

2026-2027

STUDENT CODE OF CONDUCT



Proposed Adoption by the Fort Worth ISD Board of Education
July 21, 2026 • www.fwisd.org/conduct

Dear Parent/Guardian:

Welcome to the 2026-2027 school year. The Student Code of Conduct reflects the high standards we hold for every Fort Worth ISD student. Our goal is to foster a culture of respect, responsibility, and academic excellence across all campuses. These expectations, established by the Board of Education, help ensure that every school remains a safe and supportive place for learning.

Inside the 2026-2027 Student Code of Conduct, you'll find clear guidelines on student behavior as well as the consequences for misconduct. Individual campuses may provide their own handbooks, but each one aligns with the district-wide Code of Conduct and follows both district policy and state law. If you have questions about behavior expectations or disciplinary procedures, please contact your student's campus administrator.

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

Please take a moment to read through the entire Student Code of Conduct. It includes important updates to state law that we encourage you to review and discuss with your student. We appreciate your partnership in upholding the strong academic and behavioral expectations that guide our school community.

Sincerely,

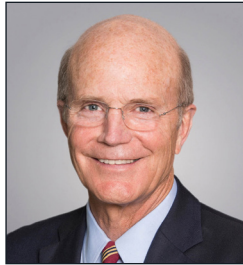
Dr. Peter B. Licata

Superintendent

Fort Worth Independent School District

2026-2027

FORT WORTH ISD SCHOOL BOARD



Pete Geren
PRESIDENT



Courtney Lewis
VICE PRESIDENT



Rosa Maria Berdeja
SECRETARY



Bobby Ahdieh
BOARD MEMBER



Luis A. Galindo
BOARD MEMBER



Laurie George
BOARD MEMBER



Frost Prioleau
BOARD MEMBER



Jay Stegall
BOARD MEMBER



Tennessee Walker
BOARD MEMBER

Fort Worth Independent School District
7060 Camp Bowie Boulevard • Fort Worth, Texas 76116
817.814.2000 • www.fwisd.org



Dr. Peter B. Licata

FORT WORTH ISD
SUPERINTENDENT OF SCHOOLS

This publication, approved by the FWISD School Board, carries the full impact of approved Board Policy and Administrative Regulations. Any revisions must be approved by the Board before becoming effective.

Stay informed

	Website	www.fwisd.org
	Facebook	@FortWorthISD
	Instagram	@FortWorthISD
	Twitter / X	@FortWorthISD
	YouTube	@FWISDNews

It is the policy of the Fort Worth Independent School District not to discriminate on the basis of age, color, handicap or disability, ancestry, national origin, marital status, race, religion, sex, veteran status, political affiliation, sexual orientation, and gender identity and/or gender expression in its educational or employment programs and activities.

Table of Contents

7	<u>STUDENT CODE OF CONDUCT</u>
7	Accessibility
7	Purpose
8	<u>SCHOOL DISTRICT AUTHORITY AND JURISDICTION</u>
8	Students' Rights and Responsibilities
9	Unauthorized Persons
9	Standards for Student Conduct
9	Notice of Disciplinary Action
10	Campus Behavior Coordinator
10	ID Badges
10	Threat Assessment and Safe and Supportive School Team
	- Searches
	- Reporting Crimes
	- Security Personnel /School Resource Officers (SRO)
	- "Parent" Defined
	- Participating in Graduation Activities
12	Discipline Considerations
	- Mitigating Factors
12	Mistreatment of Others
13	Property Offenses
13	Possession of Prohibited Items
14	Possession of Telecommunications or other Electronic Devices
	- Texas House Bill 1481
	- Student Expectations
	- Accommodations
15	Safety Transgressions
	- Illegal, Prescription, and Over-the-Counter Drugs
	- Misuse of Technology Resources and the Internet
16	Miscellaneous Offenses
17	<u>DISCIPLINE OF STUDENTS WITH SPECIAL NEEDS</u>
17	Students with Disabilities (Board Policy FOF)
	- No restriction of Recess or Physical Activity
	- Discipline Management Techniques
18	Prohibited Aversive Techniques
19	<u>LISTING OF OFFENSES AND CONSEQUENCES BY LEVEL</u>
	- Level I Offenses
	- Level II Offenses
	- Level III Offenses
	- Level IV Serious Offenses
	- Level V Mandatory Removal
24	Notification
	- Parental Involvement
25	<u>APPEALS</u>
25	Effect of Student Withdrawal

Table of Contents

26 TRANSPORTATION

- 26 Removal from the School Bus

27 REMOVAL FROM THE REGULAR EDUCATIONAL SETTING

- 27 Routine Referral
- 27 Formal Teacher Removal
- 27 Returning a Student to the Classroom

29 SUSPENSION

- 29 In-School Suspension
- 29 Out-of-School Suspension
 - Misconduct
 - Grade Level and Other Restrictions for Assigning OSS
 - Process
- 30 Mitigating Factors
 - Coursework During Suspension
- 32 On-Campus Intervention Program (OCI)

33 DISCIPLINARY ALTERNATIVE EDUCATION PROGRAM (DAEP) PLACEMENT

- Conference
- 33 Discretionary Placement: Misconduct That May Result in DAEP Placement
 - Misconduct Identified in State Law
- 34 Mandatory Placement: Misconduct That Requires DAEP Placement
- 35 Sexual Assault and Campus Assignments
- 35 District Discipline Conference/Hearing
 - Conference
 - Record
 - Consideration of Mitigating Factors
 - DAEP Placement Order
 - DAEP at Capacity
 - Coursework Notice
 - Length of DAEP Placement
 - Accountability and Intervention Response (A.I.R.)
 - Merit Program
 - Exceeds One Year
 - Exceeds School Year
 - Exceeds 60 Days
 - Appeals
 - Restrictions During Placement
 - Impact on Graduation
 - Placement Review
 - Additional Misconduct
- 39 Notice of Criminal Proceedings
 - Withdrawal During Process
 - Newly Enrolled Students
 - Transition Services

Table of Contents

40 EXPULSION

- 40 Placement and/or Expulsion for Certain Offenses
 - Registered Sex Offenders
 - Review Committee
 - Newly Enrolled Students
 - Appeal
 - Certain Felonies
 - Any Location
 - At School, Within 300 Feet, or at a School Event
 - Within 300 Feet of School
 - Property of Another District
 - While in DAEP
- 42 Mandatory Expulsion: Misconduct That Requires Expulsion
 - Under Federal Law
 - Under the Penal Code
 - Process
 - Hearing
 - Virtual Expulsion Program
 - Consideration of Virtual Education as an Alternative to Expulsion
 - Board Review for Expulsion
 - Expulsion Order
 - Length of Expulsion
 - Withdrawal During Process
 - Additional Misconduct
 - Restrictions During Expulsion
 - Newly Enrolled Students
 - Emergency Expulsion Procedures
 - DAEP Placement of Expelled Students
 - Transition Services
 - Summer School
 - Summer Activities

47 SEARCHES AND OTHER EXPULSION ISSUES

- 47 Vehicles
- 47 Weapon Detection Systems
- 47 Photographic/Video/Audio
- 48 General Security - Acceptable Use Policy
 - Acceptable Use of Assets
 - Noncompliance

49 NOTICE OF NON-DISCLOSURE

- 49 For Other Complaints and Concerns

50 GLOSSARY

Student Code of Conduct

Accessibility

If you have difficulty accessing the information in this document because of disability, please contact the district at www.fwisd.org/student-discipline or call 817-814-2000.

Purpose

The Student Code of Conduct ("Code of Conduct"), as required by [Chapter 37](#) of the Texas Education Code, provides methods and options for managing student behavior, preventing and intervening in student discipline problems, and imposing discipline.

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

This Code of Conduct has been adopted by the Fort Worth ISD board of managers and was developed with the advice of the District-level planning and decision-making committee. It provides information to parents and students regarding standards of conduct, consequences of misconduct, and procedures for administering discipline. This Code of Conduct remains in effect during summer school and at all school-related events and activities outside the school year until the board adopts an updated version for the next school year.

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

Not later than the first day of the 2026-2027 school year, the Texas Education Agency (TEA) shall prepare and provide to each school district a report identifying each law relating to school discipline that was amended or added by the 89th Legislature, Regular Session, 2025. A school district shall provide to each student and the parent of or person standing in parental relation to the student the prepared report.

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

Please note: The discipline of students with disabilities who are eligible for services under federal law ([Individuals with Disabilities Education Act and Section 504 of the Rehabilitation Act of 1973](#)) is subject to the provisions of those laws.

School District Authority and Jurisdiction

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

The District has disciplinary authority over a student:

- During the regular school day;
- While the student is traveling on district transportation;
- During lunch periods in which a student is allowed to leave campus;
- At any school-related activity, regardless of time or location;
- For any school-related misconduct, regardless of time or location;
- When retaliation against a school employee, board member, or volunteer occurs or is threatened, regardless of time or location;
- When a student engages in cyberbullying, as provided by Education Code 37.0832;
- When criminal mischief is committed on or off school property or at a school-related event;
- For certain offenses committed within 300 feet of school property as measured from any point on the school's real property boundary line;
- For certain offenses committed while on school property or while attending a school-sponsored or school-related activity of another district in Texas;
- When the student commits a felony, as provided by TEC 37.006 or 37.0081; and
- When the student is required to register as a sex offender.
- While traveling on District-owned or operated transportation, or during school-related travel, including conduct at a school bus stop off campus;

Students' Rights and Responsibilities

Title IX of the Education Amendments Act is a federal law that prohibits discrimination on the basis of sex against students and employees of FWISD, including sex discrimination, sexual harassment, and other sexual misconduct (such as sexual assault, stalking, and dating or domestic violence) in an educational program or activity. The District shall take all allegations of Title IX violations seriously and will make every reasonable effort to handle and respond to every Title IX complaint filed by students or employees in a prompt, fair, thorough, and equitable manner.

As required by law, the District shall follow the procedures below upon a report of sex-based harassment, including sexual harassment, gender-based harassment, and dating violence, when such allegations, if proved, would meet the definition of sexual harassment under Title IX. Please consult FWISD's Title IX website for more information regarding Title IX. Also, questions regarding Title IX may be referred to:

Dr. Darnisha Carreathers, Director Employee Services/Interim Title IX
7060 Camp Bowie Blvd.
Fort Worth, TX 76116
Phone: 817.814.1837
Email: TitleIX@fwisd.org

Unauthorized Persons

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

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

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

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

Standards for Student Conduct

In order to promote a positive educational experience for all students, the District expects students to adhere to eight (8) basic standards of conduct:

1. exercise self-control, self-respect, and self-discipline;
2. demonstrate a positive attitude;
3. respect the rights and feelings of others;
4. support the learning process;
5. Respect the property of others, including district property and facilities.
6. Cooperate with or assist the school staff in maintaining safety, order and discipline.
7. Adhere to the requirements of the Student Code of Conduct.
8. Students are not allowed on other Fort Worth ISD campuses during the school day, except with permission from school personnel.

Notice of Disciplinary Action

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

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

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

Campus Behavior Coordinator

As required by law, specifically TEC § 37.0012, a campus behavior coordinator (“CBC”) (Principal) has the discretion to apply school-based discipline for specific violations or refer the matter to the Office of Student Discipline department for review. Office of Student Discipline supports campuses in interpreting and applying the FWISD Student Code of Conduct. The campus behavior coordinators and Office of Student Discipline will consider mitigating factors prior to determining student consequences for mandatory and discretionary incidents.

The CBC is primarily responsible for managing student conduct and campus safety. 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 students or others.

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

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

ID Badges

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

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

FWISD will follow the district’s progressive discipline process for ID Badge violations.

Threat Assessment and Safe and Supportive School Team

The District will also establish a “threat assessment and safe and supportive school team” to serve at each District campus and will adopt policies and procedures for the teams. The team is responsible for developing and implementing the safe and supportive school program, as well as conducting threat assessments. Campus administrators 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 Student Code of Conduct.

SEARCHES

District officials may conduct searches of students, their belongings, and their vehicles in accordance with state and federal law and district policy. Searches of students shall be in a reasonable and nondiscriminatory manner. Refer to the district’s policies [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

REPORTING CRIMES

The principal and other school administrators as appropriate shall report crimes as required by law and shall call local law enforcement when an administrator suspects a crime has been committed on campus.

SECURITY PERSONNEL /SCHOOL RESOURCE OFFICERS (SRO)

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

To ensure sufficient security and protection of students, staff, and property, the District contracts with the Fort Worth Police Department/Benbrook Police Department/Forest Hill Police Department. School Resource Officers (SROs) promote a safer school environment through offense prevention, interventions with students, and application of the law. Student misconduct may violate school rules and local/state law. When applicable, the campus behavior coordinator will take appropriate school-level actions as well as consult with SROs/local law enforcement. Any action law enforcement authorities might take would be in addition to action taken by the school. A student may be cited or arrested. If the student is arrested, the parent/guardian must be notified in a timely manner by phone or in person. Law enforcement may transport the student to the Tarrant County Juvenile Detention Center and/or Mansfield City Jail. Disciplinary consequences for students with disabilities will follow the student's

Behavior Intervention Plan, if one exists, and applicable federal and state law and guidelines. Except as provided by Section 37.007(e) of the Texas Education Code, the Student Code of Conduct is not required to specify a minimum term of removal under Section 37.006 or an expulsion under Section 37.007.

"PARENT" DEFINED

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

PARTICIPATING IN GRADUATION ACTIVITIES

The District has the right to limit a student's participation in graduation activities for violating the District's Code of Conduct. Participation might include a speaking role, as established by district policy and procedures.

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

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

Discipline Considerations

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

- Degree of severity and risk of danger
- Effect of the misconduct
- Age and grade level of the student
- Legal requirements
- Frequency of the misconduct
- Student's demeanor
- Possibility of disruption of the school environment
- Whether the conduct was motivated by antisemitism (see [glossary](#))

MITIGATING FACTORS

When deciding to order a student to out-of-school suspension, DAEP placement, expulsion, or placement in JJAEP the District will consider: (1) self-defense (see [glossary](#)); (2) the student's intent (see [glossary](#) or lack of intent at the time of the misconduct); (3) the student's disciplinary history; (4) a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct to the extent required by state and federal law; (5) a student's status in the conservatorship of the Department of Family and Protective Services; and (6) a student's status as

homeless. These factors will be taken into consideration regardless of whether it is a discretionary or mandatory disciplinary consequence.

A student who, upon investigation, is found to be subject to bullying (see [glossary](#)) will not be disciplined on the basis of using reasonable self-defense (see [glossary](#)) in response to the bullying.

Mistreatment of Others

Students shall not:

- Use profanity or vulgar language or make obscene gestures.
- Fight or scuffle. (For assault, see [DAEP Placement](#) and/or [Expulsion](#) for Certain Offenses.)
- Participate in hazing. (see [glossary](#))
- Engage in bullying, cyberbullying, harassment, or making hit lists. (See [glossary](#) for all four terms.)
- Coerce an individual to act by threat of force.
- Commit extortion or blackmail.
- Threaten a district student, employee, or volunteer including off school property if the conduct causes a substantial disruption to the educational environment.
- Engage in inappropriate verbal, physical, or sexual contact directed toward another person, including a district student, employee, or volunteer.
- 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 inappropriate or indecent exposure of private body parts.
- Engage in conduct that constitutes dating violence. (see [glossary](#))
- 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.
- Release or threaten to release intimate visual material of a minor or a student who is 18 years of age

Property Offenses

Students shall not:

- Steal from students, staff, or the school.
- Damage or vandalize property owned by others. (For felony criminal mischief, see [DAEP Placement](#) and/or [Expulsion](#) for Certain Offenses.)
- Deface or damage school property, including textbooks, technology, electronic resources, lockers, furniture, and other equipment, with graffiti or by other means.
- Commit or assist in a robbery or theft, even if it does not constitute a felony according to the Penal Code. (For felony robbery, aggravated robbery, or theft, see [DAEP Placement](#) and/or [Expulsion](#) for Certain Offenses.)
- Enter, without authorization, district facilities that are not open for operations.

Possession of Prohibited Items

Students shall not possess or use:

- Fireworks of any kind, smoke or stink bombs, or any other pyrotechnic device;
- A razor, box cutter, chain, or any other object used in a way that threatens or inflicts bodily injury to another person;
- A “look-alike” weapon that is intended to be used as a weapon or could reasonably be perceived as a weapon;
- An air gun or BB gun;
- Ammunition;
- A hand instrument designed to cut or stab another by being thrown;
- A firearm silencer or suppressor;
- Knuckles;
- A location-restricted knife:
- A club;
- A firearm;
- A stun gun;
- A pocket knife or any other small knife;
- Mace or pepper spray;
- Pornographic material;
- Tobacco products, cigarettes; e-cigarettes; and any component, part, or accessory for an e-cigarette device;
- Matches or a lighter;
- A laser pointer, unless it is for an approved use; or
- Any articles not generally considered to be weapons, including school supplies, when the principal or designee determines a danger exists.

Note: 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.

Possession of Telecommunications or other Electronic Devices

TEXAS HOUSE BILL 1481

In accordance with Texas House Bill 1481 and to ensure an academically focused school environment, the use of a personal communication device is prohibited by law on school property during the instructional day.

Instructional day is defined as when the student arrives at school in the morning through the end of the final period.

Personal communication devices, as defined by law, include the following:

- Cell phones
- Tablets
- Smartwatches or wearable communication devices
- Any electronic device capable of digital communication

Students shall not:

- Use phone or other devices for any reason (calls, texts, photos, social media, internet access, etc.) during the instructional day.
- Display or visibly carry phones during the instructional day.
- Use smartwatches or other wearable communication devices during the instructional day.
- Have phones or other devices on school property, visible or audible at any time during the instructional day.

STUDENT EXPECTATIONS

Students must leave their phones or devices at home or store them, powered off, in their backpacks while on school property during the instructional day. Phones and devices must remain out of sight and unused on school property during the instructional day.

If a phone is seen, heard, or used during the instructional day:

1. The device shall be confiscated by staff.
2. Staff will place the device in an approved cell phone pouch/cabinet and provide the device to an administrator or designee who will then deliver the device to the office for secure storage and retrieval by the parent/guardian.
3. Upon parent/guardian retrieval, the parent will sign a copy of the state law, FWISD policy, and confirm receipt of the device.
4. FWISD will not be held responsible for any lost, stolen, or damaged devices confiscated due to the violation of the law and district policy.
5. FWISD will follow the district's progressive discipline process for cell phone violations, and the device will be retained for the length of time designated for each offense.

ACCOMMODATIONS

Students requiring access to a personal communication device due to a documented medical need must have an approved accommodation on file through the campus administration and/or Section 504, ARD, or other applicable support plan. Approved accommodations will be implemented in accordance with the student's documented needs while maintaining compliance with district policy and state law.

Safety Transgressions

Students shall not:

- Threat to use or exhibit a firearm.
- Discharge a fire extinguisher, pulling a fire alarm, calling 911, tampering with an Automated External Defibrillator, or causing the sprinkler system to activate when there is no smoke, fire, danger, or emergency.
- Making or participating in false statements or hoaxes regarding school safety.
- Making threats regarding school safety or harm to students and/or employees, regardless of intent
- Engaging in misbehavior, actions, or demonstrations that substantially disrupt or materially interfere with school activities or that give school officials reasonable cause to believe that such conduct will substantially disrupt the school program, endanger others, or incite violence.
- Throwing objects that can cause bodily injury or property damage.
- Making false accusations or providing false statements concerning wrongful, unlawful, inappropriate, or illegal conduct alleged to have been committed by another student or District employee, official, or volunteer.
- Prop open any secure school doors or bypassing weapon detection systems, including but not limited to exterior doors, emergency exits and temporary building doors/access points.

ILLEGAL, PRESCRIPTION, AND OVER-THE-COUNTER DRUGS

Students shall not:

- Possess, use, sell, or attempt to possess, use, sell, or give any of the following: alcohol or an illegal drug. (Also see [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 [glossary](#) for “paraphernalia.”)
- Possess, use, abuse, or sell look-alike drugs or attempt to pass items off as drugs or contraband.
- 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 [glossary](#) for “abuse.”)
- Abuse over-the-counter drugs. (See [glossary](#) for “abuse.”)
- Be under the influence of prescription or over-the-counter drugs that cause impairment to the body or mind. (See [glossary](#) for “under the influence.”)
- Have 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

Student shall not:

- Violate policies, rules, or agreements signed by the student or the student’s parent regarding the use of technology resources.
- Use the internet or other electronic communications to threaten or harass district students, employees, board members, or volunteers, including off school property if the conduct causes a substantial disruption to the educational environment or infringes on the rights of another student at school.
- Send, post, deliver, or possess electronic messages that are abusive, obscene, sexually oriented, threatening, harassing, damaging to another’s reputation, or illegal, including cyberbullying and “sexting,” either on or off school property, if the conduct causes a substantial disruption to the educational environment or infringes on the rights of another student at school.
- Attempt to access or circumvent passwords or other security-related information of the district, students, or employees, or upload or create computer viruses, including off school property if the conduct causes a substantial disruption to the educational environment.

Note: A consequence can be issued to a student who violates the code of conduct or when a student is determined to be an accomplice. A student is considered an accomplice to another person if they have knowledge that will promote or facilitate the misbehavior.

Miscellaneous Offenses

Students shall not:

- Gamble.
- Falsify records, passes, or other school-related documents.
- Engage in actions or demonstrations that substantially disrupt or materially interfere with school activities.
- Violate dress and grooming standards as communicated in the [Student Handbook](#).
- Repeatedly violate other communicated campus or classroom standards of behavior.
- Engage in academic dishonesty, which includes cheating or copying the work of another student, plagiarism, and unauthorized communication between students during an examination.

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 of Students with Special Needs

Students with Disabilities (Board Policy FOF)

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

This Code of Conduct applies to all students. However, when enforcing its Code of Conduct, the District will comply with federal and state laws pertaining to students with disabilities.

NO RESTRICTION OF RECESS OR PHYSICAL ACTIVITY

A district employee may not, as a penalty for a student's academic performance or behavior, restrict the student's participation in:

1. Recess or other physical activity offered as part of the district's physical education curriculum for a student enrolled in a grade level below grade six; or
2. Physical activity offered as part of the district's physical education curriculum for a student enrolled in grade level six, seven, or eight.

DISCIPLINE MANAGEMENT TECHNIQUES

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

- Verbal correction, oral or written.
- Cooling-off time or a brief "time-out" period, in accordance with law.
- Seating changes within the classroom or vehicles owned or operated by the district.
- Temporary confiscation of items that disrupt the educational process.
- Rewards or demerits.
- Behavioral contracts.
- Counseling by teachers, school counselors, or administrative personnel.
- Parent-teacher conferences.
- Behavior coaching.
- Anger management classes.
- Mediation (victim-offender).
- Classroom circles.
- Family group conferencing.
- Grade reductions for cheating, plagiarism, and as otherwise permitted by policy.
- Detention, including outside regular school hours.
- Sending the student to the office, another assigned area, or to in-school suspension (ISS).
- Assignment of school duties, such as cleaning or picking up litter.
- Withdrawal of privileges, such as participation in extracurricular activities, eligibility for seeking and holding honorary offices, or membership in school-sponsored clubs and organizations.
- Penalties identified in student organizations' extracurricular standards of behavior.

- Restriction or revocation of district transportation privileges.
- School-assessed and school-administered probation.
- In-school suspension, as specified in In-School Suspension.
- Out-of-school suspension, as specified in Out-of-School Suspension.
- Placement in a DAEP, as specified in Disciplinary Alternative Education Program (DAEP) Placement.
- Expulsion and/or placement in an alternative educational setting, as specified in Placement and/or Expulsion for Certain Offenses.
- Expulsion, as specified in Expulsion.
- Referral to an outside agency or legal authority for criminal prosecution in addition to disciplinary measures imposed by the district.
- Other strategies and consequences as determined by school officials.

Prohibited Aversive Techniques

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

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

Listing of Offenses and Consequences by Level

LEVEL I OFFENSES

Level I acts of misconduct include repeated infractions of classroom management procedures or rules or other misconduct that disrupts the educational process. The following is a list of most common types of Level I behavior infractions:

- Refusing to follow classroom rules.
- Being tardy to class.
- Refusing to participate in classroom activities or fulfill assignments.
- Failing to bring appropriate materials to class.
- Possessing and/or using nuisance items.
- Using prohibited electronic device(s).
- Eating, drinking, or gum chewing in an undesignated area.
- Disrupting the orderly classroom process.
- Running, making excessive noise or other disruptions in halls, buildings, classrooms, or other supervised settings.
- Violating dress code (including not wearing appropriate ID badges).
- Receiving parking violations.

Level I Disciplinary Options

In no rank order, any one or combination will be applied:

- Teacher/student, counselor/student or administrator/student conference.
- Parent conference call.
- In-class disciplinary action or assignment such as, but not limited to:
 - verbal correction, change of seat, rewards or demerits, behavioral contracts, or point deductions using systems for conduct grades.
- Withdrawal of student privileges.
- Detention.
- Confiscation of nuisance items or materials.
- Confiscation of prohibited items.
- Supervised campus service assignment.
- Required correction in attire or appearance.
- School-assigned period of probation.

LEVEL II OFFENSES

When a student's behavior does not change as a result of action taken on Level I and the student is being seen for a second time in the principal's office for repeated Level I infractions, the student is moved to Level II for discipline purposes. Examples of Level II offenses include, but are not limited to:

- Disrespect to authority.
- Failing to comply with directions given by school personnel

Level II Disciplinary Options

In no rank order, any one or combination will be applied:

- Any Level I consequence.
- In-School Suspension.
- Mandatory Parent/Guardian Conference.

LEVEL III OFFENSES

Level III acts of misconduct include those student infractions which are more serious than those in Levels I and II and may impact the orderly process of the school or a school program. Examples of misconduct include, but are not limited to the following:

- Cheating or copying the work of another student.
- Leaving the classroom, school grounds, or school-sponsored events without permission. (Truant)
- Failure to comply with the personal communication device designated storage method/Using a communication device on school property during the school day.
- Cutting class or other scheduled activity.
- Using profane, obscene, indecent, or racially or ethnically offensive language, verbally or written, and/or gestures to other students.
- Altering school records, documents, or forgery of a name on school documents.
- Vandalizing or defacing school property.
- Having excessive absences or tardies.
- Engaging in acts of inappropriate familiarity with other students.
- Throwing or irresponsible use of objects that can cause bodily injury or damage to property.
- Shifting to Level IV Offense Exhibiting any unacceptable or unwanted physical contact whether injury occurs.
- Driving recklessly in an automobile.
- Gambling.
- Possessing, using, or distributing non-alcoholic beers, wines, or other liquors
- Possessing a soft air gun.
- Possessing live ammunition.
- Repeating any Level II offense or having a new violation while being disciplined for a Level II offense.

Level III Disciplinary Options

In no rank order, any one or combination of the following will be applied:

Any Level I or Level II consequence.

- Confiscation of prohibited items.
- Grade penalty for copying or cheating and/or a written assignment related to offense.
- Exclusion from extracurricular activities.
- Restoration and/or restitution as applicable.
- Referral to law enforcement personnel.
- In-School Suspension.
- Out-Of-School Suspension.

LEVEL IV SERIOUS OFFENSES

Level IV offenses include those acts of misconduct that seriously disrupt the educational process, endanger, or seriously affect other students, or violate the law. Examples include, but are not limited to the following:

Any repeated offense of Level III or having a new violation while being disciplined for a Level III offense.

- Repeated acts of disobedience or disorderly behavior that may cause a disruption in school, risk, or seriously affect the health and safety of others.
- Possessing or using tobacco products on school property at any time or while attending an off-campus school related activity.
- Oral or written threats to do bodily harm to others or to the property of others (harassment).
- Breaching or bypassing school security measures (opening or propping secured doors)
- Interfering with school authorities or programs to include boycotts, sit-ins, or trespassing.
- Fighting is defined as a physical conflict between two or more individuals.

A fight occurs if a student who is attacked strikes back. To avoid penalty, a student under attack should seek to detach himself/herself from the situation and get school personnel.

- Stealing, robbery, or burglary.
- Extortion, coercion, or blackmail (Obtaining money, objects, or favors from unwilling person(s).).
- Using profane, obscene, indecent, immoral, or offensive language and/or gestures directed toward school personnel.
- Failure to comply with assigned disciplinary consequences.
- Possessing a device, object, or substance that could cause bodily harm to individuals in any school setting.
- Failure to report to school personnel the knowledge of an event, device, object, or substance that could cause bodily harm to individuals in any school setting.
- Possession, use, or distribution of any substance represented to be a drug or alcohol.
- Possesses or uses an e-cigarette as defined by Section 161.081.
- Sexual misconduct, and/or sexual harassment.
- Hazing.
- Gang-related behavior, attire, activity, or gang membership.
- Possession of drug paraphernalia.
- Major vandalism to district property.
- Posting or distributing unauthorized communicative materials on school premises.
- Placing or discharging fireworks.
- Pledges to join, solicit membership in a public school fraternity, sorority, secret society, or gang as defined in TEC 37.121.
- Possession or distribution of pornographic materials.
- Distribution of over the counter or prescription medications to other students and/or ingestion of such medications received from other students
- Criminal trespass.
- Continuing to engage in serious or persistent misbehavior that violates the code of conduct or DAEP classroom rules after being placed in an alternative education program for disciplinary reasons (Possible Expulsion).
- Engaging in criminal mischief under Penal Code 28.03, if the conduct is punishable as a felony, whether committed on or off of school property or at a school-related activity, (intentionally or knowingly damage to school property resulting in a loss of \$1,500 or more) (Possible Expulsion).
- Simple Assault (Class C Assault found Section F of Board Policy).
- Any unwanted physical contact with injury.
- Electronically modifying school records.
- Retaliation against another student.
- Tampering or falsifying a drug test, screening, or searches.

- Involvement in a public-school fraternity, sorority, or secret society, 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.
- Engaging in bullying that encourages a student to commit or attempt to commit suicide.
- Inciting violence against a student through group bullying.
- Releasing or threatening to release intimate visual material of a minor or a student who is 18 years of age or older without the student's consent.

Level IV Disciplinary Options

In no rank order, any one or combination of the following will be applied:

- Teacher/student, administrator/student, or parent conference call.
- Out-of-School Suspension from school, not to exceed three days per discipline incident.
- Citation by law enforcement personnel.
- In-School Suspension (includes assignment for students under the age of 10).
- Reassignment of classes.
- Disciplinary Alternative Education Program Placement.
- Mandatory Parent/Guardian Conference.
- Community service projects.

LEVEL V MANDATORY REMOVAL

A student must be placed in a Disciplinary Alternative Education Program (DAEP) if the student:

- Engages in conduct relating to a false alarm or report (including a bomb threat) or a terroristic threat involving a public school. (see [glossary](#))
- Commits the following offenses on school property 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:
- Engages in conduct punishable as a felony.
- Commits an assault (see [glossary](#)) under Penal Code 22.01(a) (1).
- 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 the Expulsion section of the Code). (See [glossary](#) for "under the influence" "controlled substance," and "dangerous drug.")
- Sells, gives, or delivers to another person or possesses, uses, or is under the influence of marijuana or THC. A student with a valid prescription for low-THC cannabis as authorized by Chapter 487 of the Health and Safety Code does not violate this provision.
- Sells, gives, or delivers to another person an alcoholic beverage; commits a serious act or offense while under the influence of alcohol, or possesses, uses, or is under the influence of alcohol.
- Behaves in a manner that contains the elements of an offense relating to abusable volatile chemicals.
- Sells, gives, or delivers to another person a nicotine delivery system or an e-cigarette.
- Behaves in a manner that contains the elements of the offense of public lewdness or indecent exposure. (see [glossary](#))
- Engages in conduct that contains the elements of an offense of harassment against an employee under Penal Code 42.07 (a)(1), (2), (3), or (7).
- Engages in expellable conduct for which expulsion would otherwise be required and is between six to and nine years of age.
- Commits a federal firearms violation and is younger than six years of age.

- Engages in conduct that contains the elements of the offense of retaliation against any school employee or volunteer on or off school property (Committing retaliation in combination with another expellable offense is addressed in the Expulsion section of this Code).
- Engages in conduct punishable as aggravated robbery or a felony listed under Title 5 (see [glossary](#)) of the Penal Code when the conduct occurs off school property and not at a school-sponsored or school-related event and:
- The student receives deferred prosecution (see [glossary](#)),
- A court or jury finds that the student has engaged in delinquent conduct (see [glossary](#)), or
- The superintendent or designee has a reasonable belief (see [glossary](#)) that the student engaged in the conduct.

Level V Mandatory Expulsion

A student **must** be expelled under federal or state law for any of the following offenses that occur on school property or while attending a school-sponsored or school-related activity on or off school property:

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

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

- Unlawfully carrying on or about the student's person the following, in the manner prohibited by Penal Code 46.02:
- A handgun, defined by state law as any firearm designed, made, or adapted to be used with one hand. (see [glossary](#))

Note: A student may not be expelled solely on the basis of the student's use, exhibition, or possession of a firearm that occurs at an approved target range facility that is not located on a school campus; while participating in or preparing for a school-sponsored, shooting competition or a shooting sports activity that is sponsored or supported by the Parks and Wildlife Department; or a shooting sports sanctioning organization working with the department. [See policy [FNCG \(LEGAL\)](#).]

- A location-restricted knife, as defined by state law. (see [glossary](#))
- Possessing, manufacturing, transporting, repairing, or selling a prohibited weapon, as defined in state law. (see [glossary](#))
- Behaving in a manner that contains the elements of the following offenses under the Penal Code:
- Aggravated assault, sexual assault, or aggravated sexual assault.
- Arson. (see [glossary](#))
- Murder, capital murder, or criminal attempt to commit murder or capital murder.
- Indecency with a child.
- Aggravated kidnapping.
- Aggravated robbery.
- Manslaughter.
- Criminally negligent homicide.
- Criminally negligent homicide.
- Continuous sexual abuse of a young child or disabled individual.
- Behavior punishable as a felony that involves the selling, giving or delivering to another person, possessing, using, or being under the influence of a controlled substance or a dangerous drug.
- Engaging in retaliation against a school employee or volunteer combined with one of the above listed mandatory expulsion offenses.

Notification

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

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

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

PARENTAL INVOLVEMENT

The principal or other appropriate administrator shall notify the parent of or person standing in parental relation to a student who has been recommended placement in Disciplinary Alternative Education Program (DAEP).

Appeals

Questions from parents regarding disciplinary measures should be addressed to the teacher or campus administration as appropriate. Appeals or complaints regarding the use of specific discipline management techniques should be addressed in accordance with policy FOC/FOD (LEGAL). A copy of the policy may be obtained from the principal's office, the central administration office or through Policy Online at the following address: www.fwisd.org/policy-online

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 [FFH \(LOCAL\)](#).]

Effect of Student Withdrawal

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

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

Transportation

Appropriate student behavior and the wearing of student ID badges are essential to the safe operation of District transportation. Students must comply with the expectations of the SCC while using District transportation. In addition to compliance with the SCC, students are expected to comply with the transportation rules listed in the transportation manual.

Removal from the School Bus

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

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 transportation director or campus administrator may restrict or revoke a student's transportation privileges, in accordance with law.

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

Removal from the Regular Educational Setting

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

Routine Referral

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

Formal Teacher Removal

A teacher may initiate a formal removal from class if:

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

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

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

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

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

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

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

Returning a Student to the Classroom

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

A student who has been formally removed by a teacher for any other conduct may not be returned to the teacher's class without the teacher's written consent (or return to class plan) unless the Placement Review Committee (PRC) determines

that the teacher's class is the best or only alternative. The student should be returned to class no later than the third school day after the student was removed from class. A conference (PRC meeting) in which the teacher, student, and family were provided an opportunity to participate has been held within this 3 school day period. The student may not be returned to the referring teacher's class unless the referring teacher provides written consent for the student's return or a return to class plan has been prepared for that student.

FWISD administrators can find detailed information regarding the PRC in the Office of Student Discipline Manual.

Suspension

In-School Suspension

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

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

Out-of-School Suspension

MISCONDUCT

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

GRADE LEVEL AND OTHER RESTRICTIONS FOR ASSIGNING OSS

A student who is in third grade or younger cannot receive an out-of-school suspension unless, while at school or at a school-sponsored activity, the student engages in conduct that contains the elements of an offense related to weapons, conduct that threatens the immediate health and safety of other students in the classroom; conduct that results in repeated or significant disruptions to the classroom or unless the student engages in selling, giving, or delivering to another person or possessing, using, or being under the influence of marijuana or a controlled substance, a dangerous drug, or an alcoholic beverage.

In 2019, the [McKinney-Vento Homeless Education Act](#) established measures for homeless students. This act limits schools from issuing out-of-school suspensions to homeless students. A student who is homeless, as that term is defined in federal law for homeless children and youth, cannot receive an out-of-school suspension, unless the student engages in conduct that contains the elements of an offense related to weapons, conduct that threatens the immediate health and safety of other students in the classroom; conduct that results in repeated or significant disruptions to the classroom or unless the student engages in selling, giving, or delivering to another person or possessing, using, or being under the influence of marijuana or a controlled substance, a dangerous drug, or an alcoholic beverage.

Before any special education student (all grade levels), homeless student (all grade levels), student in protective custody (all grade levels), PreK-3rd grade student, or a secondary student that has not been assigned to OCI for a similar offense in the same school year are suspended, the administrator must discuss other discipline options with their appropriate direct supervisor (i.e. Executive Director or Principal). Suspension for these students will only be allowed with prior authorization from the appropriate direct supervisor (i.e., Executive Director or Principal).

PROCESS

State law allows a student to be suspended 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 appropriate campus administrator. The administrator shall inform the student of the alleged misconduct. The administrator will provide an opportunity for the student to respond to the allegation before the administrator determines an outcome.

Mitigating Factors

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

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

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

- Tier I Positive Behavior Intervention Strategies
- Multi-Tiered Systems of Support
- Teacher-parent telephone conferences
- Student-parent-teacher conferences
- Counseling by teacher, counselor, or administrative personnel
- Bullying Contract
- Behavior coaching
- Conflict Resolution
- Separation or "stay away" agreements or orders.
- Digital citizenship lesson
- Cooling-off time or "time out"
- Referral to student support team, outside agency or Family Resource Center
- Administrator-teacher-parent telephone conference call
- Verbal correction
- Seating changes in the classroom
- Behavioral contracts
- Confiscation of items that disrupt the educational process
- Grade reductions as permitted by policy
- Mediation
- Anger management
- Apply behavior management strategies identified in individual student organizations or extracurriculars
- Detention
- Diversionary Action Plans developed at the Office of Student Discipline. The campus behavior coordinator must accompany the student and parent for this option
- Restitution or restoration
- Removal of the student to the office, other assigned areas, or in-school suspension
- Lowered conduct grade
- School-assessed and school-administered counseling and/or group socialization skills training
- Placement in the On-Campus Intervention Program, as specified in the LEVEL I section of the Student Code of Conduct for secondary school students
- Loss or restriction of privileges, including participation or membership in co-curricular or extracurricular activities, seeking or holding honorary positions, or speaking at school activities
- Withdrawal or restriction of bus privileges
- Consequences identified in co-curricular or extracurricular codes of conduct, constitutions, by-laws, or other guidelines

- Out-of-school suspension (not to exceed three (3) consecutive school days, per incident)
- Placement in a Disciplinary Alternative Education Program (DAEP), as specified in the DAEP section of the Student Code of Conduct for 3rd-grade to 12th-grade students
- Expulsion, as specified in the expulsion section of the Student Code of Conduct
- Other strategies and consequences as specified by the Student Code of Conduct
- Referral to law enforcement when inappropriate behavior violates local and/or state law

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

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

COURSEWORK DURING SUSPENSION

The district shall ensure a student receives 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 doesn't require the use of the internet.

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

On-Campus Intervention Program (OCI)

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

Students placed in OCI are:

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

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

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

Disciplinary Alternative Education Program (DAEP) Placement

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

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

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. Removals to DAEP and JJAEP shall be made by the Office of Student Discipline.

CONFERENCE

When a student is removed from class for a DAEP offense, the CBC (Campus Behavior Coordinator) or appropriate administrator shall schedule a conference within three school days with the student's parent, the student, and the referring campus.

- Information, orally or in writing, of the reasons for the removal;
- An explanation of the basis for the removal; and
- An opportunity to respond to the reasons for the removal.

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.

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

1. Self-defense (see [glossary](#));
2. Intent or lack of intent at the time the student engaged in the conduct;
3. The student's disciplinary history;
4. A disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct;
5. A student's status in the conservatorship of the Department of Family and Protective Services (foster care); or
6. A student's status as homeless.

Discretionary Placement: Misconduct That May Result in DAEP Placement

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

MISCONDUCT IDENTIFIED IN STATE LAW

In accordance with state law, a student may be placed in a DAEP for any one of the following offenses:

- Engaging in bullying that encourages a student to commit or attempt to commit 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, including participating as member or pledge or soliciting another person to become a pledge or member of a public school fraternity, sorority or secret society, or gang. (see [glossary](#))
- Involvement in criminal street gang activity. (see [glossary](#))
- Criminal mischief not punishable as a felony.

- Assault (no bodily injury) with threat of imminent bodily injury.
- Assault by offensive or provocative physical contact.

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

The campus CBC or appropriate administrator 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

A student must be placed in a Disciplinary Alternative Education Program (DAEP) if the student:

- Engages in conduct relating to a false alarm or report (including a bomb threat) or a terroristic threat involving a public school. (see [glossary](#))
- Commits the following offenses on school property 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:
 - Engages in conduct punishable as a felony.
 - Commits an assault (see [glossary](#)) under Penal Code 22.01(a) (1).
 - 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 the Expulsion section of the Code). (See [glossary](#) for "under the influence" "controlled substance," and "dangerous drug.")
 - Sells, gives, or delivers to another person or possesses, uses, or is under the influence of marijuana or THC.
 - A student with a valid prescription for low-THC cannabis as authorized by Chapter 487 of the Health and Safety Code does not violate this provision.
 - Sells, gives, or delivers to another person an alcoholic beverage; commits a serious act or offense while under the influence of alcohol, or possesses, uses, or is under the influence of alcohol.
 - Behaves in a manner that contains the elements of an offense relating to abusable volatile chemicals.
 - Sells, gives, or delivers to another person a nicotine delivery system or an e-cigarette.
 - Behaves in a manner that contains the elements of the offense of public lewdness or indecent exposure. (see [glossary](#))
- Engages in conduct that contains the elements of an offense of harassment against an employee under Penal Code 42.07 (a)(1), (2), (3), or (7).
- Engages in expellable conduct and is six to nine years of age.
- Commits a federal firearms violation and is younger than six years of age.
- Engages in conduct that contains the elements of the offense of retaliation 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 school property.
- The student receives deferred prosecution (see [glossary](#)), or a court or jury finds that the student has engaged in delinquent conduct (see [glossary](#)), or the Superintendent or designee has a reasonable belief under Section 53.03, Family Code, for conduct defined as any of the following offenses under the Penal Code:

A felony offense under Title 5:

- The offense of deadly conduct under Section 22.05

- The felony offense of aggravated robbery under Section 29.03
- The offense of disorderly conduct involving a firearm under Section 42.01(a)(7) or (8); or
- 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.

District Discipline Conference/Hearing

The Board delegates to the Office of Student Discipline and its administrators the authority to remove a student to a Disciplinary Alternative Education Program (DAEP) or expulsion to the Juvenile Justice Alternative Education Program (JJAEP).

CONFERENCE

When a student is removed from class for a DAEP offense, the CBC or appropriate administrator shall schedule a conference within three school days with the student's parent, the student, the referring campus, and, in the case of a teacher removal, the teacher. Please review the Office of Student Discipline Manual for detailed procedures.

At the conference, the CBC or appropriate administrator shall provide the student:

- Information, orally or in writing, of the reasons for the removal;
- An explanation of the basis for the removal; and
- An opportunity to respond to the reasons for the removal.

RECORD

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

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

No later than three school days after the student is removed from class, a campus administrator will schedule a conference with the campus behavior coordinator or other appropriate administrator, the student's parent/guardian, and the student. At the conference, the administrator will explain the allegations against the student, inform the student of the basis for the proposed DAEP placement, and give the student an opportunity to explain his or her version of the incident. The District may conduct the conference and make a discipline decision regardless of whether the student or the student's parent/guardian attends if the District made reasonable attempts to have them attend.

CONSIDERATION OF MITIGATING FACTORS

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

1. Self-defense (see [glossary](#));
2. Intent or lack of intent at the time the student engaged in the conduct;
3. The student's disciplinary history;
4. A disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct;
5. A student's status in the conservatorship of the Department of Family and Protective Services (foster care); or
6. A student's status as homeless.

DAEP PLACEMENT ORDER

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

A copy of the DAEP placement order will be sent to the student and the student's parent/guardian. For those students placed in DAEP for a reason identified in the Texas Education Code, the District will also send the juvenile court a copy of the DAEP placement order no later than the second business day after the placement conference. A copy of the DAEP placement order will be included with any records sent to a school where the student seeks to enroll. The enrolling school district has discretion to enforce the DAEP placement order.

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

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

DAEP AT CAPACITY

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

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

COURSEWORK NOTICE

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

LENGTH OF DAEP PLACEMENT

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

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

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

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

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

ACCOUNTABILITY AND INTERVENTION RESPONSE (A.I.R.)

Some students may be eligible to participate in an Accountability and Intervention Response (A.I.R.) program as a form of intervention; the hearing officer will determine eligibility for the program. Only students in grades 5th through 12th are eligible to participate. They can only participate in this program once.

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

MERIT PROGRAM

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

Students placed in DAEP at the end of one school year may be required to complete the assigned term at the beginning of the next school year. For DAEP placement to extend beyond the end of the school year, the administrator must determine that:

1. the student's presence in the regular classroom or campus presents a danger of physical harm to the student or others; or
2. the student engaged in serious or persistent misbehavior that violates the SCC.

For purposes of this paragraph only, "serious or persistent misbehavior" means any misconduct identified as being punishable with placement in DAEP or expulsion or three (3) or more violations of the SCC or repeated occurrences of the same violation.

EXCEEDS ONE YEAR

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

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

EXCEEDS SCHOOL YEAR

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

For placement in a DAEP to extend beyond the end of the school year, the CBC or the board's designee must determine that:

1. The student's presence in the regular classroom or campus presents a danger of physical harm to the student or others; or
2. The student has engaged in serious or persistent misbehavior (see [glossary](#)) that violates the district's Code of Conduct.

EXCEEDS 60 DAYS

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

APPEALS

Appeals from students or parents regarding a student's placement in a Disciplinary Alternative Education Program (DAEP) should follow the guidelines outlined in policy [FOC \(LOCAL\)](#). Copies of this policy are available at the principal's office, the central administration office, or online through Policy On-Line at www.fwisd.org/policy-online

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

RESTRICTIONS DURING PLACEMENT

The district does not permit a student who is placed in a DAEP to participate in any school-sponsored or school-related extracurricular or co-curricular activities, including seeking or holding honorary positions and/or membership in school-sponsored clubs and organizations. The district shall provide transportation to students in a DAEP at the elementary, middle, high school levels. A student with a disability who is entitled to transportation in accordance with the student's individualized education program (IEP) or Section 504 plan will receive transportation regardless of grade level.

For seniors who are eligible to graduate and are assigned to a DAEP at the time of graduation, the placement in the program will continue through graduation, and the student shall not be allowed to participate in the graduation ceremony and related graduation activities unless otherwise specified in the DAEP placement order.

IMPACT ON GRADUATION

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

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

PLACEMENT REVIEW

A student placed in a DAEP shall be provided with a review of his or her status, including academic status, by the CBC or the board's designee at intervals not to exceed 120 days. In the case of a high school student, the student's progress toward graduation and the student's graduation plan shall also be reviewed. At the review, the student or the student's parent shall be given the opportunity to present arguments for the student's return to the regular classroom or campus. The student may not be returned to the classroom of a teacher who removed the student without that teacher's consent.

ADDITIONAL MISCONDUCT

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

Notice of Criminal Proceedings

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

If the District receives notice that prosecution of a student's case was refused and no formal proceedings, deferred adjudication, or deferred prosecution will be initiated or a court or jury found the

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

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

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

WITHDRAWAL DURING PROCESS

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

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

NEWLY ENROLLED STUDENTS

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

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

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

TRANSITION SERVICES

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.

Expulsion

Placement and/or Expulsion for Certain Offenses

This section includes two categories of offenses for which the Education Code provides unique procedures and specific consequences.

REGISTERED SEX OFFENDERS

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

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

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

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

REVIEW COMMITTEE

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

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

NEWLY ENROLLED STUDENTS

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

APPEAL

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

CERTAIN FELONIES

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

- Received deferred prosecution for conduct defined as aggravated robbery or a Title 5 felony offense;
- Been found by a court or jury to have engaged in delinquent conduct for conduct defined as aggravated robbery or a Title 5 felony offense;
- Been charged with engaging in conduct defined as aggravated robbery or a Title 5 felony offense;
- Been referred to a juvenile court for allegedly engaging in delinquent conduct for conduct defined as aggravated robbery or a Title 5 felony offense; or
- Received probation or deferred adjudication, or have been arrested for, charged with, or convicted of aggravated robbery or a Title 5 felony offense.
- The District may expel the student and order placement under these circumstances, regardless of:
- The date on which the student's conduct occurred;
- The location at which the conduct occurred;
- Whether the conduct occurred while the student was enrolled in the District; or
- Whether the student has successfully completed any court disposition requirements imposed in connection with the conduct.

ANY LOCATION

A student **may** be expelled for:

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

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

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

- Selling, giving, or delivering to another person, or possessing, using, or being under the influence of any amount of marijuana, a controlled substance, or a dangerous drug, unless the conduct is punishable as a felony. A student with a valid prescription for low-THC cannabis as authorized by Chapter 487 of the Health and Safety Code does not violate this provision. (See [glossary](#) for "under the influence.")
- Selling, giving, or delivering to another person, or possessing, using, or being under the influence of alcohol; or committing a serious act or offense while under the influence of alcohol.
- Engaging in conduct that contains the elements of an offense relating to abusable volatile chemicals.
- Engaging in deadly conduct. (see [glossary](#))

WITHIN 300 FEET OF SCHOOL

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

PROPERTY OF ANOTHER DISTRICT

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

WHILE IN DAEP

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

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

Mandatory Expulsion: Misconduct That Requires Expulsion

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

UNDER FEDERAL LAW

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

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

UNDER THE PENAL CODE

- Unlawfully carrying on or about the student's person the following, in the manner prohibited by [Penal Code 46.02](#):
 - A handgun, defined by state law as any firearm designed, made, or adapted to be used with one hand. (see [glossary](#))

Note: A student may not be expelled solely on the basis of the student's use, exhibition, or possession of a firearm that occurs at an approved target range facility that is not located on a school campus; while participating in or preparing for a school-sponsored, shooting sports competition or a shooting sports educational activity that is sponsored or supported by the Parks and Wildlife Department; or a shooting sports sanctioning organization working with the department. [See policy [FNCG \(LEGAL\)](#).]

- A location-restricted knife, as defined by state law. (see [glossary](#))

- Possessing, manufacturing, transporting, repairing, or selling a prohibited weapon, as defined in state law. (see [glossary](#))
- Engages in conduct that contains the elements of the offense of exhibiting, using, or threatening to exhibit or use a firearm under Education Code 37.125.
- Behaving in a manner that contains elements of the following offenses under the Penal Code:
 - Aggravated assault, sexual assault, or aggravated sexual assault.
 - Arson. (see [glossary](#))
 - Murder, capital murder, or criminal attempt to commit murder or capital murder.
 - Indecency with a child.
 - Kidnapping or aggravated kidnapping.
 - Burglary, robbery, or aggravated robbery.
 - Manslaughter.
 - Criminally negligent homicide.
 - Continuous sexual abuse of a young child or disabled individual.
 - Behavior punishable as a felony that involves selling, giving, or delivering to another person, or possessing, using, or being under the influence of a controlled substance or a dangerous drug.
 - Engaging in conduct that contains elements of assault against a school employee or volunteer.

Students Under Age Ten

A student younger than ten (10) years of age who engages in conduct for which expulsion is otherwise required shall not be expelled but shall be placed in a Disciplinary Alternative Education Program (DAEP).

A student younger than six (6) years of age may not be placed in a DAEP unless the student commits a federal firearm offense.

PROCESS

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

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

- Another appropriate classroom.
- In-school suspension.
- Out-of-school suspension.
- A Disciplinary Alternative Education Program (DAEP)

HEARING

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

- 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,
- An opportunity to testify and to present evidence and witnesses in the student's defense, and
- 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 FWISD School Board delegates to the superintendent or designee authority to conduct hearings and expel students.

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

Please review the Office of Student Discipline Manual for further procedural information.

VIRTUAL EXPULSION PROGRAM

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

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

CONSIDERATION OF VIRTUAL EDUCATION AS AN ALTERNATIVE TO EXPULSION

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

BOARD REVIEW FOR EXPULSION

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

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

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

EXPULSION ORDER

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

1. Self-defense (see [glossary](#));
2. Intent or lack of intent at the time the student engaged in the conduct;
3. The student's disciplinary history;
4. A disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct;
5. A student's status in the conservatorship of the Department of Family and Protective Services (foster care); or
6. A student's status as homeless.

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

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

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

LENGTH OF EXPULSION

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

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

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

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

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

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

WITHDRAWAL DURING PROCESS

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

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

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

ADDITIONAL MISCONDUCT

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

RESTRICTIONS DURING EXPULSION

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

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

NEWLY ENROLLED STUDENTS

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

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

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

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

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

EMERGENCY EXPULSION PROCEDURES

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

DAEP PLACEMENT OF EXPELLED STUDENTS

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

TRANSITION SERVICES

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

SUMMER SCHOOL

Students assigned to Metro or Insights who are required to attend summer school may attend a regular campus if their assigned campus does not offer a summer school program.

SUMMER ACTIVITIES

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

Searches and Other Expulsion Issues

Vehicles

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

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

Weapon Detection Systems

To promote a safe and secure learning environment, Fort Worth ISD utilizes weapon detection systems at all high school campuses. Students, staff, visitors, and other individuals entering a high school campus are required to participate in the weapon detection screening process and may be subject to additional screening of personal belongings, bags, backpacks, packages, and other items brought onto District property.

The District may also utilize weapon detection systems at any campus, District facility, school-sponsored event, extracurricular activity, or other District activity as deemed necessary to support student and staff safety.

Students who refuse to participate in the weapon detection screening process, fail to cooperate with District personnel, or attempt to bypass, evade, circumvent, or otherwise defeat weapon detection screening procedures commit a serious safety violation. Such conduct may result in disciplinary action, including placement in DAEP, as permitted by the Student Code of Conduct.

Photographic/Video/Audio

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

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

General Security - Acceptable Use Policy

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

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

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

ACCEPTABLE USE OF ASSETS

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

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

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

NONCOMPLIANCE

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

1. Oral and/or written warning
2. Discipline in accordance with the Student Code of Conduct
3. Legal action per applicable laws and contractual agreements
 - View complete [Acceptable Use of Assets Policy](#) here.

Notice of Non-Disclosure

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

The District has designated and authorized the following employee as the Title IX Coordinator to address concerns or inquiries regarding discrimination on the basis of sex, including sexual harassment, sexual assault, dating violence, domestic violence, stalking, or gender-based harassment:

Darnisha Carreathers, Title IX Coordinator,
7060 Camp Bowie Boulevard
Fort Worth, Texas 76116]
Telephone: (817) 814-1833
E-mail: TitleIX@fwisd.org

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

For concerns regarding discrimination based on disability, contact the Special Education Department:

Audrey Thomas, Executive Director of Specialized Learning
7060 Camp Bowie Boulevard
Fort Worth, Texas 76116
Telephone: (817) 814-2830
E-mail: audrey.thomas@fwisd.org

For Other Complaints and Concerns

Usually, student or parent complaints or concerns can be addressed by a phone call or a conference with the teacher or principal. For those complaints that cannot be handled so easily, the District has adopted a standard complaint policy at [FNG \(LOCAL\)](#) in the district's policy manual. A copy of the policy can be obtained from the principal's office or on the District's website at: www.fwisd.org/policy-online

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

Glossary

ABUSE is improper or excessive use.

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

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

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

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

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

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

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

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

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

BREACH OF COMPUTER SECURITY includes knowingly accessing a computer, computer network, or computer system without the effective consent of the owner as defined in Penal Code 33.02, if the conduct involves accessing a computer, computer network, or computer system owned by or operated on behalf of a school district and the student knowingly

alters, damages, or deletes school district property or information or commits a breach of any other computer, computer network, or computer system.

BULLYING is defined as a single significant act or a pattern of acts by one or more students directed at another student that exploits an imbalance of power and involves engaging in written or verbal expression, expression through electronic means, or physical conduct that:

1. Has the effect or will have the effect of physically harming a student, damaging a student's property, or placing a student in reasonable fear of harm to the student's person or damage to the student's property;
2. Is sufficiently severe, persistent, or pervasive enough that the action or threat creates an intimidating, threatening, or abusive educational environment for a student;
3. Materially and substantially disrupts the educational process or the orderly operation of a classroom or school; or
4. Infringes on the rights of the victim at school.

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

1. Bullying that occurs on or is delivered to school property or to the site of a school-sponsored or school-related activity on or off school property;
2. Bullying that occurs on a publicly or privately owned school bus or vehicle being used for transportation of students to or from school or a school-sponsored or school-related activity; and
3. Cyberbullying that occurs off school property or outside of a school-sponsored or school-related activity if the cyberbullying interferes with a student's educational opportunities or substantially disrupts the orderly operation of a classroom, school, or school-sponsored or school-related activity.

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

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

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

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

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

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

DANGEROUS DRUG is defined by [Health and Safety Code 483.001](#) as a device or a drug that is unsafe for self-medication and that is not included in Schedules I through V or Penalty Groups 1 through 4 of the [Texas Controlled Substances Act](#).

The term includes a device or drug that federal law prohibits dispensing without prescription or restricts to use by or on the order of a licensed veterinarian.

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

DEADLY CONDUCT under [Penal Code 22.05](#) occurs when a person recklessly engages in conduct that places another in imminent danger of serious bodily injury, such as knowingly discharging a firearm in the direction of an individual, habitation, building, or vehicle.

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

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

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

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

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

E-CIGARETTE means an electronic cigarette or any other device that simulates smoking by using a mechanical heating element, battery, or electronic circuit to deliver nicotine or other substances to the individual inhaling from the device or a consumable liquid solution or other material aerosolized or vaporized during the use of an electronic cigarette or other device described by this provision. The term includes any device that is manufactured, distributed, or sold as an e-cigarette, e-cigar, or e-pipe or under another product name or description, and a component, part, or accessory for the device, regardless of whether the component, part, or accessory is sold separately from the device.

EXPLOSIVE WEAPON is defined by [Penal Code 46.01](#) as any explosive or incendiary bomb, grenade, rocket, or mine and its delivery mechanism that is designed, made, or adapted for the purpose of inflicting serious bodily injury, death, or substantial property damage, or for the principal purpose of causing such a loud report as to cause undue public alarm or terror.

FALSE ALARM OR REPORT under [Penal Code 42.06](#) occurs when a person knowingly initiates, communicates, or circulates a report of a present, past, or future bombing, fire, offense, or other emergency that he or she knows is false or baseless and that would ordinarily:

1. Cause action by an official or volunteer agency organized to deal with emergencies;
2. Place a person in fear of imminent serious bodily injury; or
3. Prevent or interrupt the occupation of a building, room, or place of assembly.

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

FIREARM is defined by [Federal Law \(18 U.S.C. 921\(a\)\)](#) as:

1. Any weapon (including a starter gun) that will, is designed to, or may readily be converted to expel a projectile by the action of an explosive;
2. The frame or receiver of any such weapon;
3. Any firearm muffler or firearm silencer, defined as any device for silencing, muffling, or diminishing the report of a portable firearm; or

4. Any destructive device, such as any explosive, incendiary or poison gas bomb, or grenade. Such a term does not include an antique firearm.

FIREARM SILENCER: Any device designed, made, or adapted to muffle the report of a firearm.

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

GRAFFITI includes markings with paint, an indelible pen or marker, or an etching or engraving device on tangible property without the effective consent of the owner. The markings may include inscriptions, slogans, drawings, or paintings.

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

HARASSMENT includes:

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

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

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

4. Coercing a student to consume a drug or alcoholic beverage in an amount that would lead a reasonable person to believe the student is intoxicated.

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

IMPROVISED EXPLOSIVE DEVICE is defined by [Penal Code 46.01](#) as a completed and operational bomb designed to cause serious bodily injury, death, or substantial property damage that is fabricated in an improvised manner using nonmilitary components.

INDECENT EXPOSURE is defined by [Penal Code 21.08](#) as an offense that occurs when a person exposes the person's anus or any part of the person's genitals with intent to arouse or gratify the sexual desire of any person, and is reckless about whether another is present who will be offended or alarmed by the act.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. Clothing, purse, or backpack;
2. A private vehicle used for transportation to or from school or school-related activities, including, but not limited to, an automobile, truck, motorcycle, or bicycle;
3. Personal communication devices or electronic devices; or
4. Any school property used by the student, including, but not limited to, a locker or desk.

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

PROHIBITED WEAPON under [Penal Code 46.05\(a\)](#) means:

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

PUBLIC LEWDNESS is defined by [Penal Code 21.07](#) as an offense that occurs when a person knowingly engages in an act of sexual intercourse, deviate sexual intercourse, or sexual contact in a public place or, if not in a public place, when the person is reckless about whether another is present who will be offended or alarmed by the act.

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

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

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

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

SERIOUS MISBEHAVIOR means:

1. Deliberate violent behavior that poses a direct threat to the health or safety of others;
2. Extortion, meaning the gaining of money or other property by force or threat;

3. Conduct that constitutes coercion, as defined by Penal Code Section 1.07; or
4. Conduct that constitutes the offense of:
 - a. Public lewdness under [Penal Code 21.07](#);
 - b. Indecent exposure under [Penal Code 21.08](#);
 - c. Criminal mischief under [Penal Code 28.03](#);
 - d. Hazing under [Education Code 37.152](#); or
 - e. Harassment under [Penal Code 42.07\(a\)\(1\)](#) of a student or district employee.

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

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

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

SEXUAL HARASSMENT: Unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature, or conduct on the basis of sex prohibited by District policy FFH or FNC, when it is so severe, persistent, pervasive, and objectively offensive that it has the purpose or effect of effectively denying a person equal access to an educational program or activity. Conduct that meets the definitions of sexual assault, dating violence, domestic violence or stalking under federal law.

SHORT-BARREL FIREARM is defined by [Penal Code 46.01](#) as a rifle with a barrel length of less than 16 inches or a shotgun with a barrel length of less than 18 inches, or any weapon made from a rifle or shotgun that, as altered, has an overall length of less than 26 inches.

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

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

1. Cause a reaction of any type by an official or volunteer agency organized to deal with emergencies;
2. Place any person in fear of imminent serious bodily injury;
3. Prevent or interrupt the occupation or use of a building; room, place of assembly, or place to which the public has access; place of employment or occupation; aircraft, automobile, or other form of conveyance; or other public place;
4. Cause impairment or interruption of public communications; public transportation; public water, gas, or power supply; or other public service;
5. Place the public or a substantial group of the public in fear of serious bodily injury; or
6. Influence the conduct or activities of a branch or agency of the federal government, the state, or a political subdivision of the state (including the district).

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

TIRE DEFLATION DEVICE is defined in part by [Penal Code 46.01](#) as a device, including a caltrop or spike strip, that, when driven over, impedes or stops the movement of a wheeled vehicle by puncturing one or more of the vehicle's tires.

TITLE 5 FELONIES are those crimes listed in [Title 5 of the Penal Code](#) that typically involve injury to a person and may include:

- Murder, manslaughter, or homicide under Sections 19.02-.05;
- Kidnapping under Section 20.03;
- Trafficking of persons under Section 20A.02;
- Smuggling or continuous smuggling of persons under Sections 20.05-.06;
- Assault under Section 22.01;
- Aggravated assault under Section 22.02;
- Sexual assault under Section 22.011;
- Aggravated sexual assault under Section 22.021;
- Unlawful restraint under Section 20.02;
- Continuous sexual abuse of a young child or disabled individual under Section 21.02;
- Bestiality under Section 21.09;
- Improper relationship between educator and student under Section 21.12;
- Voyeurism under Section 21.17;
- Indecency with a child under Section 21.11;
- Invasive visual recording under Section 21.15;
- Disclosure or promotion of intimate visual material under Section 21.16;
- Sexual coercion under Section 21.18;
- Injury to a child, an elderly person, or a disabled person of any age under Section 22.04;
- Abandoning or endangering a child under Section 22.041;
- Deadly conduct under Section 22.05;
- Terroristic threat under Section 22.07;
- Aiding a person to die by suicide under Section 22.08; and
- Tampering with a consumer product under Section 22.09.

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

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

VIOLENCE means behavior involving physical force intended to hurt, or damage someone or something, including but not limited to physical aggression, assaultive behaviors, mutual fights, and bullying.

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.

