Trinity ISD



Student Code of Conduct

2018-2019

Dear Parent/Guardian:

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

Trinity ISD
2018-2019 Student Code of Conduct
Acknowledgment Form

Student Name: _____

School Campus: _____ Grade Level: _____

I have read, understand, and agree to abide by Trinity ISD's Student Code of Conduct for the 2017-2018 school year. I understand that _____ (student name) will be held accountable for the behavior expectations and disciplinary consequences outlined in the Student Code of Conduct. I understand that the Student Code of Conduct governs all behavior at school, at school-sponsored and school-related activities, during school-related travel, or while traveling in a vehicle owned or operated by the District. I also understand the Student Code of Conduct governs some designated behaviors occurring within 300 feet of school property, some designated behaviors occurring off-campus, and for any school-related misconduct regardless of time or location. I understand that a referral for criminal prosecution is possible for certain violations of law.

_____ _____

Parent/Guardian Printed Name Student Printed Name

_____ _____

Parent/Guardian Signature Student Signature

_____ _____

Date Date

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General Overview

Purpose

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

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

In case of conflict between a Board policy or the Student Code of Conduct and provisions of student handbooks, policy and/or the Student Code of Conduct shall prevail.

Additional Rules

Students may be subject to campus, classroom, transportation, extracurricular, and/or organization rules in addition to those found in the SCC. Students may face consequences under these additional rules as well as possible disciplinary action under the SCC. Further, to the extent a student engages in misconduct that is not specifically addressed in the SCC, the student may still be disciplined if the misconduct disrupts or interferes with the educational process, learning environment, or school safety.

General Standards of Student Conduct

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

Notice of Disciplinary Action

Teachers and administrators strive to notify parents/guardians of student conduct concerns as they occur. If a student is placed in in-school or out-of-school suspension, placed in a disciplinary alternative education program, expelled from school, assigned to a juvenile justice alternative education program, or taken into custody by a law enforcement officer, the campus behavior coordinator will promptly contact the parent/guardian by phone or in person and will also make a good faith effort to provide the student with written notice of the disciplinary action to be delivered to the parent/guardian on the same day the consequence is assigned. If the parent/guardian is not reached by phone or in person by 5:00 p.m. on the first business day after the disciplinary consequence is assigned, written notice will be sent to the parent's/guardian's last known address. Another campus administrator may provide notice of disciplinary action if the campus behavior coordinator is not able or available to provide notice. Failure to send any notice within this time period or as noted elsewhere in the SCC does not preclude imposing a discipline consequence.

Anti-Discrimination

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

Discipline of Students with Special Needs

While this Code of Conduct applies to all students, students who are eligible for services under the Individuals with Disabilities Education Act (IDEA) or Section 504 of the Rehabilitation Act of 1973 are also subject to discipline in accordance with those laws. For more information about those specific procedures, please contact David Keithley, Director of Special Education . A student enrolled in a special education program may not be disciplined for bullying, harassment,

or making hit lists until an ARD meeting is conducted.

Discipline Appeals

Appeals of disciplinary measures should be directed to the student's teacher or campus administrator, as described in local District policies FNG, FOC, or FOD as appropriate. Depending on the disciplinary consequence assigned, different complaint procedures may apply. A copy of the appropriate policy is available at the campus or central administration office or online at http://www.trinityisd.net. Timelines for filing appeals stated in the policy will be enforced. Disciplinary consequences will not be delayed or deferred pending the outcome of an appeal.

Effect of Student Withdrawal

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

Scope of the District's Disciplinary Authority

General Authority

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

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

Searches

A student's clothing, personal property, electronic equipment, method of transportation, or school property used by the student (such as lockers or desks) may be searched when there is reasonable cause to believe the search will reveal articles or materials prohibited by the District. Students are responsible for ensuring that any personal property, method of transportation, or school property used by the student does not contain prohibited items. Students may be disciplined for possession of prohibited items discovered during a search. For more information about searches, please review the District's Student Handbook and local policy FNF.

Criminal Conduct

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

Finally, as the District expects its students to adhere to certain standards of conduct, the District also expects that parents of our students and other visitors will comply with the same standards of conduct expected of students. Accordingly, a school administrator, resource officer, or school district peace officer may refuse to allow a person to enter or may eject a person from any property under the control of the school district if the person refuses to leave peaceably upon request and 1) the person poses a substantial risk of harm to themselves or others or 2) is behaving in a way that is inappropriate for a school setting. Such a removal is appropriate and permissible if, prior to person being removed from District property, 1) the school employee issued a verbal warning that the behavior was inappropriate and could lead to the person's removal of the individual and 2) the person persisted in the behavior. If the person's removal results in a long-term prohibition from returning to school property, the term of the removal cannot exceed two years. At the time of removal, the school district must make a record of the verbal warning the person receives and must provide to the person a written explanation of the appeal process. The Commissioner of Education will adopt an appeals procedure for such removals, which will become effective immediately upon final adoption. Until such time as the Commissioner's procedures are adopted, any person removed from District property may appeal such removal under Board policy FNG (Local) or (GF) (Local).

Discipline Considerations & Techniques

Discipline Considerations

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

- the degree of severity and risk of danger
- the effect of the misconduct
- the age and grade level of the student
- legal requirements
- the frequency of the misconduct
- the student's demeanor

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

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

Discipline Management Techniques

Discipline is designed to correct student behavior and encourage students to comply with school rules. The District may use any one or a combination of the following strategies or techniques to manage student behavior, prevent or intervene in discipline problems, or address violations of the SCC or campus or classroom rules:

- Verbal correction
- Seating changes

- Parent conferences
- Removal from the classroom
- Sending the student to the office or other area
- Transfer to a different classroom or campus
- Assignment to an alternate setting
- Behavior modification contracts or improvement plans
- Assignment of school-related tasks, services, or duties
- Confiscation of items
- School probation
- Revocation of interdistrict transfer, as permitted by state law or local DOI Plan, if applicable
- Revocation of interdistrict transfer, as permitted by state law or local DOI Plan, if applicable
- Restitution or restoration
- Calming-down time
- Demerits or rewards
- Positive behavior interventions
- Mediation
- Peer mentoring
- Training in conflict management, social skills, managing emotions, and impulse control
- Loss or restriction of privileges, including participation or membership in co-curricular or extracurricular activities, seeking or holding honorary positions, or speaking at school activities
- Revocation of transportation privileges
- Counseling
- Detention
- Corporal punishment unless the parent/guardian opts out in writing
- Grade penalties as permitted by policy
- Consequences identified in co-curricular or extracurricular codes of conduct, constitutions, or by-laws

- In-school suspension
- Out-of-school suspension
- Disciplinary Alternative Education Program (DAEP)
- Expulsion
- Seating changes
- Parent conferences
- Removal from the classroom
- Sending the student to the office or other area
- Transfer to a different classroom
- Assignment to an alternate setting
- Behavior modification contracts or improvement plans
- Assignment of school-related tasks, services, or duties
- Confiscation of items
- School probation
- Calming-down time
- Demerits or rewards
- Positive behavior interventions
- Mediation
- Peer mentoring
- Training in conflict management, social skills, managing emotions, and impulse control, holding honorary positions, or speaking at school activities
- Counseling
- Consequences identified in co-curricular or extracurricular codes of conduct, constitutions, or by-laws
- In-school suspension
- Out-of-school suspension
- Disciplinary Alternative Education Program (DAEP)

- Expulsion
- Verbal correction
- Seating changes
- Parent conferences
- Removal from the classroom
- Revocation of transportation privileges
- Behavior modification contracts
- Loss or restriction of privileges, including participation or membership in co-curriculuar or extracurricular activities, seeking or holding honorary positions, or speaking at school activities
- Other methods and consequences as stated in the SCC
- Other methods and consequences as stated in the SCC

General Types of Prohibited Conduct

Misconduct Involving Others

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

- Horseplay, roughhousing, and other playful behavior that, though not intended to harm, presents a reasonable risk of harm or threatens the safety of others
- Fighting *(see definitions)* or scuffling that may or may not not result in physical pain, illness, or any impairment of a physical condition
- Engaging in conduct that can cause bodily injury *(see definitions)*
- Forcing an unwilling person to act or not act or obtaining money or another object of value from an unwilling person through duress, threats, force, extortion, coercion, or blackmail
- Subjecting a student or District employee, official, or volunteer to physical harm, confinement or restraint
- Bullying, including cyberbullying *(see definitions)*
- Name-calling, ethnic or racial slurs, or derogatory statements that school employees reasonably believe could substantially disrupt the school environment or incite violence
- Adding any substance, whether harmful or not, without permission to any food or beverages belonging to, in the possession of, or meant to be consumed by another student or District employee, official, or volunteer
- Engaging in harassment *(see definitions)* toward another student or a District employee, official, or volunteer, including harassment based on race, color, religion, national origin,

disability, sex, gender, or age

- Engaging in sexual harassment *(see definitions)* or sexual abuse
- Inappropriate verbal (oral or written), physical, or sexual contact toward another student or a District employee, official, or volunteer, regardless of whether it is consensual
- Touching one's own private body parts in a sexual manner
- Consensual hugging, touching, or other displays of affection that interfere with, detract from, or disrupt the school environment
- Engaging in physical, sexual, verbal, or emotional abuse as a means to harm, threaten, intimidate, or control another person in a current or past dating relationship
- Engaging in oral or written threats to cause harm or bodily injury *(see definitions)* to another student, a District employee, official, or volunteer, or school property, including threats made using the Internet or other technology resources at school. Students may be disciplined for threats made outside of school, including website or Internet postings, if the threat causes a material or substantial disruption at school or is reasonably forecast to cause one
- Wrongfully obtaining and using another person's identifying information or personal data without permission in order to mislead, defraud, or deceive
- Hazing *(see definitions)*
- Retaliating against a student for (1) reporting either a violation of the SCC or bullying, or (2) participating in an investigation of a violation of the SCC or bullying

Possessing, Using, Giving, Selling, or Buying Prohibited Items

- Matches or a lighter
- Tobacco products
- Electronic cigarettes *(see definitions)*, electronic vaping devices, personal vaporizers, or electronic nicotine delivery systems
- Fireworks or any other pyrotechnic device
- Smoke or stink bombs
- Laser pointers (unauthorized use)
- Pepper spray or other small chemical dispenser sold commercially for personal protection
- "Look-alike" drugs or items attempted to be passed off as drugs, including non-prescription drugs, medications, or herbal or dietary supplements except as permitted by District policy
- Razor blades, box cutters, or chains

	• Knives with a blade 3" or less
	• Hand instrument designed to cut or stab another by being thrown; dagger, including, but not limited to, a dirk, stiletto, or poniard; bowie knife; sword; or spear
	• Fake or “look-alike” weapons
	• Poisons, caustic acids, or other materials that may be toxic to the human body
	• BB gun, air gun, or stun gun
	• Ammunition, shells, bullets, or gunpowder
	• Material that is sexually-oriented, pornographic, obscene, or reveals a person’s private body parts
	• Material, including published or electronic items, that promotes or encourages illegal behavior or could threaten school safety
	• Articles not generally considered to be weapons when the administrator determines that a danger exists or when used in a way that threatens or inflicts bodily injury to another
	• CD or DVD players, cassette players, electronic games, MP3 players, stereo head sets, or other electronic equipment for other than approved use
	• Using, displaying, or having in operational mode a paging device, cellular telephone, or telecommunications device *(see definitions)* at school during the school day
Misuse of Property	• Stealing from others, including the District
	• Committing or assisting in a robbery, theft, or burglary that is not punishable as a felony
	• Damaging, destroying, or vandalizing property owned by others or the District
	• Marking District property such as textbooks, lockers, furniture, or equipment with graffiti, tagging, or by other means
	• Attempting to start or starting a fire on or in any property owned, used, or controlled by a student, the District, or District employees, officials, or volunteers that does not rise to the level of arson or criminal mischief
Safety / Disruption	• Threatening to use or exhibit a firearm
	• Discharging a fire extinguisher, pulling a fire alarm, calling 911, tampering with an Automated External Defibrillator, or causing the sprinkler system to activate when there is no smoke, fire, danger, or emergency
	• Making or participating in false statements or hoaxes regarding school safety
	• Engaging in misbehavior, actions, or demonstrations that substantially disrupt or materially interfere with school activities or that give school officials reasonable cause to believe that such conduct will substantially disrupt the school program, endanger others, or incite violence
	• Throwing objects that can cause bodily injury or property damage

	• Making false accusations or providing false statements concerning wrongful, unlawful, inappropriate, or illegal conduct alleged to have been committed by another student or District employee, official, or volunteer
Technology	• Sending, possessing, or posting electronic messages, videos, audio recordings, or images that are abusive, obscene, sexually oriented, harassing, threatening, intimidating, illegal, or that cause a material or substantial disruption at school, including cyberbullying *(see definitions)*
	• Using any device or technology to copy or capture an image or the content of any District materials (such as tests or exams) without permission of a teacher or administrator
	• Making, participating in the making of, transmitting to another via an electronic device, or posting to the Internet a digital, video, or audio recording or image of an actual or simulated act that involves a crime or conduct prohibited by the Code of Conduct
	• Using any device or technology to record the voice or image of another in any way that disrupts the educational environment, invades the privacy of others, or without the prior consent of the individual being recorded
	• Using any device or technology to record the voice or image of another to take, disseminate, transfer, circulate, exhibit, present, or share audio, images, video, or photos that reveal private parts of the body that are normally covered by clothing (aka sexting)
	• Using the name, persona, or image of a student, District employee, or volunteer to create a web page or post one or more messages on a website without the other person's consent for purposes of harassing, intimidating, embarrassing, or threatening another
	• Using email, websites, or electronic devices to engage in or encourage illegal conduct, violations of the SCC, or to threaten school safety
	• Attempting to or successfully accessing or circumventing passwords or other security-related information of the District, officials, volunteers, employees, or other students by any means
	• Attempting to or successfully altering, destroying, interrupting, intercepting, or disabling District technology equipment, District data, the data of other users of the District's computer system, or other networks connected to the District's system, including uploading or creating computer viruses, worms, or other harmful material
	• Copying, downloading, reproducing, distributing, retransmitting, redisplaying, or modifying items from the District's website
	• Engaging in any of the above forms of technological misconduct outside of school when such conduct causes a material or substantial disruption at school as determined by school officials
	• NOTE: Students will not be disciplined for technological misconduct related to possessing items described above so long as the student (1) did not contribute to creation of the item in any way, (2) possessed it only after receiving the item unsolicited from another, (3) either promptly destroyed the item or reported it to a school employee as soon as possible, and (4) did not provide a copy, forward, or re-post the item to anyone other than law enforcement, a school employee, or the student's parent/guardian.
Failure to Follow Rules	• Violating dress and grooming criteria
	• Being insubordinate or otherwise failing to comply with lawful directives given by school

	personnel • Attempting to or successfully evading, avoiding, or delaying questioning by a District employee • Failing to provide proper identification upon request of a District employee • Attempting to violate or assisting, encouraging, promoting, or attempting to assist another student in violating the Code of Conduct • Failing to immediately report to a school employee knowledge of a device, object, substance, or event that could cause harm to self or others • Unexcused tardiness to class • Skipping school or class without the District's or parent/guardian's permission • Leaving class, the campus, or school events without permission • Enticing or preventing another student from attending school, class, or a school activity the student is required to attend • Violating rules for conduct on school owned or operated transportation • Violating rules for operating or parking a motor vehicle on school property • Violating policies or rules for computer use, Internet access, technology, or other electronic communications or imaging devices • Violating the District's medications policy regarding prescription and over-the-counter drugs • Academic dishonesty, including cheating, copying the work of another, plagiarism, or unauthorized collaboration with another person in preparing an assignment • Failure to comply with guidelines applicable to student speakers who are speaking at school-sponsored or school-related events • Failure to ensure that personal property, mode of transportation, or school property used by the student does not contain prohibited items • Violating other campus or classroom rules for behavior or district policies
Other Misconduct	• Using profanity, vulgar language, or obscene gestures • Loitering in unauthorized areas • Falsifying, altering, forging, or destroying school records, passes, other school-related documents, or documents presented to District employees • Gambling or betting money or other things of value • Inappropriate exposure of a student's private body parts which are ordinarily covered by clothing, including through such acts as mooning, streaking, or flashing

- Taking one or more steps toward violating the SCC even if the student fails to complete the intended misconduct

Removal from District Transportation

Reasons for Removal

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

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

Procedure for Removal

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

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

Removal from Classroom by Teacher

Ordinary Teacher Removal

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

Formal Teacher Removal

A teacher may remove a student from class when:

- The student's behavior has been documented by the teacher as repeatedly interfering with the teacher's ability to teach or with the learning of other students; or
- The behavior is so unruly, disruptive, or abusive that it seriously interferes with the teacher's ability to teach or with the learning of other students.

A teacher must remove a student from class if the student engages in conduct that requires or permits DAEP placement or expulsion under the Texas Education Code, in which case the procedures for DAEP placement or expulsion will apply.

Placement During Removal

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

Procedures for Teacher Removal

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

Return to the Classroom

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

In-School Suspension (ISS)

Reasons for ISS

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

Procedure for ISS

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

Out-of-School Suspension (OSS)

Reasons for OSS

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

Procedure for OSS

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

Assignments During OSS

The student will be required to complete all class assignments, homework, tests, and other academic work covered during the suspension. The student will have the opportunity to receive full credit for completed academic work when submitted in a timely manner and in accordance with the teacher or administrator's instructions.

Grade Level Restriction

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

Disciplinary Alternative Education Program (DAEP)

Reasons for Mandatory DAEP Placement

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

- Engages in conduct punishable as a felony.
- Commits an assault *(see definitions)* resulting in bodily injury *(see definitions)* against another.
- Sells, gives, delivers, possesses, uses, or is under the influence of marijuana, a controlled substance *(see definitions)*, a dangerous drug *(see definitions)*, or an alcoholic beverage *(see definitions)* in any amount not punishable as a felony. Students will be expelled for the 2nd infraction occurring in the same school year.
- Commits a serious act or offense while under the influence of an alcoholic beverage if the conduct is not punishable as a felony. Students will be expelled for the 2nd infraction occurring in the same school year.
- Engages in an offense relating to abusable volatile chemicals *(see definitions)*. Students will be expelled for the 2nd infraction occurring in the same school year.
- Sells, gives, delivers, possesses, uses, or is under the influence of designer drugs, synthetic marijuana, synthetic cannabinoids (such as K2 or spice), stimulants (such as bath salts), or analogs of any drug in any form, regardless of whether currently scheduled or classified as an illegal drug under state or federal law and regardless of whether the substance is legally sold or marketed as "herbal incense," "potpourri," "bath salts," or "not for human consumption."
- Engages in public lewdness *(see definitions)*.
- Engages in indecent exposure *(see definitions)*.

- Possesses, other than on his or her person, or uses a firearm or club *(see definitions)* as defined by state law. Note: Possession of a firearm as defined by federal law is an expellable offense.

- Possesses or uses a deadly weapon *(see definitions)*.

- Possesses or uses a knife with a blade over 3" up to 5½".

- Possesses, other than on his or her person, or uses a location-restricted knife *(see definitions)*.

- Engages in expellable conduct if the student is between six and nine years of age.

- Engages in a federal firearm offense if the student is six years of age or younger.

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

- The student receives deferred prosecution,

- A court or jury finds the student engaged in delinquent conduct, or

- The Superintendent or Superintendent's designee has a reasonable belief that the student has engaged in conduct defined as either a Title V felony offense or aggravated robbery (as defined in the Penal Code).

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

- Issues a false alarm or report *(see definitions)* or a terroristic threat *(see definitions)* involving a public school. Students will be expelled for the 2nd infraction occurring in the same school year.

- Retaliates *(see definitions)* against any school employee.

- Is involved with a public school fraternity, sorority, secret society, or gang *(see definitions)*, including participating as a member or pledge, or soliciting another person to become a member or pledge.

- Is involved with a criminal street gang *(see definitions)* or encourages, solicits, recruits, enables, or causes another to become a member of a criminal street gang.

- Engages in criminal mischief if the damage is less than $2,500 but equal to or greater than $750.

- Is a registered sex offender *(see definitions)* under court supervision, probation, community supervision, or parole.

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

Reasons for Discretionary DAEP Placement

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

- Possessing, giving, buying, or selling less than a useable amount of stems, seeds, or other pieces of marijuana.
- Possessing, using, selling, buying, or giving paraphernalia *(see definitions)* related to any prohibited substance, including but not limited to marijuana, a controlled substance, a dangerous drug, or an alcoholic beverage.
- Abusing the student's own prescription drug or using it in a way other than prescribed; giving, buying, or selling a prescription drug; possessing, using, or being under the influence of another person's prescription drug.
- Offering to sell or buy any amount of marijuana, a controlled substance *(see definitions)*, a dangerous drug *(see definitions)*, an abusable volatile chemical *(see definitions)*, a prescription drug, or an alcoholic beverage *(see definitions)*.
- Preparing a hit list *(see definitions)*.
- Committing any offense included in the list of "General Types of Prohibited Misconduct" in this SCC.
- Possessing, giving, buying, or selling less than a useable amount of stems, seeds, or other pieces of marijuana.
- Possessing, using, selling, buying, or giving paraphernalia *(see definitions)* related to any prohibited substance, including but not limited to marijuana, a controlled substance, a dangerous drug, or an alcoholic beverage.
- Abusing the student's own prescription drug or using it in a way other than prescribed; giving, buying, or selling a prescription drug; possessing, using, or being under the influence of another person's prescription drug.
- Offering to sell or buy any amount of marijuana, a controlled substance *(see definitions)*, a dangerous drug *(see definitions)*,an abusable volatile chemical *(see definitions)*, a prescription drug, or an alcoholic beverage *(see definitions)*.
- Preparing a hit list *(see definitions)*.
- Committing any offense included in the list of "General Types of Prohibited Misconduct" in this SCC.
- Engaging in persistent *(see definitions)* misbehavior that violates this SCC.
- Engaging in persistent *(see definitions)* misbehavior that violates this SCC.

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

- The administrator has a reasonable belief that the student engaged in conduct punishable as a felony (other than aggravated robbery or a Title 5 felony), and the student's continued presence in the regular classroom is a threat to the safety of others or is detrimental to the

educational process.

- Off-campus conduct for which DAEP placement is required by state law when the administrator does not learn of the conduct until more than a year passes after the conduct occurred.

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

- A student may be placed in DAEP if the student is a registered sex offender *(see definitions)* who is not under any form of court supervision.
- Engages in criminal mischief if the damage is less than $750.
- Engages in bullying *(see definitions)* that encourages a student to commit or attempt to commit suicide; incites violence against a student through group bullying.
- Releases intimate visual material of a minor or a student who is 18 years of age or older without the student's consent.
- Threatens to release intimate visual material of a minor or a student who is 18 years of age or older without the student's consent.

Emergency DAEP Placement

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

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

Procedure for DAEP Placement

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

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

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

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

A copy of the DAEP placement order will be sent to the student and the student's parent/guardian. For those students placed in DAEP for a reason identified in the Texas

Education Code, the District will also send the juvenile court a copy of the DAEP placement order no later than the second business day after the placement conference. A copy of the DAEP placement order will be included with any records sent to a school where the student seeks to enroll. The enrolling school district has discretion to enforce the DAEP placement order.

Length of DAEP Placement

The length of a student's placement in DAEP will be determined on a case-by-case basis using the criteria identified in the "Discipline Considerations" section of this SCC. Mandatory DAEP placements will result in placement for up to 180 school days. Discretionary DAEP placements will result in placement for up to 180 school days. The length of DAEP placement may not exceed one year unless, after review, the District determines that (1) the student is a safety threat, or (2) extended placement is in the best interest of the student.

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

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

Particular Rules for Registered Sex Offenders

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

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

Length of Placement. Registered sex offenders under court supervision will be placed in DAEP for a minimum of 187 school days or 1 semester school days, which is the equivalent of one semester. Registered sex offenders who are not under any form of court supervision but are assigned to DAEP must serve a minimum of 90 days additional days school days, which is the equivalent of one semester.

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

Transfers. Registered sex offenders under court supervision that transfer into the District will be required to complete an additional 90 school days which is the equivalent of one semester in DAEP in addition to the assignment assessed by the previous school district.

Periodic Review for Registered Sex Offenders. After 90 days school days in DAEP, a review committee will determine by majority vote and recommend to the Vanessa Franklin, Executive Director of Accountability and Professional Development whether the student should remain in DAEP or be returned to the regular classroom. The Vanessa Franklin, Executive Director of Accountability and Professional Development will follow the committee's decision to return the student to the regular classroom unless the student's presence in the regular classroom is a threat to the safety of others, is detrimental to the educational process, or is not in the best interests of the District's students. Conversely, the Vanessa Franklin, Executive Director of Accountability and Professional Development will follow the committee's decision to continue

the student's placement in DAEP unless the student's presence in the regular classroom is not a threat to the safety of others, is not detrimental to the educational process, or is not contrary to the best interests of the District's students.

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

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

Other DAEP Issues

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

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

Impact on Graduation. For graduating seniors who are in DAEP during the last week of school, the DAEP placement will continue through the last instructional day. The student will be allowed to participate in commencement exercises and related graduation activities unless otherwise specified in the DAEP placement order.

Transportation. A student placed in DAEP will not be provided transportation unless he or she is a student with a disability who has transportation designated as a related service in the student's IEP.

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

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

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

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

Student Transfers. Students assigned to DAEP in another Texas district, a Texas open-enrollment charter school, or an out-of-state school district at the time of enrollment into the District will be placed into the District's DAEP to complete the term of their DAEP placement. In order to continue an out-of-state DAEP placement, the basis for the DAEP placement must also be a reason for DAEP placement in the enrolling district. If the out-of-state DAEP placement period exceeds one year, the District will reduce the period of placement so that the total placement

does not exceed one year unless the District determines that the student is a threat to the safety of others or extended placement is in the best interests of the student.

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

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

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

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

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

Expulsion

Reasons for Mandatory Expulsion

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

- Brings to school a firearm, as defined by federal law *(see definitions)*.
- Possesses or uses a handgun*, location-restricted knife, or club on or about his or her person *(see definitions)*.
- Possesses, manufactures, transports, repairs, or sells one of the following prohibited weapons: explosive weapon, machine gun, short-barrel firearm, firearm silencer, knuckles, armor-piercing ammunition, chemical dispensing device, zip gun, or tire deflation device *(see definitions)*.
- Possesses or uses a location restricted knife, on or about his person.
- Engages in the following misconduct as defined in the Texas Penal Code: (1) aggravated assault, (2) sexual assault, (3) aggravated sexual assault, (4) arson, (5) murder, (6) capital murder, (7) criminal attempt to commit murder or capital murder, (8) indecency with a child, (9) aggravated kidnapping, (10) aggravated robbery, (11) manslaughter, (12) criminally negligent homicide, or (13) continuous sexual abuse of a young child or children.
- Sells, gives, delivers, possesses, uses, or is under the influence of marijuana, a controlled

substance *(see definitions)*, a dangerous drug *(see definitions)*, or an alcoholic beverage *(see definitions)* if the behavior is punishable as a felony.

- Commits a serious act or offense while under the influence of an alcoholic beverage if the behavior is punishable as a felony.

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

- Sells, gives, delivers, possesses, uses, or is under the influence of marijuana, a controlled substance *(see definitions)*, a dangerous drug (see definitions), or an alcoholic beverage (see definitions) in any amount not punishable as a felony. Students will be expelled for the 2nd infraction occurring in the same school year.

- Commits a serious act or offense while under the influence of an alcoholic beverage if the conduct is not punishable as a felony. Students will be expelled for the 2nd infraction occurring in the same school year.

- Engages in an offense relating to abusable volatile chemicals *(see definitions)*. Students will be expelled for the 2nd infraction occurring in the same school year.

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

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

Reasons for Discretionary Expulsion

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

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

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

- Engages in deadly conduct *(see definitions)*.

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

- Possesses a firearm, as defined by federal law *(see definitions)*.

- Possesses or uses a handgun*, location-restricted knife, or club on or about his or her person *(see definitions)*.

- Possesses, manufactures, transports, repairs, or sells one of the following prohibited weapons: an explosive weapon, machine gun, short-barrel firearm, firearm silencer, knuckles, armor-piercing ammunition, chemical dispensing device, zip gun, or tire deflation device *(see*

definitions).

- Engages in the following misconduct as defined in the Texas Penal Code: (1) aggravated assault, (2) sexual assault, (3) aggravated sexual assault, (4) arson, (5) murder, (6) capital murder, (7) criminal attempt to commit murder or capital murder, (8) indecency with a child, (9) aggravated kidnapping, (10) aggravated robbery, (11) manslaughter, (12) criminally negligent homicide, or (13) continuous sexual abuse of a young child or children.

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

- Commits aggravated assault, sexual assault, aggravated sexual assault, murder, capital murder, criminal attempt to commit murder or capital murder, or aggravated robbery against another student.

- Retaliates against a school employee or volunteer by committing an assault *(see definitions)* resulting in bodily injury.

- Engages in criminal mischief if the damage is $2,500 or more.

- Engages in breach of computer security by accessing a computer, computer network or computer system owned by or operated on behalf of a school district without consent and knowingly alters, damages, or deletes school district property or information or breaches any other computer, computer network, or computer system.

- Engages in bullying *(see definitions)* that encourages a student to commit or attempt to commit suicide; incites violence against a student through group bullying; or releases or threatens to release intimate visual material of a minor or a student who is 18 years of age or older without the student's consent.

- Commits a state-mandated expellable offense on the school property of another Texas school district or while attending a school-sponsored or school-related activity of another Texas school district.

- Issues a false alarm or report *(see definitions)* or a terroristic threat *(see definitions)* involving a public school for the 2nd time in the same school year.

Title 5 Felonies Regardless of Location. In addition to the expellable conduct listed above, a student may also be expelled and placed in DAEP if the student:

- is arrested for a Title 5 felony offense *(see definitions)* or aggravated robbery,

- is charged with engaging in a Title 5 felony offense or aggravated robbery,

- received deferred adjudication or deferred prosecution for a Title 5 felony offense or aggravated robbery,

- is on probation for a Title 5 felony offense or aggravated robbery,

- was found by a court or jury to have engaged in delinquent conduct for a Title 5 felony offense or aggravated robbery,

- has been referred to a juvenile court for delinquent conduct based on a Title 5 felony offense or aggravated robbery, or

- was convicted of a Title 5 felony offense or aggravated robbery;

and the administrator determines the student's presence in the regular classroom either threatens the safety of other students or teachers, is detrimental to the educational process, or is not in the best interests of the District's students.

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

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

Emergency Expulsion

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

Procedure for Expulsion

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

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

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

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

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

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

discretion to enforce the expulsion order.

Length of Expulsion

The duration of the expulsion will be determined on a case-by-case basis using the criteria identified in the "Discipline Considerations" section of this SCC. Both mandatory and discretionary expulsions will result in expulsion for up to 180 school days. Students who bring a firearm (as defined by federal law) to school will be expelled from the regular classroom for at least one calendar year except as modified by the administrator on a case-by-case basis.

An expulsion will not exceed one calendar year unless, after review, the District determines that: (1) the student is a threat to the safety of other students or to District employees; or (2) extended expulsion is in the best interest of the student.

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

Other Expulsion Issues

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

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

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

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

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

Student Transfers. The District will continue the expulsion of students expelled from either another Texas school district or from an out-of-state school district for behavior that is also a reason for expulsion in the enrolling district, until the term of expulsion has been served. If the out-of-state expulsion exceeds one year, the District will reduce the period of the expulsion so that the total expulsion does not exceed one year unless the District determines that the student is a threat to the safety of others or extended placement is in the best interest of the student.

Expulsion Appeals

An expelled student may appeal the expulsion decision to the Board of Trustees as provided by policy. The student or student's parent/guardian must submit a written appeal to the Superintendent within 10 days after receipt of the expulsion order or decision. The Superintendent will give the student or the student's parent/guardian written notice of the date, time, and location of the meeting at which the Board will review the decision. Consequences will not be delayed pending the outcome of the appeal.

Definitions

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

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

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

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

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

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

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

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

CONTROLLED SUBSTANCE: Substances as defined in Chapter 481 of the Texas Health & Safety Code or 21 U.S.C. § 801 et seq.

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

CYBERBULLYING: 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 or electronic communication tool and that occurs off school property or outside of a school-sponsored or school-related activity, if the cyberbullying interferes with a student's educational opportunities or substantially disrupts the orderly operation of a classroom, school, or school-sponsored or school-related activity.

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

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

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

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

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

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

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

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

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

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

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

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

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

HARASSMENT: Threatening to cause harm or bodily injury to another, engaging in intimidating conduct, causing physical damage to the property of another, subjecting another to physical confinement or restraint, maliciously taking any action that substantially harms another's

physical or emotional health or safety, or other conduct prohibited by District policy FFH or DIA that is so severe, persistent, or pervasive that it has the purpose or effect of substantially or unreasonably interfering with a student's performance; creates an intimidating, threatening, hostile, or offensive educational environment; affects a student's ability to participate in or benefit from an educational program or activity; or otherwise adversely affects the student's educational opportunities.

HAZING: Any act, occurring on or off the campus, by one person alone or acting with others, directed against a student, that endangers the mental or physical health or safety of a student for the purposes of pledging, initiation into, affiliation with, holding office in, or maintaining membership in an organization. Hazing includes soliciting, encouraging, directing, aiding, or attempting to aid another student in engaging in hazing, as well as having firsthand knowledge of the planning or occurrence of a specific student hazing incident without reporting the incident to a school administrator in writing. Consent to or acquiescence in the hazing activity does not excuse the student of responsibility for the misconduct.

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

INDECENT EXPOSURE: Those acts defined in Texas Penal Code § 21.08.

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

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

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

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

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

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

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

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

POSSESSION : To have in or on: (1) a student's person or in the student's personal property, such as the student's clothing, purse, or backpack; (2) in any conveyance used by the student for transportation to or from school or school-related activities, such as an automobile, truck, motorcycle, or bicycle; or (3) any other school property used by the student, such as a locker or

desk.

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

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

PUBLIC LEWDNESS: Those acts defined in Texas Penal Code § 21.07.

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

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

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

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

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

SEXUAL HARASSMENT: Unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature, or conduct prohibited by District policy FFH or FNC that is so severe, persistent, or pervasive that it has the purpose or effect of substantially or unreasonably interfering with a student's performance; creates an intimidating, threatening, hostile, or offensive educational environment; affects a student's ability to participate in or benefit from an educational program or activity; or otherwise adversely affects the student's educational opportunities.

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

SWITCHBLADE KNIFE: Any knife with a blade that folds, closes, or retracts into the handle or

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

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

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

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

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

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

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

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