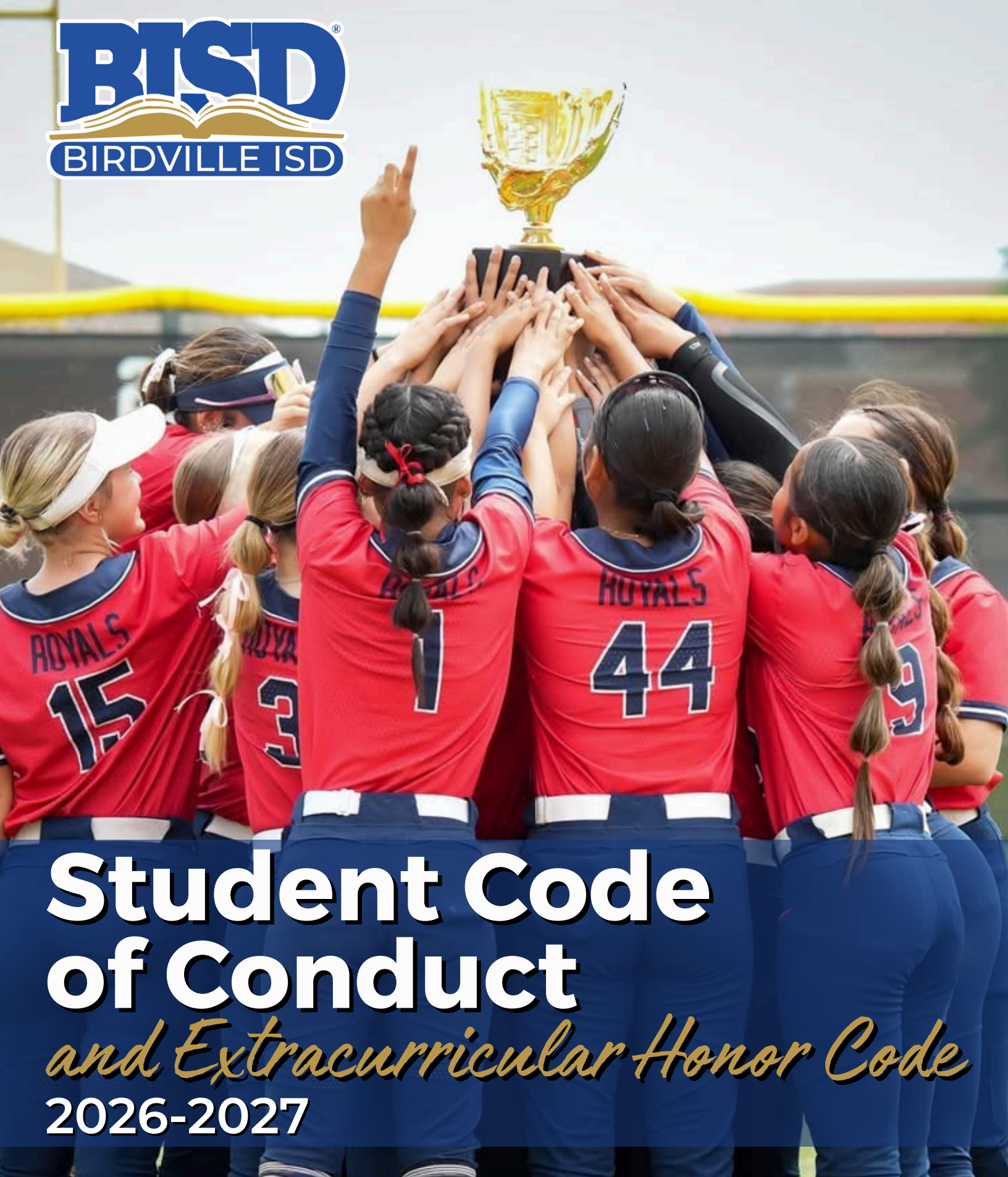
BISD
BIRDVILLE ISD



Student Code of Conduct

and Extracurricular Honor Code

2026-2027

THIS IS **MY** BIRDVILLEISD

5888 Airport Freeway, North Richland Hills, Texas 76180 I 817-547-5700 | FAX 817-838-7261
www.birdvilleschools.net

2026-2027
Student Code of Conduct
and
Extracurricular Honor Code

If you have difficulty accessing the information in this document because of a disability, please contact Michelle DoPorto, District Webmaster at michelle.doporto@birdvilleschools.net or 817-547-5700 for assistance.

Table of Contents

Accessibility 6
Purpose 6
Campus Behavior Coordinator 7
Threat Assessment and Safe and Supportive School Team 8
“Parent” Defined 8
Standards and Expectations of Student Behavior 8
Administrative Considerations 8
Students with Disabilities 9
Parental Involvement 9
School District Authority and Jurisdiction 9
Students at School or School-Related Activities 10
Listing of Offenses and Consequences by Level 12
LEVEL I 12
Level I Disciplinary Offenses 12
Level I Disciplinary Options 12
LEVEL II 13
Level II Disciplinary Offenses 13
Level II Disciplinary Options 13
LEVEL III 14
Level III Disciplinary Offenses 14
Level III Disciplinary Options 16
LEVEL IV 16
Level IV Serious Offenses 16
Level IV Disciplinary Options 19
LEVEL V (Expulsion to JJAEP) Mandatory Expulsion 19
Certain Felonies 21
Hearings and Findings 21
Length of Placement 21
Placement Review 22
Newly Enrolled Students 22
Mandatory Expulsion: Misconduct That Requires Expulsion 22
Discretionary Expulsion 23
Disciplinary Option: 24
Students Under Ten Years of Age 24

DAEP and Newly Enrolled Students 24
Virtual Expulsion Program 24
Consideration of Virtual Education as an Alternative to Expulsion 25
Procedural Due Process 25
District Alternative Education Placement (DAEP) 25
Sexual Assault and Campus Assignments 26
DAEP at Capacity 26
Restrictions During Placement 27
Expulsion to Juvenile Justice Alternative Education Program (JJAEP) 27
Appeals 28
Limited Appeal of Certain Administrative Decisions 28
Appeal of Campus Administrator's Placement in the DAEP 28
Appeal of Campus Administrator's Expulsion to JJAEP 28
Emergency Expulsion Emergency Placement 29
Transition Services 29
Emergency Expulsion 29
Returning a Student to the Classroom 30
Placement Review Committee 30
Abiding by the Law 30
End of Semester or End of Year Offenses 30
Restrictions and Prohibitions 30
Birdville ISD Dress and Grooming Guidelines Dress Code 31
Basic Principle 31
Violations 33
Enforcement 33
Exceptions 33
Dress Code for DAEP 34
COMPLICITY IN PROHIBITED CONDUCT 34
Vandalism or Damage to School Property 34
Sexual Harassment 35
Hazing 35
Tobacco Use 35
Personal Communication Devices 35
Drug-Alcohol Use 35

DRUG–ALCOHOL USE 36
Weapons 37
Assaults 37
Bullying 38
Anonymous Reporting 38
Criminal Trespass 39
Dating Violence 39
Disturbing School or Classes 40
Disruption of Lawful Assembly 40
Prior Review of Written Materials 41
Disciplinary Options for Transportation Referrals 42
Secret or Self-Perpetuating Societies 42
Removal from the Regular Educational Setting 42
Routine Referral 42
Formal Teacher Removal 42
Returning a Student to the Classroom 43
Appeals of Formal Teacher Removals 43
Prohibited Aversive Techniques 44
In-School Suspension 44
Process 44
Out-of-School Suspension 45
Misconduct 45
Process 46
Alternative Assignment 46
Coursework During Suspension 46
Detention 47
Searches 47
Search of Students' Desks and Lockers 47
Reporting Crimes 47
Security Personnel 48
Cooperation with Law Enforcement Officials 48
Probation Officer or Police Questioning of Students 49
Arrested Students 49
Notification of Law Violations 49

Unauthorized Persons 49
Videotaping of Students, Teachers, and Other School Employees 50
Extracurricular Honor Code 50
Jurisdiction 50
On-Campus Behavior 51
Off-Campus Behavior 51
Off-Campus Consequences 52
Non-Inclusive Example of Disciplinary Consequences for Off-Campus 52
Appeal Process 53
Extracurricular Honor Code Acknowledgement 53
Glossary 54

Accessibility

If you have difficulty accessing the information in this document because of a disability, please contact Michelle DoPorto, District Webmaster at michelle.doporto@birdvilleschools.net or 817-547-5700 for assistance.

Purpose

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

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

This Code of Conduct has been adopted by the Birdville Independent School District 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 of Conduct remains in effect during summer school and at all school-related events and activities outside the school year until the board adopts an updated version for the next school year.

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

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

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.

Campus Behavior Coordinator

As required by law, a single person at each campus must be designated as the campus behavior coordinator (CBC). The designated person may be the campus principal or any other campus administrator selected by the principal. Additional staff members may assist the CBC in the performance of the CBC's duties, provided that the CBC personally verifies that all aspects of Chapter 37, Subchapter A, are appropriately implemented. The campus behavior coordinator 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 behavior trends that may pose a serious risk of violence to the student or others.

The CBC shall promptly notify a student's parent by phone or in person of

- any violation that may result in in-school or out-of-school suspension, placement in a DAEP, placement in a JJAEP, or expulsion. The CBC shall also notify a student's parent if the student is taken into custody by a law enforcement officer under the disciplinary provisions of Education Code 37.0012(d).
- A good-faith effort shall be made to provide written notice of the disciplinary action to the student, on the day the action was taken, for delivery to the student's parent. If the parent has not been reached by telephone or in person by 5:00 p.m. of the first business day after the day the disciplinary action was taken, the CBC shall send written notification by U.S. Mail.
- Before assigning a student under age 18 to detention outside regular school hours, notice shall be given to the student's parent to inform the parent of the reason for the detention and permit arrangements for necessary transportation.

The district shall post the email address and telephone number of the person serving as campus behavior coordinator on its website and in the student handbook for each campus. Contact information may be found at www.birdvilleschools.net and www.birdvilleschools.net/studenthandbooks.

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 police and procedures, as required by law, and shall take appropriate disciplinary action in accordance with the Code of Conduct. When the campus threat assessment team assesses a student with a disability, a member with specific knowledge of the student's disability shall participate in the assessment, as required by Education Code 37.115(d) (HB 121, 89th Leg.).

"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.

Standards and Expectations of Student Behavior

All students are entitled to enjoy the fundamental rights of citizenship recognized and protected by law for persons of their age and maturity. The school will foster a climate of mutual respect for the rights of others. Students are expected to respect the rights and privileges of other students, teachers, and district staff. The district's rules of conduct and discipline are established to achieve and maintain order in the school. Students who violate the rights of others or who violate district or school rules will be subject to disciplinary measures designed to correct the misconduct and to promote adherence by all students to their responsibilities as citizens in the school community.

Administrative Considerations

The Texas Education Code now requires the Student Code of Conduct to specify that the district will consider mitigating factors such as;

1. Self-defense:
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

When making decisions regarding a student's out-of-school suspension, placement in a DAEP, expulsion, or placement in a JJAEP, the decision must be made regardless of whether the action is mandatory or discretionary. Previously, consideration of these factors was left to the district's discretion.

This Handbook is designed to be in harmony with Board Policy. State Law allows for annual updates, but policy adoption and revisions may occur throughout the year. Policy changes that affect these will be made available to students and parents through newsletters and other communications. In the event of a conflict between School Board Policy and any provisions of this Code of Conduct Book, the most recently adopted provisions of the Board of Trustees will prevail.

Students with Disabilities

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

In accordance with the Education Code, a student who receives special education services may not be disciplined in a manner that results in a change to the student's educational placement 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.

Parental Involvement

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

School District Authority and Jurisdiction

School rules and the district's authority to administer discipline apply whenever the district's interests are 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:

1. During the regular school day and while the student is going to and from school or a school-sponsored or school-related activity on district transportation.
2. During lunch periods in which a student is allowed to leave campus.
3. While the student attends any school-related activity, regardless of time or location.
4. For any misconduct at a school-related event, regardless of time or location.
5. When a threat against or retaliation against a school employee, board member, or volunteer occurs, regardless of time or location.
6. When a student engages in cyberbullying, as provided by Education Code 37.0832.
7. When criminal mischief is committed on or off school property or at a school-related event.
8. For certain offenses committed within 300 feet of school property as measured from any

point on the school's real property boundary line.
9. For certain offenses committed while on school property or while attending a school-sponsored or school-related activity of another district in Texas.
10. When the student commits a felony, as provided by Education Code 37.006, 37.007, or 37.0081; and
11. When the student is required to register as a sex offender.

Students at School or School-Related Activities

Student responsibilities for achieving a positive learning environment at school or school-related activities include:

1. Attending all classes daily and on time.
2. Being prepared for each class with proper materials and assignments.
3. Dress in accordance with the district's dress code.
4. Exhibiting respect towards others.
5. Behaving responsibly.
6. Paying required fees and fines unless they are waived.
7. Complying with the Student Code of Conduct.
8. Obeying all school and safety rules, including safety rules.
9. Exhibiting responsible conduct at school, on school buses, and at all school functions on or off campus.
10. Cooperating with staff in investigations of disciplinary cases and volunteering information relating to a serious offense.

Students at school or school-related activities are prohibited from:

1. Engaging in academic dishonesty, including cheating or copying another student's work, plagiarism, unauthorized use of generative artificial intelligence (AI), or unauthorized communication between students during an examination.
2. Leaving school-sponsored events without permission.
3. Directing profanity, vulgar language, or obscene gestures toward other students.
4. Insubordination, such as disobeying directives from school personnel of school policies, rules, and regulations.
5. Being disrespectful or directing profanity, vulgar language, or obscene gestures towards teachers or other school personnel
6. Playing with matches, fire, or committing arson.
7. Committing robbery or theft.
8. Damaging or vandalizing property owned by the district, other students, or district employees.
9. Disobeying district and school rules regarding conduct on school buses.
10. Fighting, committing physical abuse, or threatening physical abuse.
11. Committing extortion, coercion, or blackmail; that is, obtaining money or other objects of value from an unwilling person or forcing an individual to act through the use or threat of force.
12. Engaging in verbal abuse (i.e., name-calling, ethnic or racial slurs, or derogatory statements) that may substantially disrupt the school's program or incite violence.
13. Engaging in sexual contact or inappropriate physical contact.
14. Engaging in any other conduct that disrupts the school environment or educational

process.

15. Committing indecent exposure.
16. Being tardy or leaving school grounds when not permitted to do so.
17. Engaging in any conduct constituting felony criminal mischief, as defined by law.
18. Engaging in any unruly, disruptive, or abusive behavior that seriously interferes with teacher communications with students and/or their ability to learn, or with the educational process.
19. Violation of district policy for acceptable use of computers, networks, and other electronic communication devices.
20. Skating, skateboarding, or using bikes of any type on campuses. Students may use skates, skateboards, or bikes on their way to school or on their way home.
21. Engaging in bullying, cyberbullying, harassment, or making hit lists.

Listing of Offenses and Consequences by Level

LEVEL I

Level I Disciplinary Offenses

Level I act(s) of misconduct include repeated infractions of **classroom management procedures or rules** or other misconduct that disrupts the educational process. The following is a non-inclusive list of behavior infractions:

1. Being tardy to class.
2. Refusing to follow classroom rules.
3. Refusing to participate in classroom activities or assignments.
4. Failure to bring appropriate materials to class.
5. Unauthorized use of any item or electronic device that causes class disruption.
6. Disruption of classroom procedures.
7. Disruptions in the halls, buildings, classrooms, or other settings include running, making excessive noise, and obstructing or causing other disruptions.
8. Not having a school ID visible (for secondary students)
9. Dress code violations.

Level I Disciplinary Options

The classroom teacher may use one or more of the following consequences:

1. Warning.
2. Teacher/student conference.
3. Parent conference or parent communication.
4. In-class disciplinary actions or assignments.
5. Withdrawal of student privileges.
6. Campus-determined detention.
7. Confiscation of disruptive items or materials.
8. Supervised campus service agreement.
9. Temporary seating in another classroom.
10. Initiate or Review Behavioral Response to Intervention Tier Level.
11. Initiate or Review Threat Assessment.

LEVEL II

Level II Disciplinary Offenses

When a student's behavior does not change after action taken at Level I, they are moved to Level II for disciplinary action.

1. Repeated violations of Level I offenses.
2. Bullying or Cyberbullying.
3. Impeding an administrative investigation.
4. Excessive tardies or excessive unexcused absences.
5. Academic dishonesty includes cheating or copying another student's work, plagiarism, unauthorized use of generative artificial intelligence (AI), or unauthorized communication between students during an examination.
    i. Campus administration or designees must be involved or informed in the investigation of all incidents of academic dishonesty, and a determination must be made as to whether the offense occurred.
6. First-time offense of possession or use of a nicotine delivery product or e-cigarette.
7. Possession or use of tobacco or tobacco-free products (including snuff, nicotine pouches, and dissoluble tobacco), cigarettes, e-cigarettes, and any component, part, or accessory for an e-cigarette device.
8. Leaving the classroom without permission.
9. Engaging in PDA.-(Public Display(s) of Affection) (see Glossary)
10. Engage in any behavior that violates the Student Code of Conduct and is motivated by antisemitism. [see Glossary]
11. Use a personal communication device, including a cell phone, or other electronic device on school property during the school day. [see Glossary].

Level II Disciplinary Options

One or any combination of the following or a lower-level consequence may be applied:

1. Any discipline consequence outlined in **Level I.**
2. Conference including Teacher, Parent, Student, Counselor, and/or Administrator.
3. Campus-determined detention.
4. In-school suspension.
5. Restoration or restitution
6. Friday Night School or Saturday School.
7. Grade penalty for academic dishonesty.
8. Confiscation of prohibited items.
9. Stay Away Agreement initiated.
10. Initiate or review Behavioral Response to Intervention (RtI) Tier Level.
11. Initiate or review Threat Assessment Plan (Safe and Supportive Schools Plan)
12. 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 37.008, the student shall be placed in in-school suspension for a period of at least 10 school days.

LEVEL III

Level III Disciplinary Offenses

Level III acts of misconduct include student infractions, which are somewhat more severe than those in Levels I and II due to their effect on the orderly process of the school program or their endangerment or serious effect on other students.

A student may be placed in a DAEP for prohibited behaviors. Examples of misconduct **include, but are not limited to,** the following:

1. Repeated violations of **Level II** offenses.
2. Not attending detention, repeatedly failing, or refusing to attend detention.
3. Repeated violations of possession or use of tobacco or tobacco-free products (including snuff and dissoluble tobacco).
4. Bullying or Cyberbullying – Discipline will be administered following HB 1942 of the 82nd Legislature. Engaging in bullying that encourages a student to die by suicide. Inciting violence against a student through group bullying.
5. Posting/Reposting on social media while the student is off campus and is not in attendance at a school-sponsored event, if the conduct results in a material or substantial disruption of the school environment or interference with school operations.
6. Posting/Reposting on social media while on school property, in attendance at a school-sponsored event, or using school technology resources if the conduct interferes with school operations or causes a disruption of the learning environment.
7. Leaving the classroom, building, grounds, or assigned activity without permission.
8. Repeated violation of the school district dress code.
9. Using profane, obscene, indecent, racially, or ethnically offensive language and/or physical gestures or symbols to other students or adults.
10. Insubordination or defiance of authority. Being disrespectful towards school personnel or refusing to comply with lawful requests or directions of school personnel.
11. Truancy, excessive absences, or tardies (3 unexcused absences in a four-week period or ten unexcused absences in a six-month period). Including repeated early dismissals at the elementary school level.
12. Altering school records or documents or forgery of a name on school documents.
13. Criminal Mischief or Vandalism or the defacing of school property.
    a. 13.1 - Class C Misdemeanor $100
    b. 13.2 - Class B Misdemeanor $100 to less than $750
    c. 13.3 - Class A Misdemeanor $750 to less than $2,500
    d. State Jail Felony $2,500 to less than $30,000
14. Repeated or explicit engagement in public displays of affection (PDA).
15. Repeated use of a personal communication device, including a cell phone, or other electronic device on school property during the school day. [see Glossary].
16. Throwing or irresponsible use of objects that can cause bodily injury or damage to property.

17. Exhibiting unacceptable or unwanted physical contact that could but does not result in injury.
18. Recklessness in an automobile at any school-related function, regardless of time or location.
19. Damaging the property of others.
20. Possessing a pocketknife or a look-alike weapon.
21. Violation of BISD Telecommunication Acceptable Use Policy.
22. Threats, oral, written, or electronic, to do bodily harm to another or the property of another.
23. Posting or distributing unauthorized or inappropriate illegal materials (paper or electronic) on school premises.
24. Possession of fireworks or any flammable device, including lighters.
25. Discharging air horns or odor-emitting devices.
26. Fighting.
27. Theft.
28. Releasing, or threatening to release, intimate visual material of a minor or of a student who is 18 years of age or older, with or without the student's consent.
29. Involvement in a public-school fraternity, sorority, or secret society, or gang, including participation as a member or pledge, or soliciting another person to become a pledge or a member of a public-school fraternity, sorority, secret society, or gang. [see Glossary]
30. Involvement in criminal street gang activity. [see Glossary]
31. Engages in conduct that contains the elements of the offense of disruptive activities under Education Code 37.123
32. Engages in conduct that contains the elements of the offense of disruption of class under Education Code 37.124
33. 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.
34. Entering, without authorization, district facilities that are not open for operations.
35. 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.
36. 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.

Level III Disciplinary Options

Any one or any combination of the following or a lower level may be applied: Any combination of discipline techniques outlined in Level I or II.

1. Campus-determined detention.
2. Exclusion from extracurricular activities.
3. In-school suspension
4. Restoration or restitution.
5. Withdrawal of selected student privileges.
6. Supervised campus service agreement.
7. Out-of-school suspension (not to exceed three consecutive days).
8. Placement in the District Alternative Education Program.
9. Confiscation of prohibited items.
10. Saturday School or Friday Night School.
11. Referral to BISD Attendance Officer.
12. Suspend or terminate the use of BISD electronic or communication equipment.
13. Initiate or review Behavioral RtI Tier Level.
14. Initiate or review Threat Assessment Plan (Safe and Supportive Schools Plan).

LEVEL IV

Level IV Serious Offenses

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

Mandatory Removal/Placement

If a student commits any of the following acts within 300 feet of school property, 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 the property, they **shall** be removed to an alternative education program.

1. Engaging in conduct relating to a false alarm or report (including bomb threat) or a terroristic threat involving a public school as defined by Penal Code 42.06
2. Commits assault as defined by Penal Code 22.01.
3. Makes a terrorist threat as defined by Penal Code 22.07.
4. 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 the Expulsion section.) (See the glossary for "under the influence", "controlled substance", and "dangerous drug".)
5. 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.

6. 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.
7. Behaves in a manner that contains the elements of an offense relating to abusable volatile chemicals under 485.031 through 483.035, Health and Safety Code, or other volatile chemicals under Chapter 484, Health and Safety Code.
8. Sells, gives, or delivers to another person an e-cigarette as defined by section 161.081, Health and Safety Code.
9. Behaves in a manner that contains the elements of the offense of public lewdness or indecent exposure. (see glossary)
10. Engages in consensual sexual activity.
11. Engages in retaliation against a school employee under Penal Code 36.06, except if the student commits a mandatory expellable offense against any employee in retaliation for or because of the employee's employment with the school district; the student must be expelled under TEC 37.007.
12. Engages in conduct punishable as a felony.
13. Engages in conduct punishable as a felony as defined in Title 5 of the Texas Penal Code, and the student:
    a. Has received deferred prosecution.
    b. Is found by a court or jury to have engaged in delinquent conduct.
    c. The Superintendent or designee reasonably believes the student has engaged in conduct punishable as a felony under Title 5.
14. In addition, a student shall be removed from class and placed in a disciplinary alternative education program under 37.008 (TEC), based on conduct occurring off campus and while the student is not in attendance at a school-sponsored or school-related activity, if:
    a. The student receives deferred prosecution for conduct defined as a felony by Section 53.03 of the Family Code.
    b. A court or jury finds that the student has engaged in delinquent conduct as defined in the Family Code 53.03 or for conduct defined as a Title 5 felony in the Penal Code.
    c. The Superintendent or the Superintendent's designee has a reasonable belief that the student has engaged in conduct defined as a Title 5 felony in the Penal Code.

Discretionary Placements

1. Any repeated offense of **Level III** or a new violation while being disciplined for a **Level III** offense.
2. Repeated acts of disobedience or disorderly behavior which may prove to be detrimental to the school, harmful to health and safety, or inhibiting the rights of others.
3. Blatant disrespect towards school personnel or refusing to comply with lawful requests or directions (i.e., insubordination) of school personnel.
4. Threats or hate language, oral or written, including on social media, to do bodily harm to personnel or the property of another.
5. Severe inappropriate use of social media if the material results in a substantial disruption of the educational process and causes a severe disruption to the operation of the campus

or school district.

6. Interfering with school authorities, school programs, and extra-curricular events through trespassing, food fights, or other riotous activities.
7. Fighting is defined as a physical conflict between two or more individuals. When students are disciplined for fighting, the campus administration will consider self-defense before making a disciplinary decision.
8. Stealing, robbery, extortion, gambling, or arson.
9. Use of profane, obscene, indecent, immoral, offensive, or hate language or gestures directed toward school personnel in any form.
10. Failure to comply with assigned disciplinary consequences. Example: Failure to attend ISS or Saturday School.
11. Possessing a device, object, or substance that could cause bodily harm to individuals in any school setting.
12. Failure to report to school personnel the knowledge of an event, device, object, or substance that could cause bodily harm to individuals in any school setting.
13. Possession, use, or distribution of any substance represented (for example, look-alike drugs) to be a drug or alcohol.
14. Repeated violation of possession or use of nicotine, tobacco, or tobacco-free products (including snuff and dissoluble tobacco).
15. Possession, use, or distribution of any substance which could be used as a recreational drug.
16. Indecent exposure, sexual misconduct, sexting, or sexual harassment.
17. Hazing.
18. Gang-related, hate crime behavior or activity, or gang membership.
19. Possession of drug paraphernalia.
20. Burglary of a school facility or significant vandalism to district property.
21. Assault. Texas Penal Code Sec. 22.01
22. Severe violation of the BISD Responsible Use Policy for Electronics. See Student Handbook.
23. Placing or discharging fireworks or odor-emitting devices that cause severe disruption to the educational process.
24. Pledging to join or soliciting membership in a public-school fraternity, sorority, secret society, or gang as defined in TEC 37.121.
25. Severe violation of the Bullying or Cyberbullying protocol that is over an extended period.
26. Off-campus conduct that a district administrator reasonably believes may be punishable as a felony, other than a Title 5 offense, and that the student's presence in the regular setting threatens the safety of other students or teachers and will be detrimental to the educational process.

Level IV Disciplinary Options

Any one or any combination of the following or a lower level may be applied:

1. Any combination of discipline techniques outlined in Level I, II, or III.
2. Suspension from school (not to exceed three consecutive days).
3. Disciplinary Alternative Education Placement (DAEP) per BISD Discipline Matrix.
4. Reassignment of classes and/or campus.
5. Expulsion to JJAEP.
    a. 90-day expulsion
    b. Mandatory expulsions (Texas Education Code 37.007) up through graduation

Suspension or assignment to the DAEP prohibits a student from attendance at or participation in school-sponsored or school-related activities. It prohibits the student from being at any BISD school facilities or other ISD facilities during the term of the assignments.

LEVEL V (Expulsion to JJAEP) Mandatory Expulsion

A student shall be expelled from school for a period determined by the administrator or designee if the student, on school property or while attending a school-sponsored or school-related activity on or off school property, uses, exhibits, or possesses:

1. A firearm under Penal Code 46.01.
2. An illegal knife, as defined in Penal Code 46.01(6).
3. A club as defined by Penal Code 46.01(1).
4. A weapon listed as a prohibited weapon under Penal Code 46.05, including:
    - Explosive weapons
    - A machine gun.
    - A short-barreled firearm.
    - A switchblade knife.
    - Knuckles.
    - Armor-piercing ammunition.
    - A chemical dispensing device.
    - A zip gun.
    - A firearm silencer or suppressor
5. Aggravated sexual assault under Penal Code 22.021.
6. Aggravated assault under Penal Code 22.02.Sexual assault under Penal Code 22.011.
7. Arson under Penal Code 28.02.
8. Murder under Penal Code 19.02.
9. Capital murder under Penal Code 19.03.
10. Indecency with a child under Penal Code 21.11.
11. Aggravated kidnapping under Penal Code 22.04.
12. Aggravated robbery under Penal Code 29.03.
13. Manslaughter under Penal Code 19.04.
14. Criminally negligent homicide under Penal Code 19.05.

15. 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; Penal Code 21.02.
16. Criminal attempt to commit murder or capital murder under Penal Code 15.01.
17. The offense of selling, giving, delivering, using, or possessing marijuana, or a controlled substance as defined by Chapter 481, Health and Safety Code, or by 21

U.S.C. 801, et seq., a dangerous drug as defined by Chapter 483, Health and Safety Code, or an alcoholic beverage as defined by 1.04 of the Alcoholic Beverage Code if the conduct is punishable as a felony.

18. Registered Sex Offender.
19. Retaliation against a school employee by engaging in any conduct listed in TEC 37.007(a),
20. Engages in conduct that contains the elements of an offense of harassment against an employee under Penal Code sections 42.07(1)(1), (2), (3), or (7).
21. Engages in expellable conduct and is six to nine years of age.
22. Commits a federal firearms violation and is younger than six years of age.
23. 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.
24. Engages in conduct that contains the elements of harassment under the Penal Code

42.07 against any school employee or volunteer on or off of school property

25. 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:
    - A felony under Title 5;
    - The offense of deadly conduct under Section 22.05
    - The felony offense of aggravated robbery under Section 29.03
    - The offense of disorderly conduct involving a firearm under Section 42.01(a)(7), or (8); or
    - The offense of unlawfully carrying weapons under Section 46.02, except for an offense punishable as a class C misdemeanor under that section.
26. In addition, expulsion is mandated for a student who commits any of the offenses listed above (Retaliation), whether on or off school property and whether school-associated or not, “against any employee in retaliation for or as a result of the employee’s employment with a school district.”
27. 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.
28. 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.

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

Hearings and 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. After 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.

Mandatory Expulsion: Misconduct That Requires Expulsion

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

Under Federal Law

- Bringing to school or possessing at school, including any setting that is under the district's control or supervision for the purpose of a school activity, a firearm, as defined by federal law. [see Glossary NOTE: Mandatory expulsion under the federal Gun Free Schools Act does not apply to a firearm that is lawfully stored inside a locked vehicle or to firearms used in activities approved and authorized by the district when the district has adopted appropriate safeguards to ensure student safety.

Under the Penal Code

- Unlawfully carrying on or about the student's person the following, in the manner prohibited by Penal Code 46.02
- A handgun, defined by state law as any firearm designed, made, or adapted to be used with one hand. [see Glossary] Note: A student may not be expelled solely on the basis of the student's use, exhibition, or possession of a firearm that occurs at an approved target range facility that is not located on a school campus; while participating in or preparing for a school-sponsored, shooting sports competition or a shooting sports educational activity that is sponsored or supported by the Parks and Wildlife Department; or a shooting sports sanctioning organization working with the department. [See policy FNCG(LEGAL).]
- A location-restricted knife, as defined by state law. [see **Glossary**]
- Possessing, manufacturing, transporting, repairing, or selling a prohibited weapon, as defined in state law. [see **Glossary**]
- 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.
- Engages in conduct that contains the elements of the offense of exhibiting, using, or threatening to exhibit or use a firearm under Education Code 37.125.
- Behaving in a manner that contains elements of the following offenses under the Penal Code:

- Aggravated assault, sexual assault, or aggravated sexual assault.
- Arson. [see **Glossary**]
- Murder, capital murder, or criminal attempt to commit murder or capital murder.
- Indecency with a child.
- Kidnapping or aggravated kidnapping.
- Burglary, robbery or aggravated robbery.
- Manslaughter.
- Criminally negligent homicide.
- Continuous sexual abuse of a young child or disabled individual
- Behavior punishable as a felony that involves selling, giving, or delivering to another person or possessing, using, or being under the influence of a controlled substance or a dangerous drug.
- Engaging in conduct that contains elements of assault against a school employee or volunteer.

Discretionary Expulsion

If a student commits any of the following acts while within 300 feet of school property (except number one, which is not limited), as measured from any point on the school's real property line, or while attending a school-sponsored or school-related activity on or off the property, they may be removed to an alternative education program:

1. Engages in conduct involving a public school that contains the elements of the offense of false alarm or report or terrorist threat by Penal Code 22.07 or 42.06.
2. Sells, gives, delivers to another person, possesses, uses, or is under the influence of any amount of marijuana or controlled substance, a dangerous drug, or alcoholic beverage.
3. Engages in conduct that contains the elements of an offense against a school district employee or a volunteer.
4. Engages in conduct that contains the elements of the offense of deadly conduct. Texas Penal Code 22.05.
5. Engages in conduct that contains the elements of any offense listed in Subsection
   (a) (2)(A) or (C) or the offense of aggravated robbery under Section 29.03 of the Penal Code against another student without regard to whether the conduct occurs on or off of school property or while attending a school-sponsored activity on or off of school property.
6. A student may be expelled if, while placed in the DAEP, the student continues to engage in serious misbehavior that violates the district's student code of conduct. If the student engages in conduct that contains the elements of criminal mischief, the conduct is punishable as a felony. Terms of expulsion shall deny the student access to all District activities and school property.

Federal law requires that a student expelled for a firearms violation must be expelled from the student's regular campus for at least one year, subject to individual modifications made by the Superintendent.

Disciplinary Option:

1. Discretionary Expulsions (Texas Education Code 37.007)
2. Mandatory Expulsions (Texas Education Code 37.007) JJAEP up through graduation.
    a. The least amount of time a student may be expelled from the Birdville Independent School District to the Juvenile Justice Alternative Education Program (JJAEP) is 90 days.

Students Under Ten Years of Age

1. Students under six cannot be removed from class and placed in a Disciplinary Alternative Education Program.
2. Elementary students cannot be placed in a Disciplinary Alternative Education Program with students not in elementary school.
3. Students between six and ten years of age who commit an expellable offense must be placed in a Disciplinary Alternative Education Program.
4. Expelled students ten years and older may be provided continued educational services at the district's discretion.

Students younger than ten may not be expelled, except those who must be expelled following federal law.

DAEP and Newly Enrolled Students

The district shall continue the DAEP placement of a student enrolled in the district who was assigned to a DAEP in an open-enrollment charter school or another district, including a district in another state.

The district shall continue the expulsion (JJAEP) placement of any newly enrolled student expelled from another district or an open-enrollment charter school until the period of the expulsion is completed.

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 DAEPO to the same extent as any other newly enrolled student if the behavior committed is a reason for DAEP placement in the receiving district.

Virtual Expulsion Program

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

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

Consideration of Virtual Education as an Alternative to Expulsion

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

DAEP or JJAEP – When students complete the requirements for graduation while in the DAEP program or JJAEP, they will receive their high school diploma by certified mail. These students **will not** be allowed to participate in the graduation ceremony. Seniors assigned to the DAEP after the deadline for graduation supply orders simply forfeit the cost of robe rental or purchase and must deal with the complications of announcements and invitations to the ceremony.

DAEP Placement – If a student is assigned to the DAEP program during their senior year, the high school principal will determine if they will participate in the graduation ceremonies. If the student has not completed the assigned days due to unexcused absences, withdrawal, transfer to another school district, or time being added while in the DAEP, the student may not be allowed to participate in the graduation ceremonies.

The home campus principal will make any decisions concerning the graduation ceremonies of a student in the DAEP.

Procedural Due Process
District Alternative Education Placement (DAEP)

A student may be placed in the DAEP for behaviors prohibited in this code's General Conduct Violations section. Before placing a student in an alternative education program, the principal or appropriate school administrator shall conduct a conference at which the student shall be advised of the conduct with which he or she is charged, the basis for removal to the DAEP. The student shall be allowed to explain their version of the incident. The district shall make reasonable efforts to notify the parent before placing a student in an alternative education program. If the parent cannot be notified before placement, the parent shall be notified as soon as possible of the placement and the reason for the placement. For placement in the DAEP to extend beyond the end of the school year, a district administrator must determine that:

1. The student's presence in the regular classroom or campus presents a danger of physical harm to students or others, or
2. The student has engaged in severe or persistent misbehavior that violates the Student Code of Conduct or
3. School action on the offense for which the student is placed in the DAEP takes place during the final grading period of the year.

If charges have been dropped against a student placed in the DAEP for felony offenses other than Title 5 offenses:

1. The Superintendent or designee must review the placement with the parent or guardian within three days of receiving notice the charges have been dropped.
2. The student remains in the DAEP pending review.
3. The student may remain in the DAEP if the Superintendent or designee believes the student poses a threat to the safety of students or teachers.
4. The Superintendent or designee's decision may be appealed to the Board:
5. The student remains in the DAEP pending appeal,
6. The Board confirms or reverses the decision of the Superintendent or designee,
    a. A record must be made of the appeal proceedings,
    b. The Board informs the student and parent of their right to appeal to the Commissioner of Education.

An appeal is limited only to cases where the student is left in the DAEP after charges are dropped.

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 (FIE) of the student for purposes of special education services under TEC §29.004 shall be sent to the student and the student's parent not later than the second business day after the conference. [HB 3928, 89th Leg.; TEC §37.006(p)]

Sexual Assault and Campus Assignments

A student shall be transferred to another campus if: (1) 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 (2) the victim's parent or another person with 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. [TEC §37.006(j)]

DAEP at Capacity

If the 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 the DAEP for the remainder of the period if space becomes available before the expiration of the period of the placement.

If the 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 the 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.

Restrictions During Placement

State law (TEC 37.006) prohibits a student placed in the DAEP for reasons specified in state law from attending or participating in school-sponsored school-related activities.

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

Expulsion to Juvenile Justice Alternative Education Program (JJAEP)

Before a student is expelled, he or she shall have the right to a hearing before the campus administrator that meets the standards for due process under the federal constitution, which includes the following:

1. Prior written notice of the charges and the proposed sanctions to afford a reasonable opportunity for preparation.
2. Right to a full and fair hearing before the campus administrator.
3. Right to representation by legal counsel, by a parent or guardian, or by any other adult who is not an employee of the school district.
4. Opportunity to testify and present evidence and witnesses in one's defense.
5. Opportunity to examine the evidence presented by school administrators and the right to question the school administration and witnesses. Special consideration may be given to victims or witnesses, depending on their age, health, sensitivity, and well-being.
6. A notice of the hearing and an invitation to attend shall be sent to the student's parent or guardian. The written notice shall advise the nature of the evidence and the names of witnesses whose testimony may be used against the student. An expulsion hearing may proceed without the student or their representative if the district has made a good faith effort to provide notice of the place and time. The decision of the campus administrator shall be based exclusively on the evidence presented at the hearing.
7. The campus administrator's final decision shall be communicated to the student and parent within five days. If the decision to expel is made, the campus administrator shall provide a written order outlining the expulsion terms and length no later than the second business day after the hearing. A copy of the expulsion order will be delivered to the authorized officer of the juvenile court in the county where the student resides. Parents are responsible for the supervision of the student during the expulsion term.

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, the Student Services Department, or through Policy Online at the following address: www.birdvilleschools.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 (LOCAL).

Limited Appeal of Certain Administrative Decisions

The campus principal is the final appeal on detention halls, in-school suspensions, Saturday school, 1 to 3-day suspensions, and participation in the selection or election process of extracurricular activities and dress code violations.

Appeal of Campus Administrator's Placement in the DAEP

Level I Appeal - The student's parent or guardian may appeal the DAEP Placement to the campus principal. The request for appeal must be received in the principal's office within three days (parents should put this in writing to ensure proper timelines) of the date the administrator removes the student. A conference with the student and parents will be held within five days, after which a decision will be issued.

Level II Appeal - If the parent is dissatisfied with the campus principal's decision, the parent or guardian may appeal the DAEP Placement. The request for appeal must be in writing and on a BISD Discipline Appeal Form that may be obtained from the Office of Student Services or the BISD website. The request must be received in the Office of Student Services within three days of the date of notification of the **Level I** decision. A conference with the student and parents will be held within five days, after which a decision will be issued. Any decision by the **Level II** Hearing Officer to place (or uphold a placement) a student in the DAEP is final and may not be appealed. The student remains in the DAEP or is expelled pending all appeals.

Appeal of Campus Administrator's Expulsion to JJAEP

Level I Appeal – The student's parent or guardian may appeal the expulsion to the campus principal. The request for appeal must be received in the principal's office within three days (parents should put this in writing to ensure proper timelines) of the date the administrator removes the student. A conference with the student and parents will be held within five days, after which a decision will be issued.

Level II Appeal – If the parent is dissatisfied with the campus principal's decision, the parent or guardian may appeal the expulsion. The request for appeal must be in writing and on the BISD Appeal form that may be obtained from the Office of Student Services or the BISD website. The request must be received in the Office of Student Services within three days of the date of

notification of the **Level I** decision. A conference with the student and parents will be held within five days, after which a decision will be issued.

Level III Appeal – If the parent is dissatisfied with the decision of the Level II Hearing Officer of the expulsion to JJAEP, the parent or guardian may appeal to the Board of Trustees. The appeal request must be in writing. The request must be received in the Superintendent's office within three days of the Level II decision notification. The appeal will be heard at the next regularly scheduled board meeting.

Emergency Expulsion Emergency Placement

The principal or appropriate administrator may order a student to be immediately placed in an alternative education program if it is reasonably believed that the student's behavior is so unruly, disruptive, or abusive that it interferes with:

1. A teacher's ability to communicate effectively with students in a class.
2. The ability of the student's classmates to learn.
3. The operation of the school or school-sponsored activity.
4. If the appropriate administrator reasonably believes that imminent harm is likely.
5. At the time of the emergency placement, the student shall be given oral notice of the reasons for emergency placement in the DAEP. The student will be afforded Procedural Due Process within a reasonable time as outlined in this Code. The principal or appropriate administrator shall not be liable for civil damages for an emergency placement.
6. 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. An emergency expulsion may be ordered based on a single incident of student behavior. Within 10 days of the emergency expulsion, the student shall be given the due process required for a student facing expulsion.

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. Transition services shall address the student's academic, behavioral, and social-emotional needs and shall be developed in accordance with the student's personalized transition plan. See policy FOCA(LEGAL) for more information.

A personalized transition plan shall be developed for each student placed in a DAEP. The plan shall include the student's academic standing and the student's individual goals. [See TEC §37.023; HB 3928, 89th Leg.]

Emergency Expulsion

The principal or appropriate administrator has the right to order the immediate expulsion of a student if the administrator reasonably believes that the action is necessary to protect persons or property from imminent harm.

At the time of the emergency expulsion, the student shall be notified of the reason for the emergency expulsion. A due process hearing for expulsion will be provided within ten days

unless the parent or guardian agrees in writing to an extension of time.

The conditions for an emergency placement or emergency expulsion may restrict the student's extracurricular activities under this Code.

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 consent.

A student who has been formally removed by a teacher for any other conduct may be returned to the teacher's class without the teacher's consent if the placement review committee determines that the teacher's class is the best or only alternative available.

Placement Review Committee

Each school shall establish a three-member Placement Review Committee. The campus faculty shall select two teachers as committee members, and one additional teacher shall serve as an alternate. The principal shall serve or select one member from the professional staff. The committee shall have the responsibility to:

1. Determine, in accordance with law and policy, the placement of a student when a teacher refuses to readmit a student whom the teacher has removed from class.
2. Make recommendations regarding the readmission of expelled students before completing a court-imposed disposition.

Abiding by the Law

Every student is expected to abide by federal laws, the laws of the state of Texas, and local ordinances. Violating certain federal and state laws shall violate this Code of Conduct, and appropriate discretionary or mandatory disciplinary measures will be imposed.

End of Semester or End of Year Offenses

Certain student offenses may result in long-term assignment to an alternative education program for the remainder of the semester or year. Such placement may extend beyond the school year if:

1. The student's presence on the regular campus presents a danger.
2. The student has engaged in severe or persistent misbehavior that violates the district's student code of conduct.

Restrictions and Prohibitions

Modes of dress or grooming judged to be disruptive or potentially disruptive to normal school operations or considered a health or safety hazard are strictly prohibited.

Birdville ISD Dress and Grooming Guidelines Dress Code

At all grade levels, the district's dress code is established to teach grooming and hygiene, instill discipline, prevent disruption, avoid safety hazards, and teach respect for authority. Students shall be dressed and groomed cleanly, neatly, and in a way that will not pose a health or safety hazard to themselves or others. In addition to the specific restrictions in this Dress Code, the district prohibits any clothing or grooming in the judgment of the principal or principal's designee that may reasonably be expected to cause disruption of or interference with regular school operation.

The Academy at Carrie F. Thomas, West Birdville, Alliene Mullendore, and Birdville Elementary require the wearing of school uniforms or standardized dress for all students as approved by the Campus Site-Based Committee.

Basic Principle

Modes of dress or grooming judged to be disruptive or potentially disruptive to normal school operations or considered a health or safety hazard are strictly prohibited. The district prohibits pictures, emblems, tattoos, or writing on clothing that is lewd, offensive, vulgar, or obscene; that depict the occult; that represent gang membership; or that advertise tobacco products, alcoholic beverages, drugs, or any other substance or object, or activity prohibited by law, BISD Board Policy, Student Code of Conduct, or other district rule. Additionally, students in grades PK-12 are expected to adhere to the following standards:

1. Student's hair shall be clean, neat, and well-groomed. Hairstyles and hair colors that pose a health or safety hazard or disrupt normal school operations, as determined by campus administration, are prohibited.
2. Uniforms for spirit groups such as drill teams, cheerleaders, dance clubs, etc. shall be consistent with BISD student dress code when these uniforms are worn to school.
3. Regulations in reference to grooming and dress for each campus are under the direction of the principal.

Dress and grooming standards are considered an essential part of the educational process and apply equally to all students, except as otherwise provided in this Code. These standards shall be in effect from the first through the last day of school (including summer school) and shall be enforceable at all school-related functions, in school buildings, and on school grounds.

Students Must Wear:

a. Clothing that is modest or respectable and appropriate for all scheduled classroom activities, including physical education, science labs, CTE courses, and other activities where unique hazards exist.
b. Clothing that completely covers undergarments, undergarment area, and midriff (stomach area).
c. Appropriate footwear.
d. Shirts and dresses must have fabric in the front, back, and on the sides.

Students May Wear:

1. Religious headwear
2. Hoodie sweatshirts (wearing the hood overhead is not allowed inside the building). The students' entire head must be visible to school staff.
3. Shorts and skirts that are modest or respectable in appearance.
4. Fitted pants, including opaque leggings, yoga pants and "skinny jeans"
5. Sweatpants, shorts, skirts, dresses, pants
6. Tank tops, excluding spaghetti straps,
7. Athletic attire
8. Clothing with commercial or athletic logos if they do not violate the guidelines in the "May Not Wear" section below
9. Ripped jeans that are modest and respectable

Students May Not Wear:

a. Strapless, backless, halter, bare-midriff, or spaghetti strap shirts, blouses, or dresses.
b. Pajamas, slippers or house shoes. (unless designated by campus)
c. No hats or head coverings (i.e., bandanas and hoodies) of any kind are to be worn inside the building unless approved by the school principal for a special occasion or worn for religious reasons. Unless there is a documented medical justification, no sunglasses are to be worn in the building.
d. Images or language depicting hate speech, profanity, pornography, drugs or alcohol (or any illegal item or activity)
e. Images or language that creates a hostile or intimidating environment based on any protected class.
f. Any clothing that reveals visible undergarments
g. Swimsuits (except as required in class or athletic practice)
h. Accessories that could be considered dangerous or could be used as a weapon
i. Heelys (or other wheeled shoes).
j. Due to safety concerns during recess and P.E., students are not allowed to wear flip-flops, Crocs, or slides.
k. No sagging. Inappropriate oversized clothing shall not be worn. to any BISD function. Specifically, "bagging or sagging" pants or shorts are prohibited. All pants and shorts are to be worn at the waist.

l. For safety reasons, the wearing of heavy chains or spiked jewelry or “grills” is prohibited. Pierced body ornaments may be worn in the ears, and a single facial stud may be worn.
m. Stash clothing or stash accessories prohibited
n. “Gauges” in elementary school are prohibited.
o. Tattoos, permanent or temporary, depicting lewd, offensive, vulgar, or obscene language or images; that depict the occult; that represent gang membership; or that advertise tobacco products, alcoholic beverages, drugs, or any other substance/object, or activity prohibited by law,

Violations

Students shall be given an opportunity to correct a violation of the Dress Code while at school, if possible. If the student refuses to correct the dress code violation, they will be subject to disciplinary action under the Student Code of Conduct. Hair violations will be subject to H. B. No. 567.

Repeated violations of the dress code or grooming standards shall be considered defiance of authority and may result in more serious disciplinary action, according to the Student Code of Conduct.

Enforcement

The campus principal, assistant principals, and staff members have the authority to enforce the District Dress Code.

The campus principal or the principal’s designee shall make the final decision on campus dress and grooming issues.

Exceptions

Campus administration may grant exceptions to the Dress Code restrictions for any of the following reasons:

- medical face coverings
- The student has a medical condition supported by documentation from the student’s physician.
- The student has recognized sincerely held religious beliefs that conflict with one or more of these restrictions; or
- The student is engaging in supervised physical activities or extracurricular activities where an exception is determined appropriate by the coach, sponsor, or other staff in charge.
- A student or parent seeking an exception from the dress and grooming restrictions shall submit the request to the campus principal. All parents receive a copy of the Dress Code annually and are expected to be familiar with its restrictions.

This dress code provides guidance on common situations but cannot cover every style of dress or grooming, or every situation that may arise. The District reserves the right to prohibit any clothing or grooming style that the administration determines to be reasonably expected to pose a health or safety hazard or to cause substantial disruption of, distraction from, or interference with general school operations. The District may revise or change the guidelines set out in the Dress Code at any time. In addition, extracurricular programs may have requirements or guidelines for students participating in them.

Dress and grooming standards are considered an essential part of the educational process and apply equally to all students, except as otherwise provided in this Code. These standards shall be in effect from the first through the last day of school (including summer school) and shall be enforceable at all school-related functions, in school buildings, and on school grounds.

The principal or principal's designee shall interpret and enforce these standards and may enact more restrictive rules at the campus level.

Dress Code for DAEP

The dress code is very strict. Each day, students wear a plain white T-shirt, a plain white or gray sweatshirt during colder weather, standard five-pocket blue jeans (no baggy pants), a black or brown belt with a plain buckle, and white, black, or grey tennis shoes with the same color shoelaces. T-shirt must be tucked in at all times.

COMPLICITY IN PROHIBITED CONDUCT

A student who knowingly aids, assists, facilitates, encourages, solicits, or conceals the prohibited conduct of another student — or who is willfully present and fails to take reasonable steps to disassociate from conduct that violates this Code — shall be subject to the same range of disciplinary consequences applicable to the student who committed the primary offense.

The level of discipline imposed on a complicit student may be adjusted by the administrator based on the nature and degree of the student's involvement. However, the complicit student's conduct shall be treated as an independent violation of this Code, regardless of whether the primary offender is identified, charged, disciplined, or found to have committed the underlying offense.

Vandalism or Damage to School Property

Students shall not vandalize, otherwise damage, or deface any property, including furniture and other equipment, belonging to or used by the district or district schools. Parents or guardians of students who damage school property shall be liable for the damages in accordance with the law. Students shall be responsible for the care and return of state-owned textbooks and may be charged for the replacement of lost textbooks.

Sexual Harassment

The district believes that every student has the right to attend school and school-related activities free from all forms of discrimination based on sex, including sexual harassment. The district considers sexual harassment of students to be serious and will consider the full range of disciplinary options, up to and including expulsion, according to the nature of the offense.

All students are expected to treat one another courteously, with respect for the other person's feelings, and to avoid any behaviors known to be offensive, and to stop these behaviors when asked or told to stop. All students are prohibited from engaging in offensive verbal or physical conduct of a sexual nature directed toward another student. This prohibition applies whether the conduct is by work, gesture, or any other intimidating sexual conduct, including requests for sexual favors that the other student regards as offensive or provocative.

A student or parent in a conference may present a complaint alleging sexual harassment by another student or sexual harassment or sexual abuse by a staff member to the principal. A person of the same sex as the student will ordinarily hold the first conference with the student. The conference will be scheduled and held as soon as possible within five days of the request. The principal or Title IX coordinator will coordinate an appropriate investigation, which will ordinarily be completed within 10 days. The student or parent will be informed if extenuating circumstances delay completion of the investigation. The student will not be required to present a complaint to a person who is the subject of the complaint.

If the resolution of the complaint is not satisfactory to the student or parent, the student or parent may request a conference with the Title IX coordinator, Skip Baskerville, Ed.D. at 817-547-5700 and by following the procedure set out in board policy.

Hazing

Hazing includes any willful act by a student, whether individually or with others, directed at another student that subjects the other student to indignation, humiliation, intimidation, physical abuse, threats of abuse, social or other ostracism, shame, or disgrace. No student shall engage in any form of hazing, nor shall any student encourage or assist any other person in hazing.

Tobacco Use

Student use or possession of tobacco products on school premises or at school-related activities is unlawful and strictly prohibited. Tobacco products include, but are not limited to, cigarettes, e-cigarettes, cigars, pipes, snuff, or chewing tobacco.

Personal Communication Devices

According to Texas Education Code 37.082, a student is prohibited from using a personal communication device on school property during the school day. While on school property, students shall store any personal communication devices in accordance with administrative regulations.

Drug-Alcohol Use

No student shall possess, use, transmit, or attempt to possess, use, or transmit, or be under the influence of any of the following substances on school premises during any school term or off

school premises at a school-related activity, function, or event. Any controlled substance or dangerous drug, as defined by law, without regard to amount, including but not limited to marijuana, any narcotic drug, hallucinogen, stimulant, depressant, amphetamine, or barbiturate.

1. Alcohol or any alcoholic beverage.
2. Any abuse of glue, aerosol paint, or any other chemical substance for inhalation.
3. Any other intoxicant, or mood-changing, mind-altering, or behavior-altering drugs prohibited under the Texas Controlled Substance Act or Federal Drug Abuse Prevention Control Act.
4. An uncontrolled substance or prescription drug not prescribed for the student that causes a student to be impaired.

"Use" means a student has smoked, ingested, injected, imbibed, inhaled, drunk, or otherwise taken internally a prohibited substance recently enough that it is detectable by the student's physical appearance, actions, breath, or speech.

"Under the influence" means a student's faculties are noticeably impaired, but the student need not be legally intoxicated.

The transmittal, sale, or attempted sale of what is represented to be any of the above-listed substances is also prohibited under this rule.

DRUG–ALCOHOL USE

For purposes of this Code of Conduct, the term "prohibited substance" includes, but is not limited to, any of the following when possessed, used, sold, distributed, or being under the influence of while on school property, school transportation, or at a school-sponsored activity:

- Any controlled substance or dangerous drug as defined by Texas Health and Safety Code Chapter 481 or 483, or as listed in any Penalty Group;
- Marihuana as defined by Texas law;
- Any alcoholic beverage as defined by the Texas Alcoholic Beverage Code;
- Any abusable volatile chemical, glue, or aerosol paint as described in Texas Health and Safety Code Chapters 484–485;
- Any controlled substance analogue as defined by Texas Health and Safety Code § 481.002, regardless of whether criminal charges are filed or a conviction is obtained;
- Any prescription drug or over-the-counter medication for which the student does not have a current, valid prescription or that is not administered through the district's medication administration process;
- Any synthetic or semi-synthetic substance that mimics the pharmacological effect of a controlled substance, including but not limited to: kratom, mitragynine, 7-hydroxymitragynine (7-OH), tianeptine, and novel synthetic opioids, regardless of the product's legal status for sale or purchase in Texas;
- Any synthetic cannabinoid, cannabinoid receptor agonist, or hemp-derived intoxicant — including delta-8 THC, delta-10 THC, HHC, THCP, and related compounds — that produces psychoactive or intoxicating effects;
- Any substance that is marketed, purchased, acquired, or possessed with the intent to produce intoxication, euphoria, hallucination, or impairment, regardless of whether the substance is labeled 'not for human consumption,' sold as an herbal supplement, or otherwise presented as a legal product;
- Drug paraphernalia associated with any of the above.

The foregoing list is non-exhaustive and illustrative. The district retains authority to treat any substance as a prohibited substance if the district reasonably believes, based on the totality of the circumstances, that the substance was possessed or used for the purpose of intoxication, impairment, or to mimic the effect of a controlled substance.

Weapons

A student shall not be in possession of any prohibited weapon at school, on school premises, or at any school-related activity, unless pursuant to written regulations or written authorization of the district. A student shall not possess or use articles not generally considered weapons when the principal or designee determines that a danger exists for any student, school employee, or school property by virtue of possession or use.

Weapons include, but are not limited to:

1. Firearms of any kind;
2. Fireworks or concussion devices of any kind.
3. Knives of any size
4. Razors.
5. Clubs or nightsticks.
6. Metallic or hard-surfaced knuckles.
7. Chains.
8. Pellet guns, BB guns, or slingshots.
9. Any other object used in a way that threatens to inflict harm on another person

School personnel may inspect lockers and cars parked on school premises if there is a reasonable suspicion that they contain weapons. Items in a student's locker or in the car they drove to school shall be deemed in the student's possession.

Assaults

Students are prohibited from assaulting anyone at school, on school property, or at any school-related event. An assault is defined as:

1. Intentionally, knowingly, or recklessly causing bodily injury to another.
2. Intentionally or knowingly threatening another with imminent bodily injury.
3. Intentionally or knowingly causing physical contact with another when the student or reasonably believes that the other will regard the contact as offensive or provocative.

Bullying

Bullying is defined in Section 37.0832 of the Education Code as a single significant act or a pattern of acts by one or more students directed at another student that exploits an imbalance of power and involves engaging in written or verbal expression, expression through electronic means, or physical conduct that:

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

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.

Anonymous Reporting

School districts are required to have an anonymous reporting system available for students to report instances of bullying, cyberbullying, harassment, or other student safety concerns.

Birdville ISD uses the Anonymous Alerts system to report bullying, cyberbullying, and other threats or violations of the law or the student code of conduct anonymously. (https://report.anonymousalerts.com/birdvilleisd/)

Criminal Trespass

The Texas Education Code allows a principal to remove a student, parent, or visitor from the campus who:

1. Poses a substantial risk or harm;
2. Behaves in a manner that is inappropriate for a school setting.

The discipline for the student is established in other sections of the Code of Conduct. The parent or visitor may be removed from the campus for up to 2 years. The parent or visitor must receive written notification of this process. If the parent or visitor wishes to appeal this decision, they may do so through the formal complaint process (FNG). If you have questions about the process or need a copy of the Complaint Form, please contact Student Services at 817-547-5790.

Dating Violence

1. “Dating violence” means an act by an individual that is against another individual with whom that person has or has had a dating relationship and that is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the individual in fear of imminent physical harm, bodily injury, assault, or sexual assault, but does not include defensive measures to protect oneself.
2. For purposes of this title, “dating relationship” means a relationship between individuals who have or have had a continuing relationship of a romantic or intimate nature. The existence of such a relationship shall be determined based on consideration of:
    a. The length of the relationship
    b. The nature of the relationship
    c. The frequency and type of interaction between the persons involved in the relationship.
3. A casual acquaintanceship or ordinary fraternization in a business or social context does not constitute a “dating relationship” under Subsection (b). As defined by Section 71.0021 of the Family Code.

Disturbing School or Classes

For purposes of this rule, “school property” includes the public-school campuses or school grounds upon which any public school is located, and any grounds or buildings used by district schools for assemblies or other school-related activities, school district transportation, and “public property” includes any street, highway, alley, public park, or sidewalk.

No one shall be permitted, while on school property or on public property within 300 feet of school property, to willfully disrupt, alone or in concert with others, the educational activities. Conduct that disrupts the educational activities of a school includes, but is not limited to:

1. Emitting noise of an intensity that prevents or hinders classroom instruction.
2. Enticement or attempted enticement of students away from classes or other school activities that students are required to attend.
3. Prevention or attempted prevention of students from attending classes or other school activities that students are required to attend.
4. Entrance into a classroom without the consent of either the principal or teacher, and either through acts of misconduct or use of loud or profane language, causes disruption of class activities.

Disruption of Lawful Assembly

No person or group of persons acting in concert may willfully engage in disruptive activity or disrupt a lawful assembly on the campus or property of any school in the district. Disruptive activity means:

1. Obstructing or restraining the passage of any person at an exit or entrance to said campus or property, or preventing or attempting to prevent by force or violence or by threats thereof the entrance or exit of any person to or from said property or campus without the authorization of the administration of the school.
2. Seizing control of any building or portion of a building for the purpose of interfering with any administrative, educational, research, or other authorized activity.
3. Preventing or attempting to prevent by force or violence, or by the threat of force or violence, any lawful assembly authorized by the school administration.
4. Disrupting by force, violence, or the threat of force or violence a lawful assembly in progress.

A lawful assembly is disrupted when any person in attendance is rendered incapable of participating in the assembly due to the use of force or violence, or due to a reasonable fear that force or violence is likely to occur.

Conduct by students, either in or out of class, that for any reason – whether because of time, place, or manner of behavior – materially disrupts class work or involves substantial disorder or invasion of the rights of other students or employees at school or school-related activities is prohibited.

Student demonstrations and similar activities shall be prohibited when there is evidence

that may reasonably lead school authorities to forecast substantial disruption of, or material interference with, normal school operations or approved school activities.

Prior Review of Written Materials

All student publications and other written material intended for distribution to students shall be submitted for prior review according to the following procedures:

1. Material shall be submitted to the building principal or a designee for review.
2. The principal or a designee shall approve or disapprove submitted material within twenty-four hours of the time the material is received. Student Conduct on School Buses

School buses shall be considered an extension of the classroom, and students are expected to conduct themselves accordingly. Students being transported in school-owned vehicles shall comply with the Student Code of Conduct. Behavior that is not permitted **includes, but is not limited to,** the following:

1. Being disobedient or disrespectful to the driver or monitors.
2. Standing or moving around while the bus is in motion.
3. Sticking heads or hands out of a window.
4. Throwing object(s) out of a window.
5. Loud talking or laughing that disrupts the bus driver or others.
6. Using tobacco.
7. Scuffling or fighting.
8. Using obscene or unacceptable language or gestures.
9. Littering the bus.
10. Disturbing others.
11. Tampering with the bus or equipment.
12. Using, possessing, or being under the influence of marijuana, alcohol, a controlled substance, a dangerous drug, or a “look-alike” (something represented to be a prohibited substance).
13. Eating, drinking, or chewing gum on the bus.
14. Opening the emergency door without a valid reason.
15. Carrying a weapon or flammable material on the bus.
16. Carrying live animals, insects, or dangerous objects on the bus without permission.
17. Bullying

Disciplinary Options for Transportation Referrals

The campus administrator, director of transportation, or designee may use one or a combination of the following options:

1. Conference with the student
2. Assigned seating
3. Conference with the parent
4. Loss of bus privileges up to 5 days
5. Loss of bus privileges up to 10–20 days
6. Loss of bus privileges for the remainder of the semester
7. Loss of bus privileges for the remainder of the school year

**In the event of initiation or participation in a major offense, a student may lose bus privileges for an undetermined length of time. **

Secret or Self-Perpetuating Societies

Students shall not become members, or promise to become members of any organization composed wholly or in part of students in public schools, which seeks to perpetuate itself by taking in additional members from the students enrolled in such schools on the basis of the decision of its members, rather than upon the free choice of any student in the school, who is qualified under the rules of the school to fill the special aims of the organization.

Removal from the Regular Educational Setting

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

Routine Referral

A routine referral occurs when a teacher sends a student to the CBC's office as a disciplinary measure. The CBC 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 classroom discipline.

Formal Teacher Removal

A teacher may seek the principal's help to maintain effective discipline. When a student is sent to the principal's office under this provision, the principal shall employ appropriate discipline management techniques consistent with **Levels I, II, or III** of this Student Code of Conduct.

A Teacher may initiate a formal removal from class if:

1. A student's behavior has been documented by repeatedly interfering with the teacher's ability to teach the class or with other students' ability to learn;
2. A student demonstrates behavior that is so unruly, disruptive, or abusive that it inhibits instruction; or,
3. A student engages in conduct that constitutes bullying, as defined by Education Code 37.0832. A teacher, CBC, or other appropriate administrator must notify a parent or

person standing in parental relation to the student of the formal removal. A teacher may remove a student from class based on a single incident of behavior. However, a teacher may not remove a student from class based on a single incident of behavior if the student is reasonably discussing a widely debated and currently controversial issue of public policy or social affairs subject to Education Code 28.0022.

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

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

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

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

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

Returning a Student to the Classroom

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

A student who has been formally removed by a teacher for any other conduct may not be returned to the teacher's class without the teacher's written consent 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 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 that provides for such an appeal to be made to this team.

Prohibited Aversive Techniques

Aversive techniques are prohibited for use with students and are defined as techniques or interventions intended to reduce the recurrence of a behavior by intentionally inflicting significant physical or emotional discomfort or pain on a student. The following aversive techniques are prohibited:

- Using techniques designed or likely to cause physical pain, other than corporal punishment if permitted by district policy;
- 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;
- 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 progress in the required curriculum or any applicable 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).

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 suspension begins to evaluate the student's educational progress and determine whether 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 an 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 mitigating factors such as;

1. Self-defense:
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

When making decisions regarding a student's out-of-school suspension, placement in a DAEP, expulsion, or placement in a JJAEP, regardless of whether the decision involves a mandatory or discretionary action.

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

Out-of-School Suspension
Misconduct

Students may be suspended for behavior that violates the Code of Conduct as a general conduct violation, a DAEP offense, or an expellable offense.

The district shall not use out-of-school suspension for students in grade 2 or 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, contains the elements of assault, sexual assault, aggravated assault, or aggravated sexual assault, as provided by the Penal Code; or
- 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 or assigned to out-of-school suspension for no more than three school days per behavior violation, with no limit on the number of times a student may be suspended in a semester or school year.

Before being suspended, a student shall have an informal conference with the CBC or 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, not to exceed three school days.

In deciding whether to order out-of-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.

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 that a student has access to coursework for foundation curriculum courses while the student is placed in in-school or out-of-school suspension, including at least one method of receiving this coursework that doesn't require internet access.

A student removed from the regular classroom to ISS or another setting, other than a DAEP, will have an opportunity before the beginning of the next school year to complete each course 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.

Detention

For minor infractions of the Code of Conduct or other policies or regulations, teachers or administrators may assign detention before, during, or after school hours. Before assigning detention, the teacher or administrator shall inform the student of the conduct that allegedly constitutes a rules violation, and the student shall be given an opportunity to explain his or her version of the incident.

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

The district has the right to search a vehicle driven to school by a student and parked on school property whenever there is reasonable suspicion to believe it contains articles or materials prohibited by the district. Desks, lockers, district-provided technology, and similar items are the district's property and are provided for student use as a matter of convenience. District property is subject to search or inspection at any time without notice. Such searches are conducted without a warrant and as permitted by law.

Search of Students' Desks and Lockers

Students' desks and lockers are school property and remain under the control and jurisdiction of the school even when assigned to an individual student.

Students are fully responsible for the security and contents of their assigned desks and lockers. Students must be certain that their lockers are locked, and that the combinations are not available to others.

Searches of desk or lockers may be conducted at any time there is reasonable cause to believe that they contain articles or materials prohibited by board policy, whether or not a student is present.

Their parent will be notified if any prohibited items are found in the student's desk or locker. Reasonable suspicion for search exists if there is information that the student is currently possessing, ingesting, or under the influence of alcohol or other controlled substances. The following are a few, but not all of the examples of circumstances supporting reasonable suspicion:

1. Smell of alcohol on breath.
2. Inability to communicate coherently.
3. Dilated pupils.
4. Odor of marijuana.
5. Habitually sleeping in class.
6. Bloodshot eyes.
7. Canine alert on lockers, books, cars, etc.

Reporting Crimes

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

Security Personnel

The board utilizes police officers, school resource officers (SROs), and other security personnel to ensure the security and protection of students, staff, and property. In accordance with the 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. Provisions addressing the various types of security personnel can be found in the CKE policy series.

The law enforcement duties of district school resource officers are to provide support for, but not limited to:

- Community Engagement
- Collaboration with School Staff
- Deterring Trespassers
- Emergency Response
- Criminal Investigations
- Law Enforcement
- Maintaining Order and Security
- Gang and drug awareness
- Restorative justice

The law enforcement duties of district school security specialists are to provide support for, but not limited to:

- Community Engagement
- Collaboration with School Staff
- Visible Presence
- Patrol and Monitoring
- Emergency Response

The duties of district security guards are to provide support for, but not limited to:

- Community Engagement
- Visible Presence
- Observe and Report
- Access Control
- Patrol
- Building Relationships
- Collaboration with School Staff

Cooperation with Law Enforcement Officials

The district and district personnel will cooperate with law enforcement agencies within reason. Law enforcement officials may be summoned to maintain or restore order at school or at school-related activities. They may also be summoned to investigate alleged criminal conduct on school premises or at school-sponsored activities. Administrators shall have the responsibility and authority to determine when law enforcement assistance is needed within their respective jurisdiction. However, district administrators shall at all times act in a manner that protects and guarantees the rights of students and parents.

Probation Officer or Police Questioning of Students

For police questioning of a student in school, the following guidelines shall apply:

1. The officer shall provide his/her ID badge with name and title for district records to an administrator.
2. The officer shall state the necessity for questioning the student during school hours at school.
3. After questioning the student, a campus administrator or designee shall make a reasonable effort to contact the student's parents (if appropriate).
4. Efforts shall be made for questioning to be out of the view of other students.

Arrested Students

State law requires the district to permit a student to be taken into legal custody:

1. To comply with an order of the juvenile court.
2. To comply with the laws of arrest.
3. By law enforcement officer if there is probable cause to believe the student has engaged in delinquent conduct or conduct in need of supervision.
4. By a probation officer if there is probable cause to believe the student has violated a condition of probation imposed by the juvenile court.
5. By an authorized representative of Child Protective Services, Texas Department of Family and Protective Services, a law enforcement officer, or a juvenile probation officer, without a court order, under the conditions set out in the Family Code relating to student's physical health or safety.
6. To comply with a properly issued directive to take a student into custody.

Notification of Law Violations

The district is required by state law to notify:

1. All instructional and support personnel who have responsibility for supervising a student who has been arrested or referred to the juvenile court for any felony offense or for certain misdemeanors.
2. All instructional and support personnel who have regular contact with a student who has been convicted, received deferred prosecution, received deferred adjudication, or was adjudicated of delinquent conduct for any felony offense or certain misdemeanors.

If a student at school is subject to arrest or apprehension by law enforcement officer(s), the principal or appropriate administrator, after consultation, shall deliver the student into the officer's custody. The principal shall follow the police's directive regarding parent notification, but shall also notify the Superintendent's designee.

Unauthorized Persons

In accordance with Texas Education Code 37.105, a school administrator, SRO, or other 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 meeting.

Videotaping of Students, Teachers, and Other School Employees

The recording of a person's voice or image without consent is strictly prohibited. A student shall not record the voice or image of any person by any electronic method, while on school property or in attendance at a school-sponsored or school-related event, without the express consent of the person. For purposes of this provision, an "electronic method" of recording the voice or image of a person includes, but is not limited to, the use of a video recording device, audio recording device, or camera. Unauthorized recording of a person shall be addressed under the Student Code of Conduct and may result in disciplinary consequences, including possible restrictions on the student's use of district technology resources. This provision does not prevent recording at a public event, such as a choir, band, or athletic performance, or at other similar public events.

Extracurricular Honor Code

Participation in extracurricular activities in the Birdville Independent School District is a privilege, not a right.

The term "extracurricular activities" means, without limitation, all interscholastic athletics, cheerleading, drill team, academic clubs, special interest clubs, musical performances, dramatic productions, student government, and any other activity or group that participates in contests, competitions, or community service projects on behalf of or as a representative of Birdville ISD. The term includes any non-curricular event, as well as membership or participation in groups, clubs, and organizations recognized and approved by the school district or campus. All extracurricular activity participants are subject to the provisions of the Birdville ISD Student Code of Conduct and this Extracurricular Honor Code. Campus administration and other appropriate personnel will investigate Honor Code violations.

Jurisdiction

Student participation in extracurricular activities is encouraged. Birdville ISD makes extracurricular activities available as an extension of the regular school program, with this important difference: participation in the regular curriculum is a right afforded to each student, while participation in the extracurricular program is a privilege that carries additional expectations for acceptable conduct. Students engaging in extracurricular activities represent not only themselves, but also other students and the school district when performing, competing, or participating, and when wearing uniforms or other clothing that identify the student to the community or public in any setting as Birdville ISD students.

Important goals of the extracurricular program are to give students direction in developing self-discipline, responsibility, pride, loyalty, leadership, teamwork, respect for authority, and healthy living habits.

Based on this philosophy, extracurricular participants must do the following at all times:

1. Demonstrate the importance of academic excellence by maintaining eligibility through high academic standards.
2. Practice good citizenship in all environments by respecting the property and rights of others.
3. Be free from activities that result in felonious charges.
4. Demonstrate knowledge of and be accountable for the individual rules of the extracurricular organization as outlined by the sponsor.

It is the responsibility of students, parents, sponsors, or coaches, and the respective directors to ensure this high level of expectation. This code applies to all participants of extracurricular activities throughout the calendar year.

On-Campus Behavior

All students are expected to adhere to the Birdville ISD Code of Conduct as it applies to school-related activities. Students involved in extracurricular activities are expected to exhibit the highest standards of ethics and conduct.

Students who violate school policies and are placed in in-school suspension, suspended, or sent to the DAEP (District Alternative Education Program) may not practice or participate during the suspension or placement. Chapter 37 of the Texas Education Code prohibits a student assigned to a DAEP from being on campus or attending a school activity, whether on or off campus.

Off-Campus Behavior

All students who participate in extracurricular activities are expected to exhibit the highest standards of ethics and conduct while off campus, and may be disciplined for off-campus behavior.

Examples of off-campus violations that will lead to disciplinary action:

1. Possession of tobacco, alcohol, steroids, drugs, look-alike drugs, or other illegal substances off campus or at school-sponsored activities.
2. Being at parties or other activities where tobacco, alcohol, steroids, drugs, look-alike drugs, or other illegal substances are present or being consumed by other individuals.
3. Engaging in serious misbehavior, as defined by the Birdville ISD Student Code of Conduct
4. Conduct that causes injury or harm to others' property or persons.
5. Using profanity, lewd or vulgar language, or obscene gestures toward others.
6. Any conduct that results in an arrest.
7. Sexting or other inappropriate internet or electronic communications.
8. Bullying, harassment, and hazing at all times.
9. Poor sportsmanship toward opponents while representing the school in or out of uniform.

(This is a non-inclusive list and must be confirmed by the student, student’s parent or guardian,

law enforcement official, or a school employee who has knowledge of a violation prior to the campus administration making a decision.

Off-Campus Consequences

1st Offense – Suspension from extracurricular activities for 15 school days. 2nd Offense – Suspension from extracurricular activities for 30 school days. 3rd Offense – Suspension from extracurricular activities for a calendar year.

If the offense occurs during the activity season, the suspension begins immediately.

If the student chooses to join a new activity they have not previously participated in, they will be suspended from their primary activity.

If the offense occurs in the off-season, post-season, or in the summer, the suspension begins on the first date of a scheduled game, competition, or extracurricular event the following school year. Students who are suspended for off-campus behavior may practice, but may not participate in competitions, suit up, or travel with the team for the competitions.

Non-Inclusive Example of Disciplinary Consequences for Off-Campus

Student	Participant	Disciplinary Consequence
Student 1	Fall Sport	The 15-day suspension begins date of the first competition
Student 2	Spring Sport	The 15-day suspension begins immediately if the competition has begun
Student 3	Band	The 15-day suspension begins immediately if any competitions remain; if concluded, it will begin on the first football competition
Student 4	Cheerleader or Drill Team	The student may still try out for cheerleader or drill team, and a 15-day suspension begins on the date of the first football competition
Student 5	Student Council Member	The 15-day suspension begins immediately
Student 6	FFA Student	The 15-day suspension begins immediately
Student 7	Spring Sport	The student is a softball player and has been for 2 years. In October, they violate the honor code. The student goes to the Wrestling Coach and requests to join the team to avoid being suspended from softball. The 15-day suspension begins on the date of the first softball game to avoid missing the primary sport.

The preceding table provides examples, but the campus principal, the Executive Director of Student Services, and the appropriate director may adjust the dates to ensure district-wide consistency (based on a consensus of the group). A student participating in multiple activities will serve the penalty only once, at the earliest possible time.

Appeal Process

The parent or guardian may appeal the extracurricular suspension using the format in the Code of Conduct Booklet (DAEP placements).

1. Level I – The parents have three days to appeal the suspension to the campus principal.
2. Level II – The parents have three days from the principal's decision to send an appeal to the Executive Director of Student Services.

Any decision by the Level II Hearing Officer is final and may not be appealed. The student remains suspended from extracurricular activities during the appeal process.

Extracurricular Honor Code Acknowledgement

A condition to participating in any extracurricular activity or holding an office (elected or appointed) is to sign an acknowledgement that the student and parent have read and understand the Extracurricular Honor Code. Students are unable to participate until this form is signed and returned to the appropriate coach, director, or sponsor.

Date:_

I have read the Birdville ISD Honor Code and agree to adhere to these rules as a condition for my voluntary participation in Birdville ISD extracurricular activities. I understand that failure to do so will result in disciplinary measures related to my extracurricular participation.

STUDENT NAME: _ STUDENT SIGNATURE:_

I have read the Birdville ISD Honor Code and understand the requirements for my child's voluntary participation in Birdville ISD extracurricular activities. I understand the consequences that my child will face if he or she fails to adhere to these rules and agree to such terms.

PARENT NAME: __ PARENT SIGNATURE:__

- Please note that students are UNABLE to participate until this form is signed and received by the appropriate coach, director, or sponsor.

THIS FORM CAN BE FOUND AT THE FRONT OFFICE OR FROM THE TEACHER, COACH, SPONSOR, or DIRECTOR OF THE EXTRA-CURRICULAR ACTIVITY.

Glossary

The following words and terms, when used in this Code, shall have the stated meaning unless the context clearly indicates otherwise.

Abuse is improper or excessive use.

Aggravated Assault: Penal Code 22.02

Aggravated robbery is defined in part by Penal Code 29.03(1) 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 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.

Aggravated Sexual Assault: Penal Code 22.021

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.

Penal Code 29.03(a) defines **aggravated robbery** in part 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:
4. 65 years of age or older, or
5. A disabled person

ARD is the Admission, Review, and Dismissal committee convened for each student who is identified as needing a full and individual evaluation for special education services. The eligible student's parents are part of the committee.

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

1. Starting a fire or causing an explosion with the 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;

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

Attendance Review Committee: This committee is responsible for reviewing a student's absences when the student's attendance drops below 90 percent of the days the class is offered. Under guidelines adopted by the Board, the committee will determine whether there were extenuating circumstances for the absences and whether the student needs to complete certain conditions to master the course and regain credit lost because of absences.

Breach of computer security includes knowingly accessing a computer, computer network, or computer system without the effective consent of the owner as defined in Penal Code 33.02, if the conduct involves accessing a computer, computer network, or computer system owned by or operated on behalf of a school district; and the student knowingly alters, damages, or deletes school district property or information; or commits a breach of any other computer, computer network, or computer system.

Bullying is defined in Section 37.0832 of the Education Code as a single significant act or a pattern of acts by one or more students directed at another student that exploits an imbalance of power and involves engaging in written or verbal expression, expression through electronic means, or physical conduct that:

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

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

Class Disruption: Any behavior that violates the rules of a particular classroom and interferes with a teacher's opportunity to present or another student's opportunity to concentrate on the presentation or assignment.

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. A blackjack, nightstick, mace, and tomahawk are in the same category.

Controlled substance means a substance, including a drug, an adulterant, listed in Schedules I through V or Penalty Group 1, 1-A, 1-B, 2, 2-A, three, or four 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 Mischief: A person commits an offense if, without the effective consent of the owner:

1. He intentionally or knowingly damages or destroys the tangible property of the owner; or
2. He intentionally or knowingly tampers with the tangible property of the owner and causes pecuniary loss or substantial inconvenience to the owner or a third person; or
3. He intentionally or knowingly makes markings, including inscriptions, slogans, drawings, or paintings, on the tangible property of the owner. Penal Code 28.03

Penal Code 71.01 defines a **criminal street gang** as three or more persons who have a common identifying sign or symbol, or identifiable leadership, and who continuously or regularly associate in the commission of criminal activities.

Criminal street gang is defined by Penal Code 71.01 as three or more persons having a common identifying sign or symbol or an identifiable leadership who continuously or regularly associate in the commission of criminal activities.

Cyberbullying is defined by Section 37.0832 of the Education Code 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 four of the Texas Controlled Substances Act. The term includes a device or drug that federal law prohibits dispensing without a prescription or restricts the 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

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

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

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

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

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

Discipline Management: Any action that is intended to promote proper behavior and/or discourage misconduct.

Disruption of Classes or Unlawful Assembly: Conduct by students either in or out of class that, for any reason, whether because of time, place, or manner of behavior, materially disrupts class work or involves substantial disorder or invasion of the rights of others is prohibited. Student demonstrations and similar activities shall be prohibited when there is evidence that may reasonably lead school authorities to forecast substantial disruption of, or material interference with, normal school operations or approved school activities.

No person shall be permitted on school property or on public property within 500 feet of school property to willfully disrupt, alone or in concert with others, the conduct of classes or other school activities.

Conduct that disrupts the educational activities of a school includes:

1. Emissions by any means of noise of an intensity that prevents or hinders classroom instruction.
2. Enticement or attempted enticement of students away from classes or other school activities that students are required to attend.
3. Prevention or attempted prevention of students from attending classes or other school activities that students are required to attend.
4. Entrance into a classroom without the consent of either the principal or teacher, and either through acts of misconduct or use of loud or profane language, causing disruption of class activities.

For purposes of this provision, “school property” shall include the public-school campuses or school grounds upon which any public school is located, and any grounds or buildings used by the district for assemblies or other school-sponsored activities.

For purposes of this provision, “public property” shall include any street, highway, alley, public park, or sidewalk.

by Section 71.0021 of the Family Code.

Education Code 37.124 No person or group of persons acting in concert may intentionally engage in disruptive activity or disrupt a lawful assembly on the campus or property of any school in the district. Disruptive activity means:

1. Obstructing or restraining the passage of persons in an exit, entrance, hallway, or any building without the authorization of the administration of the school.
2. Seizing control of any building or portion of a building for the purpose of interfering with any administrative, educational, research, or other authorized activity.
3. Preventing or attempting to prevent by force or violence or the threat of violence any lawful assembly by the school administration.

4. Disrupting by force, violence, or the threat of force or violence a lawful assembly in progress.
5. Obstructing or restraining the passage of any person at any exit or entrance to said campus or property, or preventing or attempting to prevent by force or violence or by threats thereof the ingress or egress of any person to or from said property or campus without the authorization of the administration of the school.

A lawful assembly is disrupted when any person in attendance is rendered incapable of participating in the assembly due to the use of force or violence or due to a reasonable fear that force or violence is likely to occur. Education Code 37.123

District Alternative Education Program (DAEP): An instructional setting completely apart from students in a regular classroom setting, located on or off the regular campus, with instruction that focuses on English, language arts, mathematics, science, history, and self- discipline, and provides for behavioral needs through supervision and counseling. The building principal will determine the length of student placement in the DAEP.

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 not in this category 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.

Expulsion (suspension of a student from school for more than three consecutive days): Expulsion for periods up to one year is required by law for certain student offenses and may contain a provision that prohibits attendance at any school activity.

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.

FERPA: Refers to the federal Family Educational Rights and Privacy Act that grants specific privacy protections to student records. The law contains certain exceptions, such as for directory information, unless a student's parent or a student 18 or older directs the school not to release directory information.

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

1. Any weapon (including a starter gun) that will, is designed to, or may readily be converted to expel a projectile by the action of an explosive;
2. The frame or receiver of any such weapon;
3. Any firearm muffler or firearm silencer, defined as any device for silencing, muffling, or diminishing the report of a portable firearm; or
4. Any destructive device, such as any explosive, incendiary, or poison gas bomb, or grenade. Such a term does not include an antique firearm.

Gang Activity: A "gang" is defined as any group of two or more individuals whose purposes may include the commission of illegal acts. A gang is a prohibited fraternity, sorority, or society as defined by Education Code 37.121. Gang activities and gang involvement are described as:

1. Wearing, possessing, using, distributing, displaying, or selling any clothing, jewelry, emblems, badges, symbols, signs, graffiti, or other items that are evidence of membership or affiliation in a gang.
2. Committing any act or using any speech, either verbal or non-verbal, such as gestures, handshakes, and the like, that indicates membership or affiliation in a gang.
3. Promoting interest in any gang or gang activity, including but not limited to:
    a. Soliciting others for membership.
    b. Requesting any person to pay protection or otherwise intimidating or threatening any person.
    c. Committing any other illegal act or other violation of District policies.
    d. Inciting other students to act with physical violence toward any other person.
    e. Engaging in concert with others in intimidating, fighting, assaulting, or threatening to assault others.
    f. Painting, writing, or otherwise inscribing gang-related graffiti, messages, symbols, or signs, on school property, or on property of students or staff.

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

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

Harassment includes:

1. Conduct that meets the definition established in district policies DIA(LOCAL) and FFH(LOCAL);
2. Conduct that threatens to cause harm or bodily injury to another person, including a district student, employee, board member, or volunteer; is sexually intimidating; causes physical damage to the property of another student; subjects another student to physical confinement or restraint; or maliciously and substantially harms another student's physical or emotional health or safety, as defined in Section 37.001(b)(2) of the Education Code; 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; and
d. Causing the telephone of another to ring repeatedly or making repeated telephone communications anonymously or in a manner reasonably likely to harass, annoy, alarm, abuse, torment, embarrass, or offend another;
e. Making a telephone call and intentionally failing to hang up or disengage the connection;
f. Knowingly permitting a telephone under the person's control to be used by another to commit an offense under this section;
g. Sending repeated electronic communications in a manner reasonably likely to harass, annoy, alarm, abuse, torment, embarrass, or offend another.
h. Publishing on an internet website, including a social media platform, repeated electronic communications in a manner reasonably likely to cause emotional distress, abuse, or torment to another person, unless the communications are made in connection with a matter of public concern, as defined by law.
i. Making obscene, intimidating, or threatening telephone calls or other electronic communications from a temporary or disposable telephone number provided by an internet application or other technological means.

Hazing is defined by Section 37.151 of the Education Code 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; and
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 Section 37.001(b) (3) of the Education Code as a list of people targeted to be harmed, using a firearm, a knife, or any other object to be used with the intent to cause bodily harm.

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

Indecency with a Child: Penal Code 21.11.

Indecent exposure is defined by Penal Code 21.08 as an offense that occurs when a person exposes their anus or any part of their genitals with the 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.

In-School Suspension: An on-campus setting, apart from the regular classroom, where a student who commits a disciplinary infraction continues to receive instruction in each course to the extent possible.

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.

Juvenile Justice Alternative Education Program (JJAEP): Students can be expelled to a JJAEP under either a discretionary or a mandatory sentence. Mandatory expulsions to a Juvenile Justice Alternative Education Program (JJAEP) are clearly spelled out in Chapter 37 of the Texas Education Code. Students who engage in serious misbehavior at the DAEP can be expelled to a JJAEP at the discretion of the District following the appropriate due process hearing.

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

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

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

Machine gun, as defined by Penal Code 46.01 is any firearm that is capable of shooting more than two shots automatically, without manual reloading, by a single function of the trigger.

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

Murder: Penal Code 19.02.

Capital Murder, Criminal Attempt to Commit Capital Murder: Penal Code 19.03.

NCLB: Is the federal No Child Left Behind Act of 2001.

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

Parents: Includes single parents, legal guardians, or persons in lawful control.

Persistent Misbehavior: "Persistent misbehavior" consists of repeated violations of this Code in general or repeated violations of the same offense.

Personal Communication Device: 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;
6. An improvised explosive device; or

A student shall not interfere with normal activities, occupancy, or use of any building or portion of the campus or of any school bus engaged in the transportation of students to and from school-sponsored activities by exhibiting, using, or threatening to exhibit or use a firearm.

Public Display of Affection (PDA) as any physical contact or intimate behavior between students that disrupts the educational environment, causes discomfort to others, or exceeds the bounds of appropriateness established by the district

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, 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 Section 37.121(d) of the Education Code are exempted from this definition.

Reassignment of Classes: A student may be removed from the assigned classroom and placed in another class on the same campus. To the extent possible, the student should continue to receive instruction in the course from which he or she has been removed. The purpose of this type of removal is to remove the student from a potentially dangerous or explosive situation. The administrator shall determine the length of removal or stay.

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 that is punishable as a felony. In forming such a reasonable belief, the superintendent or designee may use all available information, including the notice of a student's arrest under Article 15.27 of the Code of Criminal Procedure.

Retaliation: Intentionally or knowingly harms or threatens to harm another by an unlawful act:

1. In retaliation for or on account of the service or status of another as a:
    a. Public servant
    b. Person who has reported or who the actor knows intends to report the occurrence of a crime; or
2. To prevent or delay the service of another as a:
    a. Public servant, witness, prospective witness, or informant; or
    b. A person who has reported or whom the actor knows intends to report the occurrence of a crime.

"Informant" means a person who has communicated information to the government in connection with any governmental function. "Harm" means anything reasonably regarded as loss, disadvantage, or injury, including harm to another person in whose welfare the person affected is interested. Penal Code 1.07; 36.06.

School Premises: Any property owned by the district or over which the district or its personnel exert lawful control, including property visited by students in connection with a school-operated activity, such as a field trip or an extracurricular activity.

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

Serious Misbehavior means:

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

Serious or Persistent Misbehavior includes, but is not limited to:

1. Behavior that is grounds for permissible expulsion or mandatory DAEP placement.
2. Behavior identified by the district as grounds for discretionary DAEP placement.
3. Actions or demonstrations that substantially disrupt or materially interfere with school activities.
4. Refusal to attempt or complete schoolwork as assigned.
5. Insubordination.
6. Profanity, vulgar language, or obscene gestures.
7. Leaving school grounds without permission.
8. Falsification of records, passes, or other school-related documents.
9. 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.

Sexting: The act of sending or receiving videos, text messages, or pictures of sexually explicit materials electronically.

Sexual Assault: Penal Code 22.011.

Sexual Harassment: The district believes that every student has the right to attend district schools and school-related activities free from all forms of discrimination based on sex, including sexual harassment. The district considers sexual harassment of students to be serious and will consider the full range of disciplinary options, up to and including expulsion, according to the nature of the offense.

All students are expected to treat one another with courtesy and respect. All students are prohibited from engaging in offensive verbal or physical conduct of a sexual nature directed toward another student. This prohibition applies whether the conduct is by word, gesture or any other intimidating sexual conduct, including requests for sexual favors that the other student regards as offensive or provocative.

Students or parents are encouraged to discuss their questions or concerns about the expectations in this area with the teacher, the principal, or the principal's designee, or the Associate Superintendent for Staff and Student Services, who serves as the district's Title IX coordinator for students.

A student or parent in a conference may present a complaint alleging sexual harassment

by another student, sexual harassment, or sexual abuse by a staff member with the principal or principal's designee, or with the Title IX coordinator. A person of the same sex as the student will ordinarily hold the first conference with the student. The conference will be scheduled and held as soon as possible, within five days of the request. In addition, the person(s) bringing the complaint have the right to file a complaint with the Office of Civil Rights. The principal, the principal's designee, or the Title IX coordinator will coordinate an appropriate investigation, which will ordinarily be completed within ten days. The student or parent will be informed if extenuating circumstances delay completion of the investigation. The student or parent will not be required to present a complaint to a person who is the subject of the complaint. If the resolution of the complaint is not satisfactory to the student or parent, the student or parent within ten days may request a conference with the superintendent or superintendent's designee by following the procedure set out in Board policy. If the resolution by the superintendent or superintendent's designee is not satisfactory, the student or parent may present the complaint to the Board as provided by policy.

Suspension: Removal of a student from school and school activities for a disciplinary infraction, for a period not to exceed three days at a time.

Terroristic threat is defined by Penal Code 22.07 as a threat of violence to any person or property with intent to:

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

Tire deflation device is defined in part by Penal Code 46.01 as a device, including a caltrop or spike strip, that, when driven over, impedes or stops the movement of a wheeled vehicle by puncturing one or more of the vehicle's tires.

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

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

22.09 [See FOC (EXHIBIT).]

UIL: Refers to the University Interscholastic League, the statewide voluntary non-profit organization that oversees educational extracurricular academic, athletic, and music contests.

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

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

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