Student Code of Conduct

2026-2027

SHERMAN

INDEPENDENT SCHOOL DISTRICT

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Student Code of Conduct

Accessibility

If you have difficulty accessing the information in this document because of disability, please contact **sisdinfo@shermanisd.net** or call the Sherman ISD administration building 903-891-6400.

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/Charter 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 Student Code of Conduct has been adopted by the *Sherman Independent School District* board of trustees and developed with the advice of the district-level planning and decision-making committee. It informs parents and students about 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 available for review at the campus principal's office. The Code of Conduct shall be available at the principal's office and posted on the district's website. Parents/Guardians shall be notified of any conduct violation that may result in a student being suspended, placed in a DAEP or JJAEP, expelled, or taken into custody by a law enforcement officer under *Chapter 37 of the Education Code*.

Because the district's board of trustees adopts the Student Code of Conduct, 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.

Sherman Independent School District
Authority and Jurisdiction

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

The district has disciplinary authority over a student:

1. At a *Sherman Independent School District* campus or facility;
2. While the student is traveling on district transportation;
3. At any school-related activity, regardless of time or location;
4. For certain school-related misconduct, in accordance with law, regardless of time or location;
5. When retaliation against a school employee, board member, or volunteer occurs or is threatened, regardless of time or location;
6. When a student engages in cyberbullying, as defined by *Education Code 37.0832*;
7. When criminal mischief is committed on or off school property or at a school-related event;
8. For certain offenses committed within 300 feet of school property as measured from any point on the school's real property boundary line;
9. For certain offenses committed while on school property or while attending a school-sponsored or school-related activity of another district in Texas;
10. When the student commits a felony, as provided by *Education Code 37.006 or 37.0081*; and
11. When the student is required to register as a sex offender.

Campus Behavior Coordinator

As required by law, a person at each campus must be designated to serve as the campus behavior coordinator. The designated person is the campus principal. The principal is primarily responsible for maintaining student discipline. The district shall post the email address and telephone number of the person serving as the campus behavior coordinator on its website and in the Student Handbook for each campus. Contact information for each campus principal is below:

Campus	Principal	Email Address
Sherman High School	Dr. Kristen Perry	**kperry@shermanisd.net**
Piner Middle School	Jeff Chancellor	**jchancellor@shermanisd.net**
Sherman Middle School	Dr. Max Smith	**masmith@shermanisd.net**

Jefferson Learning Center	Jim May	**jimay@shermanisd.net**
Fred Douglass ECC	Torie Washington	**twashington@shermanisd.net**
Perrin ECC	Nancy Jung	**njung@shermanisd.net**
Crutchfield Elementary	Lisa Kusch	**lkusch@shermanisd.net**
Dillingham Elementary	Steven Traw	**straw@shermanisd.net**
Fairview Elementary	Julee West	**juwest@shermanisd.net**
Neblett Elementary	Todd Frazier	**tfrazier@shermanisd.net**
Parker Elementary	Ashley Woods	**awoods@shermanisd.net**
Sory Elementary	Lori Hartman	**lhartman@shermanisd.net**
Washington Elementary	Ali Holderby	**aholderby@shermanisd.net**

Threat Assessment and Safe and Supportive School Team

The principal or other appropriate administrator will work closely with the campus threat assessment Safe and Supportive School Team (SSST) to implement the district's threat assessment policy and procedures, as mandated by law, and shall take appropriate disciplinary action in accordance with the Code of Conduct.

The District may conduct behavioral threat assessments and safety evaluations in accordance with Texas Education Code Chapter 37 and applicable district policy when student conduct, communications, or behaviors indicate a potential threat to student safety, staff safety, or campus operations.

The District may temporarily remove a student from the educational setting when necessary to address immediate safety concerns pending completion of a threat assessment or safety review, in accordance with law.

Searches

Officials of the Sherman ISD 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 carried out in a reasonable and non-discriminatory manner. Refer to the district's policies at FNF(LEGAL) and FNF(LOCAL) for more information regarding investigations and searches.

The district has the right to search a vehicle driven to school by a student and parked on school property whenever there is reasonable suspicion to believe it contains articles or materials prohibited by the district.

Desks, lockers, district-provided technology, and similar items are the property of the district and are provided for student use as a matter of convenience. District property is subject to search or inspection at any time without notice.

Students shall have no expectation of privacy in district-owned technology resources, district email systems, district network usage, or files stored on district-owned devices, to the extent permitted by law.

The District reserves the right to monitor, access, review, or inspect district technology resources and electronic communications conducted on district systems in accordance with law and district policy.

Reporting Crimes

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

Sherman ISD Police Department and Security Personnel

The Board of Trustees has established the Sherman Independent School District Police Department, who are commissions licensed peace officers to provide law enforcement, safety, and security services for the District. Sherman ISD police officers are supervised by the chief of police, who reports to the Superintendent or the Superintendent's designee.

The Board may also employ or authorize other security personnel to assist in protecting students, staff, visitors, and District property. The duties and responsibilities of Sherman ISD police officers and other security personnel shall be established in accordance with applicable law and District policy, including CKE(LOCAL).

Sherman ISD police officers are Texas peace officers and have the authority and responsibilities provided by state law.

Their law enforcement duties include:

a. Protecting the safety and welfare of students, employees, visitors, and other persons within the District's jurisdiction.

b. Protecting District property and maintaining a safe and secure educational environment.

c. Enforcing federal, state, and local laws and investigating suspected criminal offenses occurring within the jurisdiction of the District.

d. Detaining or arresting individuals when authorized by law and in accordance with applicable constitutional and statutory requirements.

e. Executing search warrants, arrest warrants, and other lawful court orders related to District investigations or matters within the Department's jurisdiction.

f. Responding to emergencies, threats, safety concerns, and requests for law enforcement assistance.

g. Coordinating and cooperating with municipal, county, state, federal, and other law enforcement and emergency response agencies.

h. Providing security at District campuses, facilities, extracurricular activities, athletic events, meetings, and other District-sponsored functions.

i. Assisting District administrators with incidents involving suspected criminal conduct, threats to safety, or other matters requiring law enforcement intervention.

j. Performing other lawful law enforcement and security duties assigned by the chief of police or the Superintendent consistent with applicable law and District policy.

Sherman ISD police officers and security personnel shall not be assigned routine student discipline, routine school administrative duties, or formal contact with students that is unrelated to their law enforcement or security responsibilities. Student misconduct that constitutes only a violation of the Student Code of Conduct shall ordinarily be addressed by campus administration. Police involvement may occur when the conduct also presents a safety concern, may constitute a criminal offense, requires an emergency response, or otherwise falls within the lawful duties of the Sherman ISD Police Department.

Nothing in this section prohibits Sherman ISD police officers or security personnel from having appropriate informal and positive interactions with students or from participating in District safety, prevention, education, and community engagement activities.

"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.

Unauthorized Persons

1. In accordance with *Education Code 37.105*, a school administrator, school resource officer (SRO), or district police officer shall have the authority to refuse entry to or eject a person from district property if the person refuses to leave peaceably on request and:
2. The person poses a substantial risk of harm to any person, or 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, which may result in refusal of entry or ejection.

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

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

Standards for Student Conduct

Each student is anticipated to:

- Exhibit courtesy, even when others may not.
- Conduct themselves in a responsible manner.
- Demonstrate self-discipline.
- Attend all classes consistently and punctually.
- Bring suitable materials and assignments to class.
- Adhere to district and campus standards of grooming and dress.
- Follow all campus and classroom rules.
- Regard the rights and privileges of students, teachers, and other district staff and volunteers.

General Conduct Violations

The categories of conduct below are prohibited at school, in district-owned or operated vehicles, and at all school-related activities, but the list does not include the most severe offenses. In the subsequent sections, **Out-of-School Suspension**, **DAEP Placement** on, **Placement and/or Expulsion for Certain Offenses**, and **Expulsion**, those offenses that require or permit specific consequences are listed. Any offense, however, may be severe enough to result in **Removal from the Regular Educational Setting,** as detailed.

Disregard for Authority

Students shall refrain from:

- Failing to comply with directives given by school personnel.
- Leaving school grounds or school-sponsored events without authorization.
- Disobeying rules for conduct in district vehicles.
- Refusing to accept discipline or consequence assigned by a teacher or principal.

Mistreatment of Others

Students shall not:

- Use profane or vulgar language or make obscene gestures.
- Fight or scuffle. (For assault, see **DAEP—Placement and/or Expulsion for Certain Offenses**.)
- Threaten a district student, employee, or volunteer, including off-campus, if the conduct substantially disrupts the educational environment.
- Engage in bullying, cyberbullying, harassment, or making hit lists. (See **glossary**.)
- Release or threaten to release intimate visual material of a minor or student 18 or older without consent.
- Engage in sexual harassment (See **glossary**) or conduct constituting dating violence. (See **glossary.**)
- Engage in inappropriate or indecent exposure of private body parts.
- Participate in hazing. (See **glossary**.)
- Coerce an individual to act through force or threat of force.
- Commit extortion or blackmail.
- Direct inappropriate verbal, physical, or sexual conduct toward another person, including a student, employee, or volunteer.
- Record the voice or image of another without prior consent or in a manner disruptive to the educational environment or invading privacy.

Property Offenses

Students shall refrain from:

- Damaging or vandalizing property belonging to others. (For felony criminal mischief, see DAEP section.)
- Defacing or damaging school property, such as textbooks, technology, lockers, furniture, etc., with graffiti or by other means.
- Stealing from students, staff, or the school.
- Committing or assisting in robbery or theft, even if not a felony per the Penal Code. (For felony robbery/theft, see DAEP section.)
- Entering district facilities, vehicles, or property without authorization or outside authorized hours.

Possession of Prohibited Items

Students shall not possess or use:

- Fireworks of any kind, smoke/stink bombs, or other pyrotechnic devices;
- Razors, box cutters, chains, or objects used to threaten or inflict bodily injury;
- "Look-alike" weapons intended to be used as weapons or could reasonably be perceived as such;
- Air guns or BB guns;
- Ammunition, ammunition magazines, firearm accessories, or imitation firearm devices that substantially resemble actual firearms;
- Ammunition;
- Hand instruments designed to cut or stab by being thrown;
- Firearm silencers or suppressors;
- *Location-restricted knives;
- *Clubs;
- *Firearms;
- Stun guns;
- Knuckles;
- Mace or pepper spray;
- Pornographic material;
- Tobacco products, e-cigarettes, any e-cigarette components or accessories, THC vape devices, or related paraphernalia prohibited by law or district policy;
- Matches or lighters;
- Laser pointers, unless approved use; or
- Any articles the principal determines are dangerous, including school supplies.

*See **DAEP—Placement and/or Expulsion** for weapons and firearms. In many cases, possession of these items results in mandatory expulsion under state or federal law.

Possession of Telecommunications or Other Electronic Devices

Students shall not:

- Use a personal telecommunications device, including, but not limited to, a cell phone and wearable technology such as the Apple Watch, smartwatches, fitness watches, paging device, radio device, or any device capable of receiving notifications or facilitating communication on school property during the school day.
    - A student's personal telecommunications device shall be left at home or turned completely off and stored in a backpack for the entirety of the school day.

- Exceptions to this rule will be decided on a case-by-case basis and in compliance with relevant law and policy.

Illegal, Prescription, and Over-the-Counter Drugs

Students shall not:

- Possess, use, give, or sell alcohol or illegal drugs. (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 prohibited substances. (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 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

Students shall not:

- Violate policies, rules, or agreements signed by the student or the student's parent regarding the use of technology resources.
- 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.
- Attempt to alter, destroy, or disable district technology resources including, but not limited to, computers and related equipment, district data, the data of others, or other networks connected to the district's system, including off-school property if the conduct causes a substantial disruption to the educational environment.
- Use the internet or other electronic communications to threaten or harass district students, employees, board members, or volunteers, including off-school property, 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.
- Use the Internet or other electronic communication to engage in or encourage illegal behavior or threaten school safety, 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.
- Use district technology resources or electronic communication systems to engage in harassment, bullying, cyberbullying, intimidation, threats, or academic dishonesty.
- Create, possess, or distribute altered, manipulated, or synthetic electronic content involving students or employees in a manner that substantially disrupts the educational environment or infringes upon the rights of others.
- Record or distribute classroom activity or student information in violation of district policy or in a manner that substantially disrupts school operations or violates the privacy rights of students or staff as provided by law.
- Use artificial intelligence platforms, automated content-generation systems, or other technology resources in violation of campus or classroom academic integrity rules.

Safety Transgressions

Students shall not:

- Possess published or electronic material that is designed to promote or encourage illegal behavior or that could threaten school safety.
- Engage in verbal (oral or written) exchanges that threaten the safety of another student, a school employee, or school property.
- Make false accusations or perpetrate hoaxes regarding school safety.
- Engage in any conduct that school officials might reasonably believe will substantially disrupt the school program or incite violence.
- Throw objects that can cause bodily injury or property damage.
- Discharge a fire extinguisher without valid cause.
- Make verbal, written, electronic, or online threats concerning school violence, weapons, explosives, or harm to students, employees, or school property in a manner that causes or foreseeably may cause substantial disruption to school operations or student safety.

Miscellaneous Offenses

Students shall not:

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

Additional Campus or Classroom Rules

The district may impose campus or classroom rules in addition to those found in the Student Code of Conduct. These rules may be posted in classrooms or given to students and may or may not constitute violations of the Student Code of Conduct (SCOC).

Discipline Management Techniques

Discipline shall be designed to improve conduct and encourage students to be responsible members of the school community. Disciplinary action shall draw on the professional judgment of teachers and administrators and on a range of discipline management techniques. Discipline shall be based on the seriousness of the offense, the student's age and grade level, the frequency of misbehavior, the student's attitude, the effect of the misconduct on the school environment, and statutory requirements, taking into account whether the conduct involved Self-Defense (see **glossary**), intent or lack of intent at the time the student engaged in the conduct, the student's disciplinary history, any disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct, the student's status in the conservatorship of the Department of Family and Protective Services (foster care), and the student's status as homeless.

Nothing in this Code limits the authority of campus administrators to impose immediate disciplinary consequences authorized by law when necessary to maintain a safe and orderly educational environment.

Students with Disabilities

The discipline of students with disabilities is subject to applicable state and federal law in addition to the Student Code of Conduct. In the event of any conflict, the district shall

comply with federal law. For more information regarding the discipline of students with disabilities, see policy FOF(LEGAL).

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

In deciding whether to order suspension, DAEP placement, or expulsion, regardless of whether the action is mandatory or discretionary, the district shall take into consideration a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct.

In accordance with the Education Code, a student who receives special education services shall not be disciplined in a manner that their educational placement is changed until an ARD committee meeting has been held to review the conduct.

Techniques

The following discipline management techniques may be used alone, in combination, or as part of progressive interventions for behavior prohibited by the Student 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.
- 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.
- 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.

- Out-of-school suspension, as specified in **Out-of-School Suspension**.
- Placement in a DAEP, as specified in **DAEP**.
- 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, 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 progressing 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).
- Restricting a student's access to recess or other physical activity offered as a part of school's physical education curriculum.

Notification

The principal or appropriate administrator 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. When a parent is notified regarding their student's placement in DAEP, they must also be notified of their right to request a behavioral agreement. The principal or appropriate administrator 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 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 principal shall send written notification by U.S. Mail. If the principal is not able to provide notice to the parent, the 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.

To the extent permitted by law, the District may provide disciplinary notices and related communications electronically through district-approved communication systems, email, or parent portal platforms.

Appeals

Parents should address questions regarding disciplinary measures to the teacher, campus administration, or principal as appropriate. Appeals or complaints regarding the use of specific discipline management techniques should be addressed in accordance with policy FNG(LOCAL). A copy of the policy may be obtained by going to the Sherman ISD website at **https://policyconnect.org/policy/sherman-isd/FNG**.

The district may delay a disciplinary consequence while a student or parent pursues a grievance. In the instance of a student who is accused of conduct that meets the definition of sexual harassment as defined by Title IX, the district will comply with applicable federal law, including the Title IX formal complaint process. See policies FFH(LEGAL) and (LOCAL).

Removal from the School Bus

A bus driver may refer a student to the principal's office to maintain effective discipline on the bus. The principal must employ additional discipline management techniques, as appropriate, which can include restricting or revoking a student's bus riding privileges.

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

Removal from the Regular Educational Setting

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

Routine Referral

A routine referral occurs when a teacher sends a student to the principal's office or appropriate administrator as a discipline management technique. The principal or appropriate 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 Removal

A teacher may initiate a formal removal from class if there is a single incident of:

1. A student who repeatedly interfere with the teacher's ability to teach the class or with other student's ability to learn or
2. The behavior is so unruly, disruptive, abusive, threatening, intimidating, or otherwise materially interfering with classroom instruction that the teacher cannot teach and the students in the classroom cannot learn.

A formal removal may occur based on a single incident when the behavior is sufficiently severe to substantially disrupt classroom instruction or threaten the safety of students or staff.

Within three school days of the formal removal, the principal 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 principal 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. If a return to class plan is warranted, it must be discussed at the conference.

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

- Another appropriate classroom.
- In-school suspension.
- 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 whom a teacher has formally removed for any other conduct may be returned to the teacher's class without the teacher's consent if the placement review committee determines that the teacher's class is the best or only alternative available.

Prior to returning a student to the classroom following a formal removal, campus administration may consider behavioral interventions, parent conferences, counseling supports, restorative interventions, and other appropriate corrective measures designed to support successful reintegration into the classroom environment.

Campus administration shall retain discretion regarding the timing and conditions of a student's return to the classroom, consistent with applicable law.

Out-of-School Suspension

A student in in-school-suspension shall have their suspension reviewed at least once every 10 school days. The review shall evaluate their progress and if their suspension is still appropriate.

A student in in-school suspension shall be provided with appropriate behavioral support services and comparable educational services as a student would receive in a classroom. A student with an IEP, shall have their IEP followed in in-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.

The district shall not use out-of-school suspension for students in grade 2 or below unless the conduct meets the requirements established in law.

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

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

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

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 principal or appropriate administrator, who shall inform the student of the alleged misconduct and give the student an opportunity to respond to the allegation before the administrator makes a decision.

The principal or appropriate administrator shall determine the number of days of a student's suspension, which shall not exceed three school days.

In deciding whether to order out-of-school suspension, the principal or appropriate administrator shall take into consideration:

1. Self-defense (see **glossary**),
2. Intent or lack of intent at the time the student engaged in the conduct,
3. The student's disciplinary history,

4. A disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct,
5. A student's status in the conservatorship of the Department of Family and Protective Services (foster care), or
6. A student's status as homeless.

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

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.

Disciplinary Alternative Education Program (DAEP) Placement

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

For purposes of DAEP, elementary classification shall be kindergarten–grade 6, and secondary classification shall be grades 7–12. Summer programs provided by the district shall serve students assigned to a DAEP separately from those students who are not assigned to the program.

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

In deciding whether to place a student in a DAEP, regardless of whether the action is mandatory or discretionary, the principal 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 of Conduct.

Misconduct Identified in State Law

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

- Engaging in bullying that encourages a student to 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, secret society, or gang, including participating as a member or pledge or soliciting another person to become a pledge or member of a public school fraternity, sorority, secret society, or gang. (See **glossary**.)
- Involvement in criminal street gang activity. (See **glossary**.)
- Any criminal mischief, including a felony.
- Assault (See **glossary**.)

In accordance with state law, a student **may** be placed in a DAEP if the superintendent or the superintendent's designee has a reasonable belief (see **glossary)** that the student engaged in conduct punishable as a felony other than aggravated robbery or those listed as offenses in Title 5 (see **glossary**) of the Penal Code, 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.

The principal 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 DAEP if the student:

- Engages in conduct relating to a false alarm or report (including a bomb threat) or a terroristic threat involving a public school. (See **glossary**.)
- Commits the following offenses on school property, within 300 feet of school property as measured from any point on the school's real property boundary line, or while attending a school-sponsored or school-related activity on or off school property:
- Engages in conduct punishable as a felony.
- Commits an assault (see **glossary**) under *Penal Code 22.01(a)(1)*.
- Sells, gives, or delivers to another person or possesses, uses, or is under the influence of a controlled substance or a dangerous drug in an amount not constituting a felony offense. (School-related felony drug offenses are addressed in the **Expulsion**.) (See **glossary** for "under the influence," "controlled substance," and "dangerous drug")
- Sells, gives, or delivers to another person or possesses, uses, or is under the influence of marijuana or THC. A student with a valid prescription for low-THC cannabis, as authorized by *Chapter 487 of the Health and Safety Code*, does not violate this provision.
- Sells, gives, or delivers to another person an alcoholic beverage; commits a serious act or offense while under the influence of alcohol; or possesses, uses, or is under the influence of alcohol.
- Behaves in a manner that contains the elements of an offense relating to abusable volatile chemicals.
- Sells, gives, or delivers to another person or possesses or uses a nicotine delivery product 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 or volunteer under *Penal Code 42.07(a)(1), (2), (3), or (7)*.
- Engages in expellable conduct and is between six 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 **Expulsion.**)

Engages in conduct punishable as aggravated robbery, a felony listed under Title 5 (see **glossary**) of the Penal Code, the offense of deadly conduct under Education Code 22.05, the offense of disorderly conduct involving a firearm under Education Code 42.01(a)(7) or (8), the offense of unlawfully carrying weapons under Education Code 46.02, except for an offense punishable as a Class C misdemeanor under that

section when the conduct occurs off school property and not at a school-sponsored or school-related event and:

1. The student receives deferred prosecution (see **glossary**),
2. A court or jury finds that the student has engaged in delinquent conduct (see **glossary**), or
3. The superintendent or designee has a reasonable belief (see **glossary**) that the student engaged in the conduct.

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 no other campus in the district serves the grade level of the offending student, the student shall be transferred to a DAEP.

Process

The principal or appropriate administrator shall make removals to a DAEP.

Conference

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

At the conference, the principal 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.

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 attended.

Consideration of Mitigating Factors

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

1. Self-defense (see **glossary**),
2. Intent or lack of intent at the time the student engaged in the conduct,

3. The student's disciplinary history,
4. A disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct,
5. A student's status in the conservatorship of the Department of Family and Protective Services (foster care), or
6. A student's status as homeless.

Placement Order

After the conference, if the student is placed in a DAEP, the principal or appropriate administrator shall write a placement order. A copy of the DAEP placement order and information for the parent or person standing in parental relation to the student regarding the process for requesting a full individualized and initial evaluation of the student for purposes of special education services shall be sent to the student and the student's parent.

To the extent permitted by law, placement orders and related disciplinary documentation may be delivered electronically.

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 not later than the second business day after the conference.

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 when the principal or appropriate administrator decides placement for conduct related to marijuana, THC, an e-cigarette, alcohol, or an abusable volatile chemical, the student shall be placed in ISS and then transferred to a DAEP for the remainder of the period if space becomes available before the expiration of the placement period.

If a DAEP is at capacity at the time the principal or appropriate administrator 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 Placement

The principal shall determine the duration of a student's placement in a DAEP.

The duration of a student's placement shall be determined on a case-by-case basis based on the seriousness of the offense, a parent's compliance with the terms of the behavioral agreement, 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 90 days or longer per established district administrative procedures for administering other diagnostic or benchmark assessments.

Exceeds One Year

Placement in a DAEP may exceed one year when the district, after reviewing the student, determines that the student threatens the safety of other students or 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 principal 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

If placement in a DAEP extends 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

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

Student or parent appeals regarding a student's placement in a DAEP should be addressed in accordance with policy FNG(LOCAL). *"Under policy FNG (LOCAL): file a Level One grievance within 15 days of learning the facts; file any further appeal within 10 days of the prior level's response."* A copy of this policy may be obtained from the principal's office or located on the *Sherman Independent School District* website at **https://policyconnect.org/policy/sherman-isd/FNG**.

Appeals shall begin at Level I with the campus principal or designee.

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

Restrictions During Placement

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

The district shall provide transportation to students in a DAEP.

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

Placement Review

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

Additional Misconduct

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

Notice of Criminal Proceedings

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

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

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

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

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

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

Withdrawal During Process

When a student violates the district's Code of Conduct in a way that requires or permits the student to be placed in a DAEP, and the student withdraws from the district before a placement order is completed, the principal may complete the proceedings and issue a placement order. If the student then re-enrolls in the district during the same or a

subsequent school year, the district may enforce the order at that time, less any period of the placement that the student has served during enrollment in another district. If the principal or the board fails to issue a placement order after the student withdraws, the next district in which the student enrolls may complete the proceedings and issue a placement order.

Newly Enrolled Students

The district shall decide on a case-by-case basis whether to continue placing 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 the extended placement is in the student's best interest.

Emergency Placement Procedure

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

Transition 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, which may include academic support, behavioral intervention planning, counseling supports, reentry conferences, and coordination with parents or guardians as appropriate. See policy FOCA(LEGAL) for more information.

Placement and 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 ARD committee must make the placement review of a student with a disability who receives special education services.

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 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 principal 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 an aggravated robbery or a Title 5 felony offense;
- Have 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;
- Have been charged with engaging in conduct defined as aggravated robbery or a Title 5 felony offense;
- Have 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
- Have received probation or deferred adjudication or have been arrested for, charged with, or convicted of aggravated robbery or a Title 5 felony offense.

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

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

Hearing and Required Findings

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

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

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

Length of Placement

The student is subject to the placement until:

1. The student graduates from high school,
2. The charges are dismissed or reduced to a misdemeanor offense, or

3. The student completes the term of the placement or is assigned to another program.

Placement Review

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

Newly Enrolled Students

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

Expulsion

In deciding whether to order expulsion, regardless of whether the action is mandatory or discretionary, the principal or appropriate administrator 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 Expulsion: Misconduct That May Result in Expulsion

Some of the following types of misconduct may result in mandatory placement in a DAEP, whether or not a student is expelled. (See **DAEP Placement**.)

Any Location

A student may be expelled for:

- 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.
- Engaging in conduct that contains the elements of one of the following offenses against another student:
    - Aggravated assault.

    - Sexual assault.
    - Aggravated sexual assault.
    - Murder.
    - Capital murder.
    - Criminal attempt to commit murder or capital murder.
    - Aggravated robbery.
- 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. A student with a valid prescription for low-THC cannabis, as authorized by *Chapter 487 o*f 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 conduct that contains the elements of assault under Penal Code 22.01(a)(1) against an employee or a volunteer.
- Engaging in deadly conduct. (See **glossary**.)

Within 300 Feet of the School

A student may be expelled for engaging in the following conduct while within 300 feet of school property, as measured from any point on the school's real property boundary line:

- 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.
- Manslaughter.
- Criminally negligent homicide.

- Aggravated robbery.
- Continuous sexual abuse of a young child or disabled individual.
- Felony controlled substance or dangerous drug offenses.
- Unlawfully carrying on or about the student's person a handgun or a location-restricted knife, as these terms are defined by state law. (See **glossary**.)
- Possessing, manufacturing, transporting, repairing, or selling a prohibited weapon, as defined by state law. (See **glossary**.)
- Possession of a firearm, as defined by federal law. (See **glossary**.)

Property of Another District

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

While in a DAEP

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

1. Deliberate violent behavior that poses a direct threat to the health or safety of others;
2. Extortion, meaning the gaining of money or other property by force or threat;
3. Conduct that constitutes coercion, as defined by Penal Code 1.07; or
4. Conduct that constitutes the offense of:
5. Public lewdness under *Penal Code 21.07*;
    a. Indecent exposure under *Penal Code 21.08*;
    b. Criminal mischief under *Penal Code 28.03*;
    c. Hazing under *Education Code 37.152*; or
    d. 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 school property or while attending a school-sponsored or school-related activity 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**.)
- 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.
    - Aggravated kidnapping.
    - 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 retaliation against a school employee or volunteer combined with one of the above-listed mandatory expulsion offenses

Under Age Ten

When a student under the age of ten engages in expellable behavior, the student shall not be expelled but placed in a DAEP. A student under age six shall 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 principal or other appropriate administrator shall schedule a hearing within a reasonable time. The student's parent shall be invited in writing to attend the hearing.

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

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

Hearing

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

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

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

To the extent permitted by law, disciplinary hearings and conferences may be conducted through virtual or electronic means when determined appropriate by the District. The District may maintain an audio or audiovisual recording of disciplinary hearings in accordance with law and district procedures.

The board of trustees delegates the authority to conduct hearings and expel students to the Sherman ISD Hearing Officer.

Board Review of Expulsion

After the due process hearing, the expelled student may request that the board review the expulsion decisions. The student or parent must submit a written request to the superintendent within seven days after receipt of the written decision. The

superintendent must provide the student or parent written notice of the meeting date, time, and place at which the board will review the decision.

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

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

Expulsion Order

Before ordering the expulsion, the board or principal 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 a copy of the order expelling the student to the student and the student's parent.

The *Sherman ISD Hearing Officer* shall deliver to the juvenile court a copy of the expulsion order and the information required by Section 52.04 of the Family Code not later than the second business day after the hearing.

If the length of the expulsion is inconsistent with the guidelines included in the Student 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.

A student's expulsion duration 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 the student has served during enrollment in another district.

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

Additional Misconduct

If, during the expulsion, the student engages in additional conduct for which placement in a DAEP or expulsion is required or permitted, additional proceedings may be conducted, and the principal 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. Within ten 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 must be provided if the student is less than ten years old.

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.

Virtual Expulsion

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.

Transition services may include but are not limited to academic support, behavioral interventions, counseling supports, reentry planning, and coordination with parents or guardians as appropriate.

Glossary

Abuse is improper or excessive use.

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.

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:
        i. Knowing that it is within the limits of an incorporated city or town,
        ii. Knowing that it is insured against damage or destruction,
        iii. Knowing that it is subject to a mortgage or other security interest,
        iv. Knowing that it is located on property belonging to another,
        v. Knowing that it has located within its property belonging to another, or
        vi. When the person starting the fire is reckless about whether the burning or explosion will endanger the life of some individual or the safety of the property of another.
2. 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.

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.

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.

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 another emergency that he or she knows is false or baseless and that would ordinarily:

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

Firearm is defined by federal law (*18 U.S.C. 921(a))* as:

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

Such term does not include an antique firearm.

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

Handgun is defined by *Penal Code 46.01* as any firearm that is designed, made, or adapted to be fired with one hand.

Harassment includes:

1. Conduct that meets the definition established in district policies DIA(LEGAL) and FFH(LEGAL);
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 the conveyor knows 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.
    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. A 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.

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.

Location-restricted knife is defined by *Penal Code 46.01* as a knife with a blade over five and one-half inches.

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.

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

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

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. Telecommunications or electronic devices; or
4. Any school property used by the student, including, but not limited to, a locker or desk.

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: An explosive weapon;
    a. A machine gun;
    b. A short-barrel firearm;
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 a 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 exempt 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, including the notice of a student's arrest under *Code of Criminal Procedure Article 15.27*.

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 Section 1.07, Penal Code; 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.

Sexual Harassment is defined as:

1. Harassment (see above) on the basis of sex, or
2. Other conduct on the basis of sex that includes either of the following:

a. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the district's education program or activity; or
b. **Sexual assault** as defined in the *Cleary Act (20 USC 1092)*, or dating violence, domestic violence, or stalking as defined in the *Violence Against Women Act (34 USC 12291)*.

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.

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).

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 commit suicide under *Section 22.08*; and
- Tampering with a consumer product under *Section 22.09*.

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

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

Zip gun is defined by *Penal Code 46.01* as a device or combination of devices that was not originally a firearm and is adapted to expel a projectile through a smooth-bore or rifled-bore barrel by using the energy generated by an explosion or burning substance.