except as permitted by District policy
- Razor blades, box cutters, or chains
- Pocket knife or any other small knife
- Hand instrument designed to cut or stab another by being thrown; including, but not limited to, a dirk, stiletto, dagger, poniard, bowie knife, sword, or spear.
- Fake or "look-alike" weapons
- Poisons, caustic acids, or other materials that may be toxic to the human body
- BB gun, air gun, or stun gun
- Ammunition, shells, bullets, or gunpowder
- Firearm silencer or suppressor
- Clubs, knuckles, or similar dangerous weapons
- Material that is sexually-oriented, pornographic, obscene, or reveals a person's private body parts
- Material, including published or electronic items, that promotes or encourages illegal behavior or could threaten school safety
- Articles not generally considered to be weapons when the administrator determines that a danger exists or when used in a way that threatens or inflicts bodily injury to another

- CD or DVD players, cassette players, electronic games, MP3 players, stereo headsets, or other electronic equipment for other than approved use
- Using, displaying, or having in operational mode a paging device, cellular telephone, or telecommunications device (*see definitions*) at school during the school day

## **Misuse of Property**

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- Stealing from others, including the District
- Committing or assisting in a robbery, theft, or burglary that is not punishable as a felony
- Damaging, destroying, or vandalizing property owned by others or the District
- Marking District property such as textbooks, lockers, furniture, or equipment with graffiti, tagging, or by other means
- Attempting to start or starting a fire on or in any property owned, used, or controlled by a student, the District, or District employees, officials, or volunteers that do not rise to the level of arson or criminal mischief
- Enter, without authorization, district facilities that are not open for operations.

## **Safety / Disruption**

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- Threatening to use or exhibit a firearm
- Discharging a fire extinguisher, pulling a fire alarm, calling 911, tampering with an Automated External Defibrillator, or causing the sprinkler system to activate when there is no smoke, fire, danger, or emergency
- Making or participating in false statements or hoaxes regarding school safety
- Making threats regarding school safety or harm to students and/or employees, regardless of intent
- Engaging in misbehavior, actions, or demonstrations that substantially disrupt or materially interfere with school activities or that give school officials reasonable cause to believe that such conduct will substantially disrupt the school program, endanger others, or incite violence
- Throwing objects that can cause bodily injury or property damage
- Making false accusations or providing false statements concerning wrongful, unlawful, inappropriate, or illegal conduct alleged to have been committed by another student or District employee, official, or volunteer

## Technology

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- Sending, possessing, or posting electronic messages, videos, audio recordings, or images that are abusive, obscene, sexually-oriented, harassing, threatening, intimidating, illegal, or that cause a material or substantial disruption at school, including cyberbullying (*see definitions*)
- Using any device, cellular telephone, or technology to copy or capture an image or the content of any District materials (such as tests or exams) without permission of a teacher or administrator
- Making, participating in the making of, transmitting to another via an electronic device or cellular telephone, or posting to the Internet a digital video, audio recording, or image of an actual or simulated act that involves a crime or conduct prohibited by the Code of Conduct
- Using any device, cellular telephone, or technology to record the voice or image of another in any way that disrupts the educational environment, invades the privacy of others, or without the prior consent of the individual being recorded
- Using any device, cellular telephone, or technology to record the voice or image of another to take, disseminate, transfer, circulate, exhibit, present, or share audio, images, video, or photos that reveal private parts of the body that are normally covered by clothing (aka sexting)
- Using the name, persona, or image of a student, District employee, or volunteer to create a web page or post one or more messages on a website without the other person's consent for purposes of harassing, intimidating, embarrassing, or threatening another
- Using emails, websites, cellular telephones, or electronic devices to engage in or encourage illegal conduct, violations of the COC, or to threaten school safety
- Attempting to or successfully accessing or circumventing passwords or other security-related information of the District, officials, volunteers, employees, or other students by any means
- Attempting to or successfully altering, destroying, interrupting, intercepting, or disabling District technology equipment, District data, the data of other users of the District's computer system, or other networks connected to the District's system, including uploading or creating computer viruses, worms, or other harmful material
- Copying, downloading, reproducing, distributing, retransmitting, redisplaying, or modifying items from the District's website
- Engaging in any of the above forms of technological misconduct outside of school when such conduct causes a material or substantial disruption at school as determined by school officials
- NOTE: Students will not be disciplined for technological misconduct related to



possessing items described above so long as the student (1) did not contribute to creation of the item in any way, (2) possessed it only after receiving the item unsolicited from another, (3) either promptly destroyed the item or reported it to a school employee as soon as possible, and (4) did not provide a copy, forward, or re-post the item to anyone other than law enforcement, a school employee, or the student's parent/guardian.

## **Failure to Follow Rules**

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- Violating dress and grooming criteria
- Being insubordinate or otherwise failing to comply with lawful directives given by school personnel
- Attempting to or successfully evading, avoiding, or delaying questioning by a District employee or providing inaccurate information when questioned about possible violations of the COC
- Failing to provide proper identification upon request of a District employee
- Attempting to violate or assisting, encouraging, promoting, or attempting to assist another student in violating the Code of Conduct or help conceal any violation
- Failing to immediately report to a school employee knowledge of a device, object, substance, or event that could cause harm to self or others
- Unexcused tardiness to class
- Skipping school or class without the District's or parent/guardian's permission
- Leaving class, the campus, or school events without permission
- Enticing or preventing another student from attending school, class, or a school activity the student is required to attend
- Violating rules for conduct on school-owned or operated transportation
- Violating rules for operating or parking a motor vehicle on school property
- Violating policies or rules for computer use, cellular telephone use, Internet access, technology, or other electronic communications or imaging devices
- Violating the District's medication policy regarding prescription and over-the-counter drugs
- Engaging in academic dishonesty, which includes cheating or copying the work of another student, plagiarism, and unauthorized collaboration between students during an assignment or an examination
- Failure to comply with guidelines applicable to student speakers who are speaking at school-sponsored or school-related events
- Failure to ensure that personal property, mode of transportation, or school property used by the student does not contain prohibited items
- Violating other campus or classroom rules for behavior or district policies

## Other Misconduct

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- Using profanity, vulgar language, or obscene gestures
- Loitering in unauthorized areas
- Falsifying, altering, forging, or destroying school records, passes, other school-related documents, or documents presented to District employees
- Gambling or betting money or other things of value
- Inappropriate exposure of a student's private body parts which are ordinarily covered by clothing, including through such acts as mooning, streaking, or flashing
- Taking one or more steps toward violating the COC even if the student fails to complete the intended misconduct

## Removal from District Transportation

### Reasons for Removal

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Appropriate student behavior is essential to the safe operation of District transportation. Students must comply with the expectations of the COC while using District transportation. In addition to compliance with the COC, students are expected to comply with the following transportation rules:

- Enter and exit transportation in an orderly manner at the designated stop
- Remain seated in designated seats facing forward
- Keep aisles clear of books, bags, instruments, feet, or other obstructions
- Comply with lawful directives issued by the driver
- Follow the driver's rules for food or beverages
- Do not extend any body part, clothing, or other article outside of the transportation
- Keep hands, feet, other body parts, or objects to yourself
- Refrain from making loud or distracting noises
- Do not obstruct the driver's view
- Do not throw objects inside the transportation or out of the windows or doors
- Do not mark, deface, destruct, or tamper with seats, windows, emergency doors, or other equipment

## Procedure for Removal

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A driver of District-owned or operated transportation may send a student to the administrator's office to maintain discipline during transport to or from school or a school-sponsored or school-related activity, to enforce the transportation rules, or when the student engages in behavior that violates the COC. The administrator or CDC may use one or more discipline management techniques to address the behavior, which may include temporarily suspending or permanently revoking school transportation privileges.

The student will be informed of the reason for the suspension or revocation of transportation privileges and will be allowed to respond before the administrator's decision is final. Suspension of transportation privileges does not excuse a student from attending school. It is the responsibility of the parent/guardian and/or student to make alternate transportation arrangements to and from school.

To transport students safely, the vehicle operator must focus on driving and not be distracted by student misbehavior. Therefore, when appropriate disciplinary management techniques fail to improve student behavior or when specific misconduct warrants immediate removal, the principal or the CBC may restrict or revoke a student's transportation privileges, in accordance with law.

## Removal from Classroom by Teacher

### Ordinary Teacher Removal

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A teacher may send a student to the campus behavior coordinator's office to maintain discipline in the classroom or when the student engages in behavior that violates the COC. For these informal removals, the behavior coordinator will use one or more discipline management techniques to address and improve the student's behavior before returning the student to the classroom. If the student's behavior does not improve, the behavior coordinator will employ other discipline techniques or progressive interventions to improve the student's conduct.

### Formal Teacher Removal

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A teacher may initiate a formal removal of a student from class when:

- The student's behavior has been documented by the teacher as repeatedly interfering with the teacher's ability to teach the class or with the learning of other students; or

- The behavior is so unruly, disruptive, or abusive that it seriously interferes with the teacher's ability to teach or with the learning of other students.

A teacher must document any conduct by a student that does not conform to the Student Code of Conduct and must submit that documentation to the principal. A teacher must remove a student from class if the student engages in conduct that requires or permits DAEP placement or expulsion under the Texas Education Code, in which case the procedures for DAEP placement or expulsion will apply.

## **Placement During Removal**

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When a teacher utilizes a formal removal of the student from the classroom, the administrator may place the student in: (1) another appropriate classroom, (2) in-school suspension, (3) out-of-school suspension, or (4) DAEP.

## **Procedures for Teacher Removal**

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No later than three school days after a teacher has formally removed a student from class the CBC or an appropriate administrator will schedule a conference with the campus behavior coordinator or other administrator, the student's parent/guardian, the student, and the teacher. At the conference, the student will be provided an explanation of the basis for removal and be given an opportunity to respond. After the conference, the campus behavior coordinator or designee will render a discipline decision and inform the student and parent/guardian of the consequences.

A student who is sent to the campus behavior coordinator's or other administrator's office through an ordinary or a formal teacher removal from class is not considered to have been removed from the classroom for the purposes of reporting data through the Public Education Information Management System (PEIMS) or other similar reports required by state or federal law.

## **Return to the Classroom**

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If the teacher removed the student from class because the student engaged in assault resulting in bodily injury, aggravated assault, sexual assault, or aggravated sexual assault against the teacher, the student may not be returned to the teacher's class without the teacher's consent. In other cases where the teacher initiates a formal removal, the student may only be returned to the teacher's class without the teacher's consent if the Placement Review Committee determines that the teacher's class is the best or only alternative.

# In-School Suspension (ISS)

## Reasons for ISS

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Students may be placed in ISS for any misconduct listed in any category of the COC.

## Procedure for ISS

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The student will be informed of the reason for placement in ISS and be given an opportunity to respond before the administrator's decision is final. While in ISS the student will complete assignments from his or her teacher.

# Out-of-School Suspension (OSS)

## Reasons for OSS

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Students may be suspended from school for any misconduct listed in any category of the COC.

## Procedure for OSS

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The student will be informed of the reason for out-of-school suspension and be given an opportunity to respond before the administrator's decision is final. While the student is suspended, the administrator may place restrictions on the student's participation in school-sponsored or school-related activities. Students may be suspended for a maximum of three school days at a time.

## Assignments During ISS and OSS

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The student will be required to complete all class assignments, homework, tests, and other academic work covered during the suspension. The student will have the opportunity to receive full credit for completed academic work when submitted in a timely manner and in accordance with the teacher or administrator's instructions. The student will be provided during the period of suspension, whether in-school or out-of-school, an alternative means of receiving all coursework provided in the classes in the foundation curriculum that the student misses as a result of the suspension, including at least one option for receiving the course work that does not require the use of the Internet.

## Grade Level and Other Restrictions on Suspension

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A student who is in second grade or younger cannot receive an out-of-school suspension unless, while at school or at a school-sponsored activity, the student engages in conduct that contains the elements of an offense related to weapons or a violent offense, or unless the student engages in selling, giving, or delivering to another person or possessing, using, or being under the influence of marijuana or a controlled substance, a dangerous drug, or an alcoholic beverage.

A student who is homeless, as that term is defined in federal law for homeless children and youth, cannot receive an out-of-school suspension, unless the student engages in conduct that contains the elements of an offense related to weapons or a violent offense, or unless the student engages in selling, giving, or delivering to another person or possessing, using, or being under the influence of marijuana or a controlled substance, a dangerous drug, or an alcoholic beverage.

## Disciplinary Alternative Education Program (DAEP)

### Reasons for Mandatory DAEP Placement

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**School-Related** A student must be placed in DAEP for any of the following misconduct if committed while on school property, within 300 feet of school property as measured from any point on the school's real property boundary line, or while attending a school-sponsored or school-related activity on or off school property:

- Engages in conduct punishable as a felony.
- Commits an assault (*see definitions*) resulting in bodily injury (*see definitions*) against another.
- Sells, gives, delivers to another person or possesses, uses, or is under the influence of, a controlled substance (*see definitions*), or a dangerous drug (*see definitions*) in an amount not punishable as a felony.
- Sells, gives, delivers to another person or possesses, uses, or is under the influence of marijuana or THC. A student with a valid prescription for low-THC cannabis as authorized by Chapter 487 of the Health and Safety Code does not violate this provision.
- Sells, gives, or delivers to another person an alcoholic beverage; commits a serious act or offense while under the influence of an alcoholic

- beverage; or possesses, uses, or is under the influence of alcohol.
- Sells, gives, delivers to another person, or possesses or uses an e-cigarette.
- Engages in an offense relating to abusable volatile chemicals (*see definitions*).
- Sells, gives, delivers, possesses, uses, or is under the influence of designer drugs, synthetic marijuana, synthetic cannabinoids (such as K2 or spice), stimulants (such as bath salts), or analogs of any drug in any form, regardless of whether currently scheduled or classified as an illegal drug under state or federal law and regardless of whether the substance is legally sold or marketed as "herbal incense," "potpourri," "bath salts," or "not for human consumption."
- Engages in conduct that contains the elements of the offense of harassment under specific provisions of the Texas Penal Code 42.07 (a)(1),(2),(3), or (7) (*see definitions*), against an employee of the school district.
- Engages in public lewdness (*see definitions*).
- Engages in indecent exposure (*see definitions*).
- Possesses, other than on his or her person, or uses a firearm (*see definitions*) as defined by state law. **Note:** Possession of a firearm as defined by federal law is an expellable offense.
- Possesses or uses a deadly weapon (*see definitions*).
- Possesses, other than on his or her person, or uses a knife with a blade over 5½".
- Engages in criminal mischief if the damage is greater than \$750.
- Engages in expellable conduct and is six to nine years of age.
- Commits a federal firearm violation and is younger than six years of age. .

**Off-Campus** A student must be placed in DAEP for engaging in a Title 5 (*see definitions*) felony offense or aggravated robbery while off-campus and not in attendance at a school-sponsored or school-related activity if:

- The student receives deferred prosecution,
- A court or jury finds the student engaged in delinquent conduct, or
- The Superintendent or Superintendent's designee has a reasonable belief that the student has engaged in conduct defined as either a Title 5 felony offense or aggravated robbery (as defined in the Penal Code).

**Regardless of Location** A student must be placed in DAEP if the student engages in the following misconduct, regardless of whether the conduct occurred on or off campus:

- Issues a false alarm or report (*see definitions*) or a terroristic threat (*see definitions*) involving a public school.
- Retaliates (*see definitions*) against any school employee.
- Is a registered sex offender (*see definitions*) under court supervision, probation, community supervision, or parole.

Students who are: (1) convicted of continuous sexual abuse of a young child or disabled individual; or (2) convicted, receive deferred adjudication or deferred prosecution, been found to have engaged in delinquent conduct or conduct in need of supervision, or been placed on probation for either sexual assault or aggravated sexual assault against another student assigned to the same campus at the time the offense occurred will be placed in DAEP (or JJAEP as appropriate) on the request of the victim's parents if the victim student does not wish to transfer, and there is only one campus serving that grade level. Placement in this circumstance may be for any length of time considered necessary.

## Reasons for Discretionary DAEP Placement

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**School-Related** A student may be placed in DAEP for any of the following misconduct if committed while on school property, or while attending a school-sponsored or school-related activity on or off school property:

- Possessing, giving, buying, or selling less than a usable amount of stems, seeds, or other pieces of marijuana.
- Possessing, using, selling, buying, or giving paraphernalia (*see definitions*) related to any prohibited substance.
- Abusing the student's own prescription drug or using it in a way other than prescribed; giving, buying, or selling a prescription drug; possessing, using, or being under the influence of another person's prescription drug.
- Preparing a hit list (*see definitions*).
- Offering to sell or buy any amount of marijuana, a controlled substance (*see definitions*), a dangerous drug (*see definitions*), an abusable volatile chemical (*see definitions*), a prescription drug, or an alcoholic beverage (*see definitions*).
- Is involved with a criminal street gang (*see definitions*) or encourages, solicits, recruits, enables, or causes another to become a member of a criminal street gang.
- Is involved with a public school fraternity, sorority, secret society, or gang (*see definitions*), including participating as a member or pledge, or soliciting another person to become a member or pledge.
- Hand instrument designed to cut or stab another by being thrown; including, but not limited to, a dirk, stiletto, dagger, poniard, bowie knife, sword, or spear.
- Clubs, knuckles, or similar dangerous weapons
- Knives with a blade 3-5½"
- Committing any offense included in the list of "General Types of Prohibited Misconduct" in this COC.
- Engaging in persistent (*see definitions*) misbehavior that violates this COC.



**Off-Campus** A student may be placed in DAEP for engaging in the following misconduct while off-campus and not in attendance at a school-sponsored or school-related activity:

- The administrator has a reasonable belief that the student engaged in conduct punishable as a felony (other than aggravated robbery or a Title 5 felony), and the student's continued presence in the regular classroom is a threat to the safety of others or is detrimental to the educational process.
- Off-campus conduct for which DAEP placement is required by state law when the administrator does not learn of the conduct until more than a year passes after the conduct occurred.

**Regardless of Location** A student may be placed in DAEP if the student engages in the following misconduct, regardless of whether the conduct occurred on or off campus:

- A student may be placed in DAEP if the student is a registered sex offender (see *definitions*) who is not under any form of court supervision.
- Engages in bullying (see *definitions*) that encourages a student to commit or attempt to commit suicide; incites violence against a student through group bullying.
- Releases or threatens to release intimate visual material of a minor or a student who is 18 years of age or older without the student's consent.

## Emergency DAEP Placement

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An administrator may order an emergency DAEP placement if the student has been so unruly, disruptive, or abusive that it seriously interferes with the teacher's ability to teach the class, the learning of other students, or the operation of a school-related or a school-sponsored activity. The reason for emergency placement must also be a reason for which DAEP placement could be ordered on a non-emergency basis. At the time of the emergency placement, the student will be told the reason for the action.

No later than the tenth day after the date of emergency DAEP placement, the student will be given a conference as required for regular placement in DAEP; see below.

## Procedure for DAEP Placement

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**Conference** No later than three school days after the student is removed from class, a campus administrator will schedule a conference with the campus behavior coordinator or other appropriate administrator, the student's parent/guardian, and the student. At the conference, the administrator will explain the allegations against the

student, inform the student of the basis for the proposed DAEP placement and give the student an opportunity to explain his or her version of the incident. The District may conduct the conference and make a disciplinary decision regardless of whether the student or the student's parent/guardian attends if the District made reasonable attempts to have them attend.

If during the term of DAEP placement the student engages in additional misconduct, additional conferences may be conducted and additional discipline may be imposed.

**Interim Placement** Until a placement conference can be held, the student may be placed in another appropriate classroom, in-school suspension, or out-of-school suspension. The student may not be returned to the regular classroom pending the placement conference.

**DAEP Placement Order and Appeals** If the outcome of the conference is to place the student in DAEP, the campus behavior coordinator or designee will issue a DAEP placement order. If the length of placement differs from the guidelines included in the COC, the DAEP placement order will give notice of the inconsistency.

A copy of the DAEP placement order and information regarding the process for requesting a full individual and initial evaluation of the student for purposes of special evaluation services will be sent to the student's parent/guardian. A copy of the DAEP placement order will be included with any records sent to a school where the student seeks to enroll. The enrolling school district has the discretion to enforce the DAEP placement order.

### **Appeals**

Questions from parents regarding disciplinary measures should be addressed to the campus administration.

A student placed at the DAEP or the student's parent/guardian may appeal to the District Hearing Officer the DAEP placement decision as provided by policy. The student or student's parent/guardian must submit a written appeal to the Office of Student Services within one (1) business day after receipt of the DAEP placement order or decision. The District Hearing Officer will give the student or the student's parent/guardian written notice of the meeting date, time, and location at which a panel of hearing officers will review the campus decision and make a final determination pursuant to Texas Education Code § 37.009(a). Consequences will not be delayed pending the outcome of the appeal.

## Length of DAEP Placement

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The length of a student's placement in DAEP will be determined on a case-by-case basis using the criteria identified in the "Discipline Considerations" section of this COC. All DAEP placements will result in placement for up to 180 school days.

Successful completion of school days will be determined at the discretion of the District. Days occurring during school closures when virtual instruction is taking place will count as successful completion of a day in the DAEP. The length of DAEP placement may not exceed one year unless, after review, the District determines that the student is a threat to the safety of other students or District employees. Unless otherwise specified in the placement order, days absent from AEP shall not count toward fulfilling the total number of days required in a student's DAEP placement order.

Students placed in DAEP at the end of one school year may be required to complete the assigned term at the beginning of the next school year. For DAEP placement to extend beyond the end of the school year, the administrator must determine that: (1) the student's presence in the regular classroom or campus presents a danger of physical harm to the student or others; or (2) the student engaged in serious or persistent misbehavior that violates the COC. For purposes of this paragraph only, "serious or persistent misbehavior" means any misconduct identified as being punishable with placement in DAEP or expulsion, or three or more violations of the COC or repeated occurrences of the same violation.

If the DAEP placement extends beyond 60 days or the end of the next grading period, whichever is sooner, the student or the student's parent/guardian may participate in a proceeding before the Board or Board's designee as provided in policy FNG(LOCAL). Any decision of the Board is final and may not be appealed.

## Rules for Registered Sex Offenders

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The general COC rules for DAEP placement apply to registered student sex offenders (*see definitions*) except as modified in this section.

**Placement** Registered sex offenders will be placed in a Juvenile Justice Alternative Education Program (JJAEP) in lieu of DAEP if: (1) ordered to attend JJAEP by a court, or (2) if permitted by agreement between the District and the JJAEP.

**Length of Placement** Registered sex offenders under court supervision will be placed in DAEP for a minimum of 90 school days, which is the equivalent of one semester. Registered sex offenders who are not under any form of court supervision but are assigned to DAEP must serve a minimum of 90 school days, which is the equivalent of one semester.

**Transfers** Registered sex offenders under court supervision that transfer into the District will be required to complete the DAEP assignment assessed by the previous school district but will receive credit for any time already spent in DAEP.

Registered sex offenders who are not under court supervision that transfer into the District will be required to complete the DAEP assignment assessed by the previous school district but will receive credit for any time already spent in DAEP.

**Periodic Review for Registered Sex Offenders** After 85 school days in DAEP, a review committee will determine by majority vote and recommend to the Director of Student Services for Schools whether the student should remain in DAEP or be returned to the regular classroom. The Director of Student Services will follow the committee's decision to return the student to the regular classroom unless the student's presence in the regular classroom is a threat to the safety of others, is detrimental to the educational process, or is not in the best interests of the District's students. Conversely, the Director of Student Services will follow the committee's decision to continue the student's placement in DAEP unless the student's presence in the regular classroom is not a threat to the safety of others, is not detrimental to the educational process, or is not contrary to the best interests of the District's students.

If the student remains in DAEP, the review committee will re-consider the student's placement before the beginning of the next school year.

**Appeals for Registered Sex Offenders** DAEP placement may be appealed as described in District policy FNG or FOC. However, the appeal is limited to the factual question of whether the student is required to register as a sex offender under the law. Any decision of the District's Board of Trustees or its designee is final and may not be appealed.

## **Other DAEP Issues**

**Grade Levels** Elementary students in kindergarten through grade 5 will not be placed in DAEP with secondary students in grade 6 through grade 12.

**No Participation in Activities While in DAEP** Students placed in DAEP for any mandatory or discretionary reasons are not allowed to attend or participate in school-sponsored or school-related extracurricular or co-curricular activities during the period of DAEP placement. This restriction applies until the student fulfills the DAEP assignment at this or another school district.

**Impact on Graduation** In order for a graduating senior student to be eligible for his or her graduation ceremony, he or she must have completed all graduation requirements and complete the school year in good standing on the high school campus. Students who have received alternative education program placements during the senior year must complete the placement in time to return to the home campus before the final day of the semester in order to participate in graduation.

**Transportation** The District will provide transportation to and from DAEP. This transportation privilege may be revoked if the student does not follow the transportation rules, refuses to cooperate with the driver or other District personnel involved in providing transportation, or violates any provision of the COC during transport.

**Periodic Review** The District will review a student's DAEP placement and academic status every 120 calendar days. In the case of a high school student, the student's progress toward graduation will be reviewed and a graduation plan will be established. At the review, the student or the parent/guardian will have an opportunity to present reasons for the student's return to the regular classroom or campus. The student may not be returned to the classroom of a teacher who removed the student without that teacher's consent.

**Coursework Opportunity** Students placed in DAEP will have an opportunity to complete coursework required for graduation, at no cost to the student, before the beginning of the next school year.

**Transition from DAEP** As soon as practicable after the DAEP administrator determines the date a student will be released from the program, the administrator will provide written notice of the date to the student's parent/guardian and to the administrator of the campus to which the student will return. The DAEP will also provide the campus administrator with an assessment of the student's academic growth while attending the alternative education program and the results of any assessment instruments administered to the student. Not later than five instructional days after the date of release from the DAEP, the campus administrator will coordinate the student's transition to a regular classroom, which must include assistance and recommendations from school counselors, school district peace officers, school resource officers, licensed clinical social workers, campus behavior coordinators, classroom teachers who are or may be responsible for implementing the student's personalized transition plan, and any other appropriate school district personnel.

**Transition Plan** Must provide each student with a personalized transition plan developed by the campus administrator. The plan must include recommendations for the best educational placement of the student and may include recommendations for counseling, behavioral management, or academic assistance for the student, and a regular review of the student's progress toward the student's academic/career goals; recommendations for assistance for obtaining access to mental health services provided by the district or school, a local mental health authority, or another private or public entity; must also provide information to the student's parent/guardian about the process to request a full individual and initial evaluation of the student for purposes of special education services. If practicable, the campus administrator or designee will meet with the student's parent/guardian to coordinate plans for the student's transition.

**Effect of Student Withdrawal** When a student withdraws from school before a DAEP

placement order is completed, the District may complete the proceedings and issue a DAEP placement order. If the student re-enrolls in the District during the same or subsequent school year, the District may enforce the DAEP placement order at that time, minus any portion of the placement that was served by the student during enrollment in another district.

If the administrator does not issue a DAEP placement order after the student withdraws, the next district in which the student enrolls may complete the proceedings and issue a DAEP placement order.

**Student Transfers** The District will decide on a case-by-case basis whether students assigned to DAEP in another Texas district, a Texas open-enrollment charter school, or an out-of-state school district will be required to complete the term of their DAEP placement or be placed directly into a regular classroom setting. In order to continue an out-of-state DAEP placement, the basis for the DAEP placement must also be a reason for DAEP placement in the enrolling district. If the out-of-state DAEP placement period exceeds one year, the District will reduce the period of the placement so that the total placement does not exceed one year unless the District determines that the student is a threat to the safety of others or extended placement is in the best interests of the student.

**Summer School** Students in DAEP during summer programs will be served in DAEP separately from other students.

**Summer Activities** Students whose DAEP placement continues past the end of the school year and into the next school year will not be permitted to participate in school-related activities occurring during summer months, including team camps, clinics, practices, and workouts.

**Criminal Proceedings** The review and appeal process described below is limited to retaliation or off-campus misconduct. It does not apply if the student was placed in DAEP as required by law for conduct occurring on or within 300 feet of school property, at a school-sponsored or school-related activity, or for a false alarm or report or terroristic threat involving a public school.

If the District receives notice that prosecution of a student's case was refused and no formal proceedings, deferred adjudication, or deferred prosecution will be initiated or a court or jury found the student not guilty or that the student did not engage in delinquent conduct or conduct indicating a need for supervision and dismissed the student's case with prejudice, the District will review the student's DAEP placement and will schedule a review with the student's parent/guardian no later than the third day after receiving notice. The student will not be returned to the regular classroom before the review. After reviewing the notice and receiving information from the student's parent/guardian, the administrator may only continue the student's DAEP placement if the administration has reason to believe the student's presence in the regular classroom

threatens the safety of others.

The administrator's decision may be appealed to the Board. In the event of an appeal, at the next scheduled meeting the Board will: (1) review the notice, (2) hear statements from the student, the student's parent/guardian, and the administrator, and (3) confirm or reverse the decision of the administrator.

If the Board confirms the decision of the administrator, the student and the student's parent/guardian have the right to appeal to the Commissioner of Education. The student may not be returned to the regular classroom while the appeal is pending.

## DAEP at Capacity

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If the DAEP is at capacity at the time the CBC is deciding placement for conduct related to marijuana, THC, an e-cigarette, alcohol, or an abusable volatile chemical, the student shall be placed in ISS and then must be transferred to DAEP for the remainder of the period if space becomes available before the expiration of the period of the placement.

If the DAEP is at capacity at the time the CBC is deciding placement for a student who engaged in violent conduct, a student placed in DAEP for conduct related to marijuana, THC, an e-cigarette, alcohol, or an abusable volatile chemical may be placed in ISS to make a position in DAEP available for the student who engaged in violent conduct. If a position becomes available in DAEP before the expiration of the period of the placement for the student removed, the student must be returned to DAEP for the remainder of the period assigned.

# Expulsion

## Reasons for Mandatory Expulsion

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**School-Related** A student must be expelled for any of the following misconduct that occurs on school property or while attending a school-sponsored or school-related activity on or off school property:

- Brings to school a firearm, as defined by federal law (*see definitions*).
  - Possesses or uses a handgun\* on or about his or her person (*see definitions*).
- Firearm note:** So long as the firearm is not brought on school property, a student will not be expelled solely for using, exhibiting, or possessing a firearm at an off-campus approved target range facility while participating in or preparing for a school-sponsored shooting sports competition or while participating in or preparing for a shooting sports educational activity sponsored or supported by

the Texas Parks and Wildlife Department or an organization working with the Department.

- Possesses or uses a location-restricted knife, on or about his or her person, if the student is younger than 18 years of age.
- Possesses, manufactures, transports, repairs, or sells one of the following prohibited weapons: an explosive weapon, machine gun, short-barrel firearm, firearm silencer or suppressor, armor-piercing ammunition, chemical dispensing device, zip gun, improvised explosive device, or tire deflation device (*see definitions*).
- Engages in the following misconduct as defined in the Texas Penal Code: (1) aggravated assault, (2) sexual assault, (3) aggravated sexual assault, (4) arson, (5) murder, (6) capital murder, (7) criminal attempt to commit murder or capital murder, (8) indecency with a child, (9) aggravated kidnapping, (10) aggravated robbery, (11) manslaughter, (12) criminally negligent homicide, or (13) continuous sexual abuse of a young child or disabled individual.
- Sells, gives, delivers to another person, or possesses, uses, or is under the influence of a controlled substance (*see definitions*), or a dangerous drug (*see definitions*). If the behavior is punishable as a felony.

**Regardless of Location** A student must be expelled if the student engages in the following misconduct, regardless of whether the conduct occurred on or off campus:

- Retaliates (*see definitions*) against a school employee or volunteer by committing a state-mandated expellable offense.

## **Reasons for Discretionary Expulsion**

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**At School** A student may be expelled for engaging in documented serious misbehavior as defined by law (*see definitions*) while the student is placed in DAEP and on the DAEP site/campus despite documented behavioral interventions.

**School-Related** A student may be expelled for any of the following offenses that occur on school property, within 300 feet of school property as measured from any point on the District's real property boundary line, or while attending a school-sponsored or school-related activity on or off school property:

- Commits felony-controlled substance or dangerous drug offense, not including THC.
- Commits a serious act or offense while under the influence of an alcoholic beverage if the conduct is not punishable as a felony.
- Engages in misconduct that contains the elements of an offense relating to abusable volatile chemicals (*see definitions*).



- Commits an assault (*see definitions*) resulting in bodily injury to a school employee or volunteer.
- Engages in deadly conduct (*see definitions*).

**Three Hundred Feet** Additionally, a student may be expelled for any of the following offenses that occur within 300 feet of school property as measured from any point on the District's real property boundary line:

- Possesses a firearm, as defined by federal law (*see definitions*).
- Possesses or uses a handgun\* on or about his or her person (*see definitions*).  
**Firearm note:** So long as the firearm is not brought on school property, a student will not be expelled solely for using, exhibiting, or possessing a firearm at an off-campus approved target range facility while participating in or preparing for a school-sponsored shooting sports competition or while participating in or preparing for a shooting sports educational activity sponsored or supported by the Texas Parks and Wildlife Department or an organization working with the Department.
- Possesses or uses a location-restricted knife, on or about his or her person, if the student is younger than 18 years of age.
- Possesses, manufactures, transports, repairs, or sells one of the following prohibited weapons: an explosive weapon, machine gun, short-barrel firearm, firearm silencer, armor-piercing ammunition, chemical dispensing device, zip gun, improvised explosive device, or tire deflation device (*see definitions*).
- Engages in the following misconduct as defined in the Texas Penal Code: (1) aggravated assault, (2) sexual assault, (3) aggravated sexual assault, (4) arson, (5) murder, (6) capital murder, (7) criminal attempt to commit murder or capital murder, (8) indecency with a child, (9) aggravated kidnapping, (10) aggravated robbery, (11) manslaughter, (12) criminally negligent homicide, or (13) continuous sexual abuse of a young child or disabled individual.

**Regardless of Location** A student may be expelled if the student engages in the following misconduct, regardless of whether the conduct occurred on or off campus:

- Commits aggravated assault, sexual assault, aggravated sexual assault, murder, capital murder, criminal attempt to commit murder or capital murder, or aggravated robbery against another student.
- Retaliates against a school employee or volunteer by committing an assault (*see definitions*) resulting in bodily injury.
- Engages in felony criminal mischief.
- Engages in breach of computer security by accessing a computer, computer network or computer system owned by or operated on behalf of a school district without consent and knowingly alters, damages, or deletes school district property or information or breaches any other computer, computer network, or computer system.
- Engages in bullying (*see definitions*) that encourages a student to commit or attempt to commit suicide; incites violence against a student through group bullying; or releases or threatens to release intimate visual material of a minor or a student who is 18 years of age or older without the student's consent.
- Commits a state-mandated expellable offense on the school property of another Texas school district or while attending a school-sponsored or school-related activity of

- another Texas school district.
- Issues a false alarm or report (see *definitions*) or a terroristic threat (see *definitions*) involving a public school.

**Title 5 Felonies Regardless of Location** In addition to the expellable conduct listed above, a student may also be expelled and placed in Juvenile Justice Alternative Education Program if the student:

- is arrested for a Title 5 felony offense (see *definitions*) or aggravated robbery,
- is charged with engaging in a Title 5 felony offense or aggravated robbery,
- received deferred adjudication or deferred prosecution for a Title 5 felony offense or aggravated robbery,
- is on probation for a Title 5 felony offense or aggravated robbery,
- was found by a court or jury to have engaged in delinquent conduct for a Title 5 felony offense or aggravated robbery,
- has been referred to a juvenile court for delinquent conduct based on a Title 5 felony offense or aggravated robbery, or
- was convicted of a Title 5 felony offense or aggravated robbery; and the administrator determines the student's presence in the regular classroom either threatens the safety of other students or teachers, is detrimental to the educational process, or is not in the best interests of the District's students.

In this circumstance, expulsion to an alternative setting may be ordered regardless of: (1) the date on which the conduct occurred, (2) the location at which the conduct occurred, (3) whether the student was enrolled in the District at the time the conduct occurred, or (4) whether the student successfully completed any court disposition requirements regarding the conduct.

A student may be subject to expulsion under this circumstance until (1) the student graduates from high school, (2) the charges are dismissed or reduced to a misdemeanor, (3) the student completes the term of the placement, or (4) the District assigns the student to another program. The student will be entitled to the same periodic review afforded to other students in alternate settings. An expulsion ordered in this case is final and may not be appealed beyond the Board of Trustees.

## **Emergency Expulsion**

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An administrator may order the immediate expulsion of a student if the administrator reasonably believes the emergency expulsion is necessary to protect persons or property from imminent harm. The reason for the emergency expulsion must also be a reason for which expulsion could be ordered on a non-emergency basis. At the time of the emergency expulsion, the student will be told the reason for the action. No later than the tenth day after the date of emergency expulsion, the student will be given a hearing as required for a regular expulsion; see below.

## Procedure for Expulsion

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**Hearing** Students alleged to have committed an expellable offense will receive a hearing before the Assistant Superintendent or designee within a reasonable time following the alleged misconduct. The student's parent/guardian will be informed of the basis for the proposed expulsion and will be invited in writing to attend the hearing. After making an effort to inform the student and parent/guardian of the hearing, the District may hold the hearing regardless of whether the student or the student's parent/guardian attends. At the hearing, the student is entitled to:

- Representation by an adult, including the student's parent/guardian, who can provide guidance to the student and who is not an employee of the District;
- An opportunity to question the District's witnesses; and
- An opportunity to testify and to review and present evidence and witnesses in the student's defense.

Additional proceedings may be conducted and additional discipline may be imposed if the student engages in additional misconduct while the student is already expelled.

Before ordering the expulsion, the appropriate administrator shall take into consideration:

- Self-defense (see definitions)
- Intent or lack of intent at the time the student engaged in the conduct,
- The student's disciplinary history;
- A disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct;
- A student's status in the conservatorship of the Department of Family and Protective Services (foster care), or
- A student's status as homeless.

**Interim Placement** Until an expulsion hearing can be held, the student may be placed in another appropriate classroom, in-school suspension, out-of-school suspension, or DAEP.

**Expulsion Order** If the outcome of the expulsion hearing is that the student will be expelled, the appropriate administrator will issue an expulsion order and provide a copy to the student and the student's parent/guardian. If the duration of the expulsion differs from the guidelines in the COC, the expulsion order will give notice of the inconsistency.

The District will send a copy of the expulsion order to the juvenile justice alternative program official no later than the second business day after the expulsion hearing. A copy of the expulsion order will be included with any records sent to a school where the student seeks to enroll. The enrolling school district has discretion to enforce the expulsion order.

## Length of Expulsion

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The duration of the expulsion will be determined on a case-by-case basis using the criteria identified in the "Discipline Considerations" section of this COC. Both mandatory and discretionary expulsions will result in expulsion for up to 180 school days.

School days counted towards completion of the expulsion term will be determined at the discretion of the District. Days occurring during school closures when virtual instruction is taking place will count towards the completion of the term of the expulsion order. Students who bring a firearm (as defined by federal law) to school will be expelled from the regular classroom for at least one calendar year except as modified by the administrator on a case-by-case basis.

An expulsion will not exceed one calendar year unless, after review, the District determines that:

(1) the student is a threat to the safety of other students or District employees, or (2) extended expulsion is in the best interest of the student.

Students expelled at the end of one school year may be required to complete the term of their expulsion at the beginning of the next school year.

## Other Expulsion Issues

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**Academic Impact** Students will not receive academic credit for work missed during the period of expulsion unless the student is enrolled in a Juvenile Justice Alternative Education Program (JJAEP) or other District-approved program or as required by IDEA or Section 504.

**Participation in Activities** Expelled students are prohibited from being on school grounds or attending or participating in school-sponsored or school-related activities while expelled.

**Age Restrictions** Students under the age of ten that engage in expellable behavior will not be expelled, but will be placed in DAEP.

**Effect of Student Withdrawal** If a student withdraws from the District before the expulsion hearing is conducted, the District may proceed with conducting the hearing after sending written notice to the parent/guardian and student. If the student re-enrolls during the same or subsequent school year the District may enforce the expulsion order at that time; students will be credited for any expulsion period that was served by the student while enrolled in another district.

- If the administrator does not issue an expulsion order after the student withdraws, the next district in which the student enrolls may complete the proceedings and issue an expulsion order.

**Impact on Graduation** In order for a graduating senior student to be eligible for his or her graduation ceremony, he or she must have completed all graduation requirements and complete the school year in good standing on the high school campus. Students who have received alternative education program placements during the senior year must complete the placement in time to return to the home campus before the final day of the semester in order to participate in graduation.

**Student Transfers** The District will decide on a case-by-case basis whether students expelled from another Texas district or from an out-of-state school district will be required to complete the term of their expulsion, be placed in DAEP for the duration of the expulsion term, or be placed directly into a regular classroom setting. In order to continue an out-of-state expulsion, the basis for the expulsion must also be a reason for expulsion in the enrolling district. If the out-of-state expulsion period exceeds one year, the District will reduce the period of expulsion so that it does not exceed one year unless the District determines that the student is a threat to the safety of others or extended expulsion is in the best interest of the student.

## **Expulsion Appeals**

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### **Expulsion Appeals**

An expelled student may appeal to the District Hearing Officer the Level I expulsion decision as provided by policy. The student or student's parent/guardian must submit a written appeal to the District Hearing Officer within three (3) business days after receipt of the expulsion order or decision. The Office of Student Services will give the student or the student's parent/guardian written notice of the date, time, and location of the meeting at which the appeal panel will review the decision. An expelled student may appeal the Level II expulsion decision to the Board of Trustees as provided by policy. The student or student's parent/guardian must submit a written appeal to the office of the Superintendent within three (3) business days after receipt of the Level II expulsion decision. The Office of the Superintendent will give the student or the student's parent/guardian written notice of the date, time, and location of the meeting at which the Board will review the decision. Consequences will not be delayed pending the outcome of the appeal.

# Definitions

**ABUSE:** Improper or excessive use.

**ABUSABLE VOLATILE CHEMICALS:** Those substances as defined in Texas Health and Safety Code § 485.001.

**ALCOHOLIC BEVERAGE:** Those substances as defined in Texas Alcoholic Beverage Code § 1.04.

**ARMOR-PIERCING AMMUNITION:** Handgun ammunition that is designed primarily for the purpose of penetrating metal or body armor and to be used primarily in pistols and revolvers or other firearms.

**ASSAULT:** For student discipline purposes, intentionally, knowingly, or recklessly causing bodily injury to another.

**BODILY INJURY:** Physical pain, illness, or impairment of a physical condition.

**BULLYING:** A single significant act or a pattern of acts by one or more students directed at another student that exploits an imbalance of power and involves written or verbal expression, including electronic communication, or physical conduct that occurs on or is delivered to school property or to the site of a school-sponsored or school-related activity on or off school property or on a publicly or privately owned school bus or vehicle being used for transportation of students to or from school or a school-sponsored or school-related activity, and that: (1) has the effect or will have the effect of physically harming a student, damaging a student's property, or placing a student in reasonable fear of harm to the student's person or of damage to the student's property; (2) is sufficiently severe, persistent, or pervasive enough that the action or threat creates an intimidating, threatening, or abusive educational environment for a student; (3) materially and substantially disrupts the educational process or the orderly operation of a classroom or school; or (4) infringes on the rights of the victim at school, including cyberbullying (see definitions below). See District policy FFI for additional information regarding bullying.

**CHEMICAL DISPENSING DEVICE:** A device other than a small chemical dispenser sold commercially for personal protection that is designed, made, or adapted for the purpose of dispensing a substance capable of causing an adverse psychological or physiological effect on an individual.

**CLUB:** An instrument specially designed, made, or adapted for the purpose of inflicting serious bodily injury or death by striking a person with the instrument, including a blackjack, nightstick, mace, and tomahawk.

**CONTROLLED SUBSTANCE:** A substance, including a drug, an adulterant, and a diluent, listed in Schedules I through V or Penalty Group 1, 1-A, 1-B, 2, 2-A, 3, or 4 of the Texas Controlled Substances Act. The term includes the aggregate weight of any mixture, solution, or other substance containing a controlled substance. The term does not include hemp, as defined by Agriculture Code 121.001, or the tetrahydrocannabinol (THC) in hemp.

**CRIMINAL STREET GANG:** Three or more persons having a common identifying sign or symbol or an identifiable leadership which continuously or regularly associate in the commission of criminal activities.

**CYBERBULLYING:** Bullying that is done through the use of any electronic communication device, including through the use of cellular or other types of telephone, a computer, a camera, electronic mail, instant messaging, text messaging, a social media application, an Internet website, or any other Internet-based or electronic communication tool and that occurs off school property or outside of a school-sponsored or school-related activity, if the cyberbullying interferes with a student's educational opportunities or substantially disrupts the orderly operation of a classroom, school, or school-sponsored or school-related activity.

**DANGEROUS DRUG:** Substances as defined in Chapter 483 of the Texas Health and Safety Code.

**DEADLY CONDUCT:** Recklessly engaging in conduct that places another in imminent danger of serious bodily injury or by knowingly discharging a firearm in the direction of an individual, habitation, building, or vehicle.

**DEADLY WEAPON:** A firearm or anything manifestly designed, made, or adapted for the purpose of inflicting death or serious bodily injury or anything that in the manner of its use or intended use is capable of causing death or serious bodily injury.

**E-CIGARETTE:** An electronic cigarette or any other device, including Juuls, that simulates smoking by using a mechanical heating element, battery, or electronic circuit to deliver nicotine or other substances to the individual inhaling from the device including any component, part, or accessory for the device and regardless of whether the device is manufactured, distributed, or sold as an e-cigarette, or a consumable liquid solution or other material aerosolized or vaporized during the use of an electronic cigarette or other device described by this provision. The term does not include a prescription medical device unrelated to the cessation of smoking.

**EXPLOSIVE WEAPON:** Any explosive or incendiary bomb, grenade, rocket, or mine that is designed, made, or adapted for the purpose of inflicting serious bodily injury, death, or substantial property damage, or for the principal purpose of causing such a loud report as to cause undue public alarm or terror. It includes a device designed, made, or adapted for the

delivery or shooting of an explosive weapon.

**FALSE ALARM OR REPORT:** Knowingly initiating, communicating, or circulating a report of a present, past, or future bombing, fire, offense, or other emergency that is known to be false or baseless and that would ordinarily: (1) cause action by an official or volunteer agency organized to deal with emergencies; (2) place a person in fear of imminent serious bodily injury; or (3) prevent or interrupt the occupation of a building, room, place of assembly, publicly accessible place, or mode of conveyance such as an automobile.

**FIGHTING:** Two or more persons engaged in any mutual violent or physically aggressive contact toward each other such as scuffling, pushing, shoving, or hitting.

**FIREARM (Federal law):** (1) any weapon, including a starter gun, that will, is designed to, or may readily be converted to expel a projectile by the action of an explosive; (2) the frame or receiver of any such weapon; (3) any firearm muffler, firearm silencer, or firearm weapon; or (4) any destructive device, such as any explosive, incendiary or poison gas bomb, grenade, missile, rocket, or mine.

**FIREARM (State law):** Any device designed, made, or adapted to expel a projectile through a barrel by using the energy generated by an explosion or burning substance or any device readily convertible to that use.

**FIREARM SILENCER/MUFFLER:** Any device designed, made, or adapted to muffle, silence, or diminish the report of a firearm.

**GANG:** An organization, combination, or association of persons composed wholly or in part of students that: (1) seeks to perpetuate itself by taking in additional members on the basis of the decision of the membership rather than on the free choice of the individual, or (2) that engages in illegal and/or violent activities. In identifying gangs and associated gang attire, signs, or symbols, the District will consult with law enforcement authorities.

**GRAFFITI:** Making marks of any kind on the tangible property of another without the effective consent of the owner.

**HANDGUN:** Any firearm designed, made, or adapted to be fired with one hand.

**HARASSMENT (as defined by Board Policy and federal law):** (1) Conduct that meets the definition established in district policies DIA(LOCAL) and FFH(LOCAL); (2) Conduct that threatens to cause harm or bodily injury to another person, including a district student, employee, board member, or volunteer; is sexually intimidating; causes physical damage to the property of another student; subjects another student to physical confinement or restraint; or maliciously and substantially harms another student's physical or emotional health or safety, as defined in Education Code



37.001(b)(2); or (3) Conduct that is punishable as a crime under Penal Code 42.07, including the following types of conduct if carried out with the intent to harass, annoy, alarm, abuse, torment, or embarrass another: a. Initiating communication and, in the course of the communication, making a comment, request, suggestion, or proposal that is obscene, as defined by law; b. Threatening, in a manner reasonably likely to alarm the person receiving the threat, to inflict bodily injury on the person or to commit a felony against the person, a member of the person's family or household, or the person's property; c. Conveying, in a manner reasonably likely to alarm the person receiving the report, a false report, which is known by the conveyor to be false, that another person has suffered death or serious bodily injury; and d. Causing the telephone of another to ring repeatedly or making repeated telephone communications anonymously or in a manner reasonably likely to harass, annoy, alarm, abuse, torment, embarrass, or offend another; e. Making a telephone call and intentionally failing to hang up or disengage the connection; f. Knowingly permitting a telephone under the person's control to be used by another to commit an offense under this section; g. Sending repeated electronic communications in a manner reasonably likely to harass, annoy, alarm, abuse, torment, embarrass, or offend another; and h. Publishing on an internet website, including a social media platform, repeated electronic communications in a manner reasonably likely to cause emotional distress, abuse, or torment to another person, unless the communications are made in connection with a matter of public concern, as defined by law; or i. Making obscene, intimidating, or threatening telephone calls or other electronic communications from a temporary or disposable telephone number provided by an internet application or other technological means.

HAZING: Any act, occurring on or off the campus, by one person alone or acting with others, directed against a student, for the purposes of pledging, initiation into, affiliation with, holding office in, or maintaining membership in an organization, if the act constitutes any type of physical brutality, involves sleep deprivation, exposure to the elements, confinement in a small space, calisthenics, or other similar activity that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student, or involves the consumption of a food, liquid, alcoholic beverage, liquor, drug, or other substance, including in amounts that would lead a reasonable person to believe the student is intoxicated. Hazing includes soliciting, encouraging, directing, aiding, or attempting to aid another student in engaging in hazing, as well as having firsthand knowledge of the planning or occurrence of a specific student hazing incident without reporting the incident to a school administrator in writing. Consent to or acquiescence in the hazing activity does not excuse the student of responsibility for the misconduct.

HIT LIST: List of people targeted to be harmed using a firearm, knife, or any other object to be used with intent to cause bodily harm.

**IMPROVISED EXPLOSIVE DEVICE:** A completed and operational bomb designed to cause serious bodily injury, death, or substantial property damage that is fabricated in an improvised manner using nonmilitary components. The term does not include unassembled components that can be legally purchased and possessed without a license, permit, or other governmental approval; or an exploding target that is used for firearms practice, sold in kit form, and contains the components of a binary explosive.

**INDECENT EXPOSURE:** Those acts defined in Texas Penal Code § 21.08 as an offense that occurs when a person exposes his or her anus or any part of his or her genitals with intent to arouse or gratify the sexual desire of any person and is reckless about whether another is present who will be offended or alarmed by the act.

**INTENT:** The design, resolve, determination, or state of mind with which a person acts, ordinarily proven through inferences drawn from the act and/or circumstances surrounding the act. Intent includes the conscious objective or desire to engage in the conduct or cause the result, an awareness that the conduct is reasonably certain to cause the result, or disregard of a substantial and justifiable risk when there is an awareness that the circumstances exist or the result will occur. The fact that a student may not have been motivated by a desire to violate the COC does not preclude imposing a disciplinary consequence so long as the student intended to engage in the underlying conduct that violated the COC.

**KNIFE:** A bladed hand instrument that is capable of inflicting serious bodily injury or death by cutting or stabbing, including a switchblade.

**KNUCKLES:** Any instrument consisting of finger rings or guards made of a hard substance that is designed, made, or adapted for the purpose of inflicting serious bodily injury or death by striking a person with a fist enclosed in the knuckles.

**LOCATION-RESTRICTED KNIFE:** A knife with a blade over 5 ½ inches.

**MACHINE GUN:** Any firearm capable of shooting more than two shots automatically, without manual reloading, by a single function of the trigger.

**ON OR ABOUT HIS OR HER PERSON:** Within the student's control and within arm's reach.

**PARAPHERNALIA:** Any article or device used or intended for use to inject, ingest, inhale, or otherwise introduce marijuana, a controlled substance, a dangerous drug, or an alcoholic beverage into the human body, including but not limited to roach clips, rolling papers, needles, baggies with residue, razor blades, or pipes.

**PERSISTENT:** Three or more violations of the COC or repeated occurrences of the same violation.

**POSSESSION:** To have in or on: (1) a student's person or in the student's personal property, such as the student's clothing, purse, or backpack; (2) in any conveyance

used by the student for transportation to or from school or school-related activities, such as an automobile, truck, motorcycle, or bicycle; or (3) any other school property used by the student, such as a locker or desk.

**POSSESSION OR PROMOTION OF LEWD VISUAL MATERIAL DEPICTING A CHILD:** Possessing, accessing, or promoting, lewd visual material depicting a child, as further defined by Texas Penal Code § 43.25 and punishable as a felony.

**PROHIBITED WEAPONS:** A prohibited weapon includes the following items: armor-piercing ammunition, chemical dispensing device, explosive weapon, firearm silencer, machine gun, short-barrel firearm, zip gun, improvised explosive device or tire deflation device as further defined in Texas Penal Code § 46.05.

**PUBLIC LEWDNESS:** Those acts defined in Texas Penal Code § 21.07 as an offense that occurs when a person knowingly engages in an act of sexual intercourse, deviate sexual intercourse, or sexual contact in a public place or, if not in a public place, is reckless about whether another is present who will be offended or alarmed by the act.

**REASONABLE BELIEF:** A determination that misconduct occurred made by the administrator using all available factual and legal information, including information furnished under Article 15.27 of the Code of Criminal Procedure.

**RETALIATE:** Harming or threatening to harm another: (1) on account of their service as a District employee or volunteer, (2) to prevent or delay another's service to the District, or (3) because the person intends to report a crime, including posting the residence address or telephone number of the employee on a publicly accessible website with intent to threaten harm or cause harm to the employee or the employee's family or household.

**SELF-DEFENSE:** To claim self-defense, the student must (1) be without fault in provoking the encounter and not act as the aggressor, and (2) use the minimum force required to remove himself or herself from immediate danger of harm. Actions that escalate or continue the encounter will not be considered self-defense. Interactions prior to the encounter will also be considered.

**SERIOUS MISBEHAVIOR:** To engage in (1) deliberate violent behavior that poses a direct threat to the health or safety of others, (2) extortion to gain money or other property by force or threat, (3) coercion, meaning to threaten to either commit an offense; inflict bodily harm; accuse a person of any offense; expose a person to hatred, contempt, or ridicule; or to harm the credit of any person, (4) public lewdness as defined in Texas Penal Code § 21.07, (5) indecent exposure as defined in Texas Penal Code § 21.08, (6) criminal mischief as defined in Texas Penal Code § 28.03, (7) personal hazing as defined in Texas Education Code § 37.152, or (8) harassment of a student or District employee as defined in Texas Penal Code § 42.07(a)(1).

**SEX OFFENDER:** A student required to register as a sex offender under Chapter 62 of the Code of Criminal Procedure for an offense committed on or after September 1, 2007. The term does not include a student who: (1) is no longer required to register as a sex offender under Chapter 62, (2) is exempt from registering as a sex offender under Chapter 62, or (3) receives an early termination of the obligation to register as a sex offender under Chapter 62.

**SEXUAL HARASSMENT:** Unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature, or conduct on the basis of sex prohibited by District policy FFH or FNC, when it is so severe, persistent, pervasive, and objectively offensive that it has the purpose or effect of effectively denying a person equal access to an educational program or activity. Any conduct by an employee conditioning the provision of aid or a service on an individual's participation in unwelcome sexual conduct (quid pro quo conduct). Conduct that meets the definitions of sexual assault, dating violence, domestic violence or stalking under federal law.

**SHORT-BARREL FIREARM:** A rifle with a barrel length of less than 16 inches or a shotgun with a barrel length of less than 18 inches, or any weapon made from a rifle or shotgun if, as altered, has an overall length of less than 26 inches.

**SWITCHBLADE KNIFE:** Any knife with a blade that folds, closes, or retracts into the handle or sheath and that opens automatically by pressing a button or other device located on the handle or opens or releases a blade from the handle or sheath by the force of gravity or centrifugal force. It does not include a knife that has a spring, detent, or other mechanism designed to create a bias toward closure and that requires exertion applied to the blade by hand, wrist, or arm to overcome the bias toward closure and open the knife (also known as one-handed openers or assisted openers).

**TELECOMMUNICATIONS DEVICE:** Any type of device that: (1) emits an audible signal, vibrates, displays a message, or otherwise summons or delivers a communication to the possessor, or (2) permits the recording, transmission, and/or receipt of messages, voices, images, or information in any format or media, electronic or otherwise. It does not include an amateur radio under the control of someone with an amateur radio license.

**TERRORISTIC THREAT:** Threats to commit any offense involving violence to any person or property with intent to: (1) cause a reaction by an official or volunteer agency organized to deal with emergencies; (2) place any person in fear of imminent serious bodily injury; (3) prevent or interrupt the occupation or use of a building, room, place of assembly, place to which the public has access, place of employment or occupation, aircraft, automobile, or other forms of conveyance, or other public place; (4) cause impairment or interruption of public communications, public transportation, public

water, gas, or power supply or other public service; (5) place the public or a substantial group of the public in fear of serious bodily injury; or (6) influence the conduct or activities of a branch or agency of the federal government, the state, or a political subdivision of the state (including the District).

**TIRE DEFLATION DEVICE:** A device, including a caltrop or spike strip, that, when driven over, impedes or stops the movement of a wheeled vehicle by puncturing one or more of the vehicle's tires.

**TITLE 5 FELONY OFFENSES:** Offenses against the person that, depending on the circumstances, may include murder; capital murder; manslaughter; criminally negligent homicide; unlawful restraint; kidnapping; aggravated kidnapping; trafficking of persons; unlawful transport; assault; aggravated assault; sexual assault; aggravated sexual assault; improper relationship between educator and student; indecency with a child; injury to a child, an elderly person, or a disabled person; abandoning or endangering a child; invasive visual recording; sexual coercion; deadly conduct; terroristic threat; aiding a person to commit suicide; harassment by a person in a correctional facility; continuous sexual abuse of a young child or disabled individual; bestiality; voyeurism; disclosure or promotion of intimate visual material; and tampering with a consumer product.

**UNDER THE INFLUENCE:** When in the employee's professional judgment, the student does not have the normal use of mental or physical faculties likely attributable to the student's use of a prohibited substance. Such impairment may be evidenced by the symptoms typically associated with drug or alcohol use or other abnormal or erratic behavior or by the student's admission. The student need not be legally intoxicated.

**USE:** With respect to substances, voluntarily injecting, ingesting, inhaling, or otherwise introducing a prohibited substance into the body. With respect to objects or devices, putting into action or service or carrying out an action or purpose with the object or device.

**ZIP GUN:** A device or combination of devices that was not originally a firearm and is adapted to expel a projectile through a smooth-bore or rifled-bore barrel by using the energy generated by an explosion or burning substance.