EAST CENTRAL ISD
STUDENT CODE
OF
CONDUCT
2026-2027

A TRADITION OF QUALITY EDUCATION

EST. 1949

ECISD

EAST CENTRAL INDEPENDENT SCHOOL DISTRICT

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East Central ISD's Student Code of Conduct

2026-2027 School Year

Accessibility

If you have difficulty accessing the information in this document because of disability, please contact Francisco Salinas, Administrator of Student Services at 210-634-6660.

Purpose

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

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

This Student Code of Conduct has been adopted by the *East Central ISD* board of trustees and developed with the advice of the district-level planning and decision-making committee. It provides information to parents and students regarding standards of conduct, consequences of misconduct, and procedures for administering discipline. This Code 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 Student Code of Conduct shall be posted at each school campus or shall be available for review at the campus principal's office. Additionally, the Code shall be available at the campus behavior coordinator's office and posted on the district's website at www.ecisd.net. Parents shall be notified of any conduct violation that may result in a student being suspended, placed in a DAEP or JJAEP, expelled, or taken into custody by a law enforcement officer under Chapter 37 of the Education Code.

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

Because the Student Code of Conduct is adopted by the district's board of trustees, it has the force of policy. In the event of a conflict between the Code and the Student Handbook, the Code 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.

General Overview

In order to promote a safe and secure learning environment for all of our students, the Board of Trustees has adopted this Student Code of Conduct. Inside you will find information regarding:

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

If there is a conflict between the Student Code of Conduct and the Student Handbook, the terms of the Student Code of Conduct will prevail. If there is a conflict between the Student Code of Conduct and District policy, the more recently adopted provision will control.
The Student Code of Conduct (SCOC) is enforced from the time the student enters a school bus or steps on the school campus or when a student attends any school-sponsored or school-related activities. In addition, pursuant to State law, the SCOC includes disciplinary consequences for certain conduct and behaviors that occur off-campus and not at any school-sponsored or school-related activities. Students **may** be subject to campus, classroom, or organization rules in addition to those found in the Student Code of Conduct. Depending on the nature of the misconduct, students **may** face consequences under these additional rules as well as possible disciplinary action under the Student Code of Conduct.

References to the Texas Penal Code made in this SCOC are to define offenses only; in order to be punished under the SCOC, it is not necessary for the student to be charged or convicted under the Texas Penal Code or the Texas Family Code. In situations where a student engages in conduct that is not specifically addressed in the Student Code of Conduct, the student **may** be disciplined if the conduct interferes with the educational process or learning environment.

Administrators and teachers have the right to question students regarding their conduct or the conduct of others, and in doing so are not required to comply with the procedural requirements imposed upon law enforcement officials. In the context of school discipline, students have no claim to a right not to incriminate themselves.

Teachers and administrators strive to notify parents/guardians of student conduct concerns as they occur. More serious violations of the Student Code of Conduct may result in school suspension, out-of-school suspension, removal of participation in extracurricular activities, DAEP placement, or expulsion from school. The campus behavior coordinator or campus administrator will contact the parent/guardian by phone or in writing within three school days of becoming aware of the violation.

(The failure to make contact or to send any notice within the time period noted above or a time period noted elsewhere in the Student Code of Conduct will **not** preclude disciplining a student involved in a violation of the Student Code of Conduct.)

Students eligible for services under the Individuals with Disabilities Education Act (IDEA) or Section 504 of the Rehabilitation Act of 1973 will be disciplined in accordance with those laws. For more information about those specific procedures, please contact the Director of Special Education, Section 504 Coordinator, Dyslexia Coordinator, Dr. Aaron Aguilar at 634-6100. 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.

With respect to students who are not receiving special education services, any District employee may, within the scope of the employee's duties, use and apply physical restraint to a student that the employee reasonably believes is necessary in order to:

- protect a person, including the person using the physical restraint, from physical injury
- obtain possession of a weapon or other dangerous object;
- protect property from serious damage
- remove from a specific location a student refusing a lawful command of a school employee, including from a classroom or other school property, in order to maintain or restore order or impose disciplinary measures
- restrain an irrational student.

The use of force, but not deadly force, against a student is justified if the teacher, administrator or other person is entrusted with the care, supervision or administration of the student, and when and to the degree the teacher, administrator or person reasonably believes the force is necessary to further the purpose of education or to maintain discipline in a group.

Students with disabilities will be restrained in accordance with limits imposed by state law and regulations. The District shall not discriminate against students on the basis of race, sex, national origin, disability, religion, color, or ethnicity when enforcing the provisions of the Student Code of Conduct.

Appeals of disciplinary measures should be directed to the teacher or campus administration, as described in local District policy FNG.

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. Disciplinary consequences will not be delayed or deferred pending the outcome of an appeal.

Withdrawal from school after a student has been accused of or charged with a violation of the Student Code of Conduct 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 to the fullest extent permitted by law should the student re-enroll in the District.

Standards of Dress

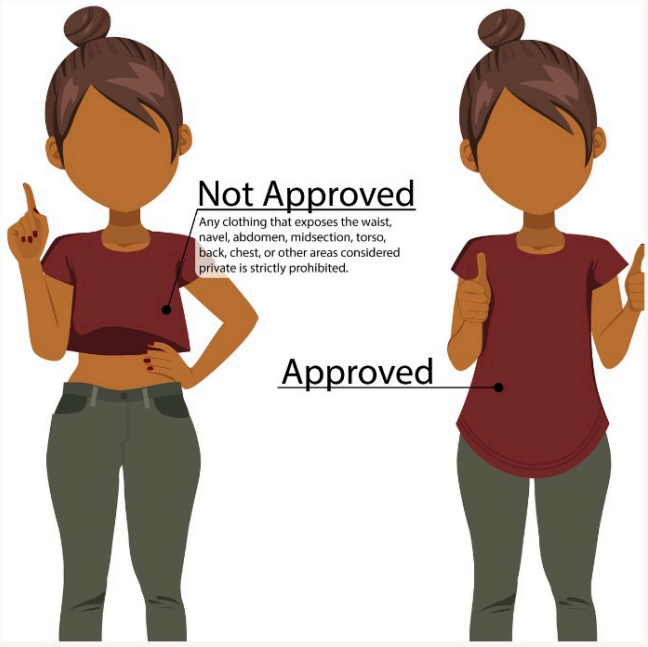
ECISD takes pride in the appearance of its students. The Standards of Dress is intended to promote responsibility and good citizenship in a safe and respectful learning environment. (see next page)

ECISD Standards of Dress

Core value	Safe	Respectful	Responsible
General statement	For student safety, dress should be appropriate to classroom settings and activities as determined by the campus principal. For example, open-toed footwear should not be worn in a shop class, but may be allowed in a typical classroom setting.	Student dress on campus and at all school-related activities or events should demonstrate respectful representation of the ECISD student body and community. Clothing will have armpit to armpit coverage; shirt top length must cover back and torso with top length to the pant waistline. Pants/skirts/shorts must cover the entire bottom.	ECISD students should present positive grooming and hygiene habits that reflect the responsible character and attitudes developed in our classrooms.
Prohibited items	Depictions of the following on clothing, personal items, or visible on the body: ● Drugs ● Alcohol ● Violence ● Profanity ● Discrimination ● Gory imagery ● Gangs ● Weapons ● Nudity	Inappropriate exposure or hateful language, including specific items: ● Halter tops ● Crop top (unless touches top of pantline) ● Exposed midriff or back ● Strapless tops ● Sheer clothing or revealing bottoms ● See-through clothing ● Muscle shirts ● Holes above mid thigh covered at all times ● Head coverings and sunglasses at the discretion of the teacher in the classroom	Clothing distracting from the school community: ● Overly revealing clothing ● Undergarments should be covered at all times

****Campus administration will monitor the Standards of Dress on a regular basis. If a member of the campus administration staff determines that a student's grooming or clothing violates the school's Standards of Dress, the student will be given an opportunity to correct the problem at school and return to the classroom. If the problem cannot be corrected at school, a member of the campus administration staff will work with the student and parent to obtain an acceptable change of clothing for the student in a way that minimizes loss of instructional time.*

EAST CENTRAL ISD
STANDARDS OF DRESS



- FRONT & BACK MUST BE CONNECTED WITH STRAPS
- NO SPAGHETTI STRAPS
- NO TUBE TOPS OR MID DRIFTS
- NO MUSCLE SHIRTS

- NO INAPPROPRIATE OR OFFENSIVE IMAGES OR WORDING
- SHIRT SHOULD COVER ARMPIT TO ARMPIT

- UNDERGARMENTS MUST BE COMPLETELY COVERED
- SHIRT TOUCHES TOP OF BELT LOOP WHEN ARMS RAISED

- PANTS, SHORTS, & SKIRTS MUST COVER ENTIRE BOTTOM
- NO HOLES ABOVE CENTER OF THIGH

NO TIGHT OR OVERLY REVEALING CLOTHING

PROHIBITED ITEMS MAY NOT BE WORN ON CAMPUS OR AT SCHOOL-SPONSORED ACTIVITIES

Campus Administration will monitor the standards of dress on a regular basis.

Guidelines for Cell Phones and Other Telecommunications Devices In Schools
2025-2026

East Central ISD Student Cell Phone Guidelines for All Schools

In the 89th Legislative Session House Bill 1481 was passed which prohibits the use of cell phones, smart watches, tablets, radio devices, paging devices, or any other telecommunications devices for students during the instructional day unless there are documented medical or educational needs. In 2011, ECISD Board of Trustees adopted board policy FNCE (local) which prohibits cell phone usage during instructional time and allows for the cell phone to be confiscated by campus staff. The following recommendations are in collaboration with parents, community leaders, teachers, administrators, and district leaders in an effort to support the Board Policy FNCE (local) and in alignment with HB 1481.

The smartphone landscape has drastically changed over the last several years. Most notably, students have immediate and continuous access to social media sites, gaming platforms, videos, streaming services, to include unfettered access to adult content 24 hours a day. These platforms have been scientifically developed to hijack attention which has led to significant negative impact on adolescent development and learning. Research continues to show that unrestricted access to cell phones and other telecommunication devices in schools have a negative impact on student learning, behavior, and overall social-emotional well-being.

In accordance with ECISD Board Policy FNCE (local), students will NOT be allowed to use their cell phones to include but not limited to headphones/earbuds/speakers/ smartwatches, etc during the instructional day. Cell phones and other telecommunication devices MUST be either placed on “do not disturb”, silenced, or turned off and stored away (not visible) at the start of the instructional day (*see definition below*). These devices are NOT allowed to be used unless given direct permission from campus administration until the instructional day ends. At specified campuses, students may use their telecommunication devices before and after school or in special circumstances determined appropriate by the campus principal. Additionally, students are not allowed to use any audio or video recording devices during the school day unless directly connected to a class assignment. The use of a recording device on campus without express written consent is a violation of the Family Educational Rights and Privacy Act (FERPA). 34 C.F.R. § 300.610.

The intent of the cell phone or telecommunication devices guidelines are to avoid distractions from learning by improving attention and focus during class. Increase the amount of time students are engaged in meaningful learning by eliminating the loss of instructional time. These guidelines are also in effort to decrease the number of disciplinary incidents related to cell phones during the school day to include but not limited to bullying, threats, harassment, intimidation, unlawful recordings, preplanned altercations, and other online social media posts that create substantial disruption to the school. Students are allowed to have a phone with them at school but must remain put away, silenced, placed on “do not disturb,” or turned off throughout the instructional day.

There will be limited exceptions where the principal can pre-approve a student to access their phone during the instructional day for special circumstances to include but not limited to medical reasons. A doctor’s note must be on file and presented to the campus principal prior to approval.

Expectations

- Campus administrators will clearly state the expectations at the beginning of the year and all campus staff will be required to consistently reinforce the importance of maintaining a phone-free school environment and will enforce throughout the entire school day and year.

- For safety reasons, students are allowed to possess a cell phone or other telecommunications devices while at school. But, all students must abide by the District Guidelines at all times or be subject to further disciplinary action. Guidelines are as follows:

    - At the elementary schools, students are not allowed to use their cell phones or other telecommunication devices upon arrival to campus. Once on campus, cell phones or other devices must be silenced, or placed on "do not disturb," or turned off and stored away.

    - At the secondary campuses, students are allowed to use their cell phones or other devices <u>before and after school only</u>. Upon the first bell, all cell phones or other telecommunication devices must be silenced, placed on "do not disturb," or turned off and stored away.

Further Guidelines for Secondary Campuses

- **Upon the start of the instructional day (first bell), personal telecommunication devices, cell phones, or other personal electronic devices must remain silenced, turned off, or placed on "do not disturb." Cell phones <u>MUST</u> be stored away to prevent disruption to the learning environment until the end of the instructional day (last bell - dismissal).**

- For safety reasons, students are NOT allowed to use **headphones**, **earbuds**, **speakers**, **smartwatches** or any other device placed over or inside the ear. All headphones, earbuds, or similar devices must be stored away at the start of the instructional day. Like cellphones, students at the secondary level are able to use them before and after school but not during the instructional day.

- If a student uses a telecommunication device without authorization during the instructional day, the device will be confiscated and delivered to the administration office. **Only the parent/guardian** may pick up the confiscated device from the campus administration office and the parent/guardian will be required to retrieve the phone from administration. In addition, students will receive additional disciplinary sanctions for repeat offenses. See Board Policy FNCE (Local).

- If a student is discovered to be using a telecommunication device during the instructional day, the device is to be collected by any authorized district employee to include: administrators, safety monitors, paraprofessionals, and teachers.

- Any confiscated device will be turned into the principal's office by the staff member by the completion of the day. The campus administrative office will contact the parent/guardian to notify them of the infraction and arrange for pickup for any devices that are confiscated during the day.

- All other disciplinary actions will be in accordance with the Student Code of Conduct.

- In the event of unauthorized use, the teacher/staff member should ask a student for the cell phone only one time. Failure to comply with surrendering a phone or other device will result in a referral from the teacher/staff member. Along with further disciplinary actions left to the discretion of the campus administration. To include but not limited to loss of driving privileges, loss of participation privileges, lunch detention, in school suspension, out of school suspensions. The student will have the phone confiscated and the authorized parent/guardian are the only persons who can retrieve the phone.

- The district, campus, or staff member is not responsible for damaged, lost, or stolen devices.

- Confiscated devices that are not retrieved by the parent will be disposed of after the notice required by law at the end of the school year. [see policy FNCE]

- In limited circumstances and in accordance with law, a student's personal telecommunication device may be searched by authorized personnel. [see policy FNF]

- Regardless if it is before or after school or at a school sanctioned event, if a student is caught capturing video or images on campus to promote violence, harass, intimidate, bully, promote drugs/alcohol, or in any manner deemed to cause a substantial campus disruption will be subject to disciplinary consequences per the student code of conduct. This will include confiscation of the device and in some circumstances the student may be subject to further consequences per the Texas Penal Code [21.15].

- During the day, the use of telecommunication devices is **strictly prohibited** at all times in locker rooms, restrooms, dressing, or changing rooms. Violation of this rule will result in disciplinary action in accordance with the Student Code of Conduct, confiscation of the device and possible consequences per the Texas Penal Code [21.15].

- In limited circumstances, students may have access to their cell phones or other devices for authorized medical reasons (for example: to check blood sugar levels). The students must have prior approval from the campus principal and a doctor's note must be on file with the nurses office. Campus administration will communicate with the appropriate staff regarding the approved limited access.

- In cases of emergencies, if a student needs to make a call to a parent or employer the student may only make this call in the administration office after they have received permission from the campus administrative staff. During class time, the student must follow

campus procedures for requesting a pass from the teacher and only if the teacher allows, may the student be given a pass from the teacher to the administration office. With administrative approval they are allowed to make the call.

- If students need to use technology for instructional purposes the campus will provide the use of Chromebooks or other electronic devices during the instructional day. Personal telecommunications devices are not required nor permitted during the instructional day.

- If a parent/guardian needs to contact the student for any reason, they may call the administration office of the campus and request to speak with their child. Administration will call for the student to come to the office and allow the student to call the parent back while in the administrative office.

- The student shall also acknowledge receipt and understanding of applicable regulations included in these guidelines and in the Student Handbook.

Definitions:

Telecommunication Devices: Telecommunication devices include telephone, cellular phone, digital phone, beeper, pager, mobile phone, radio communication equipment, car phone, MP3 players, headphones, earbuds, or other device used for telecommunication. This includes but is not limited to tablets, laptops, or other portable computing devices.

Instructional Day: Time of day when the first bell rings for school till the last bell rings to leave campus. Phones and other telecommunication devices are to be turned off and put away at the start of the instructional day and not allowed to be accessed until the end of instructional day. See the times below.

Stored Away: Telecommunication devices and or cell phones shall be stored away in a backpack, purse, or bag so that the student will not be tempted to access during the instructional day. Not to be seen at any time during the instructional day while on campus.

Smartwatch: Any watch that receives text messages, syncs to telecommunications devices, or wifi accessible that can be worn around the wrist or on the body.

Guidelines of Use:

Grades PK - 5

- Students are required to keep their device turned off and stored away upon arrival to campus through departure.

- If a student uses a telecommunication device without authorization during the instructional day, the device will be confiscated and delivered to the administration office. **Only the parent/guardian** may pick up the confiscated device from the campus administration office. In addition, students will receive additional disciplinary sanctions for repeat offenses. See Board Policy FNCE (Local).

Area of Directed Use	**Appropriate Use**
Before school	NO
During school	NO
After last bell rings (dismissal)	YES
Anytime in the restrooms	NO
Lunch	NO
Emergency or medical reasons	YES (with Principal permission and in dedicated locations)
Use of headphones/earbuds/or other devices for audio enhancement	NO (unless used instructionally with a campus provided device)

Grades 6 - 12

- Students may use their telecommunication device before and after school. At the start of the instructional day (first bell) students are to be turned off, placed on "do not disturb," or silence their cell phones. Cell phones shall not be visible during the instructional day. For safety reasons headphones/earbuds/etc or other devices for audio enhancements (speakers, etc) are also to be removed and stored away at the start of the instructional day. Students who violate this rule will be subject to disciplinary action to include confiscation of the device and further disciplinary actions in accordance with the Student Code of Conduct. The parent/guardian will be the only person allowed to retrieve the confiscated phone from the administrative office. See table below for more specific information:

Area of Directed Use	**Appropriate Use**
Before school	YES
After first bell rings	NO
During class time	NO
In the Cafeteria, Library, Gyms, Auditoriums, Outside, etc	NO
During passing period	NO
Lunch	NO
After last bell rings (dismissal)	YES
Anytime in the restrooms, locker rooms,	NO
dressing, or changing rooms	NO
Emergency or medical reasons	YES (with Principal permission and in dedicated locations)
Use of headphones/earbuds/or other devices for audio enhancement	NO (before and after school only) - unless used instructionally with a campus provided device

Campus Start and End Times:

Campus	Start	End
Harmony Elementary	7:27 AM	3:10 PM
Highland Forest Elementary	7:32 AM	3:15 PM
Honor Elementary	7:32 AM	3:15 PM
Oak Crest Elementary and Dual Language Academy	7:57 AM	3:40 PM
Pecan Valley STEM Academy	7:32 AM	3:15 PM
Salado Dual Language and Leadership Academy	7:42 AM	3:25 PM
Sinclair Elementary	7:32 AM	3:15 PM
Tradition Elementary	7:32 AM	3:15 PM
Heritage Middle School	8:07 AM	4:05 PM
Legacy Middle School	7:57 AM	3:55 PM
Valor Middle School	7:32 AM	3:15 PM
CAST Lead High School	8:30 AM	4:22 PM
East Central High School	8:30 AM	4:22 PM

School District Authority and Jurisdiction

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

The district has disciplinary authority over a student:

- During the regular school day;
- While traveling to and from school or school activities on district transportation;
- During lunch periods, including those in which a student leaves the campus;
- At any school-sponsored or school-related activity, regardless of time or location;
- For any school-related misconduct, regardless of time or location;
- When retaliation against a school employee, board member, or volunteer occurs or is threatened, regardless of time or location;
- When a student engages in cyberbullying, as defined by Education Code 37.0832;
- When criminal mischief is committed on or off school property or at a school-related event;

- For certain offenses committed within 300 feet of school property as measured from any point on the school's real property boundary line;
- For certain offenses committed while on school property or while attending a school-sponsored or school-related activity of another district in Texas;
- When the student commits a felony, as provided by Education Code 37.006 or 37.007, or 37.0081;
- When the student is required to register as a sex offender.
- As provided in extracurricular or organization handbooks, by-laws, or constitutions
- Other off campus conduct as permitted by Chapter 37 of the Texas Education Code

Campus Behavior Coordinator

As required by law, a single person at each campus must be designated to serve as the campus behavior coordinator (CBC). The designated person may be the principal, or any other campus administrator selected by the principal. The Associate Principal at each Secondary Campus and each Elementary School Assistant Principal will serve as the Campus Behavior Coordinator. Additional staff members may

assist the CBC in the performance of the CBC's duties, provided that the CBC personally verifies that all aspects of Chapter 37, Subchapter A (37.012) are appropriately implemented. The CBC is primarily responsible for maintaining student discipline. The CBC shall monitor disciplinary referrals and report the following behavior to the campus's threat assessment and safe and supportive school team:

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

The district shall post on its website and in the Student Handbook, for each campus, the email address and telephone number of the person serving as CBC. Contact information may be found at ***www.ecisd.net*** and in the Parent and Student Handbook.

Threat Assessment and Safe and Supportive School Team

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

Searches

District officials may conduct searches of students, their belongings, and their vehicles in accordance with state and federal law and district policy. Searches of students shall be conducted in a reasonable

and in a nondiscriminatory manner. Refer to the district's policies at FNF(LEGAL) and FNF(LOCAL) for more information regarding investigations and searches.

The District has a right to search a student's clothing, personal property, vehicle, or other method of transportation whenever there is reasonable suspicion to believe the search will reveal articles or materials prohibited by the District. School property used by the student (such as lockers, desks, district provided technology) may be searched in some circumstances. Students **may** be disciplined for possession of prohibited items discovered during a search. Pursuant to Board Policy FNF (Local), FNF (LEGAL) , the District may use specially trained non-aggressive dogs to sniff out and alert school officials to the presence of concealed prohibited items, illicit drugs and substances and alcohol. Parents and students are hereby put on notice that:

- Lockers may be sniffed by trained dogs at any time
- Vehicles parked on school property may be sniffed by trained dogs any time
- Classrooms and other common areas may be sniffed by trained dogs at any time when students are not present

- If any contraband of any kind is found, the possessing student shall be subject to appropriate disciplinary action in accordance with this Student Code of Conduct.

Please take note: Nearly every year there is an incident involving a student whose vehicle is found to contain some prohibited item, and the student claims that he or she had no knowledge it was in the vehicle. Students **are** held responsible for making sure that whatever vehicle they drive to and park on any school property does not contain any prohibited items. Therefore, it is important to check the vehicle **before** the student comes onto school property.

Certain acts of misconduct may also be considered criminal offenses in addition to violations of the Student Code of Conduct. Because school discipline is independent of criminal prosecution, disciplinary consequences usually will **not** be postponed pending the outcome of any criminal proceeding. As previously noted, it is not necessary for a student to be charged or convicted under the Texas Penal Code or the Texas Family Code in order to be disciplined pursuant to this Student Code of Conduct.

Reporting Crimes

The principal *or* campus behavior coordinator and other school administrators as appropriate shall report crimes as required by law and shall contact ECPD when an administrator suspects that a crime has been committed on campus.

Security Personnel

To ensure the security and protection of students, staff, and property, the board employs School Resource Officers. In accordance with law, the board has coordinated with the campus behavior coordinator and other district employees to ensure appropriate law enforcement duties are assigned

to these persons. The law enforcement duties of district peace officers are listed in policy CKE(LOCAL).

The law enforcement duties of school resource officers are: To ensure sufficient security and protection of students, staff, and property.

“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. Participation might include a speaking role, as established by district policy and procedures. Students eligible to give the opening and closing remarks at graduation shall be notified by the campus principal. The valedictorian and salutatorian may also have speaking

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

Unauthorized Persons

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:

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

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

Standards for Student Conduct

Each student is expected to:

- Demonstrate courtesy, even when others do not.
- Behave in a responsible manner.
- Exercise self-discipline.
- Attend all classes regularly and on time.

- Bring appropriate materials and assignments to class.
- Meet district and campus standards of grooming and dress.
- Obey all campus and classroom rules.
- Respect the rights and privileges of students, teachers, and other district staff and volunteers.
- Respect the property of others, including district property and facilities.
- Cooperate with and assist the school staff in maintaining safety, order, and discipline.
- Adhere to the requirements of the Student Code of Conduct.

Participation Guidelines

Substance Abuse Testing Guidelines/Participation Removal

ECISD expects that all students, including students who participate in any Extracurricular, Co-curricular, and Student Group (to be known as East Central Student Groups for this document) activities, will conduct themselves at all times in an exemplary manner that brings honor to the District, their school, and themselves. Participation in East Central Student Groups is a privilege, not a given right. It is conditioned on the student's compliance with all rules and regulations of the activity

and District policies and guidelines, including these guidelines. The use, possession, sale, or furnishing to others of alcohol, tobacco, or drugs of any kind is strictly prohibited. Also included in the guidelines will be any arrest, citation, misdemeanor, felony, or display of any suggestive behavior/pictures, profanity, negative connotations, or reference to any ECISD student or staff while using online or offline technology on or off school property. Any student who violates this policy is not in compliance with the rules of participation and will be subject to disciplinary measures that will result in removal or suspension from the East Central Student Group activities in which the student participates.

These guidelines and statements of consequences apply to all East Central Student Group activities sponsored by the East Central Independent School District. The purpose of these guidelines is to deter and eliminate any use, possession, sale, or the furnishing to others of alcohol, tobacco or other drugs and disorderly conduct or inappropriate behavior. The guidelines are to help students avoid drug, tobacco, alcohol use, to promote positive behaviors and to establish consistency in consequences across all activities for students who do not comply with the guidelines. It is to promote a high quality educational experience in all activities and assist ECISD to maintain order and a safe learning environment, and to promote a high level of civic and individual responsibility among students.

East Central Student Groups are subject to these guidelines at all times throughout the twelve month calendar year, whether the activity is “in season” or inactive and on weekends and during school holidays. Students transitioning from one grade into the next who, during the summer, engage in conduct that violates the policy will be subject to the guidelines.

All East Central Student Groups shall use these guidelines to ensure consistency among activities. However, nothing in these guidelines prohibits a sponsor from developing activity guidelines and rules to address topics other than alcohol, tobacco, illegal drug activities, disorderly conduct, or inappropriate behavior.

The following definitions will apply to these guidelines:

- **Leadership Position** - a position or office an East Central Student Group student holds in an organization or group either by election or appointment. Such positions may include without limitation: captain, officer, squad leader, drum major, section chair, etc.

- **Parent -** A student’s biological or adoptive parent or parents, legal guardian, or other person in lawful control of the student.

- **Period of removal** - period of time during which an East Central Student Group student is excluded from any participation in an activity due to violation of the guidelines. During a period of removal, an East Central Student Group student may not wear his/her uniform, travel with the team or organization, or otherwise act as a representative of the team or organization. During this time, the East Central Student Group student will be required to attend and participate in any and all practices as required by the sponsor.

- **Prescription Drugs** - A drug authorized by a licensed physician specifically for that student. A

student who uses a prescription drug in a manner prescribed by the student's physician and who has followed school policies in such use shall not be considered to have violated this policy.

- **Possession -** To have an item in or on one's personal being or property, including without limitation, clothing, purse, backpack, private vehicle used for transportation to or from school or school-related events, or other property used by the student such as a desk, locker, or cubby-hole.

- **Self-Admittance** - Admitting to a specific charge or accusation; self-confessed.

- **Use (Substance)** - Voluntarily introducing into one's body, by any means, a prohibited substance,

  recently enough that it is detectable by observation of the student's physical appearance, actions, breath, speech, or by substance testing.

- **East Central Student Group Activities** - School sponsored activities including but not limited to Dance & Drill Teams, JROTC, Cheerleaders, Spirit Groups, Band, FFA, Sports, Fine Arts, Clubs, UIL governed Activities, Student Council and other school sponsored student activities unique to a campus.

An East Central Student Group student violates the Guidelines if he or she:

- Receives an MIP (Minor in Possession), MIC (Consumption of Alcohol by a Minor), DWI (Driving While Intoxicated), DUI (Driving Under the Influence of an Illegal Substance), or other citation for the illegal use or possession of tobacco, alcohol or drugs, or furnishing tobacco, alcohol or drugs to another in a non-school setting;

- Is observed by a faculty/staff member, or admits to using, possessing, or furnishing to another student any drugs, including alcohol and tobacco in any form to include electronic cigarettes/vaping, or the use of any device that simulates smoking regardless of whether the contents are nicotine based, on or off school property (including observation via internet site, video, still picture, or other media will be considered);

- Receives any citation for or is arrested for illegal tobacco, alcohol or drug activity or substance on or off school property;

- Receives a positive test result from random drug testing performed under the guidelines of drug testing policy of East Central Independent School District.

- Engages in any act listed as Levels 1, 2 or 3 offenses.

An East Central Student Group student who receives an MIP, MIC, DUI, DWI, other alcohol/tobacco/drug citation shall promptly notify the activity sponsor. An East Central Student Group student who fails to do so may be subject to further disciplinary action once the activity sponsor or administrator learns of the offense. The consequences for violation of the policy apply regardless of the disposition of any citation the student may receive.

Process: When an activity sponsor or campus administrator learns that an East Central Student Group student has violated the guidelines, the sponsor or administrator will attempt to gather as much information as is available about the suspected violation and will communicate with the student and his/her parents to review the information. The sponsor or administrator will take reasonable steps to ensure the student and his/her parents are notified of the suspected violation of the policy and to offer the student and his/her parents a meeting with the administrator and/or sponsor and allow them to provide information about the student's suspected actions. Parents and/or students who refuse to meet with the sponsor or administrator promptly forfeit their opportunity for a conference. The administrator or sponsor will notify the student and his/her parents in writing of the reasons for any consequences imposed. Students may request to be placed on a First Offender Disciplinary Contract for the possibility of reducing the number of days suspended from their activity. All requests will be considered on a case-by-case basis and not all requests may be granted. A student or parent who is not satisfied with the outcome of the conference or the principal's decision may appeal the decision through the District's Student and Parent Complaint Policy - FNG (Local), but the consequence will not be delayed during any appeal. Copies of the policy are available on the District's website or may be obtained from the school.

Applicability

This policy applies to all students in grades 7 - 12 who participate in school sponsored competitive extracurricular programs and/or as a condition of obtaining and maintaining a permit to drive and park on campus.

Notification

The District shall notify students of the Guidelines by giving each student, who participates in school sponsored competitive extracurricular programs and/or who intends to drive a vehicle to school, a copy of the guidelines and obtain a written acknowledgement from each student verifying that the guidelines have been received and read. Consent forms for testing shall be signed by both the student and a parent/guardian/custodian at the beginning of the school year or as soon as the child knows he/she

plans to participate in school sponsored competitive extracurricular programs. A student may not participate in a school sponsored competitive extracurricular program until a signed consent form is obtained. Likewise, consent forms for testing are required for any student who drives a vehicle to school and is required to have a permit to park on campus.

All testing will be conducted by urinalysis performed by a laboratory certified by the Substance Abuse and Mental Health Services Administration. All specimens that show positive on the initial screen will be confirmed by a second analytical procedure, Gas Chromatography/Mass Spectrometry. All students participating in a school sponsored competitive extracurricular program and/or who are driving and parking a vehicle at the high school shall be subject to random testing. Students will be selected for testing by random selection, which will be conducted by an outside third party. Parental consent for a student to submit to biological testing shall be required as a condition of participation in any school sponsored competitive extracurricular program and/or as a condition of driving a vehicle to school. If a student or his/her parent/guardian/custodian refuses to sign a consent form, the student shall not be permitted to be a member of any school sponsored competitive extracurricular program and/or will not be allowed to drive a vehicle to school.

Medical Review Officer

The Vendor with whom the District contracts for the drug testing shall provide the services of a Medical Review Officer (MRO) who is certified by the Medical Review Officer Certification Council or by the American Association of Medical Review Officers as having proven by examination to have had the appropriate medical training to accurately interpret and evaluate the results of any drug testing as may be authorized by the District. The MRO shall, as well, agree to abide by the procedures as may be established by the District for the evaluation and timely reporting of any positive drug test.

Random Selection of Students

Students in school sponsored competitive extracurricular programs and/or who drive a vehicle to school shall be placed in a pool and shall be subject to testing anytime during the school year. The selection of students must be made by a scientifically valid method, such as a double-blinded random numeric generator. Under this selection process, each student will have an equal chance of being tested each time selections are made. Test dates and students selected to be tested will be determined by an independent testing firm.The schedule will not follow any recognizable pattern. The drugs to be screened are determined by the East Central I.S.D. Board of Trustees and are listed in the Drug Section of this policy. The Superintendent or his designee will take reasonable steps to assure integrity, confidentiality, and random nature of the selection process including, but not necessarily limited to, assuring that all participating students are in a pool that the person drawing the names has no way of knowingly choosing or failing to choose particular students for testing, assuring that the identity of the students drawn for the testing is not known to those involved in the selection process. All students, including seniors, who begin the school year in a school sponsored competitive extracurricular program and/or who drive a vehicle to school, shall remain in the random drug testing pool until the last day of school. When notified, any student not reporting promptly to the designated area or not otherwise following testing procedures shall be subject to the same consequences as having had a positive test result.

Drugs

For the purposes of the Guidelines, the drugs to be tested may include any substance considered illegal for a student less than 21 years of age by either Federal or Texas law or which the Food and Drug Administration controls. The testing laboratory will test the following drug classes, substances or their

metabolites in collected urine specimens. They include: Amphetamines, Anabolic Steroids, Barbiturates, Benzodiazepines, Cocaine Metabolites, LSD, Marijuana Metabolites, Methadone, Methaqualone, Opiates, Phencyclidine, Propoxyphene and Synthetic drugs such as K2, pep spice, etc.

Procedures

Names of students to be tested will be delivered to the Principal's office or designee immediately prior to the testing. The High School administration will notify the students to be tested and shall direct the selected students to report to the designated area immediately. Testing will take place in a designated area as determined by the school principal or designee. An independent testing company will administer all tests. Tests may be required on any school day and anytime during the school day. Selected students will wait in the designated area and will be called into the testing area one at a time.

Procedures for a Positive Result

Whenever a student's test result indicates the presence of an illegal drug and/or banned substance,

the following will occur:

1. The Medical Review Officer, within 24 hours, will notify the parent/guardian/custodian and the student of any positive results. Should the MRO be unsuccessful in initial attempts to contact the parent within the time specified, the District shall provide assistance in locating the parent or person otherwise in lawful control of the participant. Upon verification of a positive test result, the MRO or representative shall report the result to the Superintendent, Principal or designee within one school day after contacting the parent or person otherwise responsible for the participant. A written notification from the primary contact, by form letter, will be sent to the parent/guardian/custodian by certified mail. Likewise, the District will contact the parent/guardian/custodian by certified mail for the purpose of identifying approved drug abuse counseling agencies. If the parent, guardian, or custodian chooses to use a counseling service or agency other than those listed, the District must give prior approval before the counseling begins. The District may keep all test results for the period of one year, or the length of the student's enrollment at the high school, whichever of the two is greater.

2. The student will be notified and be required to submit a monthly urine specimen, via the Vendor as part of the regular testing schedule for the high school.

3. If the parent/guardian/custodian or student wants to contest the results, the Vendor will arrange for a split portion of the specimen to be submitted to another laboratory certified by the Substance Abuse and Mental Health Services Administration (SAMSHA). This is done at parent/guardian/custodian or student expense. Such a request must be made to the school district in writing within 72 hours of notification of positive test results by the Medical Review Officer (MRO).

4. The Medical Review Officer (MRO) for the district may use quantitative results to determine if positive results on repeat testing indicated recent use of illicit or banned Substances or the natural decline of levels of the illicit or banned substances from the body.

Appeals (For Substance Abuse Testing Results)

For positive test/results, the student or his/her parent/guardian/custodian has the opportunity to submit any relevant medical information that may provide a legitimate explanation for the positive result to the physician serving as the Medical Review Officer. The decision of the Medical Review Officer shall be final. The laboratory
will keep all specimens reported as positive in frozen storage for one year. During this time, the parent/guardian/custodian of the student who has provided the sample shall be permitted by the District to have a portion of the original sample sent to a different SAMSHA laboratory for analysis at the parent's/guardian's/custodian's expense.

Level 1 Offenses (90 day suspension from date of occurrence)

- Possessing, and/or using tobacco products, to include electronic cigarettes/vaping, or any device that simulates smoking regardless of whether the contents are nicotine based.
- Behavior associated with a theft

- Activity related to disorderly conduct or inappropriate behavior on or off school property that rises to a level of serious offense or could result in a citation or arrest.

Level 2 Offenses (180 day suspension from date of occurrence)

- Any inappropriate behavior or criminal offense that results in a **DAEP** placement.
- Any conduct related to selling, possessing, giving, being under the influence, or delivering of marijuana, controlled substance, dangerous drug or alcohol **while off campus** and **not** at any school related activity.
- Any member of a student group that receives a positive drug test during the random drug testing period.

Level 3 Offenses (270 day suspension from date of occurrence)

- Conduct occurring on or off campus for all felony activity and/or offenses.
- Any conduct related to selling, possessing, giving, being under the influence, or delivering of marijuana, controlled substance, dangerous drug or alcohol while on campus or at any school related activity.

If a student commits any offense listed in Levels 1, 2 or 3, the suspension as well as the following consequences will be adhered to.

- The student's parents/guardians will be notified of violation and suspension.
- The student will be suspended from all performances, special events, socials and or contests during his/her time of suspension.
- The student will remain in class and is accountable to attend any and all practices.
- The student will perform community service as set by the Director of Program.

If the student's offense is drug related the following will also be added to consequences:

- The East Central Student Group student's parents/guardians will be notified of a positive drug test.

- The East Central Student Group student will attend mandatory drug counseling with the number of hours being determined by Campus Principal or designee.
- The East Central Student Group student will have mandatory drug testing for one calendar year from the date of the 1st positive test. Drug testing will not be administered during the months of June and July.
- The East Central Student Group student's Program Director and/or Sponsor will be notified of a positive drug test.

For students participating in activities that may extend into the month of June or begin in August, these days will be counted toward suspension as long as they are actively participating in a school activity with a sponsor of the program.

If a student moves/transfers into the East Central Independent School District with prior offenses, he/she will be subjected to the consequences of the ECISD District-Wide Guidelines for Extracurricular, Co-Curricular & East Central Student Groups in Grades 7-12 & The Substance Abuse Testing Guidelines.

Students in violation of the Participation Guidelines may request to be placed into ECISD's First Offender Program.

General Conduct Violations

The categories of conduct below are prohibited at school, in vehicles owned or operated by the district, and at all school-related activities, but the list does not include the most severe offenses. In the subsequent sections on **Out-of-School Suspension, DAEP Placement, 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.**

Misconduct identified in the list of prohibited behaviors below will result in the assignment of one or more "*Discipline Management Techniques,"* up to and including placement at DAEP, if the behavior is committed at school, in vehicles owned or operated by the district, at all school-sponsored or school-related activities, or when the District has "*Disciplinary Authority"* as described in the Student Code of Conduct.

Disregard for Authority

Students shall not:

- Fail to comply with directives given by school personnel.
- Leave school grounds or school-sponsored events without permission.
- Disobey rules for conduct in district vehicles.
- Refuse to accept discipline or consequence assigned by a teacher or principal

Mistreatment of Others

Students shall not:

- Use profanity or vulgar language or make obscene gestures.
- Fight or scuffle. (For assault, see **DAEP—Placement and/or Expulsion for Certain Offenses**)
- Threaten a district student, employee, or volunteer, including off school property if the conduct causes a substantial disruption to the educational environment.
- Engage in any behavior that violates the Student Code of Conduct and is motivated by antisemitism. [See Glossary]
- Engage in bullying, cyberbullying, harassment, or making hit lists. (See **glossary** for all four terms.)

- Release or threaten to release intimate visual material of a minor or a student who is 18 years of age or older without the student's consent.

- Engage in sexual or gender-based harassment or sexual abuse, whether by word, gesture, or any other conduct directed toward another person, including a district student, employee, board member, or volunteer.

- Engage in conduct that constitutes dating violence. (See **glossary**.)

- Engage in inappropriate or indecent exposure of private body parts.

- Participate in hazing. (See **glossary**.)

- Coerce an individual to act through the use or threat of force.

- Commit extortion or blackmail.

- Engage in inappropriate verbal, physical, or sexual conduct directed toward another person, including a district student, employee, or volunteer.

- Record the voice or image of another without the prior consent of the individual being recorded or in any way that disrupts the educational environment or invades the privacy of others

Property Offenses

Students shall not:

- Damage, or vandalize property owned by others or the District
- Deface or damage school property, including textbooks, technology and electronic resources, lockers, furniture, and other equipment, with graffiti or by other means.
- Steal from students, staff, or the school.

- Commit or assist in a robbery or theft, even if it does not constitute a felony according to the Penal Code. (For felony robbery, aggravated robbery, and theft, see **DAEP— Placement and/or Expulsion for Certain Offenses**

  Enter, without authorization, district facilities that are not open for operations.

Possession of Prohibited Items

Students shall not possess or use:

- Fireworks of any kind, smoke or stink bombs, or any other pyrotechnic device; • A razor, box cutter, chain, or any other object used in a way that threatens or inflicts bodily injury to another person;
- A "look-alike" weapon that is intended to be used as a weapon or could reasonably be perceived as a weapon;
- An air gun or BB gun;
- A short barrel firearm;

- Ammunition;
- A hand instrument designed to cut or stab another by being thrown;
- A firearm silencer or suppressor;
- *A location-restricted knife;
- *A club;
- *A firearm;
- A stun gun;
- Knuckles;
- A pocket knife or any other small knife;
- Mace or pepper spray;
- Pornographic material;
- Tobacco products, (including nicotine pouches) cigarettes, e-cigarettes, and any component, part, or accessory for an e-cigarette device;
- Matches or a lighter;
- A laser pointer, unless it is for an approved use; or
- Any articles not generally considered to be weapons, including school supplies, when the principal or designee determines that a danger exists

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

Possession of Telecommunications or Other Electronic Devices

Students shall not:

- Use a telecommunications device, including a cell phone, or other electronic device in violation of district and campus rules.
- The district may authorize the use of a personal communication device for the following reasons:
- To implement an individualized education program (IEP) or for a plan created under Section 504, Rehabilitation Act of 1973 (29 U.S.C Section 794) or a similar program or plan;
- With documented need based on a directive from a qualified physician; or
- To comply with a health or safety requirement imposed by law or as part of the district's safety protocols.
- Inappropriate use of a personal communication device during the school day will result in disciplinary action in accordance with this Code of Conduct.

Illegal, Prescription, and Over-the-Counter Drugs

Students shall not:

- Possess, use, give, or sell alcohol or an illegal drug. (Also see **DAEP Placement** and **Expulsion** for mandatory and permissive consequences under state law.)
- Possess or sell seeds or pieces of marijuana in less than a usable amount.

- Possess, use, give, or sell paraphernalia related to any prohibited substance. (See **Glossary** for "paraphernalia.")
- Possess, use, abuse, or sell look-alike drugs or attempt to pass items off as drugs or contraband.
- Abuse the student's own prescription drug, give a prescription drug to another student, or possess or be under the influence of another person's prescription drug on school property or at a school-related event. (See **Glossary** for "abuse.")
- Abuse over-the-counter drugs. (See **Glossary** for "abuse.")
- Be under the influence of prescription or over-the-counter drugs that cause impairment to the body or mind. (See **Glossary** for "under the influence.")
- Have or take prescription drugs or over-the-counter drugs at school other than as provided by district policy.

Misuse of Technology Resources and the Internet

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.
- Utilize artificial intelligence in a way that would constitute academic dishonesty or as a means of engaging in any other prohibited conduct.

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.

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 the work of another student, 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.

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

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, including restorative practices. 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. When assigning consequences, East Central ISD uses the East Central Discipline Code Handbook 2026-2027 that is aligned to the Ch. 37-Education Code.

When deciding to order the out-of-school suspension, DAEP/RTC placement, or expulsion to JJAEP of a student, the District will consider either: (1) self-defense, (2) the student's intent at the time of the misconduct, (3) the student's disciplinary history, (4) a student's disability, (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. Discipline is designed to correct student behavior and encourage students to comply with school rules.

First-Time Offense of Possession or Use of Nicotine Delivery Product or E-Cigarette

An appropriate administrator may place a student in a disciplinary alternative education program for the first-time offense of possession or use of a nicotine delivery product or e-cigarette, as defined by Section 161.081, Health and Safety Code. If a student who possesses or uses an e-cigarette is not placed in a disciplinary alternative education program for the first-time offense under Education Code 37.008, the student shall be placed in in-school suspension for a period of at least 10 school days.

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 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 Admission, Review, and Dismissal (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.

Techniques

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 Student Code of Conduct

or 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 disrupts the educational process.
- Rewards or demerits
- Behavioral contracts
- Counseling by teachers, school counselors, or administrative personnel
- Parent-teacher conferences
- Behavior coaching

- Anger management classes.
- Mediation (victim-offender)
- Classroom Circles
- Family group conferencing
- Detention, including outside regular school hours
- Sending the student to the office or another assigned area, or to in-school suspension (ISS)
- Assignment of school duties, such as cleaning or picking up litter.
- Removal from the classroom
- Transfer to a different classroom or campus due to bullying
- Withdrawal of privileges, such as participation in extracurricular activities, eligibility for seeking and holding honorary offices, or membership in school-sponsored clubs and organizations
- Consequences identified in extracurricular codes of conduct, constitutions, or by-laws
- Loss or restriction of privileges, including transportation privileges, participation or membership in extracurricular activities, and seeking or holding honorary positions, loss of parking permit
- In-school suspension (ISS)
- Out-of-school suspension (OSS)
- Saturday school
- Referral to outside agency
- Letter to parents
- Restitution
- Rebound (on campus DAEP)
- Placement in DAEP
- Placement in DAEP by court order
- Continuation of other Districts' DAEP
- Continuation of DAEP placement previous year

- Community service
- Continuation of expulsion previous year (not to JJAEP)
- Continuation of expulsion previous year (to JJAEP)
- Expulsion to Bexar County JJAEP
- Placement in JJAEP by court order
- Referral to an outside agency or legal authority for criminal prosecution in addition to disciplinary measures imposed by the district
- Change clothes to meet Standards of Dress Guidelines
- Time management class
- Confiscate prohibited property and forward to East Central Police Department
- Ticket/fine
- Other strategies and consequences as determined by school officials

Prohibited Aversive Techniques

Aversive techniques are prohibited for use with students and are defined as techniques or interventions intended to reduce the reoccurrence of a behavior by intentionally inflicting significant

physical or emotional discomfort or pain. Aversive techniques include:

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

Notification

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

A good-faith effort shall be made to provide written notice/phone contact of the disciplinary action to the student and/or guardian, on the day the action was taken, for delivery to the student's parent. Before the principal or appropriate administrator assigns a student under age 18 to detention outside regular school
hours, notice shall be given to the student's parent to inform him or her of the reason for the detention and permit arrangements for necessary transportation.

Parental Involvement

The district has not adopted a policy for parental involvement in school disciplinary placements under Education Code 37.0014.

Appeals

Questions from parents regarding disciplinary measures should be addressed to the teacher, campus administration, or campus behavior coordinator, 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 from the principal's office, the campus behavior coordinator's office, or the central administration office or www.ecisd.net.

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

Removal from the School Bus

A bus driver may refer a student to the principal's office or the CBC's office to maintain effective discipline on the bus. The principal or CBC 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 or the CBC may restrict or revoke a student's transportation privileges, in accordance with law.

Removal from the Regular Educational Setting

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

Routine Referral

A routine referral occurs when a teacher sends a student to the campus behavior coordinator's office as a discipline management technique. The campus behavior coordinator 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 from Classroom by Teacher

A teacher may initiate a formal removal from class if:

- The student's behavior repeatedly interferes with the teacher's ability to teach the class or with

  other students' ability to learn
- A student demonstrates behavior that is unruly, disruptive, or abusive toward the

teacher, another adult, or another student in the classroom.

- A student engages in conduct that constitutes bullying, as defined by Education Code 37.0832.0.

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

Within three school days of the formal removal, the campus behavior coordinator or appropriate administrator will schedule a conference with the student's parent, the student, the teacher who removed the student from class, and any other administrator.

At the conference, the CBC or appropriate administrator shall inform the student of the alleged misconduct and proposed consequences. The student shall have an opportunity to respond to the allegations. After the conference, the administrator will render a discipline decision and inform the student and parent/guardian of the consequences.

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

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

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

Returning a Student to the Classroom

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

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

student.

Appeals of Formal Teacher Removals

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

Positive Behavior Support and Instruction (PBSI) (In-School Suspension)

An in-school suspension is not subject to any time limit.

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

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

[See First-Time Offense of Possession or Use of Nicotine Delivery Product or E-Cigarette for limitations to the general rule.]

Process

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

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

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

1. Self-defense [see Glossary];

2. Intent or lack of intent at the time the student engaged in the conduct;

3. The student's disciplinary history;

4. A disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct;

5. A student's status in the conservatorship of the Department of Family and Protective Services (foster care); or

6. A student's status as homeless.

The appropriate administrator shall determine any restrictions on participation in

school-sponsored or school-related extracurricular and cocurricular activities.

Out-of-School Suspension (OSS)

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 below grade 3 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;
- Conduct that threatens the immediate health and safety of other students in the classroom;
- Documented conduct that results in repeated or significant disruption to the classroom; or
- Selling, giving, or delivering to another person or possessing, using, or being under the influence of any amount of marijuana, an alcoholic beverage, or a controlled substance or dangerous drug as defined by federal or state law.

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

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 campus behavior coordinator 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 campus behavior coordinator shall determine the number of days of a student's suspension, not to exceed three school days.

In deciding whether to order out-of-school suspension, the campus behavior coordinator 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 CBC or appropriate administrator shall determine any restrictions on participation in school-sponsored or school-related extracurricular and cocurricular activities.

Alternative Assignment

A parent or person standing in parental relation to the student may submit a written request to the principal or other appropriate administrator to reassign a student placed in out-of-school suspension. The parent or person standing in parental relation to the student must provide information and

documentation that they are unable to provide suitable supervision for the student during school hours during the period of the suspension. It is the sole discretion of the principal or other appropriate administrator to reassign the
student placed in out-of-school suspension.

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

On Campus DAEP

A student who is removed from the regular classroom may be placed in PBSI for an extended period of time. In such cases, students are considered to be assigned to the "On campus DAEP" program. Students in the "On Campus DAEP" program may be required to wear a uniform similar to the DAEP/RTC uniform. They may or may not be assigned to their home campus, and may or may not be provided transportation to and from school while in the "On Campus DAEP" program.

Disciplinary Alternative Education Program (DAEP)/Restorative Transition Center (RTC)

The DAEP/RTC shall be provided in a setting other than the student's regular classroom. An elementary student must be in a separate class from other secondary students assigned to DAEP.

For purposes of DAEP/RTC, elementary classification shall be kindergarten–grade 4 and secondary classification shall be grades 6–12.

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

In deciding whether to place a student in a DAEP, regardless of whether the action is mandatory or discretionary, the campus behavior coordinator 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.

<u>Discretionary</u> DAEP/RTC Placement: Misconduct That May Result in DAEP

A student **may** be placed in DAEP/RTC 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. A student may be placed in a DAEP for the following conduct violations:

- Criminal mischief if the damage is less than $1,500
- Possessing or selling less than a usable amount of stems, seeds, or other pieces of marijuana
- Is involved with a public school fraternity, sorority, secret society, or gang, including participating as a member or pledge, or solicits another person to become a member or pledge
- Possessing, using, selling, or giving paraphernalia (*see* **Glossary**) related to any prohibited substance, including but not limited to marijuana, a controlled substance, dangerous drug, or an alcoholic beverage
- Abusing the student's own prescription drug; giving, buying, or selling a prescription drug; possessing, using, or being under the influence of another person's prescription drug if not a felony
- Preparing a hit list (*see* **Glossary**)
- Committing or assisting in a robbery, theft, or burglary that is not punishable as a felony or possessing stolen property

- Committing or assisting in a robbery, theft, or burglary that is not punishable as a felony or possessing stolen property
- Engaging in persistent misbehavior that violates this Student Code of Conduct as identified in "General Type of Prohibited Misconduct". Persistent misbehavior is defined as two or more violations of the Student Code of Conduct in general, or repeated occurrences of the same violation
- Engaging in serious misbehavior that violates the Student Code of Conduct. Student engages in deliberate violent behavior that poses a direct threat to the health or safety of others; or extortion, coercion, public lewdness, indecent exposure, criminal mischief, personal hazing, or harassment of a student or district employee

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, or secret society, or gang including participating as a member or pledge, or soliciting another person to become a pledge or member of a public school fraternity, sorority, secret society, or gang. (See definitions)
- Involvement in criminal street gang activity. (See definitions)
- Criminal mischief, not punishable as a felony
- Engages in conduct that contains the elements of the offense of disruptive activities under Education Code 37.123.
- Engages in conduct that contains the elements of the offense of disruption of classes under Education

Code 37.124.

- Possesses or uses an e-cigarette, as defined by Section 161.081,Health and Safety Code, except that if a student who possesses or uses an e-cigarette is not placed in a disciplinary alternative education program for the first-time offense under Education Code 37.008, the student shall be placed in in-school suspension for a period of at least 10 school days. See First-Time Offense of Possession or Use of Nicotine Delivery Product or E-Cigarette for additional information.

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

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

Mandatory DAEP/RTC Placement: Misconduct That Requires DAEP Placement

A student **must** be placed in DAEP/RTC 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) against a school employee/volunteer. Assault against a person not school employee/volunteer

- Except as provided by Education Code 37.007(a)(3), sells, gives, or delivers to another person or possesses, uses, or is under the influence of a controlled substance or dangerous drug in an amount not constituting a felony offense. [School-related felony drug offenses are addressed in Expulsion.] [See Glossary for "under the influence," "controlled substance," and "dangerous drug."]

- Sells, gives, or delivers to another person or possesses, uses, or is under the influence of marijuana or THC. A student with a valid prescription for low-THC cannabis as authorized by Chapter 487 of the Health and Safety Code does not violate this provision.

- Sells, gives, or delivers to another person an alcoholic beverage; commits a serious act or offense while under the influence of alcohol; or possesses, uses, or is under the influence of alcohol.

- Behaves in a manner that contains the elements of an offense relating to abusable volatile chemicals.

- Sells, gives, or delivers to another person an e-cigarette, as defined by Section 161.081, Health and Safety Code.

- Behaves in a manner that contains the elements of the offense of public lewdness or indecent exposure. [see Glossary]

- Engages in conduct that contains the elements of an offense of harassment against an employee under Penal Code sections 42.07(a)(1), (2), (3), or (7).

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

- Commits a federal firearms offense if the student is six years of age or younger

- Engages in conduct that contains the elements of the offense of retaliation under Penal Code 36.06 against any school employee or volunteer on or off school property.

- Engages in conduct that contains the elements of harassment under Penal Code 42.07 against any school employee or volunteer on or off of school property.

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

1. A felony offense under Title 5;

2. The offense of deadly conduct under Section 22.05;

3. The felony offense of aggravated robbery under Section 29.03;

4. The offense of disorderly conduct involving a firearm under Section 42.01(a)(7) or (8); or

5. The offense of unlawfully carrying weapons under Section 46.02, except for an offense punishable as a Class C misdemeanor under that section.

Sexual Assault and Campus Assignments

A student shall be transferred to another campus if:

- The student has been convicted of continuous sexual abuse of a young child or disabled individual or convicted of or placed on deferred adjudication for sexual assault or aggravated sexual assault against another student on the same campus; and

- The victim's parent or another person with the authority to act on behalf of the victim requests that the board transfer the offending student to another campus

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

Process

Removals to a DAEP/RTC shall be made by the CBC.

Conference

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

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

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

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

Consideration of Mitigating Factors

In deciding whether to place a student in a DAEP, regardless of whether the action is mandatory or discretionary, the campus behavior coordinator 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 at DAEP/RTC, the CBC 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 individual and initial evaluation of the student for purposes of special education services shall be sent to the student and the student's parent. Not later

than the second business day after the conference, the board's designee shall deliver to the juvenile court a copy of the placement order and all information required by Section 52.04 of the Family Code.

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

DAEP at Capacity

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

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

Coursework Notice

The parent or guardian of a student placed in DAEP/RTC 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 CBC will use the ECISD Discipline Code Handbook to determine the appropriate Stage of the offense and shall determine the duration of a student's placement in a DAEP/RTC.

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

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

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

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

Exceeds One Year

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

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

Exceeds School Year

Students who are in a DAEP/RTC 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/RTC to extend beyond the end of the school year, the CBC or the board's designee must determine that:

1. The student's presence in the regular classroom or campus presents a danger of physical harm to the student or others, or

2. The student has engaged in serious or persistent misbehavior [see **Glossary**] that violates the district's Code of Conduct.

Exceeds 60 Days

For placement in a DAEP to extend beyond 60 days or the end of the next grading period, whichever is sooner, a student's parent shall be given notice and the opportunity to participate in an Appeal 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/RTC should be addressed in accordance with policy FNG(LOCAL). A copy of this policy may be obtained from the principal's office, the central administration office, or at www.ecisd.net.

Disciplinary Appeals shall begin at *Level One* with the Executive Director of Support Services, Stevie Gonzales.

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

Restrictions During Placement

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

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

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, unless the campus review committee approves the request.

Placement Review

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

Additional Misconduct

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

Notice of Criminal Proceedings

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

review.

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

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

If the board confirms the decision of the superintendent or designee, the student and the student's parents 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 ECISD Student Code of Conduct in a way that requires or permits the student to be placed in a DAEP/RTC and the student withdraws from the district before a placement order is completed, the CBC may complete the proceedings and issue a placement order. If the student then

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

Newly Enrolled Students

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

Emergency Placement Procedure

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

Transition 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/RTC. [See policy FOCA(LEGAL) for more information.]

Placement and/or Expulsion for Certain Offenses

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

Registered Sex Offenders

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

appropriate placement unless the court orders JJAEP placement.

If the student is under any form of court supervision, including probation, community supervision

or parole, the student shall be placed in either DAEP/RTC 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/RTC or JJAEP for one semester or placed in a regular classroom. The student may not be placed in the regular classroom if the board or its designee determines that the student's presence:

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

Review Committee

At the end of the first semester of a student's placement in an alternative educational setting and before the beginning of each school year for which the student remains in an alternative placement, the district shall convene a committee, in accordance with state law, to review the student's placement.

The committee shall recommend whether the student should return to the regular classroom or

remain in the placement. Absent a special finding, the board or its designee must follow the committee's recommendation.

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

Newly Enrolled Students

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

Appeal

A student or the 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.

Expulsion

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

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

At School, Within 300 Feet, or at a School Event

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

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

Within 300 Feet of School

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

Property of Another District

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

While in a DAEP/RTC

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

1. Deliberate violent behavior that poses a direct threat to the health or safety of

others;

2. Extortion, meaning the gaining of money or other property by force or threat;

3. Conduct that constitutes coercion, as defined by Penal Code 1.07; or

4. Conduct that constitutes the offense of:

a. Public lewdness under Penal Code 21.07;

b. Indecent exposure under Penal Code 21.08;

c. Criminal mischief under Penal Code 28.03;

d. Hazing under Education Code 37.152; or

e. Harassment under Penal Code 42.07(a)(1) of a student or district employee.

Mandatory Expulsion: Misconduct That Requires Expulsion

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

Under Federal Law

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

[See **Glossary**]

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

Under the Penal Code

- Unlawfully carrying on or about the student's person the following, in the manner prohibited by Penal Code 46.02:
- A handgun, defined by state law as any firearm designed, made, or adapted to be used with one hand. [see **Glossary**] *Note*: A student may not be expelled solely on the basis of the student's use, exhibition, or possession of a firearm that occurs at an approved target range facility that is not located on a school campus; while participating in or preparing for a school-sponsored, shooting sports competition or a shooting sports educational activity that is sponsored or supported by the Parks and Wildlife Department; or a shooting sports sanctioning organization working with the department. [See policy FNCG(LEGAL).]

- A location-restricted knife, as defined by state law. (See **Glossary**)

- Possessing, manufacturing, transporting, repairing, or selling a prohibited weapon, as defined

in state law. (See **Glossary**)

- Engages in conduct that contains the elements of the offense of exhibiting, using, or threatening to exhibit or use a firearm under Education Code 37.125.

- Behaving in a manner that contains elements of the following offenses under the Penal Code:

  - Aggravated assault, sexual assault, or aggravated sexual assault

  - Arson. (See **glossary**)

  - Murder, capital murder, or criminal attempt to commit murder or capital murder.

  - Indecency with a child.

  - Aggravated kidnapping

  - Burglary, Robbery, Aggravated robbery §30.02, §29.02, and §29.03

  - 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, a dangerous drug.

  - Engaging in conduct that contains elements of assault against a school employee or volunteer.

Under Age Ten

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

Virtual Expulsion Program

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

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

Consideration of Virtual Education as Alternative to Expulsion

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

Process

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

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

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

Hearing

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

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

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

The board of trustees delegates to the Director of Student Services authority to conduct hearings and expel students.

Board Review of Expulsion

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

The board or designee 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 or designee 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, designee or campus behavior coordinator 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 designee shall deliver to the student and the student's parent a copy of the order expelling the student.

Not later than the second business day after the hearing, Student Services shall deliver to the Bexar County Juvenile Justice Alternative Education Program a copy of the expulsion order and the

information required by Section 52.04 of the Family Code.

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

Length of Expulsion

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

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

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

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

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

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

Withdrawal During Process

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

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

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

Additional Misconduct

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

Restrictions During Expulsion

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

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

Newly Enrolled Students

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

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

1. The out-of-state district provides the district with a copy of the expulsion order, and

2. The offense resulting in the expulsion is also an expellable offense in the district in which the student

is enrolling

If a student is expelled by a district in another state for a period that exceeds one year and the district continues the expulsion or places the student in a DAEP, the district shall reduce the period of the

expulsion or DAEP placement so that the entire period does not exceed one year, unless after a review

it is determined that:

1. The student is a threat to the safety of other students or district employees,

or 2. Extended placement is in the best interest of the student.

Emergency Expulsion Procedures

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

DAEP Placement of Expelled Students

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

Transition Services

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

Certain Felonies

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

- Received deferred prosecution for conduct defined as aggravated robbery or a Title 5 felony offense;
- Been found by a court or jury to have engaged in delinquent conduct for conduct defined as aggravated robbery or a Title 5 felony offense;
- Been charged with engaging in conduct defined as aggravated robbery or a Title 5 felony offense;

- Been referred to a juvenile court for allegedly engaging in delinquent conduct for conduct defined as aggravated robbery or a Title 5 felony offense; or
- Received probation or deferred adjudication or have been arrested for, charged with, or convicted of aggravated robbery or a Title 5 felony offense.

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

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

Hearing and Required Findings

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

1. Threatens the safety of other students or teachers;

2. Will be detrimental to the educational process; or

3. Is not in the best interest of the district's students.

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

Length of Placement

The student is subject to the placement until:

1. The student graduates from high school;

2. The charges are dismissed or reduced to a misdemeanor offense; or

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

Placement Review

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

Newly Enrolled Students

A student who enrolls in the district before completing a placement under this section from another

school district must complete the term of the placement.

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

Antisemitism is defined by Government Code section 448.001 as a certain perception of Jews that may be expressed as hatred toward Jews. The term includes rhetorical and physical acts of antisemitism directed toward Jewish or non-Jewish individuals or their property or toward Jewish community institutions and religious facilities. Examples of antisemitism are included with the International Holocaust Remembrance

Alliance's "Working Definition of Antisemitism" adopted on May 26, 2016.

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

ARSON: is defined in part by Penal Code 28.02 as a crime that involves:

1. Starting a fire or causing an explosion with intent to destroy or damage:

    a. Any vegetation, fence, or structure on open-space land; or

    b. Any building, habitation, or vehicle:

        1. Knowing that it is within the limits of an incorporated city or town,
        2. Knowing that it is insured against damage or destruction,
        3. Knowing that it is subject to a mortgage or other security interest,
        4. Knowing that it is located on property belonging to another,
        5. Knowing that it has located within it property belonging to another, or
        6. When the person starting the fire is reckless about whether the burning or explosion will endanger the life of some individual or the safety of the property of another

2. Recklessly starting a fire or causing an explosion while manufacturing or attempting to manufacture a controlled substance if the fire or explosion damages any building, habitation, or vehicle; or

3. Intentionally starting a fire or causing an explosion and in so doing:

a. Recklessly damaging or destroying a building belonging to another, or

b. Recklessly causing another person to suffer bodily injury or death.

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

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: Engaging in written or verbal expression, expression through electronic means, or physical conduct that occurs on school property, at a school-sponsored, or school-related activity, or in a vehicle operated by the school district 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, and pervasive enough that the action or threat creates an intimidating, threatening, or abusive educational environment for the 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. This conduct is considered bullying if it: (1) exploits an imbalance of power between the student perpetrator and the student victim through written or verbal expression or physical conduct; and (2) interferes with a student's education or substantially disrupts the operation of a 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.

CYBER BULLYING: 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 or by 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 other emergency that he or she knows is false or baseless and that would ordinarily:

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

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

(1) any weapon, including a starter gun, that will, is designed to, or may readily be converted to expel a projectile by the action of an explosive;

(2) the frame or receiver of any such weapon;

(3) any firearm muffler or firearm weapon; or

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

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

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

HARASSMENT includes:

1. Conduct that meets the definition established in district policies DIA(LOCAL) and FFH(LOCAL).
2. Conduct that threatens to cause harm or bodily injury to another person, including a district student, employee, board member, or volunteer; is sexually intimidating; causes physical damage to the property of another student; subjects another student to physical confinement or restraint; or maliciously and substantially harms another student's physical or emotional health or safety, as defined in Education Code 37.001(b)(2); or

3. Conduct that is punishable as a crime under Penal Code 42.07, including the following types of conduct if carried out with the intent to harass, annoy, alarm, abuse, torment, or embarrass another:

a. Initiating communication and, in the course of the communication, making a comment, request, suggestion, or proposal that is obscene, as defined by law;

b. Threatening, in a manner reasonably likely to alarm the person receiving the threat, to inflict bodily injury on the person or to commit a felony against the person, a member of the person's family or household, or the person's property;

c. Conveying, in a manner reasonably likely to alarm the person receiving the report, a false report, which is known by the conveyor to be false, that another person has suffered death or serious bodily injury;

d. Causing the telephone of another to ring repeatedly or making repeated telephone communications anonymously or in a manner reasonably likely to harass, annoy, alarm, abuse, torment, embarrass, or offend another;

e. Making a telephone call and intentionally failing to hang up or disengage the connection;

f. Knowingly permitting a telephone under the person's control to be used by another to commit an

offense under this section;

g. Sending repeated electronic communications in a manner reasonably likely to harass, annoy, alarm, abuse, torment, embarrass, or offend another;

h. Publishing on an internet website, including a social media platform, repeated electronic

communications in a manner reasonably likely to cause emotional distress, abuse, or torment to another person, unless the communications are made in connection with a matter of public concern, as defined by law; or

i. Making obscene, intimidating, or threatening telephone calls or other electronic communications from a temporary or disposable telephone number provided by an internet application or other technological means.

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

1. Any type of physical brutality;
2. An activity that subjects the student to an unreasonable risk of harm or that adversely affects the student's mental or physical health, such as sleep deprivation, exposure to the elements, confinement

to small spaces, calisthenics, or consumption of food, liquids, drugs, or other substances;

3. An activity that induces, causes, or requires the student to perform a duty or task that violates the Penal Code; or

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

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

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

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

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

LOCATION-RESTRICTED KNIFE: is defined by Penal Code 46.01 as a knife with a blade over five and one-half inches.

KNUCKLES: 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**.**

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

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

(1) Clothing, purse, or backpack;

(2) A private vehicle used for transportation to or from school or school-related activities, including, but not limited to, an automobile, truck, motorcycle, or bicycle;

(3) Personal communication devices or electronic devices; or

(4) Any school property used by the student, including, but not limited to, a locker or desk. **PROHIBITED WEAPON:** under Penal Code 46.05(a) means:

1. The following items, unless registered with the U.S. Bureau of Alcohol, Tobacco, Firearms, and Explosives or otherwise not subject to that registration requirement or unless the item is classified as a curio or relic by the U.S. Department of Justice:

    a. An explosive weapon;

    b. A machine gun;

2. Armor-piercing ammunition;

3. A chemical dispensing device;

4. A zip gun;

5. A tire deflation device; or

6. An improvised explosive device.

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

Public school fraternity, sorority, secret society, or gang: means an organization composed wholly or in part of students that seeks to perpetuate itself by taking additional members from the students

enrolled in school based on a decision of its membership rather than on the free choice of a qualified student. Educational organizations listed in Education Code 37.121(d) are excepted from this definition.

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

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

SERIOUS MISBEHAVIOR means:

1. Deliberate violent behavior that poses a direct threat to the health or safety of others;

2. Extortion, meaning the gaining of money or other property by force or

threat; 3. Conduct that constitutes coercion, as defined by Penal Code Section

1.07; or

4. Conduct that constitutes the offense of:

a. Public lewdness under Penal Code 21.07;

b. Indecent exposure under Penal Code 21.08;

c. Criminal mischief under Penal Code 28.03;

d. Hazing under Education Code 37.152; or

e. Harassment under Penal Code 42.07(a)(1) of a student or district employee.

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

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

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 FELONY OFFENSES: are those crimes listed in Title 5 of the Penal Code that typically involve injury to a person and may include:

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

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

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

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.

Appendix
Freedom from Bullying Policy

Note: that school board policies may be revised at any time. For legal context and the most current copy of the local policy, visit Board Policy FFI(LOCAL). Below is the text of East Central's policy FFI(LOCAL) as of the date that this handbook was finalized for this school year.

Student Welfare: Freedom from Bullying

Policy FFI(LOCAL) adopted on 10/18/2017

Note: This policy addresses bullying of District students. For purposes of this policy, the term bullying includes cyberbullying.

For provisions regarding discrimination and harassment involving District students, see FFH. Note that FFI shall be used in conjunction with FFH for certain prohibited conduct. For reporting requirements related to child abuse and neglect, see FFG.

Bullying Prohibited

The District prohibits bullying, including cyberbullying, as defined by state law. Retaliation against anyone involved in the complaint process is a violation of District policy and is prohibited.

Examples

Bullying of a student could occur by physical contact or through electronic means and may include hazing, threats, taunting, teasing, confinement, assault, demands for money, destruction of property, theft of valued possessions, name calling, rumor spreading, or ostracism.

Retaliation

The District prohibits retaliation by a student or District employee against any person who in good faith makes a report of bullying, serves as a witness, or participates in an investigation.

Examples

Examples of retaliation may include threats, rumor spreading, ostracism, assault, destruction of property, unjustified punishments, or unwarranted grade reductions. Unlawful retaliation does not include petty slights or annoyances.

False Claim

A student who intentionally makes a false claim, offers false statements, or refuses to cooperate with a District investigation regarding bullying shall be subject to appropriate disciplinary action.

Timely Reporting

Reports of bullying shall be made as soon as possible after the alleged act or knowledge of the alleged act. A failure to immediately report may impair the District's ability to investigate and address the prohibited conduct.

Reporting Procedures Student Report

To obtain assistance and intervention, any student who believes that he or she has experienced

bullying or believes that another student has experienced bullying should immediately report the alleged acts to a teacher, school counselor, principal, or other District employee. The Superintendent shall develop procedures allowing a student to anonymously report an alleged incident of bullying.

Employee Report

Any District employee who suspects or receives notice that a student or group of students has or may have experienced bullying shall immediately notify the principal or designee.

Report Format

A report may be made orally or in writing. The principal or designee shall reduce any oral reports to written form.

Notice of Report

When an allegation of bullying is reported, the principal or designee shall notify a parent of the alleged victim on or before the third business day after the incident is reported. The principal or designee shall also notify a parent of the student alleged to have engaged in the conduct within a reasonable amount of time after the incident is reported.

Prohibited Conduct

The principal or designee shall determine whether the allegations in the report, if proven, would constitute prohibited conduct as defined by policy FFH, including dating violence and harassment or discrimination on the basis of race, color, religion, sex, gender, national origin, or disability. If so, the District shall proceed under policy FFH. If the allegations could constitute both prohibited conduct and bullying, the investigation under FFH shall include a determination on each type of conduct.

Investigation of Report

The principal or designee shall conduct an appropriate investigation based on the allegations in the report. The principal or designee shall promptly take interim action calculated to prevent bullying during the course of an investigation, if appropriate.

Concluding the Investigation

Absent extenuating circumstances, the investigation should be completed within ten District business days from the date of the initial report alleging bullying; however, the principal or designee shall take additional time if necessary to complete a thorough investigation.The principal or designee shall prepare a final, written report of the investigation. The report shall include a determination of whether bullying occurred, and if so, whether the victim used reasonable self-defense. A copy of the report shall be sent to the Superintendent or designee.

Notice to Parents

If an incident of bullying is confirmed, the principal or designee shall promptly notify the parents of the victim and of the student who engaged in bullying.

District Action Bullying

If the results of an investigation indicate that bullying occurred, the District shall promptly respond by taking appropriate disciplinary action in accordance with the District's Student Code of Conduct and may take corrective action reasonably calculated to address the conduct. The District may notify law enforcement in certain circumstances.

Discipline

A student who is a victim of bullying and who used reasonable self-defense in response to the

bullying shall not be subject to disciplinary action. The discipline of a student with a disability is subject to applicable state and federal law in addition to the Student Code of Conduct.

Corrective Action

Examples of corrective action may include a training program for the individuals involved in the complaint, a comprehensive education program for the school community, follow-up inquiries to determine whether any new incidents or any instances of retaliation have occurred, involving parents and students in efforts to identify problems and improve the school climate, increasing staff monitoring of areas where bullying has occurred, and reaffirming the District's policy against bullying.

Transfers

The principal or designee shall refer to FDB for transfer provisions.

Counseling

The principal or designee shall notify the victim, the student who engaged in bullying, and any students who witnessed the bullying of available counseling options.

Improper Conduct

If the investigation reveals improper conduct that did not rise to the level of prohibited conduct or bullying, the District may take action in accordance with the Student Code of Conduct or any other appropriate corrective action.

Confidentiality

To the greatest extent possible, the District shall respect the privacy of the complainant, persons against whom a report is filed, and witnesses. Limited disclosures may be necessary in order to conduct a thorough investigation.

Appeal

A student who is dissatisfied with the outcome of the investigation may appeal through FNG(LOCAL), beginning at the appropriate level.

Records Retention

Retention of records shall be in accordance with CPC(LOCAL).

Access to Policy and Procedures

This policy and any accompanying procedures shall be distributed annually in the employee and student handbooks. Copies of the policy and procedures shall be posted on the District's website, to the extent practicable, and shall be readily available at each campus and the District's administrative offices.