

Eagle Mountain-Saginaw ISD

2026 - 2027

Student Code of Conduct





**EAGLE MOUNTAIN
SAGINAW ISD**

Fostering a Culture of Excellence

Dear EMS ISD Families,

Welcome to the 2026-2027 school year in Eagle Mountain-Saginaw ISD. I am looking forward to a year filled with achievements as we foster a culture of excellence across our 31 campuses. Inside our schools, you'll find excellence in academics, world class educators, excellence in personal opportunities through student, staff and family engagement, an emphasis on safety and security, and a commitment that every student grows at least one year, every year.

This level of excellence is only achieved through a strong partnership with our EMS ISD families. We all play a role in ensuring student success, as well as ensuring the safety of our schools. This Student Code of Conduct is intended to serve as a guide to the expectations we have of our students each day. I know that working together to make sure our students are adhering to this code of conduct will create the best learning environment possible.

Please take time to review this with your child(ren) throughout the school year and thank you for being an active partner in making 2026-2027 another exceptional school year in EMS ISD.

Sincerely,

Jerry D. Hollingsworth, Ed.D.
EMS ISD Superintendent

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General Information

Mission Statement

The mission of Eagle Mountain-Saginaw Independent School District is to foster a culture of excellence that instills a passion for a lifetime of continuous achievement in every student.

Priority One: Every Student Grows At Least One Year, Every Year!

Belief Statements

We believe that:

- Every student is a unique individual with unique potential.
- Effective communication is key to success.
- Engaged and interested students learn more effectively.
- Respect is a key to success.
- Education is a team effort.
- High quality educational facilities optimize student and staff success.
- Accountability is essential to success.
- A physically and emotionally safe environment promotes student learning.
- A high-quality education is barrier free.

Student Code of Conduct Accessibility

If you have difficulty accessing the information in this document because of disability, please contact the District at info@ems-isd.net or 817-232-0880.

Board of Trustees

Current Board Members include:

Place 1 – Dr. Marilyn Tolbert, Board Secretary
Place 2 – Paige Ring, Board Vice President
Place 3 – Craig Morgan
Place 4 – William Boaz
Place 5 – Steven G. Newcom, Board President
Place 6 – Ron Franklin
Place 7 – Blake Mabry
Superintendent – Dr. Jerry Hollingsworth

Elementary School Campuses

Hafley Development Center	817-232-2071
Bryson Elementary School	817-237-8306
Chisholm Ridge Elementary School	817-232-0715
Comanche Springs Elementary School	817-847-8700
Copper Creek Elementary School	817-847-2940
Dozier Elementary School	817-847-6340

Eagle Mountain Elementary School	817-236-7191
Elkins Elementary School	817-237-0805
Gililand Elementary School	817-232-0331
Greenfield Elementary School	817-237-0357
Hatley Elementary School	817-847-2941
High Country Elementary School	817-306-8007
Lake County Elementary School	817-847-2942
Lake Pointe Elementary School	817-236-8801
Northbrook Elementary School	817-232-0086
Parkview Elementary School	817-237-5121
Remington Point Elementary School	817-232-1342
Saginaw Elementary School	817-232-0631
Willow Creek Elementary School	817-232-2845

Middle School Campuses

Creekview Middle School	817-237-4261
Ed Willkie Middle School	817-237-9631
Highland Middle School	817-847-5143
Marine Creek Middle School	817-847-2945
Prairie Vista Middle School	817-847-9210
Wayside Middle School	817-232-0541

High School and Specialty Campuses

Boswell High School	817-237-3314
Chisholm Trail High School	817-232-7112
Eagle Mountain High School	817-847-2946
Saginaw High School	817-306-0914
Hollenstein Career Tech Center	817-306-1925
Watson High School	817-238-7925
Alternative Discipline Center (ADC)	817-232-8074

Purpose

The Eagle Mountain-Saginaw Independent School District's Student Code of Conduct ("Code of Conduct"), ("COC"), has been developed to comply with state law as outlined in and required by Chapter 37 of the Texas Education Code. The Code of Conduct, as adopted by the Eagle Mountain-Saginaw ISD Board of Trustees, articulates specific expectations regarding appropriate student conduct; promotes behavior that builds a positive, safe, and optimal learning environment for every student; describes methods and options for managing and preventing student behavior; outlines prohibited conduct; and defines consequences that will be imposed for specific misconduct.

Students may be required to adhere to additional rules related to campus and classroom conduct; District-owned and District-operated transportation; District-contracted transportation; extracurricular activities; and student organizations, in addition to the

disciplinary actions outlined in the Code of Conduct (COC). Furthermore, to the extent a student engages in misconduct that is not specifically addressed in the COC, the student may be disciplined if the misconduct threatens students or staff, disrupts or interferes with the educational process, the learning environment, or school safety.

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; in-school suspension; 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 Eagle Mountain-Saginaw ISD Board of Trustees and developed with the advice of the District-level planning and decision-making committee. The Code of Conduct 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.

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.

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.

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.

The definitions, found at the end of the Code of Conduct, provide definitions for misconduct and terminology used throughout the document. The Texas Education Code provides detailed discipline information and can be accessed through this link: <https://statutes.capitol.texas.gov/Docs/ED/htm/ED.37.htm>

Non-Discrimination Information

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

Scope of the District's Authority and Jurisdiction

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

To maintain a safe and orderly environment, school officials and personnel have the legal authority and responsibility to investigate violations of the COC, and to interview students and request written statements regarding their conduct and the conduct of others without prior notice to parents or legal guardians or the consent or presence of parents or legal guardians.

This authority derives from the common law of *in loco parentis*, which means that school officials stand in the place of parents when students are at school or attending school activities. School officials, including law enforcement officers, exercise this authority to maintain the safety and security of the school environment and to prevent the disruption of instructional programs and activities.

The District has disciplinary authority over a student:

1. During the regular school day or while on school property;
2. While the student is traveling on District-owned and District-operated transportation, or District-contracted transportation;
3. While the student attends any school-sponsored or school-related activity, regardless of time or location;
4. As provided in the student and parent handbook, extracurricular or organization handbooks, constitutions, bylaws, or other guidelines;
5. When retaliation against a school employee, Board member, or volunteer occurs or is threatened, regardless of time or location;
6. When a student engages in cyberbullying, as defined by [Education Code 37.0832](#);
7. When criminal mischief is committed on or off school property or at a school-related event;
8. For certain offenses committed within 300 feet of school property, as measured from any point on the school's real property boundary line;
9. For certain offenses committed while on school property or while attending a school-sponsored or school-related activity of another district in Texas;
10. When the student commits a felony, as provided by [Education Code 37.006, 37.007, or 37.0081](#); and
11. When the student is required to register as a sex offender.

Overview of Responsibilities

Campus Behavior Coordinator Responsibilities

As required by law, a single person at each campus must be designated to serve as the campus behavior coordinator (CBC). The designated person may be the principal or another campus administrator selected by the principal. The CBC is primarily responsible for student management and the implementation of any disciplinary actions under the student discipline framework. The District shall post, on its website and in the Student and Parent Handbook, the email address and telephone number of the person serving as the CBC for each campus. Contact information may be found at www.emsisd.com. Additional staff members may assist the CBC in the performance of the CBC's duties, provided that the CBC personally verifies that all aspects of [Chapter 37, Subchapter A](#) are appropriately implemented.

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 and Parent Handbook, the email address and telephone number of the person serving as CBC for each campus. Contact information may be found at <https://www.emsisd.com/student-handbook-code-of-conduct>.

Threat Assessment and Safe and Supportive School Team Responsibilities

The CBC or other appropriate administrator will work closely with the campus threat assessment and safe and supportive school team to implement the District's threat assessment policy and procedures, as required by law, and shall take appropriate disciplinary action in accordance with the Code of Conduct.

School Based Law Enforcement Officers, School Resource Officers, and Security Personnel Responsibilities

The Board utilizes school-based law enforcement officers (SBLEs), school resource officers (SROs), and District security specialists 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 that appropriate law enforcement duties are

assigned to these individuals. Provisions addressing the various types of security personnel can be found in the CKE and CKEA policy series.

The law enforcement duties of SBLEs and SROs are:

- SBLE or SRO will coordinate with school administrators to establish and maintain a safe and secure learning environment.
- SBLE or SRO will assist in conflict resolution efforts with students, parents, and campus administration.
- SBLE or SRO will exercise efforts to maintain order as District staff enforce school policies.
- SBLE or SRO will conduct foot patrols and monitoring of campus to assist school administration and local police in the prevention of criminal activity.
- SBLE or SRO will work closely with school administration to develop and train school staff in handling crisis situations once approved by SBLE's or SRO's supervisor.
- SBLE or SRO will attend and participate in school events such as drills, assemblies and other daytime school activities, as needed and requested by campus administration and approved by SBLE's or SRO's supervisor.
- SBLE or SRO will work to build rapport and positive relationships with students, parents, and staff.
- SBLE or SRO will be a visible deterrent of criminal activity and provide a security presence on campus.
- SBLE or SRO will reasonably apply the Use of Force as described by the Police Department's Use of Force Policy.
- SBLE or SRO will assist campus administration in the removal of any unauthorized person(s) and/or vehicle on the campus during class times or school events.
- SBLE or SRO will assist school administration with their security and safety concerns.
- SBLE or SRO will participate as a member of the campus threat assessment team as outlined by Senate Bill 11 for the purposes of assessing risks and threats in school.
- SBLE or SRO will assist with traffic on public and school property to ensure proper traffic flow around school campuses.

The Duties of District Security Specialists are to:

- Provide program support and services through or at the discretion of the Director of Safety and Security.
- Assist staff during safety and security drills and with Standard Response Protocol (SRP) events.
- Provide effective communication by monitoring and reporting incidents immediately to campus administrators and other authorized personnel via prepared incident and other reports.
- Proactively walk the campus and address any safety issues or concerns.
- Conduct daily and weekly door checks.
- Provide security of school buildings and property by patrolling school corridors, locker rooms, restrooms, assembly areas, athletic facilities, gyms, bus-loading areas, and other campus locations in order to observe student behavior and prevent violations or unsafe activities.
- Prevent entry or report presence on grounds and in buildings of unauthorized persons who are in violation of District rules, guidelines, and policies.
- Investigate unusual conditions and take immediate emergency action as appropriate.
- Assist with detection canine searches.
- Check hall passes and monitor bus loading and unloading.
- Monitor security cameras.
- Maintain effective and constructive relationships with the campus administration, staff, students, and District staff.
- Demonstrate consistent calmness in managing pressured crisis.
- Patrol and work at extracurricular events in order to observe student behavior and prevent violations or unsafe activities.

General Guidelines

“Parent” Definition

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.

Reporting a Crime

- The principal, CBC, and other school administrators shall report crimes as required by law, including child abuse, to EMS ISD Police and, when appropriate, to other local law enforcement agencies. A school administrator shall call EMS ISD PD or local law enforcement when an administrator suspects that a crime has been committed on campus. School discipline is independent of criminal proceedings;

disciplinary consequences will not be postponed pending the outcome of any criminal proceeding.

Searches

- District officials may conduct searches of a student's clothing, electronic equipment, their belongings, and their vehicles in accordance with state and federal law and District policy. Searches of students shall be conducted in a reasonable and nondiscriminatory manner. Refer to the District's policies at FNF(LEGAL) and FNF(LOCAL) for more information regarding investigations and searches.
- The District has the right to search a vehicle driven to school by a student and parked on school property whenever there is reasonable suspicion to believe it contains articles or materials prohibited by the District.
- Desks, lockers, District-provided technology, and similar items are the property of the District and are provided for student use as a matter of convenience. District property is subject to search or inspection at any time without notice.

Unauthorized Persons

In accordance with Texas Education Code 37.105, a school administrator, SBLE, SRO, or District police officer shall have the authority to refuse entry to or eject a person from District property if the person refuses to behave or leave peaceably upon request and:

1. The person poses a substantial risk of harm to themselves or others; 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 90 calendar days, unless the complaint is resolved before a board hearing.

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.

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

Standards for Student Conduct and Parent Engagement

Student Conduct

Each student is expected to:

- Demonstrate respectful and courteous behavior, even when others do not.
- Pursue mastery of essential knowledge and skills of the curriculum as prescribed by the District and the State.
- Behave in a responsible manner and assume responsibility for making choices.
- Exercise self-discipline and self-control at all times.
- Attend school regularly and for the entire instructional day, except when excused, and be on time to all classes.
- Be prepared for each class with appropriate materials and assignments.
- Adhere to District and campus standards of grooming and dress.
- Follow the rules and expectations established by the classroom teachers, staff, campus administrators, and other District staff.
- Respect the rights and privileges of students, teachers, and other District staff and volunteers.
- Respect the property of others, including District property and facilities.
- Cooperate with and assist the school staff in maintaining safety, order, and discipline.
- Adhere to the requirements of the Student Code of Conduct, Student and Parent Handbook, and the Bus Rider's Handbook.

Parent Engagement and Collaborative Partnership

Parent engagement in schools is essential for a student's academic success and overall achievement. Research consistently shows that when parents are actively involved in their children's education and a strong collaborative partnership exists between home and school, students tend to perform better academically, behaviorally, and socially. Parent engagement and collaboration, fosters a supportive learning environment that benefits students throughout their educational journey. A parent's involvement and engagement in this partnership will:

- **Enhance Academic Achievement:** Students with engaged parents tend to achieve higher grades. Encourage your child to put a high priority on education, and work with your child every day to make the most of the educational opportunities the school provides. Ensuring that your child completes all homework assignments and special projects, and comes to school each day prepared, rested, and ready to learn encourages academic excellence.
- **Improve Attendance Rates:** Engaged parents foster a sense of responsibility in their children, leading to better attendance. Regular attendance is vital for academic success, as it allows students to be present for critical learning experiences.
- **Increase Participation in School Activities:** Children whose parents are involved are more likely to participate in school-sponsored organizations/clubs, and activities. Parent involvement not only enhances their social skills but also helps students feel more connected to their school community.
- **Improve Behavior:** Studies indicate that strong parent engagement correlates with improved student behavior. When parents encourage their children to adhere to the Student and Parent Handbook, Student Code of Conduct, including campus and classroom policies and expectations, children are less likely to engage in misconduct.
- **Promote a Positive School Environment:** An engaged parent community contributes to a supportive, safe, and positive school atmosphere. This environment benefits all students, promoting collaboration and respect among peers and staff.

EMS ISD encourages parents to take these additional actions:

1. Review the Student Code of Conduct and the guidelines outlined in the Student and Parent Handbook with your children. Understanding and following school expectations is vital for maintaining a disciplined, positive, and safe learning environment.
2. Ensure your students arrive on time to school or at their designated bus stop and follow established campus drop-off and pick-up times and procedures.

Demonstrate behavior suitable for the school setting at all times. This includes following safety protocols while on school premises and while attending events/activities. **The District expects parents, guardians, and visitors to maintain the same standards of conduct and civility that we uphold for our students.**

In conclusion, parent engagement and partnership are vital for enhancing a child's educational experience. By actively participating and collaborating with schools, parents can significantly impact their children's academic performance, behavior, and overall school experience.

Notice of Disciplinary Action or Removal

The CBC, teacher, or appropriate administrator shall promptly notify a student's parent by phone or in person of any violation that may result in one of the disciplinary actions listed below. 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\(d\)](#).

- Detention or Saturday School.
- In-school suspension (ISS).
- Out-of-school suspension (OSS).
- Placement in a Disciplinary Alternative Education Program (DAEP).
- Expulsion to DAEP or to Juvenile Justice Alternative Education Program (JJAEP).
- The student being taken into custody by a law enforcement officer under the disciplinary provisions of the Texas Education Code (TEC).

A good-faith effort shall be made on the day of the action to provide notice including **written notification** of the disciplinary action to the student's parent/guardian via email, in-person, or U.S. standard mail. 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 administrator shall send written notification via email or U.S. standard mail. If the CBC is not able to provide notice to the parent, the principal or designee shall provide the notice.

Before the teacher, 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.

NOTE: The parent must be provided with a copy of each discipline referral; however, the above disciplinary actions require prompt notification.

General Conduct Violations

The categories of conduct identified in the list below are prohibited at school, in vehicles owned or operated by the District, and at all school-sponsored or school-related activities, but the list does not include the most severe offenses. Any offense, however, may be severe enough to result in removal from the regular educational setting.

Disregard for Authority

Students shall not:

- Be insubordinate or otherwise fail to comply with directives given by school personnel.
- Fail to provide proper identification upon request of a District employee or official.
- Leave school grounds or school-sponsored events without permission.

- Violate rules for conduct while on District owned and District-operated vehicles or on vehicles contracted by the District to provide transportation.
- Loiter in an unauthorized area or provide access to any unauthorized individual.
- Refuse to accept discipline or consequence assigned by a teacher or principal.

Mistreatment of Others

Students shall not:

- Use profanity or vulgar language or make obscene gestures.
- Fight or engage in mutual violent physical contact (fighting or mutual combat) or aggression toward each other, using an exchange of blows or force to strive to overcome/defeat the other student or person (the use of stricter disciplinary actions will be taken if the behavior is premeditated/planned, or takes place in a restroom, locker room area, or on District owned and District-operated transportation, or District-contracted transportation).
- Engage in physical contact such as scuffling, pushing, shoving, hitting or attempting to hurt another student (the use of stricter disciplinary actions will be taken if the behavior is premeditated/planned, or takes place in a restroom, locker room area, or on District-owned and District-operated transportation, or District-contracted transportation).
- Horseplay, roughhouse, slap box, or engage in any type of 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 (the use of stricter disciplinary actions will be taken if the behavior is premeditated/planned, or takes place in a restroom, locker room area, or on District-owned and District-operated transportation, or District-contracted transportation).
- Behave in a reckless manner that can cause harm or does cause injury to a student or District employee.
- Threaten a student, school employee or official, or volunteer, including off school property, if that causes a substantial disruption to the educational environment.
- Engage in any behavior that violates the Student Code of Conduct and is motivated by antisemitism. (see definition)
- Engage in bullying, cyberbullying, harassment, or making hit lists. (see definitions for all four terms)
- Make false accusations or false reporting of misconduct against another student or personnel.
- Release or threaten to release intimate visual material of a minor or a student who is 18 years of age or older without the student's consent.

- Engage in sexual or gender-based harassment or sexual abuse, whether by word, gesture, or any other conduct directed toward another person, including a District student, employee, board member, or volunteer.
- Engage in conduct that constitutes dating violence. (see definition)
- Engage in inappropriate touching or acts of familiarity, or indecent exposure of one's own private body parts or touching or exposing the private body parts of other students.
- Participate in hazing. (see definition)
- Cause an individual to act through the use of threat of force (coercion) or the threat of bodily injury.
- Commit blackmail (to obtain money or object of value from an individual without their effective consent by threatening to release sensitive, private, incriminating, or damaging information – this offense does not contain the threat of violence).
- Commit extortion (to obtain money or an object of value from an individual without their effective consent by force, by threatening to commit bodily harm, by threatening to damage property, or by damaging property). Penal Code 31.02 consolidates theft offenses and lists extortion as a theft offense.
- Engage in the use of offensive language such as, but limited to: name-calling, making ethnic or racial slurs, derogatory comments to a student, employee, or official that creates a hostile educational environment or incites violence.
- Engage in inappropriate verbal (oral or written), physical, or sexual conduct directed toward another person, including a District student, employee, or volunteer.
- Record the voice or image of another without the prior consent of the individual being recorded or in any way that disrupts the educational environment or invades the privacy of others.
- Add any substance, whether harmful or not, without permission to any food item or beverage belonging to or meant to be consumed by another student or employee, official, or volunteer.

Property Offenses

Students shall not:

- Damage, destroy, or vandalize property owned by others, or the District. [For felony criminal mischief; see **DAEP Placement and/or Expulsion for Certain Offenses**].
- Deface or damage school property, including textbooks, technology, and electronic resources, lockers, furniture, and other equipment, with graffiti or by other means.
- Steal from students, staff, school, or the District.

- Commit or assist in a robbery or theft, even if it does not constitute a felony according to the Penal Code. [**See Placement and/or Expulsion for Certain Offenses** for felony robbery, aggravated robbery, and theft].
- Enter, without authorization, District facilities that are not open for operations.
- Attempt to start a fire on any property owned, used, or controlled by the District, that does not rise to the level of arson.

Possession, Exhibition or Use of Prohibited Items

Students shall not possess, exhibit, or use:

- Fireworks of any kind, smoke or stink bombs, or any other pyrotechnic device;
- A chemical dispensing device or agent as defined by Penal Code 46.01;
- A prohibited weapon under Penal Code 46.05;
- An explosive weapon or improvised explosive device as defined by Penal Code 46.01;
- A razor, a razor blade, box cutter, chain, or any other object used in a way that threatens or inflicts bodily injury to another person;
- A fake or “look-alike” weapon that is intended to be used as a weapon or could reasonably be perceived as a real weapon; this includes toy, air soft, or BB guns. Discipline shall be based on the seriousness of the offense, the student’s age and grade level, the frequency of misbehavior, the student’s attitude, the effect of the misconduct on the school environment, and statutory requirements;
- A 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);
- Ammunition, shells, bullets (empty or live rounds), gunpowder, ammunition clip or magazine;
- A hand instrument designed to cut or stab another by being thrown; or any hand instrument designed to cut or stab another, but not limited to - a dagger, shank, sword, arrow, or spear;
- A firearm silencer or suppressor;
- A location-restricted knife - illegal knife (see definition);
- A club;
- A firearm;
- A stun gun;
- Knuckles;
- A knife, pocketknife or any other small knife;

- Mace, or pepper spray, or other chemical dispenser sold or marketed for personal protection;
- Pornographic or sexually explicit material (including, but not limited to, images, photographs, videos, digital media, internet content, electronic files, printed materials, or any other visual or electronic display.)
- A tobacco product (including a nicotine pouch), a cigarette, an e-cigarette (also known as a vape, vape pen, or electronic vaping device, and any component, part, or accessory for an e-cigarette device);
- Matches or a lighter;
- A laser pointer, unless used for an approved purpose;
- Any articles not generally considered to be weapons, including school supplies, when the principal or the principal's designee determines that a danger exists;
- Electronic media, published material, or printed material that is obscene, sexually explicit, or pornographic. See **Placement and/or Expulsion for Certain Offenses** for electronic media, published material, or printed material that is obscene, sexually explicit, or pornographic.

For weapons and firearms, see DAEP—Placement and/or Expulsion for Certain Offenses. In many circumstances, possession of these items is punishable by mandatory expulsion under federal or state law.

Use of Personal Communication Devices

In accordance with Texas House Bill 1481, all Texas public school Districts are required to adopt a mandatory policy restricting student use of personal communication devices. Students shall not use a personal communication device on school property during the school day and shall store the device in accordance with the method of storage established by the District or campus.

Personal communications devices include, but are not limited to, cell phones, tablets, smartphones, smartwatches, Bluetooth headphones, earbuds/earpieces (audio devices), personal (non-District issued) laptops, fitness trackers, gaming devices, and any other electronic devices capable of telecommunication or digital communication.

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.

Inappropriate use of a personal communication device during the school day will result in disciplinary action in accordance with this Code of Conduct and administrative regulation.

The following disciplinary actions will be taken if a student violates the personal communication device policy.

First Offense:

- The personal communication device (PCD) will be confiscated, the student will receive a formal warning, the parent or guardian will be notified of the violation, and the device will be returned to the student at the end of the school day, in accordance with campus procedures.

Second Offense:

- The personal communication device (PCD) will be confiscated, the parent or guardian will be notified of the violation, and the device will be returned to the parent or guardian, in accordance with campus procedures.
 - Grades K-5: The student will be assigned **1-day of detention** and will be required to complete a behavior contract.
 - Grades 6-12: The student will be assigned **1-day of in-school suspension** and will be required to complete a behavior contract.

Third Offense:

- The personal communication device (PCD) will be confiscated, the parent or guardian will be notified of the violation, and the device will be returned to the parent or guardian, in accordance with campus procedures.
 - Grades K-2: The student will be assigned **2-days of detention**, including the loss of campus privileges. A parent/administrator/student conference is required.
 - Grades 3-5: The student will be assigned **1-day of in-school suspension**, including the loss of campus privileges. A parent/administrator/student conference is required.
 - Grades 6-12: The student will be assigned **3-days of in-school suspension**, including the loss of campus privileges. A parent/administrator/student conference is required.

Fourth Offense and Beyond:

- The personal communication device (PCD) will be confiscated, the parent or guardian will be notified of the violation, and the device will be returned to the parent or guardian at the end of the school day, in accordance with campus procedures. The fourth offense will be considered a failure to follow a directive or to follow provisions outlined in the personal communication device policy/guidelines.
 - Grades K-2: The student will be assigned **1-day of in-school suspension**.
 - Grades 3-5: The student will be assigned **3-days of in-school suspension**.

- Grades 6–12: The student will be assigned **5-days of in-school suspension**.

Any violations **beyond** the fourth (4th) offense within a **semester** will result in students being assigned additional days of in-school suspension or recommended for placement.

- Grades K-2: The student will be assigned **3-days of in-school suspension**.
- Grades 3-5: The student will be assigned **5-days of in-school suspension**.
- Grades 6-12: The student will be recommended for a **10-day DAEP placement**.

For additional information use this link: <https://www.emsisd.com/personal-device-policy-faq>.

Illegal, Prescription and Over-the-Counter Drugs

Students shall not:

- Possess, use, give, or sell alcohol or an illegal drug. [See **Disciplinary Alternative Education Program (DAEP) Placement and Expulsion** for mandatory and permissive consequences under state law.]
- Possess or sell seeds or pieces of marijuana in less than a usable amount.
- Possess, use, give, or sell paraphernalia related to any prohibited substance. (see definition for “paraphernalia”)
- Possess, use, abuse, or sell look-alike drugs or attempt to pass items off as drugs or contraband.
- Possess, use, abuse, sell, give, or deliver any food product containing any prohibited controlled substance.
- Abuse the student’s own prescription drug, give a prescription drug to another student, or possess or be under the influence of another person’s prescription drug on school property or at a school-related event. (see definition for “abuse”)
- Abuse over-the-counter drugs. (see definition for “abuse”)
- Be under the influence of prescription or over-the-counter drugs that cause impairment to body or mind. (see definition for “under the influence”)
- Possess or take prescription drugs or over-the-counter drugs at school other than as provided by District policy.

Misuse of Technology Resources and the Internet

Students shall not:

- Use a personal communication device, including a cell phone, or other electronic device on school property during the school day and shall store the device in accordance with the method of storage established by the District- this includes locker rooms or restroom areas.

- Use any device or technology to copy or capture an image or the content of any District materials (such as tests or exams) without permission of a teacher or administrator.
- Violate policies, rules, or agreements signed by the student or the student's parent regarding the use of technology resources.
- Attempt to access or successfully access or circumvent passwords or other security-related information of the District, officials, students, or employees by any means or upload or create computer viruses, including off school property that causes a substantial disruption to the educational environment.
- Attempt to alter, destroy, or disable District technology resources including, but not limited to, computers and related equipment, District data, the data of others, or other networks connected to the District's system, including off school property that causes a substantial disruption to the educational environment.
- Use the internet or other electronic communications to threaten or harass District students, employees, board members, or volunteers, including off school property that causes a substantial disruption to the educational environment or infringes on the rights of another student at school.
- Send, post, deliver, transmit to another, access, display, disseminate, or possess electronic messages, videos, audio recordings, or images that are abusive, obscene, sexually oriented, threatening, harassing, intimidating, damaging to another's reputation, or illegal, including cyberbullying and "sexting," either on or off school property, whether on District-owned or personally owned equipment that cause a substantial disruption to the educational environment or infringes on the rights of another student at school.

NOTE: Students are expected to report any receipt of offensive messages immediately. Students reporting those messages immediately will have safe harbor and will not receive a disciplinary consequence.

- Use the internet or other electronic communication to engage in or encourage illegal behavior or threaten school safety, including off school property that causes a substantial disruption to the educational environment or infringes on the rights of another student at school.
- Utilize any device or technology to record someone's voice or image in a manner that disrupts the educational environment, infringes on the privacy of others, or occurs without the individual's consent.
- Use the name, persona, or image of a student, District employee, or volunteer to create a web page; or post messages online without the other person's consent, with the intent to harass, intimidate, embarrass, or threaten others.
- Utilize artificial intelligence in a way that would constitute academic dishonesty or as a means of engaging in any other prohibited conduct.

NOTE: Students who possess the aforementioned items in this section but did not contribute to the item's creation, received the item unsolicited, promptly destroyed the item upon receipt, or reported the item to a District or school employee or parent/guardian will not be disciplined, provided they are not determined to be accomplices upon investigation.

Safety Transgressions/Disruption

Students shall not:

- Possess published or electronic material, that is designed to promote or encourage illegal behavior or that could threaten school safety.
- Engage in verbal (oral or written) exchanges that threaten the safety of another student, a school employee, or school property.
- Make false accusations or provide false-statements or participate in hoaxes regarding school safety.
- Violate District or campus safety rules.
- Make false accusations or provide false statements concerning wrongful, unlawful, inappropriate, or illegal conduct alleged to have been committed by another student, District employee, official, or volunteer.
- Engage in any conduct that school officials might reasonably believe will substantially disrupt the school program or incite violence.
- Throw objects that can cause bodily injury or property damage.
- Discharge or possess a fire extinguisher or volatile/dangerous chemical, pull or set off a fire alarm, call 911, or tamper with an Automated External Defibrillator (AED) without a valid cause.
- Threaten to use or exhibit a firearm.
- Engage 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.
- Create an unsafe environment by opening or propping open - locked secured doors.
- Allow access to campus or District facilities to an unauthorized individual.
- Cause significant disruptions on public transportation, including District buses and vehicles.

Miscellaneous Offenses

Students shall not:

- Engage in any acts of sexual conduct or touching that does not constitute public lewdness or indecent exposure.
- Engage in inappropriate/indecent exposure of one's own private body parts or the private body parts of other students to include acts of mooning, flashing, or "pantsing".
- Repeatedly violate dress and grooming standards as communicated in the Student Handbook.
- Engage in academic dishonesty, which includes cheating or copying the work of another student, plagiarism, and unauthorized communication between students during an examination. (See policy EIA)
- Engage in any consensual hugging, touching, or other inappropriate public displays of affection, which interfere with, detract from, or disrupt the school or classroom environment.
- Possess any published or electronic media that is obscene, sexually explicit, or pornographic.
- Engage in any type or form of gambling – defined in part as participating in games of chance for money and/or other items.
- Falsify, alter, forge, or destroy school records, passes, or other school-related documents.
- Engage in actions or demonstrations that substantially disrupt or materially interfere with school activities.
- Violate extracurricular standards of behavior.
- Engage in harassment motivated by race, color, religion, national origin, disability, or age, and directed toward another student or District employee.
- Engage in any other acts which interfere with the orderly educational process in the classroom and/or the school.
- Repeatedly violate other communicated campus or classroom standards of conduct.
- Fail to comply with directives given by school personnel.
- Leave school grounds or school-sponsored events without permission.
- Possess or use "fake" or "counterfeit" money (including bills or coins).
- Refuse to accept discipline management techniques assigned by a teacher or campus administrator.

- Skip a class or intentionally fail to attend a scheduled class without permission from the District (unauthorized absence). This provision does not apply to absences resulting from illness, emergencies, or other District approved reasons.

The District may impose campus or classroom rules in addition to those found in the Code of Conduct. These rules may be posted in classrooms or given to the student and may or may not constitute violations of the Code of Conduct.

Discipline Management Techniques

Discipline shall be designed to improve conduct and encourage **all** students to be responsible members of the school community. Disciplinary action shall draw on the professional judgment of teachers, campus behavior coordinators and administrators and on a range of factors, when administering discipline management techniques, including restorative practices, or disciplinary consequences.

Discipline shall be based on but not limited to:

- The degree of seriousness/severity and risk of danger
- The age and grade level of the student
- The frequency of misbehavior
- The student's attitude/demeanor
- The possibility of disruption of the school environment (the effect of the misconduct on the school environment)
- Statutory requirements or requirements by board policy

Mitigating Factors

When deciding whether to order suspension, DAEP placement, expulsion, or placement in JJAEP regardless of whether the action is mandatory or discretionary, the District shall take into consideration, in addition to the factors above: **(1)** self-defense (see definitions), **(2)** the students intent 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 or 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.

Students with Disabilities

The discipline of students with disabilities is subject to applicable state and federal laws in addition to the Code of Conduct. In the event of any conflict between the Code of Conduct and federal law, the District shall comply with federal law. (For more information regarding discipline of students with disabilities, see policy FOF(LEGAL).

In accordance with the [Education Code](#), a student who receives special education services may not be disciplined in a manner that results in a change to the student's educational placement for conduct **meeting the definitions of bullying, cyberbullying, harassment, or making hit lists** (see definitions) until an Admission, Review, and Dismissal (ARD) committee meeting has been held to review the conduct.

Techniques

The following discipline management techniques may be used alone, in combination, or as part of progressive interventions to manage and improve student behavior, prevent or intervene in discipline problems, or to address behavior prohibited by the Code of Conduct or by campus or classroom rules/expectations:

- Academic Support Programs (tutoring or intervention programs to address learning)
- Administrator/Counselor/Teacher/Parent/Student In-person or Phone Conferences
- Anti-bullying Interventions and Support Plans, per Policy FFI
- Behavior Coaching (anger management strategies, social skills lessons)
- Behavior Agreements, Contracts, Improvement, or Behavior Intervention Plans (including Attendance Contracts)
- Campus-based community service project (campus or district-wide initiatives such as: food drives, sock drives, charity events, toy drives, service clubs, peer tutoring, peer mentoring, peer reading programs, outreach programs, food bank assistance, campus volunteer opportunities, technology assistants, environmental initiatives, clothing drives, art projects, veterans/military day programs, or the EMS ISD Police Summer Bridge Program)
- Check-in/check-out protocols to promote relationship building
- Class schedule or classroom assignment change (temporary or permanent)
- Confiscation of nuisance items that disrupt the educational process
- Confiscation of personal communication devices (cell phones, laptops, smartwatches or glasses, or other types of wearable devices)
- Conflict resolution (including peer mediation, social skills, informal resolution, or restorative circles with parental knowledge and consent)
- Cooling-off time, in accordance with the law – calming down time
- Counseling by teachers, school counselors, or administrative personnel
- Criminal Trespass Warning Notices issued by District Police
- DAEP (Disciplinary Alternative Education Program (DAEP) PlacementDisciplinary Alternative Education Program (DAEP) Placement)
- Detention (includes before, during, or after regular school hours)

- Digital Citizenship Lessons
- Expulsion and/or placement in an alternative educational setting, as specified in Placement and/or Expulsion for Certain Offenses
- Grade penalties for cheating, plagiarism, and as otherwise permitted by policy. (see Policy EIA)
- Informal Resolution Process or Mediation
- In-school suspension
- Loss, restriction, withdrawal, or removal of privileges including prohibiting attendance or participation in extracurricular activities/programs (e.g., homecoming, prom, games, school assemblies or events, or dances), eligibility for seeking and holding honorary offices or positions, or membership in school-sponsored or school-related clubs and organizations
- Mentor Program
- Mutual Interaction Restriction (Stay Away Agreements/No-Contact Contracts)
- Out-of-school suspension (not to exceed three (3) school days)
- Parent contact: note, call, email, standard mail, or conferences
- Penalties identified in student organizations' extracurricular standards of behavior
- Positive Behavioral Interventions and Supports (PBIS)
- Prompting/reminder of expectations
- Referral to law enforcement agency or legal authority for criminal prosecution in addition to disciplinary measures imposed by the District
- Redirection or Reflective behavior activities or goal setting
- Removal from the classroom via a routine referral
- Restoration or restitution, as applicable
- Restorative Discipline Practices such as restorative chats and circles, establishing respect agreements, and building school community.
- Rewards or demerits
- Restrict or revoke District technology privileges
- Revocation of parking privileges on campus and District property
- Revocation of approved transfer
- Revocation or suspension of district transportation (bus riding) privileges
- Sending the student to the administrator's office, or other assigned area
- Saturday School (detention), if applicable for grade level

- Seating changes within classroom, lunchroom, or on vehicles owned, operated, or contracted by the District
- Student Support, Intervention, or Safety Plan
- Teacher/Parent/Student In-Person or Phone Conferences
- Transfer to a different campus
- Trauma-Informed Practices
- Verbal or written correction or warnings
- Other strategies and consequences as determined by school officials

Possession or Use of Nicotine Delivery Product or E-Cigarette

First-Time Offense

- An appropriate administrator may place a student in a disciplinary alternative education program for the first-time possession or use of a nicotine delivery product or e-cigarette, as defined by Section 161.081, Health and Safety Code.

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 for a period of at least 10 school days.

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).

Parental Involvement

The District has not adopted a policy for parental involvement in school disciplinary placements under [Education Code 37.0014](#).

Removal from the School Bus

Appropriate student behavior is required to ensure the safe operation of District transportation. Students must comply with the expectations of the COC, Bus Rider's Handbook, and the Student and Parent Handbook while on District provided transportation.

A driver of District-owned or District-operated transportation may refer or send a student to the administrator's office to maintain effective discipline on the bus. The administrator may use one or more discipline management techniques, as appropriate, to address the behavior, which can include temporarily suspending or permanently revoking a student's transportation privileges.

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

Prior to the suspension or revocation of transportation privileges, the student will be notified of the reason for the proposed action and provided an opportunity to respond before the administrator renders a decision. The suspension or revocation of transportation privileges does not relieve the student of the obligation to attend school. The parent/guardian and/or

student shall be responsible for making alternative transportation arrangements to ensure the student's attendance at school.

Appeals

Questions from parents or students regarding discipline measures should be addressed to the teacher, campus administration, or CBC, as appropriate. Appeals or complaints regarding the use of specific discipline management techniques not otherwise specifically outlined in the Code of Conduct should be addressed in accordance with policy FNG (LOCAL). A copy of this policy may be obtained from the central administration office or online at <https://www.emsisd.com/conflict-resolution-grievance-process>.

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)].

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 to maintain effective discipline in the classroom or when the student engages in behavior that violates the COC. The CBC shall employ alternative discipline management techniques, including progressive interventions to address and improve the student's behavior. 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 when:

1. A student's behavior repeatedly interferes with the teacher's ability to teach the class (communicate) 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 class.
3. A student engages in conduct that constitutes bullying, as defined by [Education Code 37.0832](#).

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 described above. A teacher may

document any conduct by a student that does not comply with the COC and may submit that documentation to the principal.

No later than three days after a teacher has formally removed a student from class, an administrator shall schedule a conference with the student's parent/guardian, the student, the teacher who removed the student from class, and with the CBC or other administrator.

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
- In-school-suspension
- Out-of-school suspension, or
- DAEP

At the conference, the CBC or administrator shall inform the student of the alleged misconduct and provide an explanation of the basis for removal and the proposed consequences. The student shall have an opportunity to respond to the allegations. The teacher shall also be given an opportunity to participate, and a return to class plan must be discussed. The Placement Review Committee will determine the outcome of the review. The parent/guardian and the student will be notified of the committee's decision and informed of the student's right to appeal.

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 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 parent or student may appeal the teacher's removal of the student 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's threat assessment and safe and supportive school team established under Section 37.115 of the Texas Education Code, in accordance with a District policy providing for such an appeal to be made to this team.

In-School Suspension (ISS)

Students may be suspended in an on campus setting for behavior listed in the Code of Conduct as a general conduct violation, DAEP offense, or expellable offense. In-school suspension **is not** subject to any time limit.

A school's principal or other appropriate administrator shall review a student's in-school suspension at least once every 10 school days after the suspension begins to evaluate the student's educational progress and determine whether continued in-school suspension is appropriate. If it is determined that continued ISS is appropriate, the administrator shall document the determination.

During in-school suspension, a student shall receive appropriate behavioral support services and educational services comparable to those 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 have an opportunity to progress in the general curriculum.

ISS Process

Before being suspended, a student shall have an informal conference with the CBC or other 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 administrator shall determine the number of days of a student's suspension and provide the appropriate notice, as outlined in the COC, related to disciplinary actions and removals.

In deciding whether to assign in-school suspension, the CBC or other appropriate administrator shall take the following into consideration:

1. Self-defense (see definition);
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 (OSS)

Misconduct

Students may be suspended off campus for behavior listed in the Code of Conduct as a general conduct violation, DAEP offense, or expellable offense.

The District shall not assign out-of-school suspension for students below grade 3 unless the conduct meets the requirements established by law.

A student below grade 3 or a student who is homeless shall not be assigned out-of-school suspension unless, while on school property or while attending a school-sponsored or school-related activity on or off school property, the student engages in:

- Conduct that contains the elements of a **weapons offense**, as provided in [Penal Code sections 46.02 or 46.05](#);
- Conduct that **threatens the immediate health and safety of other students in the classroom**;
- Documented conduct that results in **repeated or significant disruption to the classroom**; or
- Selling, giving, or delivering to another person or possessing, using, or being under the influence of any amount of **marijuana, an alcoholic beverage, or a controlled substance or dangerous drug** as defined by federal or state law.

The District shall use a positive behavior program as a disciplinary alternative for students below grade 3 who commit general conduct violations instead of suspension or placement in a DAEP. The program shall meet the requirements of law.

OSS Process

State law allows a student to be assigned to out-of-school suspension for no more than three school days per behavior violation, with no limit on the number of times a student may be suspended in a semester or school year.

Before being suspended, a student shall have an informal conference with the CBC or other 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 administrator shall determine the number of days of a student's suspension, not to exceed three school days, and provide the appropriate notice, as outlined in the COC, related to disciplinary actions and removals.

In deciding whether to assign out-of-school suspension, the CBC or other appropriate administrator shall take the following into consideration:

1. Self-defense (see definition);
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.

Alternative Assignment Request

A parent or person standing in parental relation to the student may submit a written request to the principal or other appropriate administrator to reassign a student placed in out-of-school suspension. The parent or person standing in parental relation to the student must provide information and documentation that they are unable to provide suitable supervision for the student during school hours for the duration of the suspension. The decision to reassign a student placed in out-of-school suspension is at the sole discretion of the principal or other appropriate administrator.

Coursework During ISS or OSS Suspension

The student will be required to complete all class assignments, homework, quizzes, tests, and other academic work covered during the term of the suspension. The District shall ensure a student has access to coursework for foundation curriculum courses while the student is placed in in-school or out-of-school suspension, including at least one method of receiving this coursework that does not require the use of the internet.

A student removed from the regular classroom to ISS or another setting, other than a DAEP, will have an opportunity, before the beginning of the next school year, to complete each course in which the student was enrolled in at the time of removal. The District may provide this opportunity by any available method, including a correspondence course, another distance learning option, or summer school. The District shall not charge the student for any method of completion provided by the District.

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 kindergarten-grade 5 and secondary classification shall be grades 6 – 12.

Summer programs provided by the District shall serve students assigned to DAEP separately from those students who are not assigned to the program.

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 CBC or other appropriate administrator shall take the following into consideration:

1. Self-defense (see definition);

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

A student may be placed in a DAEP for behaviors prohibited in the General Conduct Violations section of this Code of Conduct.

Misconduct Identified in State Law

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.
- 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 definition)
- Involvement in criminal street gang activity. (see definition)
- Criminal mischief, not punishable as 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 for a period of at least 10 school days. [See **First-Time Offense of Possession or Use of Nicotine Delivery Product or E-Cigarette** for additional information]

In accordance with state law, a student **may** be placed in a DAEP if the superintendent or the superintendent's designee has reasonable belief 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 definition) of the Penal Code are punishable as mandatory expulsions.

The CBC **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

Subject to the requirements of the Texas Education Code, Section 37.009(a), a student must be placed in a DAEP for any of the following, if committed while on school property, within 300 feet of the school property as measured from any point of the school's real property boundary line, or while attending a school-sponsored or school-related activity on or off school property; 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 definition)
- 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 definition) 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 definitions 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.
 - Engages in an offense 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](#).
- Engages in conduct that contains the elements of the offense of public lewdness or indecent exposure. (see definition)
- 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.
- Possesses, other than on his or her person, or uses a defined as location-restricted knife.
- 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 definition) or a court or jury finds that the student has engaged in delinquent conduct (see definition) or the superintendent or designee has a reasonable belief 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.

Process

Removals to DAEP shall be made by the CBC.

Conference

When a student is removed from class for a DAEP offense, the CBC or other appropriate administrator shall schedule a conference within three school days with the student, the student's parent, and, in the case of a teacher-initiated removal, the teacher.

During the conference, the CBC or appropriate administrator shall:

- Inform the student orally or in writing of the conduct, allegation, or offense and the reasons for the removal; and provide an explanation of the basis for the removal.
- Provide the student with an opportunity to respond to the allegation, conduct, or offense, and to the reasons for the removal, and to explain his or her version of the incident orally or in writing. As well as an opportunity to respond to the removal.
- Permit the student to have adult, parental, or legal representation. The District must be represented by an employee or legal counsel, when applicable.
- All DAEP proceedings shall be recorded and maintained in accordance with record retention standards.
- The CBC or other appropriate administrator shall remain impartial and provide any placement decision in a written DAEP Order and Parent Notice of a DAEP Order to the relevant parties after the conference.

NOTE: Following valid attempts to require attendance, the District may hold the conference and make a placement decision regardless of whether the student or the student's parents attend the conference.

Consideration of Mitigating Factors

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

1. Self-defense (see definition);
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.

DAEP Placement Order

After the conference, if the student is placed in a DAEP, the CBC shall issue a placement order. A copy of the DAEP placement order and parental notice will be provided to the student and the student's parent, guardian, or person standing in parental relation to the

student. Information regarding the process for requesting a full individual and initial evaluation of the student for purposes of special education services shall also be sent to the student and the student's parent, guardian, or person standing in parental relation to the student.

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 include notice of the inconsistency.

DAEP at Capacity

If a DAEP is at capacity at the time the CBC is deciding placement for conduct related to marijuana, THC, an e-cigarette, alcohol, or an abusable volatile chemical, the student shall be placed in ISS 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 CBC 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 Removals/Placements

Students placed in DAEP will be placed for a designated length of time on a case-by-case basis using the considerations per board policy listed below. The principal has the discretion to amend the placement length.

The maximum period of a DAEP Placement shall be one calendar year, 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.

Discipline shall be based on but not limited to the:

- The degree of seriousness/severity of the offense and risk of danger

- The age and grade level of the student
- The frequency of misbehavior
- The student's attitude/demeanor
- Statutory requirements or requirements by board policy

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.

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.

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 definition) 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 Appeal Process

Campus-Based Disciplinary Consequences

Appeals regarding detention, in-school suspension (ISS), Saturday School, and out-of-school suspension (OSS) shall be resolved at the campus level. A parent or student seeking to appeal these disciplinary actions must submit a written appeal on the District-approved form within fifteen (15) days of the disciplinary decision to the campus principal.

The campus principal shall review the appeal and schedule a conference within ten (10) days at a mutually agreed upon time and issue a final written decision. The campus principal's decision shall be final and may not be subject to further appeal or review.

Disciplinary Alternative Education Program (DAEP) Placements – Not exceeding 60 Days

Appeals of DAEP placements not exceeding sixty (60) days shall begin with the campus principal. A parent or student seeking to appeal a DAEP placement decision must submit a written appeal on the District-approved form within fifteen (15) days of the placement decision to the campus principal. Pursuant to TEC 37.009, if the parent or student is dissatisfied with the campus principal's decision or did not receive the requested relief, the parent or student may appeal the decision to the Director of Elementary or the Director of Secondary Services, as applicable.

A parent or student seeking to appeal the campus principal's decision, under this section of the COC, must submit a written appeal on the District-approved form to the Director of Elementary or Secondary Services, as appropriate, within ten (10) days of the campus principal's decision. The Director of Elementary or Secondary Services shall review the appeal and schedule a conference within ten (10) days and issue a final written decision. The decision shall be final and may not be subject to further appeal or review.

Any appeal by a student or parent concerning **a disciplinary placement exceeding 60 school days or the end of the next grading period**; or any disciplinary appeal process not expressly provided for in this Code of Conduct, shall be conducted in accordance with Board Policy FNG(LOCAL) and shall begin with the campus principal. The decision to place a student in a DAEP for more than 60 days, or the end of the next grading period cannot be appealed beyond the Board. A copy of this policy is available through the District's central administration office and on the District's website.

Questions from parents or students regarding discipline measures should be addressed to the teacher, campus administration, or CBC, as appropriate. The District shall not delay a disciplinary consequence while a student or parent pursues an appeal. 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)].

Restrictions During Placement

State law prohibits a student placed in a DAEP for reasons specified in state law from attending or participating in school-sponsored or school-related extracurricular activities.

A student placed in a DAEP shall not be provided transportation unless he or she is a student with a disability who is entitled to transportation in accordance with the student's IEP or Section 504 plan.

For seniors who are eligible to graduate and are assigned to a DAEP at the time of graduation, the last day of placement in the program shall be the last instructional day, and the student shall be allowed to participate in the graduation ceremony and related graduation activities unless otherwise specified in the DAEP placement order.

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

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

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 definition) 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.

Withdrawal During Process

When a student violates the District's Code of Conduct in a way that requires or permits the student to be placed in a DAEP and the student withdraws from the District before a placement order is completed, the CBC may complete the proceedings and issue a placement order. If the student then re-enrolls in the District during the same or a subsequent school year, the District may enforce the order at that time, less any period of the placement that has been served by the student during enrollment in another District. If the CBC or the board fails to issue a placement order after the student withdraws, the next District in which the student enrolls may complete the proceedings and issue a placement order.

Newly Enrolled Students

The District shall continue the DAEP 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.

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.

Emergency Placement Procedure

When an emergency placement is necessary because the student's behavior is so unruly, disruptive, or abusive that it seriously interferes with classroom or school operations, the student shall be given oral notice of the reason for the action. Not later than the tenth day after the date of the placement, the student shall be given the appropriate conference required for assignment to a DAEP.

Transition Plan Services

In accordance with law and District procedures, campus staff shall provide transition services to a student returning to the regular classroom from an alternative education program, including a DAEP. [See policy FOCA(LEGAL) for more information]

Placement and/or Expulsion for Certain Offenses

This section includes two categories of offenses-**registered sex offenders and expulsion-** 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 made 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 parent may appeal the placement under this section of the COC by requesting a conference between the board or its designee. 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. [See policy FOE(LEGAL)]

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.

Expulsion

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

1. Self-defense (see definition);
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 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 definition)
- 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 definitions 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 definition)

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 definition)

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 definition)
 - **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 definition)
- Possessing, manufacturing, transporting, repairing, or selling a prohibited weapon, as defined in state law. (see definition)
- 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 definition)
 - 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
- Engaging in retaliation against a school employee or volunteer combined with one of the above-listed mandatory expulsion offenses
- Engaging in conduct that contains elements of assault against a school employee or volunteer

Under the Age of 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 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 \(e\)](#).

Process

If a student is believed to have committed an expellable offense, the CBC or other appropriate administrator shall schedule a hearing within a reasonable time. The student's parent shall be invited in writing to attend the hearing.

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

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

Hearing

A student facing expulsion shall be given a hearing with appropriate due process. The student is entitled to:

1. Representation by the student's parent or another adult who can provide guidance to the student and who is not an employee of the District;
2. An opportunity to testify and to present evidence and witnesses in the student's defense; and
3. An opportunity to question the witnesses called by the District at the hearing.

After providing notice to the student and parent of the hearing, the District may hold the hearing regardless of whether the student or the student's parent attends.

The board of trustees delegates to the superintendent or the superintendent's designee 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 decisions. The student or parent must submit a written request to the superintendent within **seven days** after receipt of the written decision. The superintendent must provide the student or parent 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 from 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. Consequences shall not be deferred pending the outcome of the hearing.

Expulsion Order

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

1. Self-defense (see definition);
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 superintendent or superintendent's designee 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 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 continue the expulsion of any newly enrolled student expelled from another District or an open-enrollment charter school until the period of the expulsion is completed.

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 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 definition) 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 and Appeal Process

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 rendered by the Board or the Board's designee pursuant to this section is final and shall not be subject to further appeal.

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.

Glossary

Abuse means improper or excessive use.

Abusable volatile chemical means a chemical including aerosol paint, that when inhaled, ingested, or otherwise introduced into a person's body, may affect the person's central nervous systems, create or induce in the person a condition of intoxication, hallucination, or elation, or change, distort, or disturb the person's eyesight, thinking process, balance, or coordination as provided in [Chapter 485 of the Health and Safety Code](#).

Aggravated Assault – under the Penal Code 22.02, a person commits an offense if the person commits assault as defined in Sec. 22.01 and the person:

1. Causes serious bodily injury to another, including a person's spouse.
2. Uses or exhibits a deadly weapon during the commission of the assault.

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 Definitions 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:

1. A crime that involves starting a fire, regardless of whether the fire continues after ignition, or causes 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:
 - i. Knowing that it is within the limits of an incorporated city or town;

- ii. Knowing that it is insured against damage or destruction;
 - iii. Knowing that it is subject to a mortgage or other security interest;
 - iv. Knowing that it is located on property belonging to another;
 - v. Knowing that it has located within its property belonging to another; or
 - vi. 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. A crime that involves 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. A crime that involves 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.

Article 15.27 is the official notification from a law enforcement agency notifying the school district that a student enrolled in the district has been arrested for certain types of offenses. **Article 15.27(g)** is notification from a law enforcement agency when charges against a student not billed or dismissed for lack of prosecutorial merit.

Assault is defined in part by [Penal Code 22.01](#)(a)(1) as intentionally, knowingly, or recklessly causing bodily injury to another; 22.01(a)(2) intentionally or knowingly threatening another with imminent bodily injury; or 22.01(a)(3) intentionally or knowingly causing physical contact with another that can reasonably be regarded as offensive or provocative.

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.) TEC 37.0832 - 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.

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.

Classroom Disruption in Texas Education Code Sec. 37.124 means a person other than a primary or secondary grade student enrolled in the school commits an offense if the person, on school property or on public property within 500 feet of school property, alone or in concert with others, intentionally disrupts the conduct of classes or other school activities. Disrupting the conduct of classes or other school activities, including:

- A. emitting noise of an intensity that prevents or hinders classroom instruction;
- B. enticing or attempting to entice a student away from class or other school activity that the student is required to attend;
- C. preventing or attempting to prevent a student from attending a class or other school activity that the student is required to attend; and
- D. entering a classroom without the consent of either the principal or the teacher and, through either acts of misconduct or the use of loud or profane language, disrupting class activities.

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.

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 is defined by the Health and Safety Code Section 161.081 as:

1. 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
2. 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 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, and includes a device designed, made, or adapted for delivery or shooting an explosive weapon.

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.

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 term does not include an antique firearm.

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 definitions 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; engaging in sexually intimidating conduct; 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.

Indecency with a Child: [Under Penal Code 21.11](#), a person commits an offense if, with a child younger than 17 years of age, whether the child is of the same or opposite sex and regardless of whether the person knows the age of the child at the time of the offense, the person:

1. Engages in sexual contact with the child or causes the child to engage in sexual contact; or
2. With intent to arouse or gratify the sexual desire of any person;
 - a. Exposes the person's anus or any part of the person's genitals, knowing the child is present; or
 - b. Causes the child to expose the child's anus or any part of the child's genitals.

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.

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, video tape, 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.

Knuckles as defined by Penal Code 46.01 means an 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.

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

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.

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

Obscene means containing a patently offensive description of or a solicitation to commit a sex act.

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

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 is defined as the actual or constructive care, custody, control, or management of an object or substance with intent or knowledge. A student shall be considered in possession of any substance or object prohibited or regulated by this Code if the substance or object is:

1. On the student's person or in the student's personal property including but not limited to the student's clothing, purse, book bag, or backpack.
2. In any private vehicle used by the student for transportation to or from school or school-related activities, including, but not limited to, an automobile, truck, motorcycle, or bicycle/scooter.
3. On personal communication devices or electronic devices.
4. Any school property used by the student, including, but not limited to, a locker or desk.

Prohibited weapons under [Penal Code 46.05\(a\)](#) means:

1. The following items, unless registered in the National Firearms Registration and Transfer Record maintained by 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
- b. A machine gun
- c. Armor-piercing ammunition
- d. A chemical dispensing device
- e. A zip gun
- f. A tire deflation device
- g. 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 definitions.

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](#).

Restorative practice is a relational approach to building school climate and addressing student behavior. Restorative practices focus on proactive approaches that facilitate respectful classrooms and learning environments, developing rapport with students, managing conflicts, establishing routines and expectations for positive student behavior. Restorative practices seek to mend the harm that results from problematic behavior and to prevent future harm. These practices emphasize the impact of student behavior on the school community and the use of community ties to hold students accountable.

Retaliation is defined by [Penal Code 36.06](#)

Self-defense is the use of force against another to the degree a person reasonably believes is immediately necessary to protect himself or herself. Self-defense is deemed appropriate and will be considered as a mitigating circumstance only when the student has a reasonable belief that the force is immediately necessary to protect themselves against the other's use or attempted use of force that could result in serious bodily injury. Verbal assault or threat is not enough to justify self-defense. Each student is responsible for

making every effort to avoid the use of force and is advised to remove themselves from the situation, if at all possible. The District does not condone or authorize students to use force against another individual, even if that individual provokes or instigates a fight or altercation.

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 is defined as 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.

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 the 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 any detectable amount of drugs or alcohol in a student’s system, or loss of 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 (oral or written admission). A student “under the influence” need not be legally intoxicated to trigger disciplinary action.

Administrators are authorized to require a student to submit to a substance abuse assessment if the administrator has reasonable suspicion that the student is under the influence of alcohol, marijuana, or any other prohibited substance while on school property; while off school property at a school activity, function, event, or other school-sponsored activity; or while traveling to or from school on District-owned or District-operated, or District-contracted transportation.

A District nurse shall use the Substance Abuse Impairment Assessment to collect additional data. If a student refuses to cooperate with the assessment where reasonable

suspicion exists, the student's parent or guardian shall be notified, and the student may be subject to disciplinary action. [See policy FNCF(LEGAL) and related links]

Use is defined as a student who has voluntarily introduced into one's body, by any means, a prohibited substance recently enough that it is detectable by the student's physical appearance, aroma, actions (including written or oral admission), breath, or speech.

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.