



# FORT WORTH ISD STUDENT CODE OF CONDUCT

2025-2026 | [www.fwisd.org/conduct](http://www.fwisd.org/conduct)

The Fort Worth ISD Student Code of Conduct, approved by the Board of Education, provides information and direction to students and parents regarding expectations of behavior and consequences for code violations. Parents and students are encouraged to read and regularly review the Code to ensure a safe and productive school year.

**Fort Worth**  
INDEPENDENT SCHOOL DISTRICT

Dear Parent/Guardian:

Welcome to the 2025-2026 school year! The Student Code of Conduct outlines our high expectations for all Fort Worth ISD students. We are dedicated to creating and sustaining an environment of respect and responsibility where all members of our Fort Worth ISD learning community can achieve academic success. The Board of Education has set these standards so that our schools are safe places for teaching and learning.

The 2025-2026 Student Code of Conduct contains important information about behavior expectations and the consequences of misconduct. While individual schools may have their own handbooks, they will align with this Student Code of Conduct, reinforcing district policy and state law. Please reach out to your student's school administrator if you have any questions about student conduct requirements or disciplinary measures.

An option to acknowledge receipt of the Student Code of Conduct electronically is included in the enrollment process. It's important that you 1) sign and submit the acknowledgement form and 2) review the Student Code of Conduct. You can review an electronic copy by visiting the Fort Worth ISD website – [www.fwisd.org](http://www.fwisd.org) or you can pick up a paper copy from the administrative office at the school.

Please take time to carefully read and understand the entire Student Code of Conduct. The Code includes key state law updates that we strongly encourage you to review carefully and discuss with your student. Thank you for embracing our high academic and behavioral expectations for students.

Sincerely,



**Dr. Karen C. Molinar**

Superintendent of Schools

## Fort Worth ISD Board of Education

**Dr. Camille Rodriguez**

District 1

**Tobi Jackson**

District 2

*1st Vice President*

**Quinton “Q” Phillips**

District 3

**Wallace Bridges**

District 4

**Kevin Lynch**

District 5

**Anne Darr**

District 6

**Dr. Michael Ryan**

District 7

*2nd Vice President*

**Anael Luebanos**

District 8

*Board Secretary*

**Roxanne Martinez**

District 9

*Board President*

## Superintendent

**Dr. Karen C. Molinar**

## Mission

Preparing ***all*** students for success in  
college, career, and community leadership.

**Fort Worth Independent School District**

7060 Camp Bowie Boulevard | Fort Worth, Texas 76116

817.814.2000 | [www.fwisd.org](http://www.fwisd.org)

## Table of Contents

<b>General Overview .....</b>	<b>7</b>
Purpose .....	7
Accessibility .....	7
Additional Rules .....	8
Unauthorized Persons .....	8
General Standards of Student Conduct .....	8
Notice of Disciplinary Action .....	9
Non-Discrimination .....	9
Campus Behavior Coordinator .....	10
School District Authority and Jurisdiction .....	10
ID Badges .....	11
Threat Assessment and Safe and Supportive School Team .....	12
Searches .....	12
Reporting Crimes .....	12
Security Personnel /School Resource Officers (SRO) .....	13
“Parent” Defined .....	13
Participating in Graduation Activities .....	13
Discipline Considerations .....	13
Mitigating Factors .....	14
Misconduct Involving Others .....	14
School-Related (Level I) .....	14
Misuse of Property .....	17
Safety / Disruption .....	17
Technology .....	17
Failure to Follow Rules .....	18
Other Misconduct .....	19
Possession of Personal Communication Devices (FNCE Local) .....	20
<b>Discipline of Students with Special Needs .....</b>	<b>21</b>
Students with Disabilities (Board Policy FOF) .....	21
Not a Manifestation .....	21
Special Circumstances .....	21
Student Not Yet Identified .....	21
District Knowledge .....	22
Exception .....	22
<b>Techniques .....</b>	<b>23</b>
Prohibited Aversive Techniques .....	24
Notification .....	24
<b>Discipline Appeals .....</b>	<b>26</b>

Effect of Student Withdrawal .....	26
<b>Transportation .....</b>	<b>27</b>
Procedure for Removal .....	27
<b>Removal from the Regular Educational Setting .....</b>	<b>28</b>
Routine Referral .....	28
Formal Teacher Removal .....	28
Returning a Student to the Classroom .....	29
Appeals of Formal Teacher Removals .....	29
Placement Review Committee .....	29
Placement During Removal .....	29
Procedures for Teacher Removal .....	30
Return to the Classroom .....	30
<b>In-School Suspension .....</b>	<b>31</b>
Procedure for ISS .....	31
Process .....	31
<b>Out-of-School Suspension .....</b>	<b>33</b>
Misconduct .....	33
Procedure for OSS .....	33
Grade Level and Other Restrictions for Assigning OSS .....	33
Mitigating Factors .....	33
Assignments During ISS and OSS .....	35
<b>On-Campus Intervention Program (OCI) .....</b>	<b>37</b>
<b>Disciplinary Alternative Education Program (DAEP) Placement .....</b>	<b>38</b>
Discretionary Placement: Misconduct That May Result in DAEP Placement .....	38
School-Related (Level II) .....	38
Mandatory Placement: Misconduct That Requires DAEP Placement .....	39
School-Related (Level II) .....	39
Sexual Assault and Campus Assignments .....	40
Summer School .....	41
Summer Activities .....	41
Central Office Conference Procedures .....	41
Record .....	42
Consideration of Mitigating Factors .....	42
Diversionary Referral Program .....	43
Length of DAEP Placement .....	44
Merit Program .....	44
Discipline Appeals .....	45
Restrictions During Placement .....	45
Impact on Graduation .....	46
Placement Review .....	46



Additional Misconduct.....	46
Notice of Criminal Proceedings.....	46
Criminal Proceedings .....	47
Withdrawal During Process .....	47
Newly Enrolled Students .....	48
Transition Services .....	48
<b>Expulsion.....</b>	<b>49</b>
Placement and/or Expulsion for Certain Offenses .....	49
Registered Sex Offenders .....	49
Discretionary Expulsion: Misconduct That May Result in Expulsion.....	50
Mandatory Expulsion: Misconduct That Requires Expulsion .....	51
Under Age 10 .....	52
Virtual Expulsion Program .....	52
Consideration of Virtual Education as an Alternative to Expulsion.....	53
Procedure for Expulsion.....	53
Central Office Hearing .....	53
Length of Expulsion .....	55
Withdrawal During Process .....	56
Additional Misconduct.....	56
Restrictions During Expulsion.....	56
Newly Enrolled Students .....	56
Emergency Expulsion Procedures .....	57
DAEP Placement of Expelled Students.....	57
Transition Services .....	57
Certain Felonies .....	57
Hearing and Required Findings.....	58
Length of Placement.....	58
Placement Review.....	58
<b>Searches and Other Expulsion Issues .....</b>	<b>59</b>
Vehicles.....	59
Electronic Storage .....	59
Metal Detectors .....	59
Photographic/Video/Audio .....	60
General Security - Acceptable Use Policy.....	60
Acceptable Use of Assets.....	60
Noncompliance.....	61
<b>Notice of Non-Disclosure .....</b>	<b>62</b>
For Other Complaints and Concerns.....	62
<b>Glossary .....</b>	<b>63</b>

# General Overview

## Purpose

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 in student discipline problems, and imposing discipline.

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), placement in a juvenile justice alternative education program (JJAEP), or expulsion from school.

This Code of Conduct has been adopted by the Fort Worth ISD board of trustees and was developed with the advice of the District-level planning and decision-making committee. It provides information to parents and students regarding standards of conduct, consequences of misconduct, and procedures for administering discipline. 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.

## Accessibility

If you have difficulty accessing the information in this document because of disability, please contact the district at [www.fwisd.org](http://www.fwisd.org) / 817-814-2000.

In accordance with state law, the Code of Conduct shall be posted at each school campus or shall be available for review at the campus principal’s office. Additionally, the Code of Conduct shall be available at the campus behavior coordinator’s office and posted on the District’s website. Parents shall be notified of any conduct violation that may result in a student being suspended, placed in a DAEP or JJAEP, expelled, or taken into custody by a law enforcement officer under [Chapter 37](#) of the Education Code.

Not later than the first day of the 2025-2026 school year, the Texas Education Agency (TEA) shall prepare and provide to each school district a report identifying each law relating to school discipline that was amended or added by the 89th Legislature, Regular Session, 2025. A school district shall provide to each student and the parent of or person standing in parental relation to the student the prepared report.

Because the Code of Conduct is adopted by the District’s Board of Trustees, it has the force of policy. In the event of a conflict between the Code of Conduct and the Student Handbook, the Code of Conduct shall prevail.

Please note: 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

## Additional Rules

---

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

## Unauthorized Persons

---

In accordance with [Education Code 37.105](#), a school administrator or SRO, shall have the authority to refuse entry to or eject a person from District property if the person refuses to leave peaceably on request and:

1. The person poses a substantial risk of harm to any person; or
2. The person behaves in a manner that is inappropriate for a school setting and persists in the behavior after being given a verbal warning that the behavior is inappropriate and may result in refusal of entry or ejection.

Appeals regarding refusal of entry or ejection from District property may be filed in accordance with policies FNG(LOCAL) or GF(LOCAL), as appropriate. However, the timelines for the District's grievance procedures shall be adjusted as necessary to permit the person to address the board in person within ninety (90) calendar days, unless the complaint is resolved before a board hearing.

[See Restrictions During Placement for information regarding a student assigned to DAEP at the time of graduation.

## General Standards of Student Conduct

---

In order to promote a positive educational experience for all students, the District expects students to adhere to eight (8) 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;
7. promote a safe environment that does not threaten school safety; and
8. Students are not allowed on other Fort Worth ISD campuses during the school day, except with permission from school personnel.

Because of significant variations in student conduct, it is not always possible for the SCC 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 eight (8) standards, even though the conduct may not be specifically included in the SCC.



## Notice of Disciplinary Action

---

The campus behavior coordinator shall promptly notify the student's parent or guardian by phone or in person of any violation that may result in:

- In-school suspension
- Out-of-school suspension
- DAEP placement
- JJAEP placement
- Expulsion
- The student is taken into custody by law enforcement

The campus behavior coordinator shall also notify a student's parent if the student is taken into custody by a law enforcement officer under the disciplinary provisions of the Education Code. A good-faith effort must be made to provide written notice to the parent of the disciplinary action applied to the student, the same day the action is applied. If a parent or guardian has not been reached by phone or in person by 5:00 pm of the first business day after the day the disciplinary action is taken, the campus behavior coordinator shall mail a written notice of the action to the parent or guardian at the parent's or guardian's last known address by U.S. Mail.

## Non-Discrimination

---

The District does not discriminate against students on the basis of race, sex, national origin, disability, religion, age, color, or ethnicity when enforcing the provisions of the SCC. District students deserve a safe and respectful learning environment in which all students shall receive an education that maximizes their potential for success in college, a career, and community leadership.

District students deserve a safe and respectful learning environment in which all students shall receive an education that maximizes their potential for success in college, a career, and community leadership. The District shall focus on improving its practices in order to ensure equity in education.

This Code of Conduct applies to all students. However, when enforcing its Code of Conduct, the District will comply with federal and state laws pertaining to students with disabilities. For more information about those specific procedures, please contact the Department of Special Education at 817-814-2830.

## Campus Behavior Coordinator

---

As required by law, specifically TEC § 37.0012, a campus behavior coordinator (“CBC”) (Principal) has the discretion to apply school-based discipline for specific violations or refer the matter to the Student Discipline and Placement department for review. Student Discipline and Placement supports campuses in interpreting and applying the FWISD Student Code of Conduct. District Hearing Officers help determine the least restrictive options for students requiring alternative placement. In addition, they offer a Diversionary Referral Program that some students may be eligible to participate in, in lieu of a Level II DAEP. The hearing officer will determine eligibility for the Diversionary Referral Program. The department provides regular data reports to campuses on their disciplinary practices in the interest of decreasing suspensions and expulsions and improving the instructional continuity for students facing disciplinary action. The sequence of disciplinary action begins with the minimum disciplinary action and may progress to the more serious disciplinary consequences established in this code. The campus behavior coordinators and hearing officers will consider mitigating factors prior to determining student consequences for mandatory and discretionary incidents. The disciplinary action will draw on the professional judgment of teachers, principals, or designees and a range of disciplinary management techniques, including restorative discipline practices. The consequence decision will be based on these factors, as well as the specific circumstances unique to the situation and the individual student involved.

The CBC is primarily responsible for maintaining student discipline. The CBC shall monitor disciplinary referrals and report the following behavior to the campus’s threat assessment and safe and supportive school team:

- Conduct that contains the elements of the offense of terroristic threat under [Penal Code 22.07](#);
- Conduct that contains the elements of the offense of unlawfully carrying weapons under [Penal Code 46.02](#);
- Conduct that contains the elements of the offense of exhibiting, using, or threatening to exhibit or use a firearm under [Education Code 37.125](#); and
- Any concerning student behaviors or behavioral trends that may pose a serious risk of violence to the student or others.

The District shall post on its website and in the Student Handbook, for each campus, the email address and telephone number of the person serving as CBC. Contact information may be found at <https://www.fwisd.org/departments/student-discipline-and-placement> and at [Student Handbook](#).

## School District Authority and Jurisdiction

---

School rules and the District’s authority to administer discipline apply whenever the interest of the District is involved, on or off school grounds, in conjunction with or independent of classes and school-sponsored activities.

The District has disciplinary authority over a student:

1. During the regular school day;
2. While on school property;
3. While traveling on District-owned or operated transportation, or during school-related travel, including conduct at a school bus stop off campus;
4. During lunch periods in which a student is allowed to leave campus;

5. At any school-related activity, regardless of time or location;
6. For any school-related misconduct, regardless of time or location;
7. When retaliation against a school employee, board member, or volunteer occurs or is threatened, regardless of time or location;
8. When a student engages in cyberbullying, as defined by [Education Code 37.0832](#);
9. During online or other types of remote instruction;
10. As provided in extracurricular or organization handbooks, bylaws, constitutions, or other guidelines;
11. For certain offenses against other students and school employees, regardless of time or location.
12. Other off campus conduct as authorized and defined by Chapter 37 of the Texas Education Code, including cyberbullying and antisemitism;
13. For certain criminal offenses, regardless of time or location;
14. When criminal mischief is committed on or off school property or at a school-related event;
15. For certain offenses committed within 300 feet of school property as measured from any point on the school's real property boundary line;
16. For certain offenses committed while on school property or while attending a school-sponsored or school-related activity of another district in Texas;
1. When the student commits a felony, as provided by [Education Code 37.006, 37.007, or 37.0081](#); and
2. When the student is required to register as a sex offender.

In addition to the disciplinary authority established for certain types of offenses as described within the SCC, the District has general disciplinary authority over a student at the following times: Please review School District Authority and Jurisdiction.

## **ID Badges**

---

All students (PreK-12th) will be required to wear ID badges, and they must be visible at all times. The first ID badge will be issued to the student at no charge. There will be a \$5.00 fee charged for each lost or damaged ID badge. A temporary badge will be provided until the replacement badge is issued. Badges are considered a part of the student dress code. Refusing to wear a badge can be classified as a failure to comply with directives.

Consequences for not having a visible ID on campus can range from but are not limited to verbal warning, teacher contact parent, administrator contact parent, ISS, OCI, no entrance to after school or extracurricular activities, and a \$5 replacement fee.

Under no circumstances can a student be assigned to OSS or DAEP for ID badge violation.

## Threat Assessment and Safe and Supportive School Team

---

The District will also establish a "threat assessment and safe and supportive school team" to serve at each District campus and will adopt policies and procedures for the teams. The team is responsible for developing and implementing the safe and supportive school program, as well as 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.

Before a team may conduct a threat assessment of a student, the team must notify the parent of or the person standing in parental relation to the student of the assessment. In conducting the assessment, the team shall provide an opportunity for the parent or person to: (1) participate in the assessment, either in person or remotely; and (2) submit to the team information regarding the student. After completing a threat assessment of a student, the team shall provide the parent of or person standing in parental relation to the student the team's findings and conclusions regarding the student.

### Searches

A student's clothing, personal property, electronic equipment, method of transportation, or school property used by the student (such as lockers or desks) may be searched when there is reasonable cause to believe the search will reveal articles or materials prohibited by the District or other violations of school rules. 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).

District personnel are prohibited from having a student remove or arrange some or all of his or her clothing so as to permit an inspection of the genitals, body cavities, undergarments of the student, or the chest of a student. Students are required to respect the rights and privileges of other students, teachers, staff, volunteers, and visitors to the campus. All students are expected to conduct themselves in accordance with the expectations set out in this code and common courtesies.

Students shall exercise their rights responsibly in compliance with the Student Code of Conduct and Board Policy. Students are required to report in good faith any misconduct by employees and other students. Students who violate the rights of others or who violate District, campus, or classroom rules shall be subject to disciplinary action. School rules and the authority of the District to administer discipline apply whenever the interest of the school is involved on or off school grounds (including activities in conjunction with or independent of classes and school-sponsored activities).

### Reporting Crimes

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

## Security Personnel /School Resource Officers (SRO)

The Board utilizes police officers, school resource officers (SROs), **and/or** security personnel to ensure the security and protection of students, staff, and property. In accordance with the law, the board has coordinated with the CBC and other District employees to ensure appropriate law enforcement duties are assigned to these persons. Provisions addressing the various types of security personnel can be found in the CKE policy series.

To ensure sufficient security and protection of students, staff, and property, the District contracts with the Fort Worth Police Department/Benbrook Police Department/Forest Hill Police Department. School Resource Officers (SROs) promote a safer school environment through offense prevention, interventions with students, and application of the law. Student misconduct may violate school rules and local/state law. When applicable, the campus behavior coordinator will take appropriate school-level actions as well as consult with SROs/local law enforcement. Any action law enforcement authorities might take would be in addition to action taken by the school. A student may be cited or arrested. If the student is arrested, the parent/guardian must be notified in a timely manner by phone or in person. Law enforcement may transport the student to the Tarrant County Juvenile Detention Center and/or Mansfield City Jail. Disciplinary consequences for students with disabilities will follow the student's Behavior Intervention Plan, if one exists, and applicable federal and state law and guidelines. Except as provided by Section 37.007(e) of the Texas Education Code, the Student Code of Conduct is not required to specify a minimum term of removal under Section 37.006 or an expulsion under Section 37.007.

## “Parent” Defined

Throughout the Code of Conduct and related discipline policies, the term “parent” includes a parent, legal guardian, or other person having lawful control of the child.

## Participating in Graduation Activities

The District has the right to limit a student’s participation in graduation activities for violating the District’s Code of Conduct.

Participation might include a speaking role, as established by district policy and procedures.

Students eligible to give the opening and closing remarks at graduation shall be notified by the campus principal. Notwithstanding any other eligibility requirements, in order to be considered eligible, a student shall not have engaged in any misconduct that resulted in an out-of-school suspension, removal to a DAEP, or expulsion during the semester immediately preceding graduation.

The valedictorian and salutatorian may also have speaking roles at graduation. No student shall be eligible to have such a speaking role if he or she engaged in any misconduct that resulted in an out-of-school suspension, removal to a DAEP, or expulsion during the semester immediately preceding graduation.

## Discipline Considerations

---

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 following:

- Degree of severity and risk of danger
- Effect of the misconduct

- Age and grade level of the student
- Legal requirements
- Frequency of the misconduct
- Student's demeanor
- Possibility of disruption of the school environment
- Whether the conduct was motivated by antisemitism (see definitions)

## Mitigating Factors

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.

## Misconduct Involving Others

---

### School-Related (Level I)

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 school-related travel, while traveling on District owned or operated transportation, or when the District has "Disciplinary Authority" as described in the SCC.

- 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.
- Hitting, pushing, or attempting to hurt another student.
- 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 (see definitions)
- Cyberbullying and antisemitism (see definitions), including conduct that interferes with a student's educational opportunities or substantially disrupts the orderly operation of a classroom, school, or school-sponsored or school-related activity.



- Name-calling, ethnic or racial slurs, making racial comments to another student or employee, 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.
- Invasive visual recording (see definitions).
- 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.
- Violation of FWISD technology policy to include cellular phones, smart watches, and personal telecommunication devices.
- Engaging in oral or written threats of any kind of violence, violent acts, or harm to another student or staff member, whether or not such threats are meant to be taken seriously.
- Preparing a hit list (see definitions).
- Wrongfully obtaining and using another person's identifying information or personal data without permission to mislead, defraud, or deceive.
- Hazing (see definitions).
- Retaliating against a student for (1) reporting either a violation of the SCC or bullying, or (2) participating in an investigation of a violation of the SCC or bullying.
- Possessing, using, giving, selling, buying, or offering to sell or buy prohibited items.
- Matches or a lighter.
- Tobacco products.

- Electronic cigarettes (see definitions), electronic vaping devices, personal vaporizers, electronic nicotine delivery systems or paraphernalia, including but not limited to Juul and Juul pods, vials, cartridges, or “pens” with liquid or any other types of material for use in such devices.
- Using Artificial Intelligence (A.I.) in any way that harms other students, disrupts school operations, or otherwise violates provisions of this code of conduct or the District's Acceptable Use Policy.
- 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.
- Less than a usable amount of stems, seeds, or other pieces of marijuana.
- Paraphernalia (see definitions) related to any prohibited substance, including, but not limited to, marijuana, a controlled substance, a dangerous drug, or an alcoholic beverage.
- 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.”
- Razor blades, box cutters, or chains.
- Knives with a blade 5 ½ inches or less.
- 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.
- Deadly weapons (see definitions).
- 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.
- Clubs, knuckles, firearm silencers or suppressors, 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 use other than approved use.

- Using, displaying, or having in operational mode a paging device, cellular telephone, or telecommunications device (see definitions) at school or school-sponsored or school-related activities, including using a cellular telephone to film other students and/or District employees.

## **Misuse of Property**

---

- 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.
- Committing criminal mischief with damage in an amount less than \$2500.
- 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 does not rise to the level of arson or criminal mischief.

## **Safety / Disruption**

---

- 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.
- Opening and propping open locked secured doors.

## **Technology**

---

- 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 or technology to copy or capture an image or the content of any District materials (such as tests or exams) without permission from a teacher or administrator.

- Making, participating in the making of, transmitting to another via an electronic device, 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 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 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.
- 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 email, websites, or electronic devices to engage in or encourage illegal conduct, violations of the SCC, 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.
- Using Artificial Intelligence (A.I.) in any way that harms other students, disrupts school operations, or otherwise violates provisions of this code of conduct or the District's Acceptable Use Policy
- 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 show, provide a copy, forward, or re-post the item to anyone other than law enforcement, a school employee, or the student's parent/guardian. A consequence can be issued to a student who violates the code of conduct or when a student is determined to be an accomplice. A student is considered an accomplice to another person if they have knowledge that will promote or facilitate the misbehavior.

## Failure to Follow Rules

---

- Violating dress and grooming criteria, including not wearing a visible ID badge at all times.
- 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 SCC.
- 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 oneself 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, Internet access, technology, or other electronic communications or imaging devices.
- Violating the District's medications policy regarding prescription and over-the-counter drugs.
- Academic dishonesty, including cheating, copying the work of another, plagiarism, use of Artificial Intelligence (A.I.) to complete assignments, or unauthorized collaboration with another person in preparing an assignment.
- 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

---

- 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 SCC, even if the student fails to complete the intended misconduct.

## Possession of Personal Communication Devices (FNCE Local)

In 2025, the Texas legislature passed HB 1481, prohibiting a student from using a personal communication device while on school property during the school day. In response, Fort Worth ISD has implemented a new personal communication device policy (FNCE Local) aimed at reducing student distractions and minimizing interruptions to the learning process. Students are permitted to have personal communication devices, but they must keep the devices powered off and stored in a bag, purse, or backpack throughout the school day. This encompasses class time from the first to the last instruction period, passing periods, restroom breaks, and lunch (See definitions for personal communication device).

Consequences for not following the personal communication device policy include, but are not limited to, verbal warnings, teacher/parent contact, administrator/parent contact, confiscation of device for the student to pick up at the end of the school day, confiscation of the device for the parent to pick up at the end of the school day, ISS, and OCI.

Under no circumstances can students be assigned to OSS or DAEP for personal telecommunication device violations.

- The district may authorize the use of a personal communication device for the following reasons:
- To implement an individualized education program (IEP) or for a plan created under [Section 504, Rehabilitation Act of 1973 \(29 U.S.C Section 794\)](#) or a similar program or plan;
- With documented need based on a directive from a qualified physician; or
- To comply with a health or safety requirement imposed by law or as part of the district's safety protocols.

Other inappropriate use of a personal communication device during the school day will result in [disciplinary action in accordance with the Code of Conduct](#).



# Discipline of Students with Special Needs

## Students with Disabilities (Board Policy FOF)

---

The placement of a student with a disability who receives special education services may be made only by a duly constituted admission, review, and dismissal (ARD) committee. Any disciplinary action regarding the student shall be determined in accordance with federal law and regulations. Texas Education Code § 37.004. The methods adopted in the Student Code of Conduct for discipline management and for preventing and intervening in student discipline problems must provide that a student who receives special education services may not be disciplined for bullying, cyberbullying, harassment, or making hit lists until an ARD committee meeting has been held to review the conduct. Texas Education Code § 37.001(b-1).

## Not a Manifestation

---

If the determination is that the student's behavior was not a manifestation of the student's disability, school personnel may apply the relevant disciplinary procedures to the student in the same manner and for the same duration as for students without disabilities. The ARD committee shall determine the interim alternative educational setting.

## Special Circumstances

---

School district personnel may remove a student to an interim alternative educational setting for not more than forty-five (45) school days, without regard to whether the behavior is determined to be a manifestation of the student's disability, if the student:

1. Carries or possesses a weapon to or at school, on school premises, or to or at a school function under the jurisdiction of TEA or the District; or
2. Knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school, on school premises, or at a school function under the jurisdiction of TEA or the District; or
3. Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of TEA or the District.

This Code of Conduct applies to all students. However, when enforcing its Code of Conduct, the District will comply with federal and state laws pertaining to students with disabilities. For more information about those specific procedures, please contact the Department of Special Education at 817-814-2830.

## Student Not Yet Identified

---

A student who has not been determined to be eligible for special education, 504, or related services and who has engaged in behavior that violated a code of student conduct may assert any of the protections provided for in IDEA if the District had knowledge that the student had a disability before the behavior that precipitated that disciplinary action occurred.

## District Knowledge

---

The District shall be deemed to have knowledge that a student has a disability if, before the behavior that precipitated the disciplinary action occurred:

1. The parent of the student expressed concern in writing to supervisory or administrative personnel of the District, or to the teacher of the student, that the student needed special education and related services;
2. The parent requested an evaluation of the student for special education and related services; or
3. The student's teacher, or other District personnel, expressed specific concerns about a pattern of behavior demonstrated by the student directly to the special education director or to other supervisory personnel of the District.

## Exception

---

The District shall not be deemed to have knowledge that the student had a disability if:

1. The parent has not allowed an evaluation of the student;
2. The parent has refused services; or
3. The student has been evaluated, and it was determined that the student did not have a disability.

If the District does not have knowledge (as described above), the student may face the same disciplinary measures applied to students without disabilities who engaged in comparable behaviors. However, if a request is made for an evaluation during the time period in which the student is subjected to disciplinary measures, the evaluation shall be conducted in an expedited manner. Until the evaluation is completed, the student shall remain in the educational placement determined by school authorities.

# Techniques

The following discipline management techniques may be used alone, in combination, or as part of progressive interventions for behavior prohibited by the Code of Conduct or by campus or classroom rules:

- Verbal correction, oral or written.
- Cooling-off time or a brief “time-out” period, in accordance with law.
- Seating changes within the classroom or vehicles owned or operated by the district.
- Temporary confiscation of items that disrupt the educational process.
- Rewards or demerits.
- Behavioral contracts.
- Counseling by teachers, school counselors, or administrative personnel.
- Parent-teacher conferences.
- Behavior coaching.
- Anger management classes.
- Mediation (victim-offender).
- Classroom circles.
- Family group conferencing.
- Grade reductions for cheating, plagiarism, and as otherwise permitted by policy.
- Detention, including outside regular school hours.
- Sending the student to the office, another assigned area, or to in-school suspension (ISS).
- Assignment of school duties, such as cleaning or picking up litter.
- Withdrawal of privileges, such as participation in extracurricular activities, eligibility for seeking and holding honorary offices, or membership in school-sponsored clubs and organizations.
- Penalties identified in student organizations’ extracurricular standards of behavior.
- Restriction or revocation of district transportation privileges.
- School-assessed and school-administered probation.
- In-school suspension, as specified in In-School Suspension.
- Out-of-school suspension, as specified in Out-of-School Suspension.
- Placement in a DAEP, as specified in Disciplinary Alternative Education Program (DAEP) Placement.
- Expulsion and/or placement in an alternative educational setting, as specified in Placement and/or Expulsion for Certain Offenses.
- Expulsion, as specified in Expulsion.

- Referral to an outside agency or legal authority for criminal prosecution in addition to disciplinary measures imposed by the district.
- Other strategies and consequences as determined by school officials.

## Prohibited Aversive Techniques

---

Aversive techniques are prohibited for use with students and are defined as techniques or interventions intended to reduce the reoccurrence of a behavior by intentionally inflicting significant physical or emotional discomfort or pain. Aversive techniques include:

- Using techniques designed or likely to cause physical pain, other than corporal punishment as permitted by District policy. [See policy FO(LOCAL)]
- Using techniques designed or likely to cause physical pain by electric shock or any procedure involving pressure points or joint locks.
- Directed release of noxious, toxic, or unpleasant spray, mist, or substance near a student's face.
- Denying adequate sleep, air, food, water, shelter, bedding, physical comfort, supervision, or access to a restroom facility.
- Ridiculing or demeaning a student in a manner that adversely affects or endangers the learning or mental health of the student or constitutes verbal abuse.
- Employing a device, material, or object that immobilizes all four of a student's extremities, including prone or supine floor restraint.
- Impairing the student's breathing, including applying pressure to the student's torso or neck, or placing something in, on, or over the student's mouth or nose, or covering the student's face.
- Restricting the student's circulation.
- Securing the student to a stationary object while the student is standing or sitting.
- Inhibiting, reducing, or hindering the student's ability to communicate.
- Using chemical restraints.
- Using time-out in a manner that prevents the student from being able to be involved in and progress appropriately in the required curriculum or any applicable individualized education program (IEP) goals, including isolating the student using physical barriers.
- Depriving the student of one or more of the student's senses, unless the technique does not cause the student discomfort or complies with the student's IEP or behavior intervention plan (BIP).

## Notification

---

The CBC shall promptly notify a student's parent by phone or in person of any violation that may result in in-school or out-of-school suspension, placement in a DAEP, placement in a JJAEP, or expulsion. The CBC shall also notify a student's parent if the student is taken into custody by a law enforcement officer under the disciplinary provisions of [Education Code 37.0012\(d\)](#).

A good-faith effort shall be made to provide written notice of the disciplinary action to the student on the day the action was taken for delivery to the student's parent. If the parent has not been reached by telephone or in person by 5:00 p.m. of the first business day after the day the disciplinary action was taken, the CBC shall send written notification by U.S. Mail. If the CBC is not able to provide notice to the parent, the principal or designee shall provide the notice.

Before the principal or appropriate administrator assigns a student under age 18 to detention outside regular school hours, notice shall be given to the student's parent to inform him or her of the reason for the detention and permit arrangements for necessary transportation.

# Discipline Appeals

The superintendent delegates all fact-finding authority to a Hearing Panel or designee. This panel is appointed by the superintendent to hear an appeal of a DAEP placement for Level II only and to establish a written record for review. The superintendent's Hearing Panel or designee shall conduct an informal proceeding no later than ten (10) business days after receipt of the written request for an appeal. At this informal proceeding, the following procedures shall be followed:

1. The parent(s) and/or guardian(s) of the student shall be notified and requested to attend and participate in the proceeding.
2. The student shall be permitted the opportunity to explain his or her version of the incident.
3. The student shall be permitted to have adult or legal representation. An employee or legal counsel may also represent the District.
4. Written statements from witnesses and parties may be introduced as evidence.
5. No formal rules of evidence will be observed. Each party, in turn, beginning with the student or parent(s) and/or guardian(s), shall be permitted to develop or rebut the evidence, present witness statements or other evidence, and recommend appropriate action to the Hearing Panel or designee.
6. The Hearing Panel or designee shall remain impartial and assist the parties in presenting all the facts and evidence in order to present a full account of the incident and shall render a decision in the matter.
7. The Hearing Panel or designee shall render a decision that determines whether the student violated the Student Code of Conduct and the appropriate duration of placement in a DAEP.
8. The decision of the panel or designee may be announced to the participants, but written notice of the decision shall be rendered to all parties within five working days following the proceeding.

## Effect of Student Withdrawal

---

Withdrawal from school after a student has been accused of a violation of the SCC 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.

The District shall not delay a disciplinary consequence while a student or parent pursues a grievance. In the instance of a student who is accused of conduct that meets the definition of sexual harassment as defined by Title IX, the District will comply with applicable federal law, including the Title IX formal complaint process. [See policies FFH(LEGAL) and (LOCAL)]



# Transportation

Appropriate student behavior and the wearing of student ID badges are essential to the safe operation of District transportation. Students must comply with the expectations of the SCC while using District transportation. In addition to compliance with the SCC, 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.
- Comply with lawful directives issued by the driver/attendant.
- Follow the driver/attendant's rules for food or beverages.
- Refrain from making loud or distracting noises.
- Do not throw objects inside the transportation or out of the windows or doors.
- Vulgar or abusive language is prohibited.
- Do not shout at passing persons or vehicles.
- Spitting or throwing anything in or out of District transportation is prohibited.
- Eating, drinking, smoking, or possession of any illegal substances is prohibited on the District transportation.
- Weapons and/or the use of any unsafe items are prohibited on District transportation.
- Fighting, pushing, and or shoving is prohibited on District transportation.
- Keep aisles clear of books, bags, instruments, feet, or other obstructions.
- Do not extend any body part, clothing, or other article outside of the transportation.
- Keep hands, feet, other body parts, or objects to oneself.
- Do not obstruct the driver/attendant's view.
- Do not mark, deface, destroy, or tamper with seats, windows, emergency doors, or other equipment.

## Procedure for Removal

---

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 SCC. The administrator 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 suspension or revocation of transportation privileges and will be given the opportunity 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.

For more information regarding Transportation rules and consequences, please review the [Student Handbook](#) and the [Transportation Manual](#).

# Removal from the Regular Educational Setting

In addition to other discipline management techniques, misconduct may result in removal from the regular educational setting in the form of a routine referral or a formal removal.

## Routine Referral

A routine referral occurs when a teacher sends a student to the CBC's office as a discipline management technique. The CBC shall employ alternative discipline management techniques, including progressive interventions. A teacher or administrator may remove a student from class for behavior that violates this Code of Conduct to maintain effective discipline in the classroom.

## Formal Teacher Removal

A teacher may initiate a formal removal from class if:

1. A student's behavior repeatedly interferes with the teacher's ability to teach the class or with other students' ability to learn.
2. A student demonstrates behavior that is unruly, disruptive, or abusive toward the teacher, another adult, or another student in the classroom.
3. A student engages in conduct that constitutes bullying, as defined by [Education Code 37.0832.0](#).

A teacher, CBC, or other appropriate administrator must notify a parent or person standing in parental relation to the student of the formal removal. A teacher may remove a student from class based on a single incident of behavior.

Within three (3) school days of the formal removal, the CBC or appropriate administrator shall schedule a conference with the student's parent, the student, the teacher who removed the student from class, and any other appropriate administrator.

At the conference, the CBC or appropriate administrator shall inform the student of the alleged misconduct and the proposed consequences. The student shall have an opportunity to respond to the allegations.

When a student is removed from the regular classroom by a teacher and a conference is pending, the CBC or other administrator may place the student in:

- Another appropriate classroom
- ISS
- Out-of-school suspension
- DAEP

A teacher or administrator must remove a student from class if the student engages in behavior that under the [Education Code](#) requires or permits the student to be placed in a DAEP or expelled. When removing for those reasons, the procedures in the subsequent sections on DAEP or expulsion shall be followed.

## Returning a Student to the Classroom

A student who has been formally removed from class by a teacher for conduct against the teacher containing the elements of assault, aggravated assault, sexual assault, or aggravated sexual assault may not be returned to the teacher's class without the teacher's written consent.

A student who has been formally removed by a teacher for any other conduct may not be returned to the teacher's class without the teacher's written consent unless the placement review committee determines that the teacher's class is the best or only alternative, and not later than the third class day after the day the student was removed from class, a conference in which the teacher was provided an opportunity to participate has been held. The student may not be returned to the teacher's class unless the teacher provides written consent for the student's return or a return to class plan has been prepared for that student.

## Appeals of Formal Teacher Removals

A student may appeal the teacher's removal of the student from class to the school's placement review committee or the campus's threat assessment and safe and supportive school team, in accordance with a district policy providing for such an appeal to be made to this team.

Administrator protocols can be found [here](#).

## Placement Review Committee

---

Each school shall have a Placement Review Committee composed of three (3) members. The committee will determine the placement of a student when a teacher has removed the student and refuses to allow the return of the student to the teacher's class. The committee will make a final determination of the student's placement when a student is removed under this section.

- The campus faculty shall choose two (2) teachers to serve as members and one (1) teacher to serve as an alternate member.
- The Campus Behavior Coordinator shall choose one (1) member from the professional staff of the campus.
- The teacher refusing to readmit the student may not serve on the committee.

If the teacher removed the student from class for engaging in assault, aggravated assault, sexual assault, aggravated sexual assault, or assault against the teacher, the student may not be returned to the teacher's class without the teacher's consent. The teacher may not be coerced to consent. In accordance with federal law, the placement of a student with disabilities may be changed only by a duly constituted ARD committee.

## Placement During Removal

---

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. The principal may not return the student to that teacher's class without the teacher's written consent unless the committee established under Section 37.003 of the Texas Education Code determines that such placement is the best or only alternative available.

## Procedures for Teacher Removal

---

No later than three (3) school days after a teacher has formally removed a student from class, an 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; the teacher must also be given an opportunity to participate, and a return to class plan must be discussed. An outcome decision will be determined by the Placement Review Committee meeting. The outcome will be communicated to the parent/guardian.

A student may appeal the student's removal from class under this section to:

- (1) The school's placement review committee established under Section 37.003 of the Texas Education Code; or
- (2) The campus threat assessment and safe and supportive school team established under Section 37.115 of the Texas Education Code, in accordance with District policy providing for such an appeal to be made to the team.

The principal, campus behavior coordinator, or other appropriate administrator shall, at the conference required under Section 37.009(a) of the Texas Education Code, notify a student who has been removed from class under this section and the parent of or person standing in parental relation to the student, of the student's right to appeal. This also applies to the removal or placement under this section of a student with a disability who receives special education services.

A student who is sent to the campus behavior coordinator or another 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

---

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 written 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 written consent if the Placement Review Committee determines that the teacher's class is the best or only alternative and a conference in which the teacher has been provided an opportunity to participate has been held in accordance with Section 37.009(a) of the Texas Education Code.

A return to class plan must be created before or at the conference. A plan created before the conference must be discussed at the conference.

The commissioner shall adopt a model return to class plan for use by a school district in creating a return to class plan for a student.

# In-School Suspension

The purpose of the ISS intervention is to address minor student offenses. Please refer to the [FWISD Quick Reference Guide for Conduct Interventions](#) to review the list of Level I ISS examples of misconduct. Students may be assigned to ISS for a period of time as determined by the Campus Behavior Coordinator.

A school shall provide a student subject to an in-school suspension under this section with appropriate behavior support services and comparable educational services as the school would receive in the classroom. If a student receives special education services, the student must:

- (1) continue to receive special education and related services specified in the student's individualized education program; and
- (2) continue to have an opportunity to progress in the general curriculum.

The parent and/or guardian must be notified by the school administrator before the in-school suspension placement becomes official. Parents/guardians shall be notified prior to a student serving detention that is scheduled before/after school hours. Transportation arrangements must be made with the parent/guardian prior to the scheduled detention.

## Procedure for ISS

---

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, and the campus administrator may place restrictions on the student's participation in school-sponsored or school-related activities.

A school's principal or other appropriate administrator shall review the in-school suspension of a student at least once every 10 school days after the date of the suspension begins to evaluate the educational progress of the student and to determine if continued in-school suspension is appropriate.

During in-school suspension, a student shall receive appropriate behavioral support services and comparable educational services as the student would receive in the classroom. If the student receives special education services, the student must continue to receive special education and related services specified in the student's individualized education program (IEP) and continue to have an opportunity to progress in the general curriculum.

## Process

Before being suspended, a student shall have an informal conference with the CBC or appropriate administrator, who shall inform the student of the alleged misconduct and give the student an opportunity to respond to the allegation before the administrator makes a decision.

The CBC shall determine the number of days of a student's suspension.

In deciding whether to order in-school suspension, the CBC shall take into consideration:

1. Self-defense [see Glossary];
2. Intent or lack of intent at the time the student engaged in the conduct;
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;
5. A student's status in the conservatorship of the Department of Family and Protective Services (foster care); or
6. A student's status as homeless.

The appropriate administrator shall determine any restrictions on participation in school-sponsored or school-related extracurricular and cocurricular activities.



# Out-of-School Suspension

## Misconduct

Students may be suspended for behavior listed in the Code of Conduct as a general conduct violation, DAEP offense, or expellable offense. [Per TEC 37.005](#), under no circumstances may an OSS for a particular incident exceed three (3) school days.

## Procedure for OSS

---

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 consecutive school days per behavior violation.

## Grade Level and Other Restrictions for Assigning OSS

---

A student who is in fifth 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, conduct that threatens the immediate health and safety of other students in the classroom; conduct that results in repeated or significant disruptions to the classroom 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.

In 2019, the [McKinney-Vento Homeless Education Act](#) established measures for homeless students. This act limits schools from issuing out-of-school suspensions to homeless students. 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, conduct that threatens the immediate health and safety of other students in the classroom; conduct that results in repeated or significant disruptions to the classroom 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.

## Mitigating Factors

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.

Students may be suspended from school for code of conduct violations. Prior to any disciplinary consequence being given to any student, the following discipline management techniques should be considered. Please refer to the [FWISD Quick Reference Guide for Conduct Interventions](#).

- Tier I Positive Behavior Intervention Strategies
- Multi-Tiered Systems of Support
- Teacher-parent telephone conferences
- Restorative Practices such as restorative chats, restorative circles, and circles of support can be used to establish a respect agreement, build a school community, repair harm, decision making strategies, and/or teach content.
- Student-parent-teacher conferences
- Counseling by teacher, counselor, or administrative personnel
- Bullying Contract
- Behavior coaching
- Conflict Resolution
- Separation or “stay away” agreements or orders.
- Digital citizenship lesson
- Cooling-off time or "time out"
- Referral to student support team, outside agency or Family Resource Center
- Administrator-teacher-parent telephone conference call
- Verbal correction
- Seating changes in the classroom
- Behavioral contracts
- Confiscation of items that disrupt the educational process
- Grade reductions as permitted by policy
- Mediation
- Anger management
- Apply behavior management strategies identified in individual student organizations or extracurriculars
- Detention
- Diversionary Action Plans developed at the department of Student Discipline and Placement (The campus behavior coordinator must accompany the student and parent for this option)
- Restitution or restoration
- Removal of the student to the office, other assigned areas, or in-school suspension
- Lowered conduct grade
- School-assessed and school-administered counseling and/or group socialization skills training

- Placement in the On-Campus Intervention Program, as specified in the LEVEL I section of the Student Code of Conduct for secondary school students
- 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
- Withdrawal or restriction of bus privileges
- Consequences identified in co-curricular or extracurricular codes of conduct, constitutions, by-laws, or other guidelines
- Out-of-school suspension (not to exceed three (3) consecutive school days, per incident)
- Placement in a Disciplinary Alternative Education Program (DAEP), as specified in the DAEP section of the Student Code of Conduct for 3rd-grade to 12th-grade students
- Expulsion, as specified in the expulsion section of the Student Code of Conduct
- Other strategies and consequences as specified by the Student Code of Conduct
- Referral to law enforcement when inappropriate behavior violates local and/or state law

State law allows a regular education student to be suspended for as many as three (3) school days per behavior violation. Out-of-school suspensions will not exceed three (3) consecutive school days for each separate behavior violation. There is no limit to the number of times a student may be suspended in a semester or school year. If a student receives OSS for a partial school day, that partial day is considered one of three total allowable OSS days. An OSS may not exceed three (3) consecutive school days, TEC § 37.005. An ARD must be held for special education students who have been assigned to ten (10) out-of-school suspension days in a single school year prior to any further out-of-school suspension days assigned.

The District shall use a positive behavior program as a disciplinary alternative for students below grade 5 who commit general conduct violations instead of suspension or placement in a DAEP. The program shall meet the requirements of law.

## **Assignments During ISS and OSS**

---

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's 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 coursework that does not require the use of the Internet.

On receiving a written request from the student's parent or person standing in parental relation to the student, the campus administrator or district designee may at the administrator's or designee sole discretion reassign a student placed in out-of-school suspension under Subsection (c) to an in-school suspension if the student's parent or person standing in parental relation to the student demonstrates through supporting information and documentation that the parent or person is unable to provide suitable supervision for the student during school hours during the period of the suspension. The alternative placement provided by this section may be used only in extenuating circumstances and may not be used as a routine replacement for out-of-school suspension. The school district shall maintain documentation of each reassignment under this subsection, including the parent's or person's request, the reason for the parent's or person's unavailability, and the supporting information and documentation.

Before any special education student (all grade levels), homeless student (all grade levels), student in protective custody (all grade levels), PreK-5<sup>th</sup> grade student, or a secondary student that has not been assigned to OCI for a similar offense in the same school year are suspended, the administrator must discuss other discipline options with their appropriate direct supervisor (i.e. Executive Director or Principal). Suspension for these students will only be allowed with prior authorization from the appropriate direct supervisor (i.e., Executive Director or Principal).

## On-Campus Intervention Program (OCI)

The OCI program is to address behavioral issues of secondary students who have committed Level I or Level II offenses. Fort Worth ISD developed this intervention strategy as an on-campus self-contained classroom model. This allows the student to remain at their home campus, but in a separate educational environment. The OCI Program will include equitable and restorative practices to motivate students, support students, and to provide healing to students. A student may be placed in the On-Campus Intervention program for up to ten (10) consecutive school days for any offenses listed under Level I and/or Level II discretionary offenses. This includes incidents/ offenses occurring within 300 feet of school property, while attending a school-sponsored event, or while attending a school-related activity on or off school property. OCI is the highest school-level consequence that can be assigned to a student. Please refer to the OCI Handbook for non-OCI offense examples and OCI offense examples. This program is only available at the Middle and High School levels.

Students placed in OCI are:

- prohibited from any other school campus
- prohibited from attending school-sponsored events/extracurriculars. Disobeying this directive could result in further disciplinary action.

The On-Campus Intervention Program (OCI) cannot be used as a consequence while the student awaits their Central Office Conference/Hearing to proceed. A student may be assigned to ISS if there is a need for additional time, for example, pending the results of a Manifestation ARD.

# Disciplinary Alternative Education Program (DAEP) Placement

The DAEP shall be provided in a setting other than the student's regular classroom. An elementary school student may not be placed in a DAEP with a student who is not an elementary school student.

For purposes of DAEP, elementary classification shall be grades 3 to 5, and secondary classification shall be grades 6-12.

Summer programs provided by the District shall serve students assigned to a DAEP in conjunction with other students.

A student who is expelled for an offense that otherwise would have resulted in a DAEP placement does not have to be placed in a DAEP in addition to the expulsion.

In deciding whether to place a student in a DAEP, regardless of whether the action is mandatory or discretionary, the Hearing Officer shall take into consideration:

1. Self-defense [see Glossary];
2. Intent or lack of intent at the time the student engaged in the conduct;
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;
5. A student's status in the conservatorship of the Department of Family and Protective Services (foster care); or
6. A student's status as homeless.

## Discretionary Placement: Misconduct That May Result in DAEP Placement

---

### School-Related (Level II)

A student may be placed in a DAEP for the following conduct violations:

#### MISCONDUCT IDENTIFIED IN STATE LAW

School administrators can access the Principal Discretionary Form [here](#).

A student may be placed in DAEP for the following misconduct if committed while on school property, or while attending a school-sponsored or school-related activity on or off school property. In accordance with state law, a student **may** be placed in a DAEP for any of the following offenses:

- Engaging in bullying that encourages a student to die by suicide.
- Cyberbullying and antisemitism (see definitions), including conduct that interferes with a student's educational opportunities or substantially disrupts the orderly operation of a classroom, school, or school-sponsored or school-related activity

- The student's presence on campus is a threat to safety, caused a major disruption to the learning environment, or caused injury to another.
- Inciting violence against a student through group bullying.
- Releasing or threatening to release intimate visual material of a minor or of a student who is 18 years of age or older without the student's consent.
- Involvement in a public-school fraternity, sorority, or secret society, or gang including participating as a member or pledge, or soliciting another person to become a pledge or member of a public-school fraternity, sorority, secret society, or gang. [see Glossary]
- Involvement in criminal street gang activity. [see Glossary]
- Any criminal mischief, including a felony.
- Assault (no bodily injury) with threat of imminent bodily injury.
- Assault by offensive or provocative physical contact.
- Engages in conduct that contains the elements of the offense of disruptive activities under [Education Code 37.123](#).
- Engages in conduct that contains the elements of the offense of disruption of classes under [Education Code 37.124](#).
- Possesses or uses an e-cigarette, as defined by [Section 161.081, Health and Safety Code](#), except that if a student who possesses or uses an e-cigarette is not placed in a disciplinary alternative education program for the first-time offense under [Education Code 37.008](#), the student shall be placed in in-school suspension.

In accordance with state law, a student **may** be placed in a DAEP if the superintendent or the superintendent's designee has reasonable belief [see Glossary] that the student engaged in conduct punishable as a felony that occurs off school property and not at a school-sponsored or school-related event, if the student's presence in the regular classroom threatens the safety of other students or teachers or will be detrimental to the educational process. Aggravated robbery or felonies listed as offenses in Title 5 [see Glossary] of the Penal Code are punishable as mandatory expulsions.

The Department of Student Discipline and Placement **may** place a student in a DAEP for off-campus conduct for which DAEP placement is required by state law if the administrator does not have knowledge of the conduct before the first anniversary of the date the conduct occurred.

## Mandatory Placement: Misconduct That Requires DAEP Placement

---

### School-Related (Level II)

A student **must** be placed in a DAEP if the student:

- Engages in conduct relating to a false alarm or report (including a bomb threat) or a terroristic threat involving a public school. [see Glossary]
- Commits the following offenses 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 Glossary] under [Penal Code 22.01\(a\)\(1\)](#).
- Except as provided by [Education Code 37.007\(a\)\(3\)](#), sells, gives, or delivers to another person or possesses, uses, or is under the influence of a controlled substance or dangerous drug in an amount not constituting a felony offense. [School-related felony drug offenses are addressed in Expulsion.] [See Glossary for "under the influence," "controlled substance," and "dangerous drug."]
- Sells, gives, or 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 alcohol; or possesses, uses, or is under the influence of alcohol.
- Behaves in a manner that contains the elements of an offense relating to abusable volatile chemicals.
- Sells, gives, or delivers to another person an e-cigarette, as defined by [Section 161.081, Health and Safety Code](#).
- Behaves in a manner that contains the elements of the offense of public lewdness or indecent exposure. [see Glossary]
- Engages in conduct that contains the elements of an offense of harassment against an employee under [Penal Code sections 42.07\(a\)\(1\), \(2\), \(3\), or \(7\)](#).
- Engages in expellable conduct and is six to nine years of age.
- Commits a federal firearms violation and is younger than six years of age.
- Engages in conduct that contains the elements of the offense of retaliation under [Penal Code 36.06](#) against any school employee or volunteer on or off school property.
- Engages in conduct that contains the elements of harassment under [Penal Code 42.07](#) against any school employee or volunteer on or off of school property.

The student receives deferred prosecution [see Glossary], or a court or jury finds that the student has engaged in delinquent conduct [see Glossary], or the superintendent or designee has a reasonable belief [see Glossary] under [Section 53.03, Family Code](#), for conduct defined as any of the following offenses under the Penal Code:

1. A felony offense under [Title 5](#);
2. The offense of deadly conduct under [Section 22.05](#);
3. The felony offense of aggravated robbery under [Section 29.03](#);
4. The offense of disorderly conduct involving a firearm under [Section 42.01\(a\)\(7\) or \(8\)](#); or
5. The offense of unlawfully carrying weapons under [Section 46.02](#), except for an offense punishable as a Class C misdemeanor under that section.

## Sexual Assault and Campus Assignments

A student shall be transferred to another campus if:

- The student has been convicted of continuous sexual abuse of a young child or disabled individual, or convicted of or placed on deferred adjudication for sexual assault or aggravated sexual assault against another student on the same campus; and
- The victim's parent or another person with the authority to act on behalf of the victim requests that the board transfer the offending student to another campus.

If there is no other campus in the district serving the grade level of the offending student, the offending student shall be transferred to a DAEP.

## Summer School

Students in DAEP during summer programs will be served alongside other students not assigned to DAEP.

## 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.

## Central Office Conference Procedures

---

The Board delegates to the Student Discipline and Placement Department and its administrators the authority to remove a student to a Disciplinary Alternative Education Program (DAEP). The conference shall be held. The hearing officer shall not be bound by the findings or conclusions of any prior hearings, procedures, or decisions.

The hearing officer shall conduct a conference in-person, virtual, and/or teleconference for a student who is being recommended for placement in a Level II or III DAEP. The hearing officer must consider mitigating factors (refer to pg.16). These are considerations for both mandatory and discretionary conferences. When possible, this conference shall be held within three days of the time of the offense. If, after notice is provided to the student and the parent/guardian regarding the time and location of the conference, the hearing officer may hold the conference regardless of whether the student or the student's parent/guardian attends. During the conference, the following procedures may be followed:

- Advise the student of the conduct or offense with which he/she is charged
- Permit the student the opportunity to explain his/her version of the incident
- Permit the student to have adult or legal representation. The District may be represented by an employee or legal counsel
- Written statements from witnesses or parties may be introduced
- No formal rules of evidence will be observed. Each party, in turn, beginning with the District, shall be permitted to develop or defend the charge, present evidence, and request appropriate action of the central hearing officer

- The hearing officer shall remain impartial. The hearing officer shall assist the parties in presenting all the facts to present a full account of the incident. The hearing officer's decision will be based upon consideration of the credible evidence offered and the discipline philosophy of the District. If the student is expelled to JJAEP, not later than the second business day after the hearing, the Board's designee will deliver to the Juvenile Court a copy of the order placing a student in JJAEP and information required by Section 52.04 of the Family Code
- The student must enroll in the disciplinary alternative education program when the hearing officer informs the family that a decision has been made to place the student in the DAEP, regardless of whether the family decides to appeal the decision
- The Student Discipline and Placement Department reserves the right to adjust the length of placements and determine the level of offense, as deemed appropriate under the circumstances present in each case, including extending placements in OCI up to 15 days for secondary students.
- The Student Discipline and Placement Department can assign secondary students to On Campus Intervention (OCI), Diversionary Referral Program (DRP), Disciplinary Alternative Education Program (DAEP), or Juvenile Justice Alternative Education Program (JJAEP) for all conferences presented to the department.

## Record

All proceedings shall be electronically recorded, or a stenographic record made to preserve a verbatim transcript of the hearing for appeal purposes. If the conference/hearing is conducted by teleconference, all involved parties will have their cameras on, audio working properly for recording purposes.

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

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 discipline decision regardless of whether the student or the student's parent/guardian attends if the District made reasonable attempts to have them attend.

## Consideration of Mitigating Factors

In deciding whether to place a student in a DAEP, regardless of whether the action is mandatory or discretionary, the Hearing Officer shall take into consideration:

1. Self-defense [see Glossary];
2. Intent or lack of intent at the time the student engaged in the conduct;
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;
5. A student's status in the conservatorship of the Department of Family and Protective Services (foster care); or
6. A student's status as homeless.

## Diversionsary Referral Program

Some students may be eligible to participate in a Diversionsary Referral Program as a form of intervention; the hearing officer will determine eligibility for the program. Only students in grades 5th through 12th are eligible to participate. They can only participate in this program once.

Until a placement conference can be held, the student may be placed in another appropriate classroom, in-school suspension, or out-of-school suspension (OSS must never exceed three (3) consecutive days). The student may not be returned to the regular classroom pending the placement conference.

### DAEP PLACEMENT ORDER

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 SCC, the DAEP placement order will give notice of the inconsistency.

A copy of the DAEP placement order will be sent to the student and the student's parent/guardian. For those students placed in DAEP for a reason identified in the Texas Education Code, the District will also send the juvenile court a copy of the DAEP placement order no later than the second business day after the placement conference. 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 discretion to enforce the DAEP placement order.

Not later than the second business day after the conference, the board's designee shall deliver to the juvenile court a copy of the placement order and all information required by [Section 52.04 of the Family Code](#).

If the student is placed in a DAEP and the length of placement is inconsistent with the guidelines included in this Code of Conduct, the placement order shall give notice of the inconsistency.

### DAEP AT CAPACITY

If a DAEP is at capacity at the time the Hearing Officer 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 then transferred to a DAEP for the remainder of the period if space becomes available before the expiration of the period of the placement.

If a DAEP is at capacity at the time the Hearing Officer is deciding placement for a student who engaged in violent conduct, a student placed in a 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 the DAEP available for the student who engaged in violent conduct. If a position becomes available in a DAEP before the expiration of the period of the placement for the student removed, the student shall be returned to a DAEP for the remainder of the period.

### COURSEWORK NOTICE

The parent or guardian of a student placed in DAEP shall be given written notice of the student's opportunity to complete, at no cost to the student, a foundation curriculum course in which the student was enrolled at the time of removal, and which is required for graduation. The notice shall include information regarding all methods available for completing the coursework.

## Length of DAEP Placement

The Department of Student Discipline and Placement shall determine the duration of a student's placement in a DAEP.

The duration of a student's placement shall be determined case by case based on the seriousness of the offense, the student's age and grade level, the frequency of misconduct, the student's attitude, and statutory requirements.

The maximum period of DAEP placement shall be one calendar year, except as provided below.

Unless otherwise specified in the placement order, days absent from a DAEP shall not count toward fulfilling the total number of days required in a student's DAEP placement order.

The district shall administer the required pre- and post-assessments for students assigned to DAEP for a period of 90 days or longer in accordance with established district administrative procedures for administering other diagnostic or benchmark assessments.

## Merit Program

Students' DAEP placements may be reduced by meeting the expectations of a merit program. High School and Middle School students can earn one (1) day less to their overall DAEP assignment for every five (5) successfully completed days at Metro Opportunity Middle/High School or Insights Elementary School. A successfully completed day is defined as a full day of attendance without an incident of student misconduct.

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 SCC.

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 (3) or more violations of the SCC or repeated occurrences of the same violation.

## EXCEEDS ONE YEAR

Placement in a DAEP may exceed one year when a review by the district determines that the student is a threat to the safety of other students or to district employees.

The statutory limitations on the length of a DAEP placement do not apply to a placement resulting from the board's decision to place a student who engaged in the sexual assault of another student so that the students are not assigned to the same campus.

## EXCEEDS SCHOOL YEAR

Students who are in a DAEP placement at the end of one school year may be required to continue that placement at the start of the next school year to complete the assigned term of placement.

For placement in a DAEP to extend beyond the end of the school year, the CBC or the board's designee 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 has engaged in serious or persistent misbehavior [see Glossary] that violates the district's Code of Conduct.

### EXCEEDS 60 DAYS

For placement in a DAEP to extend beyond 60 days or the end of the next grading period, whichever is sooner, a student's parent shall be given notice and the opportunity to participate in a proceeding before the board or the board's designee.

## Discipline Appeals

---

The superintendent delegates all fact-finding authority to a Hearing Panel or designee. This panel is appointed by the superintendent to hear an appeal of a DAEP placement for Level II only, and to establish a written record for review. The superintendent's Hearing Panel or designee shall conduct an informal proceeding no later than ten (10) business days after receipt of the written request for an appeal. At this informal proceeding, the following procedures shall be followed:

1. The parent(s) and/or guardian(s) of the student shall be notified and requested to attend and participate in the proceeding.
2. The student shall be permitted the opportunity to explain his or her version of the incident.
3. The student shall be permitted to have adult or legal representation. An employee or legal counsel may also represent the District.
4. Written statements from witnesses and parties may be introduced as evidence.
5. No formal rules of evidence will be observed. Each party in turn, beginning with the student or parent(s) and/or guardian(s), shall be permitted to develop or rebut the evidence, present witness statements or other evidence, and recommend appropriate action to the Hearing Panel or designee.
6. The Hearing Panel or designee shall remain impartial and assist the parties in presenting all the facts and evidence in order to present a full account of the incident and shall render a decision in the matter.
7. The Hearing Panel or designee shall render a decision that determines whether the student violated the Student Code of Conduct and the appropriate duration of placement in a DAEP.
8. The decision of the panel or designee may be announced to the participants, but written notice of the decision shall be rendered to all parties within five working days following the proceeding.

The District shall not delay disciplinary consequences pending the outcome of an appeal. The decision to place a student in a DAEP cannot be appealed beyond the board.

### Restrictions During Placement

The District does not permit a student who is placed in a DAEP to participate in any school-sponsored or school-related extracurricular or cocurricular activity, including seeking or holding honorary positions and/or membership in school-sponsored clubs and organizations. The District shall provide transportation to students in a DAEP.



## Impact on Graduation

The District has the right to limit a student's participation in graduation activities for violating the District's student code of conduct. Students eligible to give the opening and closing remarks at graduation shall be notified by the campus principal.

Notwithstanding any other eligibility requirements, to be considered as an eligible student to give the opening or closing remarks, a student shall not have engaged in any misconduct in violation of the District's code, resulting in a removal to a DAEP or expulsion during the semester immediately preceding graduation. Graduating seniors who have met all criteria for graduation and are assigned to a DAEP and/or expelled to JJAEP at the end of the school year will not be allowed to participate in the graduation ceremony or other related graduation activities, except graduation activities at the alternative placement site.

## Placement Review

A student placed in a DAEP shall be provided with a review of his or her status, including academic status, by the CBC or the board's designee at intervals not to exceed 120 days. In the case of a high school student, the student's progress toward graduation and the student's graduation plan shall also be reviewed. At the review, the student or the student's parent shall be given the opportunity to present arguments 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.

## Additional Misconduct

According to [TEC §37.009\(j\)](#), if, during the term of a placement to a DAEP or expulsion ordered, a student engages in additional conduct for which placement in a DAEP or expulsion is required or permitted, additional proceedings may be conducted under TEC §37.009, regarding that conduct and the principal or board, as appropriate, may enter an additional order as a result of those proceedings. Therefore, additional days assigned to DAEP would require an additional Central Office Conference.

## Notice of Criminal Proceedings

---

When a student is placed in a DAEP for certain offenses, the office of the prosecuting attorney shall notify the District if:

1. Prosecution of a student's case was refused for lack of prosecutorial merit or insufficient evidence, and no formal proceedings, deferred adjudication [see Glossary], or deferred prosecution will be initiated; or
2. The court or jury found a student not guilty or made a finding that the student did not engage in delinquent conduct or conduct indicating a need for supervision, and the case was dismissed with prejudice.

If a student was placed in a DAEP for such conduct, on receiving the notice from the prosecutor, the superintendent or designee shall review the student's placement and schedule a review with the student's parent not later than the third day after the superintendent or designee receives notice from the prosecutor. The student may not be returned to the regular classroom pending the review.

After reviewing the notice and receiving information from the student's parent, the superintendent or designee may continue the student's placement if there is reason to believe that the presence of the student in the regular classroom threatens the safety of other students or teachers.



The student or the student's parent may appeal the superintendent's decision to the board. The student may not be returned to the regular classroom pending the appeal. In the case of an appeal, the board shall, at the next scheduled meeting, review the notice from the prosecutor and receive information from the student, the student's parent, and the superintendent or designee, and confirm or reverse the decision of the superintendent or designee. The board shall make a record of the proceedings.

If the board confirms the decision of the superintendent or designee, the student and the student's parent may appeal to the Commissioner of Education. The student may not be returned to the regular classroom pending the appeal.

## 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.

## Withdrawal During Process

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.

## Newly Enrolled Students

The District shall decide on a case-by-case basis whether to continue the placement of a student who enrolls in the District and was assigned to a DAEP in an open-enrollment charter school or another district, including a district in another state. The District may place the student in the District's DAEP or a regular classroom setting.

When a student enrolls in the district with a DAEP placement from a district in another state, the district has the right to place the student in DAEP to the same extent as any other newly enrolled student if the behavior committed is a reason for DAEP placement in the receiving district.

State law requires the district to reduce a placement imposed by a district in another state that exceeds one year so that the total placement does not exceed one year. After a review, however, the placement may be extended beyond a year if the district determines that the student is a threat to the safety of other students or employees, or if the extended placement is in the best interest of the student.

## Transition Services

Each student must be provided a personalized transition plan developed by the campus administrator. The transition plan must include recommendations for the best educational placement of the student and the provision of information to the student's parent or person standing in parental relationship to the student about the process to request a full individual and initial evaluation of the student for purposes of special education services under Texas Education Code, Section 29.004. The transition plan may include recommendations for counseling, behavioral management, or academic assistance for the student with a concentration on the student's academic or 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; and a regular review of the student's progress toward the student's academic or career goals. If practicable, the campus administrator or designee will meet with the student's parent/guardian to coordinate plans for the student's return to campus.

# Expulsion

In deciding whether to order expulsion, regardless of whether the action is mandatory or discretionary, the Hearing Officer shall take into consideration:

1. Self-defense [see Glossary];
2. Intent or lack of intent at the time the student engaged in the conduct;
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;
5. A student's status in the conservatorship of the Department of Family and Protective Services (foster care); or
6. A student's status as homeless.

## Placement and/or Expulsion for Certain Offenses

---

This section includes two categories of offenses for which the [Education Code](#) provides unique procedures and specific consequences.

### Registered Sex Offenders

Upon receiving notification in accordance with state law that a student is currently required to register as a sex offender, the district must remove the student from the regular classroom and determine appropriate placement unless the court orders JJAEP placement.

If the student is under any form of court supervision, including probation, community supervision, or parole, the student shall be placed in either DAEP or JJAEP for at least one semester.

If the student is not under any form of court supervision, the student may be placed in DAEP or JJAEP for one semester or placed in a regular classroom. The student may not be placed in the regular classroom if the board or its designee determines that the student's presence:

1. Threatens the safety of other students or teachers;
2. Will be detrimental to the educational process; or
3. Is not in the best interests of the district's students.

### REVIEW COMMITTEE

At the end of the first semester of a student's placement in an alternative educational setting and before the beginning of each school year for which the student remains in an alternative placement, the district shall convene a committee, in accordance with state law, to review the student's placement. The committee shall recommend whether the student should return to the regular classroom or remain in the placement. Absent a special finding, the board or its designee must follow the committee's recommendation.

The placement review of a student with a disability who receives special education services must be done by the ARD committee.

## NEWLY ENROLLED STUDENTS

If a student enrolls in the District during a mandatory placement as a registered sex offender, the district may count any time already spent by the student in a placement or may require an additional semester in an alternative placement without conducting a review of the placement.

## APPEAL

A student or the student's parent may appeal the placement by requesting a conference between the board or its designee, the student, and the student's parent. The conference is limited to the factual question of whether the student is required to register as a sex offender. Any decision of the board or its designee under this section is final and may not be appealed.

## Discretionary Expulsion: Misconduct That May Result in Expulsion

---

Some of the following types of misconduct may result in mandatory placement in a DAEP, whether or not a student is expelled. [see Disciplinary Alternative Education Program (DAEP) Placement]

### ANY LOCATION

A student **may** be expelled for:

- Engaging in bullying that encourages a student to die by suicide.
- Inciting violence against a student through group bullying.
- Releasing or threatening to release intimate visual material of a minor or of a student who is 18 years of age or older without the student's consent.
- Criminal mischief, if punishable as a felony.
- Breach of computer security. [see Glossary]
- Engaging in conduct relating to a false alarm or report (including a bomb threat) or a terroristic threat involving a public school.

### AT SCHOOL, WITHIN 300 FEET, OR AT A SCHOOL EVENT

A student **may** be expelled for committing any of the following offenses on or 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:

- Selling, giving, or delivering to another person, or possessing, using, or being under the influence of any amount of marijuana, a controlled substance, or a dangerous drug, unless the conduct is punishable as a felony. 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. [See Glossary for "under the influence."]
- Selling, giving, or delivering to another person, or possessing, using, or being under the influence of alcohol; or committing a serious act or offense while under the influence of alcohol.

- Engaging in conduct that contains the elements of an offense relating to abusable volatile chemicals.
- Engaging in deadly conduct. [see Glossary]

### **WITHIN 300 FEET OF SCHOOL**

A student may be expelled for possession of a firearm, as defined by federal law, while within 300 feet of school property, as measured from any point on the school's real property boundary line.

### **PROPERTY OF ANOTHER DISTRICT**

A student may be expelled for committing any offense that is a state-mandated expellable offense if the offense is committed on the property of another district in Texas or while the student is attending a school-sponsored or school-related activity of a school in another district in Texas.

### **WHILE IN A DAEP**

A student may be expelled for engaging in documented serious misbehavior that violates the district's Code of Conduct, despite documented behavioral interventions while placed in a DAEP. For purposes of discretionary expulsion from a DAEP, serious misbehavior means:

1. Deliberate violent behavior that poses a direct threat to the health or safety of others;
2. Extortion, meaning the gaining of money or other property by force or threat;
3. Conduct that constitutes coercion, as defined by [Penal Code 1.07](#); or
4. Conduct that constitutes the offense of:
  - a. Public lewdness under [Penal Code 21.07](#);
  - b. Indecent exposure under [Penal Code 21.08](#);
  - c. Criminal mischief under [Penal Code 28.03](#);
  - d. Hazing under [Education Code 37.152](#); or
  - e. Harassment under [Penal Code 42.07\(a\)\(1\)](#) of a student or district employee.

## **Mandatory Expulsion: Misconduct That Requires Expulsion**

---

A student **must** be expelled under federal or state law for any of the following offenses that occur on or off school property.

### **UNDER FEDERAL LAW**

Bringing to school or possessing at school, including any setting that is under the district's control or supervision for the purpose of a school activity, a firearm, as defined by federal law. [see Glossary]

Note: Mandatory expulsion under the [federal Gun Free Schools Act](#) does not apply to a firearm that is lawfully stored inside a locked vehicle or to firearms used in activities approved and authorized by the district when the district has adopted appropriate safeguards to ensure student safety.

## UNDER THE PENAL CODE

- Unlawfully carrying on or about the student's person the following, in the manner prohibited by [Penal Code 46.02](#):
  - A handgun, defined by state law as any firearm designed, made, or adapted to be used with one hand. [see Glossary] Note: A student may not be expelled solely on the basis of the student's use, exhibition, or possession of a firearm that occurs at an approved target range facility that is not located on a school campus; while participating in or preparing for a school-sponsored, shooting sports competition or a shooting sports educational activity that is sponsored or supported by the Parks and Wildlife Department; or a shooting sports sanctioning organization working with the department. [See policy FNCG(LEGAL).]
- A location-restricted knife, as defined by state law. [see Glossary]
- Possessing, manufacturing, transporting, repairing, or selling a prohibited weapon, as defined in state law. [see Glossary]
- Engages in conduct that contains the elements of the offense of exhibiting, using, or threatening to exhibit or use a firearm under Education Code 37.125.
- Behaving in a manner that contains elements of the following offenses under the Penal Code:
  - Aggravated assault, sexual assault, or aggravated sexual assault.
  - Arson. [see Glossary]
  - Murder, capital murder, or criminal attempt to commit murder or capital murder.
  - Indecency with a child.
  - Kidnapping or aggravated kidnapping.
  - Burglary, robbery, or aggravated robbery.
  - Manslaughter.
  - Criminally negligent homicide.
  - Continuous sexual abuse of a young child or disabled individual.
  - Behavior punishable as a felony that involves selling, giving, or delivering to another person, or possessing, using, or being under the influence of a controlled substance or a dangerous drug.
  - Engaging in conduct that contains elements of assault against a school employee or volunteer.

## Under Age 10

When a student under the age of 10 engages in behavior that is expellable behavior, the student shall not be expelled but shall be placed in a DAEP. A student under age six shall not be placed in a DAEP unless the student commits a federal firearm offense.

## Virtual Expulsion Program

In some circumstances, a student may be placed in a virtual expulsion program.

- The school must ensure students in the program have the necessary technology and internet, and must provide it if needed.
- The virtual program must, as much as possible, meet the same requirements as an in-person disciplinary alternative education program (DAEP).
- The student's placement must be reviewed every 45 school days.
- If an in-person spot becomes available, the school should plan the student's return to in-person learning.
- If continued virtual placement is appropriate, the school must document the decision.

## Consideration of Virtual Education as an Alternative to Expulsion

Before a school district may expel a student, the District must consider the appropriateness and feasibility of, as an alternative to expulsion, enrolling the student in a full-time hybrid program, full-time virtual program, full-time hybrid campus, or full-time virtual campus. This requirement does not apply to a student expelled under [Education Code 37.0081 or 37.007\(a\), \(d\), or\(e\)](#).

## Procedure for Expulsion

---

### Central Office Hearing

The Board delegates to the Student Discipline and Placement Department and its administrators the authority to expel a student to JJAEP. The hearing officer shall not be bound by the findings or conclusions of any prior hearings, procedures, or decisions.

Students alleged to have committed an expellable offense will receive a hearing before the Hearing Officer 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 trying 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 know the reason for the removal orally and or in writing.

Until a hearing can be held, the CBC or other administrator may place the student in:

- Another appropriate classroom.
- ISS.
- Out-of-school suspension.
- DAEP.

### HEARING RULES AND PROCEDURES

The hearing officer shall conduct a conference in-person, virtually, and/or via teleconference for a student who is being recommended for placement in a Level II or III DAEP. The hearing officer must consider mitigating factors (refer to pg.16). These are considerations for both mandatory and discretionary conferences. When possible, this conference shall be held within three days of the time of the offense. If, after notice is provided to the student and the parent/guardian regarding the time and location of the conference, the hearing officer may hold the conference regardless of whether the student or the student's parent/guardian attends. During the conference, the following procedures may be followed:



- 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, and advise the student of the conduct or offense with which he/she is charged
- Permit the student the opportunity to explain his/her version of the incident
- Permit the student to have adult or legal representation. The District may be represented by an employee or legal counsel
- Written statements from witnesses or parties may be introduced
- No formal rules of evidence will be observed. Each party, in turn, beginning with the District, shall be permitted to develop or defend the charge, present evidence, and request appropriate action of the central hearing officer
- The hearing officer shall remain impartial. The hearing officer shall assist the parties in presenting all the facts in order to present a full account of the incident. The hearing officer's decision will be based upon a consideration of the credible evidence offered and the discipline philosophy of the District. If the student is expelled to JJAEP, not later than the second business day after the hearing, the Board's designee will deliver to the Juvenile Court a copy of the order placing a student in JJAEP and information required by Section 52.04 of the Family Code
- The student must enroll in the disciplinary alternative education program when the hearing officer informs the family that a decision has been made to place the student in the DAEP, regardless of whether the family decides to appeal the decision
- The Student Discipline and Placement Department reserves the right to adjust the length of placements and determine the level of offense, as deemed appropriate under the circumstances present in each case
- 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.

The Board of Trustees delegates to the Department of Student Discipline and Placement the authority to conduct hearings and expel students.

### **BOARD REVIEW OF EXPULSION**

After the due process hearing, the expelled student may request that the board review the expulsion decision. The student or parent must submit a written request to the department of Legal Services within five (5) days after receipt of the written decision. The superintendent must provide the student or parent with written notice of the date, time, and place of the meeting at which the board will review the decision.

The board shall review the record of the expulsion hearing in a closed meeting unless the parent requests in writing that the matter be held in an open meeting. The board may also hear a statement from the student or parent and the board's designee.

The board shall consider and base its decision on evidence reflected in the record and any statements made by the parties at the review. The board shall make and communicate its decision orally at the conclusion of the presentation. The consequences shall not be deferred pending the outcome of the hearing.

## EXPULSION ORDER

Before ordering the expulsion, the board or Hearing Officer shall take into consideration:

1. Self-defense [see Glossary];
2. Intent or lack of intent at the time the student engaged in the conduct;
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;
5. A student's status in the conservatorship of the Department of Family and Protective Services (foster care); or
6. A student's status as homeless.

If the student is expelled, the board or its designee shall deliver to the student and the student's parent a copy of the order expelling the student.

Not later than the second business day after the hearing, the Department of Student Discipline and Placement shall deliver to the juvenile court a copy of the expulsion order and the information required by [Section 52.04 of the Family Code](#).

If the length of the expulsion is inconsistent with the guidelines included in the Code of Conduct, the expulsion order shall give notice of the inconsistency.

## Length of Expulsion

The length of an expulsion shall be based on the seriousness of the offense, the student's age and grade level, the frequency of misbehavior, the student's attitude, and statutory requirements.

The duration of a student's expulsion shall be determined on a case-by-case basis. The maximum period of expulsion is one calendar year, except as provided below.

An expulsion may not exceed one year unless, after review, the district determines that:

1. The student is a threat to the safety of other students or to district employees; or
2. Extended expulsion is in the best interest of the student.

State and federal law require a student to be expelled from the regular classroom for a period of at least one calendar year for bringing a firearm, as defined by federal law, to school. However, the superintendent may modify the length of the expulsion on a case-by-case basis.

Students who commit offenses that require expulsion at the end of one school year may be expelled into the next school year to complete the term of expulsion.

## Withdrawal During Process

When a student's conduct requires or permits expulsion from the district and the student withdraws from the district before the expulsion hearing takes place, the district may conduct the hearing after sending written notice to the parent and student.

If the student then re-enrolls in the district during the same or subsequent school year, the district may enforce the expulsion order at that time, less any expulsion period that has been served by the student during enrollment in another district.

If the CBC or the board designee fails to issue an expulsion order after the student withdraws, the next district in which the student enrolls may complete the proceedings.

## Additional Misconduct

If during the expulsion, the student engages in additional conduct for which placement in a DAEP or expulsion is required or permitted, additional proceedings may be conducted, and the CBC or the board may issue an additional disciplinary order as a result of those proceedings.

## Restrictions During Expulsion

Expelled students are prohibited from being on school grounds or attending school-sponsored or school-related activities during the period of expulsion.

No district academic credit shall be earned for work missed during the period of expulsion unless the student is enrolled in a JJAEP or another district-approved program.

## Newly Enrolled Students

The District shall decide on a case-by-case basis the placement of a student who is subject to an expulsion order from another district or an open-enrollment charter school upon enrollment in the District.

If a student expelled in another state enrolls in the district, the district may continue the expulsion under the terms of the expulsion order, may place the student in a DAEP for the period specified in the order, or may allow the student to attend regular classes if:

1. The out-of-state district provides the district with a copy of the expulsion order; and
2. The offense resulting in the expulsion is also an expellable offense in the district in which the student is enrolling.

If a student is expelled by a district in another state for a period that exceeds one year and the district continues the expulsion or places the student in a DAEP, the district shall reduce the period of the expulsion or DAEP placement so that the entire period does not exceed one year, unless, after a review, it is determined that:

1. The student is a threat to the safety of other students or district employees; or
2. Extended placement is in the best interest of the student.

## Emergency Expulsion Procedures

When an emergency expulsion is necessary to protect persons or property from imminent harm, the student shall be given verbal notice of the reason for the action. Emergency expulsion may be ordered based on a single incident of behavior by the student. Within 10 days after the date of the emergency expulsion, the student shall be given appropriate due process required for a student facing expulsion.

## DAEP Placement of Expelled Students

The District may provide educational services to any expelled student in a DAEP; however, educational services in the DAEP must be provided if the student is less than ten (10) years of age.

## Transition Services

In accordance with law and district procedures, campus staff shall provide transition services for a student returning to the regular classroom from placement in an alternative education program, including a DAEP or JJAEP. See policies FOCA(LEGAL) and FODA(LEGAL) for more information.

## Certain Felonies

Regardless of whether DAEP placement or expulsion is required or permitted by one of the reasons in the DAEP Placement or Expulsion sections, in accordance with [Education Code 37.0081](#), a student may be expelled and placed in either DAEP or JJAEP if the board or CBC makes certain findings and the following circumstances exist in relation to aggravated robbery or a felony offense under Title 5 [see Glossary] of the Penal Code. The student must have:

- Received deferred prosecution for conduct defined as aggravated robbery or a [Title 5 felony](#) offense;
- Been found by a court or jury to have engaged in delinquent conduct for conduct defined as aggravated robbery or a [Title 5 felony](#) offense;
- Been charged with engaging in conduct defined as aggravated robbery or a [Title 5 felony](#) offense;
- Been referred to a juvenile court for allegedly engaging in delinquent conduct for conduct defined as aggravated robbery or a [Title 5 felony](#) offense; or
- Received probation or deferred adjudication, or have been arrested for, charged with, or convicted of aggravated robbery or a Title 5 felony offense.

The District may expel the student and order placement under these circumstances, regardless of:

1. The date on which the student's conduct occurred;
2. The location at which the conduct occurred;
3. Whether the conduct occurred while the student was enrolled in the District; or
4. Whether the student has successfully completed any court disposition requirements imposed in connection with the conduct.

## Hearing and Required Findings

The student must first have a hearing before the board or its designee, who must determine that, in addition to the circumstances above that allow for the expulsion, the student's presence in the regular classroom:

1. Threatens the safety of other students or teachers;
2. Will be detrimental to the educational process; or
3. Is not in the best interest of the district's students.

Any decision of the board or the board's designee under this section is final and may not be appealed.

## Length of Placement

The student is subject to the placement until:

1. The student graduates from high school;
2. The charges are dismissed or reduced to a misdemeanor offense; or
3. The student completes the term of the placement or is assigned to another program.

## Placement Review

A student placed in a DAEP or JJAEP under this section is entitled to a review of his or her status, including academic status, by the CBC or board's designee at intervals not to exceed 120 days. In the case of a high school student, the student's progress toward graduation and the student's graduation plan shall also be reviewed. At the review, the student or the student's parent shall have the opportunity to present arguments for the student's return to the regular classroom or campus.

## NEWLY ENROLLED STUDENTS

A student who enrolls in the District before completing a placement under this section from another school district must complete the term of the placement.

# Searches and Other Expulsion Issues

## Vehicles

---

Students shall be fully responsible for the security and contents of vehicles parked on school property. Students shall make certain that their parked vehicles are locked and that the keys are not given to others. Students shall not place or keep in a vehicle on school property any article or material prohibited by law, District policy, or the Student Code of Conduct. If there is reasonable cause to believe that a vehicle on school property contains contraband, it may be searched by school officials or by personnel whose services have been engaged by the District to conduct such searches. Students shall be held responsible for any prohibited items found in their vehicles on school property. If a vehicle subject to search is locked, the student shall be asked to unlock the vehicle. If the student refuses, the District shall contact the student's parent. If the parents also refuse the search, the District may contact local law enforcement officials and turn the matter over to them, or the District may conduct the search.

The District shall use specially trained non-aggressive dogs to sniff out and alert to the current presence of concealed prohibited items and illicit substances as defined in FNCF (LOCAL) and alcohol; visits to the school shall be unannounced. The dogs shall be used to sniff the air in vacant classrooms, in vacant common areas, around student lockers, and around vehicles parked on school property. The dogs shall not be used with students. If a dog alerts to a locker, a vehicle, or an item in a classroom, the area may be searched by school officials. Searches of vehicles shall be conducted as described above.

## Electronic Storage

---

A peace officer may not search a person's cellular telephone or other wireless communications device, pursuant to a lawful arrest of the person, without obtaining a warrant under Code of Criminal Procedure 18.0215. A peace officer MAY search a cellular telephone or other wireless communications device without a warrant if:

- The owner or possessor of the telephone or device consents to the search
- The telephone or device is reported stolen by the owner or possessor; or
- The officer reasonably believes that: warrant has been issued for committing a felony offense; or there exists an immediate life-threatening situation, as defined by Code of Criminal Procedure 18.20. Code of Crim. Proc. 18.0215

**Specifically:** Lockers may be sniffed by trained dogs at any time. Vehicles parked on school property may be sniffed by trained dogs at any time. Classrooms and other common areas may be sniffed by trained dogs at any time when students are not present. If contraband of any kind is found, the student shall be subject to appropriate disciplinary action. The student's parent or guardian shall be notified if any prohibited articles or materials are found in a student's locker, a student's vehicle parked on school property or on the student's person as a result of a search conducted in accordance with the policy.

## Metal Detectors

---

The District shall not tolerate actions that endanger the wellbeing of students or faculty or disrupt the educational process. Accordingly, upright, or hand-held metal detectors may be randomly used any time by the administration to safeguard students and maintain a safe environment.

Students shall be notified at the beginning of each school year that they will be subject to search by a metal detector on a random basis. All prohibited weapons and/or illegal contraband revealed shall be confiscated and turned over to applicable law enforcement agencies, which shall determine whether to initiate criminal prosecution. (See Board Policy FNCF or FNCG) Contraband found to be in violation of school board policy shall be confiscated by school personnel. School administrators will determine what, if any, disciplinary action is taken.

If a student refuses to comply with a metal detector search, the parent(s) and/or guardian(s) will be contacted. If the parent(s) and/or guardian(s) support their child's decision to refuse, the school liaison officer shall determine if a search is now mandatory for the safety of all. If not, the student shall be removed from the campus immediately and will be subject to appropriate disciplinary action. The second time a student refuses to comply with a metal detector search will result in immediate removal from school pending a central office conference.

### Photographic/Video/Audio

District video/audio equipment shall be used for safety purposes in monitoring student behavior on buses and in common areas on the district's campuses. Students may not photograph, videotape, or otherwise record students or staff during the instructional school day.

No photograph, video recordings, or audio recordings may be taken or made on Fort Worth ISD premises unless authorized by the Superintendent, her/his designee, or principal for educational or school-related purposes. (Section 26.009 of the Texas Education Code applies.)

### General Security - Acceptable Use Policy

The Superintendent or designee shall implement, monitor, and evaluate electronic media resources for instructional and administrative purposes.

Access to the District's electronic communications systems, which may include computers, software, communication tools (email, chat), access to internal networks (intranet), and access to external networks (internet), is a privilege, not a right. Fort Worth ISD requires that these systems be used in a responsible way, ethically, and in compliance with all legislation and other Fort Worth Independent School District (District) policies. [See Board Policy CQ]

All users shall be required to acknowledge receipt and understanding of all administrative regulations governing the use of the system and shall agree in writing to comply with such regulations and guidelines. Noncompliance with applicable regulations and guidelines may result in suspension or termination of privileges and other disciplinary action consistent with District Policies. [See Board Policies DH and CQ, and the Student Code of Conduct]

### Acceptable Use of Assets

Assets include, but are not limited to, physical equipment such as desktop computers, servers, printers, laptops, telephones, mobile devices, and removable media (such as USB flash drives), as well as systems and services, such as the organizational network, internet, voicemail, and more. Organizational data is also considered to be an asset. All devices and systems are property of the District, and all use must be in accordance with established policies, standards, and guidelines.

This policy is applicable to all District stakeholders including full-time, part-time, and temporary employees, contractors, students, and interns. The requirements defined in this policy are applicable to all data, systems, and services owned and/or managed by the District.



Electronic mail transmissions and other use of the electronic communication system by students and employees shall not be considered confidential and may be monitored at any time by designated District staff.

## Noncompliance

Violations of this policy will be treated like other allegations of wrongdoing at the District and will be investigated per established procedures. Sanctions may include, but are not limited to, one or more of the following:

1. Oral and/or written warning
2. For Employees: Probation, suspension, or termination of employment
3. Discipline in accordance with the Student Code of Conduct
4. Legal action per applicable laws and contractual agreements

View complete Acceptable Use of Assets Policy [here](#).

## Notice of Non-Disclosure

In accordance with Title IX, the District does not and is required not to discriminate on the basis of sex its educational programs or activities. The requirement not to discriminate extends to admission and employment. Inquiries about the application of Title IX may be referred to the district's Title IX Coordinator (see below), to the Assistant Secretary for Civil Rights of the Department of Education, or both. Other federal laws that prohibit discrimination include Title VI, Section 504, the Age Discrimination Act, the Boy Scouts Act, and Title II.

The District has designated and authorized the following employee as the Title IX Coordinator to address concerns or inquiries regarding discrimination on the basis of sex, including sexual harassment, sexual assault, dating violence, domestic violence, stalking, or gender-based harassment: Cynthia Allen, Title IX Coordinator, 7060 Camp Bowie Boulevard, Fort Worth, Texas 76116 Telephone: (817) 814-1833, E-mail: [Cynthia.Allen1@fwisd.org](mailto:Cynthia.Allen1@fwisd.org)

Reports can be made at any time and by any person, including during non-business hours, by mail, phone, or email. During district business hours, reports may also be made in person. Upon the district receiving notice or an allegation of sex-based harassment, the Title IX Coordinator will promptly respond in accordance with the process described at FFH(LOCAL).

For concerns regarding discrimination based on disability, contact the Special Education Department, Dr. Janice Carter, 7060 Camp Bowie Boulevard, Fort Worth, Texas 76116. Telephone: (817) 814-2830, E-mail: [Janice.Carter@fwisd.org](mailto:Janice.Carter@fwisd.org).

### For Other Complaints and Concerns

Usually, student or parent complaints or concerns can be addressed by a phone call or a conference with the teacher or principal. For those complaints that cannot be handled so easily, the District has adopted a standard complaint policy at FNG (LOCAL) in the district's policy manual. A copy of the policy can be obtained from the principal's office or on the District's website at <http://pol.tasb.org/Policy/Code/1101?filter=FNG>.

In general, the student or parent should submit a written complaint and request a conference with the campus principal. If the concern is not resolved, a request for a conference should be sent to the Superintendent's designee. If still unresolved, the District provides for the complaint to be presented to the Board.

# Glossary

**ABUSE** is improper or excessive use.

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

**AGGRAVATED ROBBERY** is defined in part by [Penal Code 29.03\(a\)](#) as when a person commits robbery and:

1. Causes serious bodily injury to another;
2. Uses or exhibits a deadly weapon; or
3. Causes bodily injury to another person or threatens or places another person in fear of imminent bodily injury or death, if the other person is:
  - a. 65 years of age or older; or
  - b. A disabled person.

**ANTISEMITISM** is defined by [Government Code section 448.001](#) as a certain perception of Jews that may be expressed as hatred toward Jews. The term includes rhetorical and physical acts of antisemitism directed toward Jewish or non-Jewish individuals or their property or toward Jewish community institutions and religious facilities. Examples of antisemitism are included with the International Holocaust Remembrance Alliance's "Working Definition of Antisemitism" adopted on May 26, 2016.

**ARMOR-PIERCING AMMUNITION** is defined by [Penal Code 46.01](#) as handgun ammunition used in pistols and revolvers and designed primarily for the purpose of penetrating metal or body armor.

**ARSON** is defined in part by [Penal Code 28.02](#) as a crime that involves:

1. Starting a fire or causing an explosion with intent to destroy or damage:
  - a. Any vegetation, fence, or structure on open-space land; or
  - b. Any building, habitation, or vehicle:
    - (1) Knowing that it is within the limits of an incorporated city or town;
    - (2) Knowing that it is insured against damage or destruction;
    - (3) Knowing that it is subject to a mortgage or other security interest;
    - (4) Knowing that it is located on property belonging to another;
    - (5) Knowing that it has located within it property belonging to another; or
    - (6) When the person starting the fire is reckless about whether the burning or explosion will endanger the life of some individual or the safety of the property of another.
2. Recklessly starting a fire or causing an explosion while manufacturing or attempting to manufacture a controlled substance if the fire or explosion damages any building, habitation, or vehicle; or
3. Intentionally starting a fire or causing an explosion, and in so doing:
  - a. Recklessly damaging or destroying a building belonging to another; or
  - b. Recklessly causing another person to suffer bodily injury or death.

**ASSAULT** is defined in part by [Penal Code 22.01](#) as intentionally, knowingly, or recklessly causing bodily injury to another; intentionally or knowingly threatening another with imminent bodily injury; or intentionally or knowingly causing physical contact with another that can reasonably be regarded as offensive or provocative.

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

**BREACH OF COMPUTER SECURITY** includes knowingly accessing a computer, computer network, or computer system without the effective consent of the owner as defined in [Penal Code 33.02](#), if the conduct involves accessing a computer, computer network, or computer system owned by or operated on behalf of a school district and the student knowingly alters, damages, or deletes school district property or information or commits a breach of any other computer, computer network, or computer system.

**BULLYING** is defined as 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 engaging in written or verbal expression, expression through electronic means, or physical conduct 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 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.

Bullying includes cyberbullying. (See below.) This state law on bullying prevention applies to:

1. Bullying 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;
2. Bullying that occurs 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
3. Cyberbullying 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.

**CAMPUS BEHAVIOR COORDINATOR:** A Campus Behavior Coordinator, which has to be an administrator, is primarily responsible for maintaining student discipline and the implementation of any disciplinary actions. A campus behavior coordinator shall respond by employing appropriate discipline management techniques consistent with the Student Code of Conduct that can reasonably be expected to improve the student's behavior before returning the student to the classroom. If the student's behavior does not improve, the campus behavior coordinator shall employ alternative discipline management techniques outlined in the Student Code of Conduct.

**CHEMICAL DISPENSING DEVICE** is defined by [Penal Code 46.01](#) as a device designed, made, or adapted for the purpose of dispensing a substance capable of causing an adverse psychological or physiological effect on a human being. A small chemical dispenser sold commercially for personal protection is not in this category.

**CLUB** is defined by [Penal Code 46.01](#) as an instrument, specially designed, made, or adapted for the purpose of inflicting serious bodily injury or death by striking a person with the instrument, and includes but is not limited to a blackjack, nightstick, mace, and tomahawk.

**CONTROLLED SUBSTANCE** means a substance, including a drug, an adulterant, and a dilutant, 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 tetrahydrocannabinols (THC) in hemp.

**CRIMINAL STREET GANG** is defined by [Penal Code 71.01](#) as three or more persons having a common identifying sign or symbol or an identifiable leadership who continuously or regularly associate in the commission of criminal activities.

**CYBERBULLYING** is defined by [Education Code 37.0832](#) as bullying that is done through the use of any electronic communication device, including through the use of a cellular or other type of telephone, a computer, a camera, electronic mail, instant messaging, text messaging, a social media application, an internet website, or any other internet-based communication tool.

**DANGEROUS DRUG** is defined by [Health and Safety Code 483.001](#) as a device or a drug that is unsafe for self-medication and that is not included in [Schedules I through V or Penalty Groups 1 through 4 of the Texas Controlled Substances Act](#). The term includes a device or drug that federal law prohibits dispensing without prescription or restricts to use by or on the order of a licensed veterinarian.

**DATING VIOLENCE** occurs when a person in a current or past dating relationship uses physical, sexual, verbal, or emotional abuse to harm, threaten, intimidate, or control another person in the relationship. Dating violence also occurs when a person commits these acts against a person in a marriage or dating relationship with the individual who is or was once in a marriage or dating relationship with the person committing the offense, as defined by [Section 71.0021 of the Family Code](#).

**DEADLY CONDUCT** under [Penal Code 22.05](#) occurs when a person recklessly engages in conduct that places another in imminent danger of serious bodily injury, such as 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.

**DEFERRED ADJUDICATION** is an alternative to seeking a conviction in court that may be offered to a juvenile for delinquent conduct or conduct indicating a need for supervision.

**DEFERRED PROSECUTION** may be offered to a juvenile as an alternative to seeking a conviction in court for delinquent conduct or conduct indicating a need for supervision.

**DELINQUENT CONDUCT** is conduct that violates either state or federal law and is punishable by imprisonment or confinement in jail. It includes conduct that violates certain juvenile court orders, including probation orders, but does not include violations of traffic laws.

**DISCRETIONARY** means that something is left to or regulated by a local decision maker.

**E-CIGARETTE** means an electronic cigarette or any other device 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 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 includes any device that is manufactured, distributed, or sold as an e-cigarette, e-cigar, or e-pipe or under another product name or description, and a component, part, or accessory for the device, regardless of whether the component, part, or accessory is sold separately from the device.

**EXPLOSIVE WEAPON** is defined by [Penal Code 46.01](#) as any explosive or incendiary bomb, grenade, rocket, or mine and its delivery mechanism 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.

**FALSE ALARM OR REPORT** under [Penal Code 42.06](#) occurs when a person knowingly initiates, communicates, or circulates a report of a present, past, or future bombing, fire, offense, or other emergency that he or she knows is 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, or place of assembly.

**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** is defined by [federal law \(18 U.S.C. 921\(a\)\)](#) as:

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 or firearm silencer, defined as any device for silencing, muffling, or diminishing the report of a portable firearm; or
4. Any destructive device, such as any explosive, incendiary or poison gas bomb, or grenade.

Such a term does not include an antique firearm.

**FIREARM SILENCER:** Any device designed, made, or adapted to muffle 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) 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** includes markings with paint, an indelible pen or marker, or an etching or engraving device on tangible property without the effective consent of the owner. The markings may include inscriptions, slogans, drawings, or paintings.

**HANDGUN** is defined by [Penal Code 46.01](#) as any firearm that is designed, made, or adapted to be fired with one hand.

**HARASSMENT** includes:

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;
  - 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;
  - 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** is defined by Education Code 37.151 as an intentional, knowing, or reckless act, on or off campus, by one person alone or acting with others, directed against a student for the purpose of pledging, initiation into, affiliation with, holding office in, or maintaining membership in a student organization if the act meets the elements in Education Code 37.151, including:

1. Any type of physical brutality;
2. An activity that subjects the student to an unreasonable risk of harm or that adversely affects the student's mental or physical health, such as sleep deprivation, exposure to the elements, confinement to small spaces, calisthenics, or consumption of food, liquids, drugs, or other substances;



3. An activity that induces, causes, or requires the student to perform a duty or task that violates the Penal Code; or
4. Coercing a student to consume a drug or alcoholic beverage in an amount that would lead a reasonable person to believe the student is intoxicated.

**HIT LIST** is defined in [Education Code 37.001\(b\)\(3\)](#) as a list of people targeted to be harmed, using a firearm, a knife, or any other object to be used with intent to cause bodily harm.

**IMPROVISED EXPLOSIVE DEVICE** is defined by [Penal Code 46.01](#) as 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.

**INDECENT EXPOSURE** is defined by [Penal Code 21.08](#) as an offense that occurs when a person exposes the person's anus or any part of the person's 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 SCC does not preclude imposing a disciplinary consequence so long as the student intended to engage in the underlying conduct that violated the SCC.

**INTIMATE VISUAL MATERIAL** is defined by [Civil Practices and Remedies Code 98B.001](#) and [Penal Code 21.16](#) as visual material that depicts a person with the person's intimate parts exposed or engaged in sexual conduct. "Visual material" means any film, photograph, videotape, negative, or slide of any photographic reproduction or any other physical medium that allows an image to be displayed on a computer or other video screen and any image transmitted to a computer or other video screen.

**INVASIVE VISUAL RECORDING:** A person commits an offense if, without the other person's consent and with intent to invade the privacy of the other person, the person (1) photographs or by videotape or other electronic means records, broadcasts, or transmits a visual image of an intimate area of another person if the other person has a reasonable expectation that the intimate area is not subject to public view; (2) photographs or by videotape or other electronic means records, broadcasts, or transmits a visual image of another in a bathroom or changing room; or (3) knowing the character and content of the photograph, recording, broadcast, or transmission, promotes a photograph, recording, broadcast, or transmission described above.

**LOCATION-RESTRICTED KNIFE** is defined by [Penal Code 46.01](#) as a knife with a blade over five and one-half inches.

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

**KNUCKLES** means any instrument consisting of finger rings or guards made of a hard substance and designed or adapted for inflicting serious bodily injury or death by striking a person with a fist enclosed in the knuckles.

**LOOK-ALIKE WEAPON** means an item that resembles a weapon but is not intended to be used to cause serious bodily injury.

**MACHINE GUN** as defined by [Penal Code 46.01](#) is any firearm that is capable of shooting more than two shots automatically, without manual reloading, by a single function of the trigger.

**MARIJUANA:** The plant Cannabis sativa L., whether growing or not, the seeds of that plant, and every compound, manufacture, salt, derivative, mixture, or preparation of that plant or its seeds.

**MANDATORY** means that something is obligatory or required because of an authority.

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

**PARAPHERNALIA** are devices that can be used for inhaling, ingesting, injecting, or otherwise introducing a controlled substance into a human body.

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

**PERSONAL COMMUNICATION DEVICE** means a telephone, cell phone such as a smartphone or flip phone, tablet, smartwatch, radio device, paging device, or any other electronic device capable of telecommunication or digital communication.

**POSSESSION** means to have an item on one's person or in one's personal property, including, but not limited to:

1. Clothing, purse, or backpack;
2. A private vehicle used for transportation to or from school or school-related activities, including, but not limited to, an automobile, truck, motorcycle, or bicycle;
3. Personal communication devices or electronic devices; or
4. Any school property used by the student, including, but not limited to, 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 WEAPON** under [Penal Code 46.05\(a\)](#) means:

1. The following items, unless registered with the U.S. Bureau of Alcohol, Tobacco, Firearms, and Explosives or otherwise not subject to that registration requirement or unless the item is classified as a curio or relic by the U.S. Department of Justice:
  - a. An explosive weapon; or
  - b. A machine gun.
2. Armor-piercing ammunition;
3. A chemical dispensing device;
4. A zip gun;
5. A tire deflation device; or
6. An improvised explosive device.

**PUBLIC LEWDNESS** is defined by [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, when the person is reckless about whether another is present who will be offended or alarmed by the act.

**PUBLIC SCHOOL FRATERNITY, SORORITY, SECRET SOCIETY, OR GANG** means an organization composed wholly or in part of students that seeks to perpetuate itself by taking additional members from the students enrolled in school based on a decision of its membership rather than on the free choice of a qualified student. Educational organizations listed in [Education Code 37.121\(d\)](#) are excepted from this definition.

**REASONABLE BELIEF** is that which an ordinary person of average intelligence and sound mind would believe. Chapter 37 requires certain disciplinary decisions when the superintendent or designee has a reasonable belief that a student engaged in conduct punishable as a felony offense. In forming such a reasonable belief, the superintendent or designee may use all available information and must consider the information furnished in the notice of a student's arrest under [Code of Criminal Procedure Article 15.27](#).

**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** is the use of force against another to the degree a person reasonably believes is immediately necessary to protect himself or herself.

**SERIOUS MISBEHAVIOR** means:

1. Deliberate violent behavior that poses a direct threat to the health or safety of others;
2. Extortion, meaning the gaining of money or other property by force or threat;
3. Conduct that constitutes coercion, as defined by Penal Code Section 1.07; or
4. Conduct that constitutes the offense of:
  - a. Public lewdness under [Penal Code 21.07](#);
  - b. Indecent exposure under [Penal Code 21.08](#);
  - c. Criminal mischief under [Penal Code 28.03](#);
  - d. Hazing under [Education Code 37.152](#); or
  - e. Harassment under [Penal Code 42.07\(a\)\(1\)](#) of a student or district employee.

**SERIOUS OR PERSISTENT MISBEHAVIOR** includes, but is not limited to:

- Behavior that is grounds for permissible expulsion or mandatory DAEP placement.
- Behavior identified by the district as grounds for discretionary DAEP placement.
- Actions or demonstrations that substantially disrupt or materially interfere with school activities.
- Refusal to attempt or complete schoolwork as assigned.
- Insubordination.
- Profanity, vulgar language, or obscene gestures.
- Leaving school grounds without permission.
- Falsification of records, passes, or other school-related documents.
- Refusal to accept discipline assigned by the teacher or principal.

**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. Conduct that meets the definitions of sexual assault, dating violence, domestic violence or stalking under federal law.

**SHORT-BARREL FIREARM** is defined by [Penal Code 46.01](#) as 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 that, 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).

**TERRORISTIC THREAT** is defined by [Penal Code 22.07](#) as a threat of violence to any person or property with intent to:

1. Cause a reaction of any type 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, or place to which the public has access; place of employment or occupation; aircraft, automobile, or other form 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).

**TETRAHYDROCANNABINOL (THC):** The primary psychoactive component of the cannabis plant. A THC concentration of .3% or greater is prohibited in Texas.

**TIRE DEFLATION DEVICE** is defined in part by [Penal Code 46.01](#) as 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 FELONIES** are those crimes listed in [Title 5 of the Penal Code](#) that typically involve injury to a person and may include:

- Murder, manslaughter, or homicide under Sections 19.02–.05;
- Kidnapping under Section 20.03;

- Trafficking of persons under Section 20A.02;
- Smuggling or continuous smuggling of persons under Sections 20.05–.06;
- Assault under Section 22.01;
- Aggravated assault under Section 22.02;
- Sexual assault under Section 22.011;
- Aggravated sexual assault under Section 22.021;
- Unlawful restraint under Section 20.02;
- Continuous sexual abuse of a young child or disabled individual under Section 21.02;
- Bestiality under Section 21.09;
- Improper relationship between educator and student under Section 21.12;
- Voyeurism under Section 21.17;
- Indecency with a child under Section 21.11;
- Invasive visual recording under Section 21.15;
- Disclosure or promotion of intimate visual material under Section 21.16;
- Sexual coercion under Section 21.18;
- Injury to a child, an elderly person, or a disabled person of any age under Section 22.04;
- Abandoning or endangering a child under Section 22.041;
- Deadly conduct under Section 22.05;
- Terroristic threat under Section 22.07;
- Aiding a person to die by suicide under Section 22.08; and
- Tampering with a consumer product under Section 22.09.

**UNDER THE INFLUENCE** means lacking the normal use of mental or physical faculties. Impairment of a person's physical or mental faculties may be evidenced by a pattern of abnormal or erratic behavior, the presence of physical symptoms of drug or alcohol use, or by admission. A student "under the influence" need not be legally intoxicated to trigger disciplinary action.

**USE** means voluntarily introducing into one's body, by any means, a prohibited substance.

**ZIP GUN** is defined by [Penal Code 46.01](#) as 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.