



# CORSICANA INDEPENDENT SCHOOL DISTRICT 2022-2023 STUDENT CODE OF CONDUCT

## INTRODUCTION

This handbook contains information that parents, and student must know to ensure a successful school year. The Student Code of Conduct is required by state law and is intended to promote a positive learning environment and safe schools. More information regarding district policies and procedures may be found in board policies and the Student Handbook. The policies adopted by the Board of Education and the Texas Education Code “the code” supersede the policy handbook and will be the foundation for all decisions made regarding district, state and federal policies. A copy of the District’s policy manual is available in the school office or on-line at:

<http://www.tasb.org/policy/pol/private/175903>

*Corsicana ISD (CISD) does not discriminate on the basis of race, color, religion, national origin, gender, or disability in providing education services, activities, and programs, including vocational programs, in accordance with Title VI of the Civil Rights Act of 1964, as amended; Title IX of the Educational Amendments of 1972; and Section 504 of the Rehabilitation Act of 1973, as amended. Questions or concerns about discrimination against students based on sex, including sexual harassment should be directed to the CISD Director of Human Resources, the District Title IX Coordinator. Questions or concerns about discrimination on the basis of a disability should be directed to the CISD Transition Coordinator, the District ADA/Section 504 coordinator. All other questions or concerns relating to discrimination based on any other reasons should be directed to the Superintendent at the CISD Administration Building, 2200 W. 4<sup>th</sup> Ave., Corsicana, Texas 75110, phone (903) 874-7441.*



# Acknowledgment

## Student Code of Conduct and Student Handbook Electronic Distribution Acknowledgment

Dear Student and Parent:

As required by state law, the board of trustees have officially adopted the Student Code of Conduct in order to promote a safe and orderly learning environment for every student.

We urge you to read this publication thoroughly and to discuss it with your family. If you have any questions about the required conduct and consequences for misconduct, we encourage you to ask for an explanation from the student's teacher or appropriate campus administrator.

The student and parent should each sign this page in the space provided below and then return the page to the student's school.

Thank you,  
Dr. Diane Frost  
Superintendent, Corsicana ISD

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We acknowledge that we have been offered the option to receive a paper copy of the Corsicana Independent School District Student Code of Conduct and Student Handbook for the 2022-2023 school year or to electronically access them on the district's website [WWW.CISD.ORG](http://WWW.CISD.ORG) . We understand that students will be held accountable for their behavior and will be subject to the disciplinary consequences outlined in the Code.

We have chosen to:

- ✓ Receive a paper copy of the Student Code of Conduct and the Student Handbook
- ✓ Accept responsibility for accessing the Student Code of Conduct and the Student Handbook on the district's website.

Printed name of student: \_\_\_\_\_

Signature of student: \_\_\_\_\_

Print name of Parent: \_\_\_\_\_

Signature of Parent: \_\_\_\_\_

Date: \_\_\_\_\_



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## Purpose

The Student Code of Conduct is the district's response to the requirements of Chapter 37 of the Texas Education Code.

The Code provides methods and options for managing students in the classroom and on school grounds, disciplining students and preventing and intervening in student discipline problems.

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, suspension, placement in a disciplinary alternative education program (DAEP), placement in a juvenile justice alternative education program (JJAEP) or expulsion from school.

This Student Code of Conduct has been adopted by the Corsicana ISD Board of Trustees and developed with the advice of the district-level committee. This code provides information to parents and students regarding standards of conduct, consequences of misconduct and procedures for administering discipline. It remains in effect during summer school and at all school related events and activities outside of the school year until an updated version adopted by the board becomes effective for the next school year.

In accordance with state law the Code will be posted at each school campus or will be available for review at the office of the campus principal. In addition, the Code will be available at the office of the campus behavior coordinator and posted on the district's website.

Parents will 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 Student Code of Conduct is adopted by the district's board of Trustees, it has the force of policy; therefore, in case of conflict between the Code and the student handbook, the Code shall prevail.

**Please Note:** The discipline of student 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.

# STANDARDS FOR STUDENT CONDUCT

All students are entitled to enjoy the basic rights of citizenship recognized and protected by law for persons of their age and maturity. District schools shall foster a climate of mutual respect for the right of others. Each student is expected to respect the rights and privileges of other students, teachers and district staff. Students shall exercise their rights responsibly in compliance with rules established for orderly conduct of the district's educational program. 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 shall be subject to disciplinary measures designed to correct the misconduct and to promote adherence by all students to the responsibilities of citizens in the school community. Harassment of any nature is against the law and school policies. Students will be assigned appropriate consequence for such harassment.

Each student is expected to:

- Demonstrate courtesy even when others do not.
- Behave in a responsible manner always exercising self-discipline.
- Attend all classes regularly and on time.
- Prepare for each class; take appropriate materials and assignments to class.
- Meet district and campus standards of grooming and dress.
- Obey all campus and classroom rules.
- Respect the rights and privileges of students, teachers and other district staff and volunteers.
- Respect the property of others, including district property and facilities.
- Cooperate with and assist the school staff in maintaining safety, order and discipline.
- Adhere to the requirements of the Student Code of Conduct.

## APPEALS

Questions from parents regarding disciplinary measures should be addressed to the teacher, campus administration or campus behavior coordinator as appropriate. Appeals or complaints regarding the use of specific discipline management techniques should be addressed in accordance with policy FNG (LOCAL). A copy of the policy may be obtained from the principal's office, the campus behavior coordinator's office or the central administration office or through policy online at the following link; [www.cisd.org](http://www.cisd.org).

Consequences shall not be deferred pending the outcome of 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 Title IX formal complaint process. See policies FFH (LEGAL) and (LOCAL).

## **AUTHORITY AND JURISDICTION OF THE DISTRICT**

### **Campus Behavior Coordinator**

As required by law, a person at each campus must be designated to serve as the campus behavior coordinator. The designated person may be the principal of the campus or any other campus administrator selected by the principal. The campus behavior coordinator is primarily responsible for maintaining student discipline. The district shall post on its website and in the student handbook the telephone number and email address of the Campus Behavior Coordinator on each campus.

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

The district has disciplinary authority over a student:

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 is in attendance at any school related activity regardless of time or location;
4. For any school related misconduct, regardless of time or location;
5. When retaliation against a school employee, board member or volunteer occurs or is threatened regardless of time or location;
6. When a student engages in cyberbullying as provided by Education Code 37.0832f;
7. When criminal mischief is committed on or off school property or at a school related event;
8. For certain offenses committed within 300 feet of school property as measured from any point on the school's real property boundary line;
9. For certain offenses committed while on school property or while attending a school sponsored or school related activity of another district in Texas;
10. When the student commits a felony as provided by Education Code 37.006 or 37.0081; and
11. When the student is required to register as a sex offender.

## THREAT ASSESSMENT AND SAFE SUPPORTIVE SCHOOL TEAM

The Campus Behavior Coordinator or other appropriate administrator will work closely with the campus Threat Assessment Safe and Supportive School Team to implement the district's threat assessment policy and procedures as required by law and shall take appropriate disciplinary action in accordance with the Student Code of Conduct.

## SEARCHES

District officials may conduct searches of students, their belongings and their vehicles in accordance with state and federal law and district policy. Searches of students shall be conducted in a reasonable and nondiscriminatory manner. Refer to the district's policies at FNF(LEGAL) and FNF(LOCAL) for more information investigation 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 material prohibited by the district.

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

## UNAUTHORIZED PERSONS

In accordance with Education Code 37.105, a school administrator, resource officer (SRO) or district police officer shall have the authority to refuse entry 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 the person persists in the behavior after being given verbal warning that the behavior is inappropriate and may result in refusal of entry or ejection.

Appeals regarding refusal or entry or ejection from district property may be filed in accordance with Policies FNG (LOCAL) or FG (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 days, unless the complaint is resolved before a board hearing.

# CATEGORIES OF OFFENSES

## **Category I: Minor Behavior Violations:**

- Class disruptions and disruptions out of class.
- Disrespect (mild)
- Failure to attend detention
- Failure to follow instructions
- Failure to return to class
- Failure to suit out for P.E.
- Hall violations
- Leaving class without authorization
- Rude, profane language and/or cruel teasing between students
- Refusal to work
- Scuffling, horseplay or running in hallway
- Sleeping in class
- Tardiness
- Unprepared for class
- Dress code violations

## **Category I: Consequences**

Consequences for any of the above misconduct (dependent upon the seriousness of the consequences) may include one or more of the following:

- Conferencing with the student
- Counseling with students
- Parent conference or written notice to parents
- Loss of school privileges, including extracurricular activities
- In-School suspension
- Detention
- Other reasonable consequences the administration deems appropriate

## **Category II: Persistent Misconduct**

Category II includes any misconduct that becomes persistent/flagrant and previous management techniques do not correct the misconduct including but not limited to the following:

- Any persistent misconduct from Category I
- Disruptive behavior
- Dissemination of unauthorized material
- Excessive absences and/or violating compulsory attendance laws
- Forgery and/or plagiarism

- Parking or driving violations on school property
- Possession of cell phone at unauthorized times
- Possession of tobacco products
- Cheating
- Dating violence
- E-Cigarettes and/or vaping products or devices

### **Category II: Consequences**

Consequence for any of the above misconduct (dependent upon the seriousness) may include one or more of the following:

- Confiscation of unacceptable items and hold for parent to retrieve
- Office-assigned detention
- In-School Suspension
- Referral to truancy court
- Corporal punishment
- Assignment to the Disciplinary Alternative Education Program (DAEP)
- Arrest
- Citation
- Other reasonable consequences the administration deems appropriate
- Consequences for Category I

### **Category III: Serious Misconduct**

Category III misconduct includes any serious or unresolved persistent behavior problems which include violations of law but are not limited to the following:

- Any Category I or Category II misconduct that remains unresolved
- Bomb or terrorist threat either written or verbal
- Coercion toward another student or adult
- Criminal mischief (misdemeanor)
- Destructive or disorderly conduct
- Extortion or stealing
- Gambling
- Hazing or bullying, cyber bullying
- Involved in gang activity including participating as a member or pledge or soliciting another person to become a pledge or member of a gang
- Possession of an object that the district's designee determines to be a weapon for example a pocket knife, box cutter, screwdriver, scissors, etc.
- Disruptive behavior (serious)
- Possession of laser pointers
- Possession or use of tobacco in any form

- Possession or distribution of pornographic materials
- Refusal to accept discipline management techniques of teacher or principal
- Threatening school personnel or retaliating without element of assault
- Throwing rocks or other objects
- Use of inhalants other than for medical reasons
- Possession, distribution or use of over the counter medication for reasons other than those for which the medication was prescribed
- Vandalism or defacing of district, staff or student property
- Lewd behavior or indecent exposure
- Possession of pellet or bb gun
- Cheating on state assessment

### **Category III: Consequences**

Consequences for Category III misconduct (dependent upon seriousness of the misconduct) may include one or more of the following:

- Referral to a law enforcement or judicial authority or assessment of a fine
- Assignment to In-School Suspension
- Parent conference
- Suspension for one to three consecutive days
- Assignment to out of school suspension
- Parent supervision
- Assignment to the Disciplinary Alternative Education Program (DAEP)
- Expulsion
- Citation
- Other reasonable consequences the administration deems appropriate
- Consequences for Categories 1 and 2

### **Category IV: Mandatory Expulsion Offenses**

Chapter 37.007 states that “a student shall be expelled from a school if the student, on or within 300 feet of school property or while attending a school sponsored or school related activity on or off of school property, commits any of the following offenses:

- 1) A firearm violation as defined by federal law for which the expulsion must be for one year. The superintendent may modify this expulsion and place a student older than ten years of age in the DAEP
  - a.) Any weapon (including a starter gun) which is designed to or which may readily be converted to expel a projectile by the action of an explosive
  - b.) The frame or receiver of any such weapon
  - c.) Any firearm or muffler or firearm weapon
  - d.) Any destructive device such as any explosive, incendiary or poison gas bomb or grenade

- e.) Hoax bomb
- 2) Use, exhibition or possession of the following under the Texas Penal Code:
  - a.) A firearm
  - b.) An illegal knife
  - c.) A club
  - d.) A prohibited weapon such as an explosive weapon, a machine gun, a short barrel firearm, a firearm silencer, a switchblade knife, knuckles, ammunition, a chemical dispensing device or a zip gun.
- 3) Behavior containing the elements of the following under the Texas Penal Code:
  - a) Aggravated assault, sexual assault or aggravated sexual assault, continuous sexual abuse of a young child or children.
  - b) Arson
  - c) Murder, capital murder, criminal attempt to commit murder, elements of deadly conduct
  - d) Indecency with a child
  - e) Aggravated kidnapping
  - f) Behavior related to an alcohol or drug offense that could be punishable as a felony
  - g) Criminal mischief, if punishable as a felony whether committed on or off school property or at a school related event.
  - h) Assault (Penal Code 22.01) against a school employee or volunteer (defined by TEC 22.053) in retaliation for the person's employment or association with the school district regardless of whether the conduct occurs on or off school property.
  - i) Aggravated robbery, manslaughter and criminally negligent homicide
- 4) Behaviors on school property that will result in expulsion are as follows:
  - a) Engaging in serious or persistent misbehavior that violates the district's code of conduct while placed in DAEP.
  - b) Selling, giving, possessing, using, delivering or under the influence of
    - 1) Any amount of marijuana or a controlled substance in an amount not constituting a felony offense
    - 2) Any amount of a dangerous drug in an amount not constituting a felony offense
    - 3) Any amount of alcohol
    - 4) Any amount of abuseable glue or inhalants
  - 5) Committing an expellable offense on another school district's property



# DISCIPLINARY ALTERNATIVE EDUCATION PROGRAM (DAEP) PLACEMENT

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

For purposes of DAEP, elementary classification shall be kindergarten – grade 5 and secondary classification shall be grades 6-12.

Summer programs provided by the district shall serve student s assigned to a DAEP in conjunction with other students.

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

In deciding whether to order placement in a DAEP, the campus behavior coordinator will 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 or
4. A disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct.
5. A student's status in the conservatorship of the Department of Family and Protective Services (foster care) or
6. A student's status as homeless

## Discretionary DAEP Placement

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

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

- Engaging in bullying that encourages a student to commit or attempt to commit suicide,
- Inciting violence against a student through bullying.
- Releasing or threatening to release intimate visual material of a minor or a student who is 18 years of age or older without student's consent.
- Involvement in a public school fraternity, sorority or secret society including participating as a member or pledge or soliciting another person to become a pledge or member of a public school fraternity, sorority, secret society or gang. (See Glossary)
- Involvement in criminal street gang activity. ( See Glossary)

- Any criminal mischief on or within 300 feet of school property not punishable as a felony
- Assault (no bodily injury) with threat of imminent bodily injury.
- Assault by offensive or provocative physical contact.

In accordance with state law, a student may be placed in a DAEP if the superintendent or the superintendent's designee has reasonable belief (See Glossary) that the student has engaged in conduct punishable as a felony other than those listed as offenses involving injury to a person in Title 5 (See Glossary) of the Texas Penal Code, that occurs off school property and not at a school sponsored or school related event if the student's presence in the regular classroom threatens the safety of other students or teachers or will be detrimental to the educational process.

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

### Mandatory DAEP Placement

A student must be placed in a DAEP if the student:

- Engages in conduct relating to a false alarm or report (including a bomb threat) or a terroristic threat involving a public school. (See Glossary)
- Commits the following offenses on school property or within 300 feet of school property as measured from any point on the school real property boundary line or while attending a school sponsored or school related activity on or off school property:
  - Engages in conduct punishable as a felony
  - Commits an assault (See Glossary) under Texas Penal Code 22.01 (a) (1).
  - Sells, gives or delivers to another person or possesses, uses or is under the influence of marijuana, a controlled substance or a dangerous drug in an amount not constituting a felony offense. (School related felony drug offenses are addressed in the Expulsion section.)
  - Behaves in a manner that contains the elements of an offense relating to abusable volatile chemicals.
  - Behaves in a manner that contains the elements of the offense of public lewdness or indecent exposure.
  - Engages in conduct that contains the elements of an offense of harassment against an employee under Penal Code 42.07 (a) (1) (2) or (7).
  - Engages in expellable conduct and is between six and nine years of age.
  - Commits a federal firearms violation and is younger than six years of age.
  - Engages in conduct that contains the elements of the offense of retaliation against any school employee or volunteer on or off school property.

(Committing retaliation in combination with another expellable offense is addressed in the Expulsion section of this Code).

- Engages in conduct punishable as a felony listed under Title 5 (See Glossary) of the Texas Penal Code when the conduct occurs off school property and not at a school sponsored or school related event and
  - 1) The student receives deferred prosecution (See Glossary)
  - 2) Court or jury finds that the student has engaged in delinquent conduct (See Glossary) or
  - 3) The superintendent or designee has a reasonable belief (See Glossary) that the student engaged in the conduct.

## SEXUAL ASSAULT AND DAEP CAMPUS ASSIGNMENTS

If a student has been convicted of continuous sexual abuse of a young child or children or convicted of or placed on deferred adjudication for sexual assault or aggravated sexual assault against another student on the same campus and if the victim's parent or another person with the authority to act on behalf of the victim requests that the board transfer the offending student s to another campus, the offending shall be transferred to another campus in the district. If there is no other campus in the district serving the grade level of the offending student the offending student will be transferred to a DAEP.

## EMERGENCY DAEP PLACEMENTS

In an emergency, the principal or the principal's designee may order the immediate placement of a student in a DAEP for any reason for which placement in a DAEP may be made on a non-emergency basis.

## DAEP PROCESS

Removals to a DAEP will be made by the Superintendent's designee and Campus Behavior Coordinator.

## CONFERENCE

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

At the conference the Campus Behavior Coordinator or the appropriate administrator will inform the student orally or in writing of the reasons for the removal and will give the student an explanation of the basis for the removal and an opportunity to respond to the reasons for the removal.

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

## CONSIDERATION OF MITIGATING FACTORS

In deciding whether to place a student in a DAEP regardless of whether the action is mandatory or discretionary, the Campus Behavior Coordinator will 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 or
4. A disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct.
5. A student's status in the conservatorship of the Department of Family and Protective Services (foster care) or
6. A student's status as homeless.

## PLACEMENT ORDER

After the conference if the student is placed in the DAEP, the Campus Behavior Coordinator will write a placement order. A copy of the placement order and all information required by Section 52.04 of the Family Code.

Not later than the second business day after the conference, the Board's designee will deliver to the juvenile court a copy of the placement order and all information required by Section 52.04 of the Family Code.

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

## COURSEWORK NOTICE

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

## LENGTH OF DAEP PLACEMENT

The duration of a student's placement in a DAEP will be determined by the Central Placement Committee and the Campus Behavior Coordinator.

The duration of a student's placement will be determined on a case by case basis. DAEP placement will be correlated to the seriousness of the offense, the student's age and grade level, the frequency of misconduct, the student's attitude and statutory requirements.

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

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

## EXCEEDS 60 DAYS

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

## EXCEEDS SCHOOL YEAR

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

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

1. The student's presence in the regular classroom or campus presents a danger of physical harm to the student or others or
2. The student has engaged in serious or persistent misbehavior (See Glossary) that violates the district's code.

## EXCEEDS ONE YEAR

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

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

## DAEP APPEALS

Questions from parents regarding disciplinary measures should be addressed to the campus administration. Appeals regarding the decision to place a student in a DAEP should be addressed to the Assistant Superintendent of Student Services in accordance with policy FOC (LEGAL). All other appeals regarding a placement in a DAEP should be addressed in accordance with policy FNG(LOCAL).

Student or parent appeals regarding the process used for the placement decision should be addressed in accordance with policy FNG(LOCAL). A copy of this policy may be obtained from the principal's office, the Central Administration Office or through Policy Online at the following address: <http://www.tasb.org/policy/pol/private/175903>

Disciplinary consequences shall not be deferred pending the outcome of an appeal. The decision to place a student in a DAEP cannot be appealed beyond the Board.

## RESTRICTIONS DURING DAEP PLACEMENT

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

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

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

## PLACEMENT REVIEW

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

## ADDITIONAL MISCONDUCT WHILE IN DAEP

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

## NOTICE OF CRIMINAL PROCEEDINGS

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

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

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

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

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

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

## WITHDRAWAL DURING THE DAEP PROCESS

When a student violates the district's Code in a way that requires or permits the student to be placed in a DAEP and the student withdraws from the district before a placement order is completed, the Campus Behavior Coordinator may complete the proceedings and issue a

placement order. If the student then re-enrolls in the district during the same or a subsequent school year, the district may enforce the order at that time excluding placement that has been served by the student during enrollment in another district. If the Campus Behavior Coordinator or the Board fails to issue a placement order after the student withdraws, the next district the student enrolls in may complete the proceedings and issue a placement order.

### NEWLY ENROLLED STUDENTS PLACED AT DAEP

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

A newly enrolled student with a DAEP placement from a district in another state will be placed as any other newly enrolled student if the behavior committed is a reason for DAEP placement in the receiving district.

If the student was placed in a DAEP by a school district in another state for a period that exceeds one year, this district by state law, will reduce the period of the placement so that the total placement does not exceed one year. After a review, the placement may be extended beyond a year if the district determines that the student is a threat to the safety of the other students or employees or the extended placement is in the best interest of the student.

### EMERGENCY DAEP PLACEMENT PROCEDURE

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

### TRANSITION SERVICES

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

### DISCIPLINE MANAGEMENT TECHNIQUES

Discipline will be designed to improve conduct and to encourage students to adhere to their responsibilities as members of the school community. Disciplinary action will draw on the professional judgment of teachers and administrators and on a range of discipline management techniques, including restorative discipline practices. Discipline will be correlated to the seriousness of the offense, the student's age and grade level, the frequency of misbehavior, the student's attitude, the effect of the misconduct on the school environment, and statutory requirements.

Because of these factors, discipline for a particular offense, including misconduct occurring in a district vehicle owned or operated by the district, unless otherwise specified by law,



may bring into consideration varying techniques and responses.

## ADMINISTRATOR AND TEACHER TECHNIQUES

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

- Cooling-off time or “time-out.”
- Seating changes within the classroom or vehicle owned or operated by the district.
- Temporary confiscation of items that disrupt the educational process.
- Rewards or demerits.
- Behavioral contracts.
- Counseling by teachers, school counselors, or administrative personnel.
- Parent-teacher conferences.
- Behavior coaching,
- Anger management classes,
- Mediation (victim offender),
- Classroom circles,
- Family group conferencing,
- Grade reductions for cheating, plagiarism, and as otherwise permitted by policy.
- Detention, including outside regular school hours.
- Sending the student to the office or other assigned area, or to in-school suspension.
- Assignment of school duties such as cleaning or picking up litter.
- Withdrawal of privileges, such as participation in extracurricular activities, eligibility for seeking and holding honorary offices, or membership in school-sponsored clubs and organizations.
- Penalties identified in individual student organizations’ extracurricular standards of behavior.
- Restriction or revocation of district transportation privileges.
- School-assessed and school- administered probation.
- Out-of-school suspension, as specified in the Suspension section of this Code.
- Placement in a DAEP, as specified in the DAEP section of this Code.
- Placement and/or expulsion in an alternative educational setting, as specified in the Placement and/or Expulsion for Certain Offenses section of this Code.
- Expulsion, as specified in the Expulsion section of this Code.
- Referral to an outside agency or legal authority for criminal prosecution in addition to disciplinary measures imposed by the district.
- Other strategies and consequences as determined by school officials.

## PROHIBITED AVERSIVE TECHNIQUES

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

- Using techniques designed or likely to cause physical pain.
- Using techniques designed or likely to cause physical pain by electric shock or any procedure involving pressure points or joint locks.
- Directed release to noxious, toxic, or unpleasant spray, mist, or substance near a student's face.
- Denying adequate sleep, air, food, water, shelter, bedding, physical comfort, supervision, or access to a restroom facility,
- Ridiculing or demeaning a student in a manner that adversely affects or endangers the learning or mental health of the student or constitutes verbal abuse.
- Employing a device, material, or object that immobilizes all four of a student's extremities, including prone or supine floor restraint.
- Impairing the student's breathing, including applying pressure to the student's torso or neck or placing something in, on, or over the student's mouth or nose or covering the student's face.
- Restricting the student's circulation.
- Securing the student to a stationary object while the student is standing or sitting.
- Inhibiting, reducing, or hindering the student's ability to communicate.
- Using chemical restraints.
- Using time-out in a manner that prevents the student from being able to be involved in and progress appropriately in the required curriculum or any applicable individualized education program (IEP) goals, including isolating the student by the use of 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).

## EXPULSION

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

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

## DISCRETIONARY EXPULSION

### OFFENSES OCCURRING AT ANY LOCATION

A student **may** be expelled for:

- Engaging in bullying that encourages a student to commit or attempt to commit suicide.
- Inciting violence against a student through group bullying.
- Releasing or threatening to release intimate visual material of a minor or a student who is 18 years of age or older without the student's consent.
- Conduct that contains the elements of assault under Penal Code 22.01(a) (1) in retaliation against a school employee or volunteer.
- Criminal mischief, if punishable as a felony.
- Engaging in conduct that contains the elements of one of the following offenses against another student, without regard to where the conduct occurs:
  - Aggravated assault.
  - Sexual assault.
  - Aggravated sexual assault.
  - Murder.
  - Capital murder.
  - Criminal attempt to commit murder or capital murder.
  - Aggravated robbery.
  - Breach of computer security.
  - Engaging in conduct relating to a false alarm or report (including a bomb threat) or a terroristic threat involving a public school.

### OFFENSES AT SCHOOL, WITHIN 300 FEET OR AT SCHOOL EVENT

Committing any of the following offenses on or within 300 feet of school property, as measured from any point on the school's real property boundary line, or while attending a school-sponsored or school-related activity on or off school property:

Selling, giving, or delivering to another person, or possessing, using, or being under the influence of marijuana, a controlled substance, or a dangerous drug, if the conduct is not punishable as a felony.

- Selling, giving, or delivering to another person, or possessing, using, or being under the influence of alcohol; or committing a serious act or offense while under the influence of alcohol, if the conduct is not punishable as a felony.
- Engaging in conduct that contains the elements of an offense relating to abusable volatile chemicals.
- Engaging in conduct that contains the elements of assault under Section 22.01(a)(1) against an employee or a volunteer.
- Engaging in deadly conduct. (See glossary)

## OFFENSES WITHIN 300 FEET OF SCHOOL

Engaging in the following conduct while within 300 feet of school property, as measured from any point on the school's real property boundary line:

- Aggravated assault, sexual assault, or aggravated sexual assault.
- Arson.
- Murder, capital murder, or criminal attempt to commit murder or capital murder.
- Indecency with a child, aggravated kidnapping, manslaughter, criminally negligent homicide, or aggravated robbery.
- Sexual abuse of a young child or disabled individual.
- Felony drug- or alcohol-related offense.
- Carrying on or about the student's person a handgun, location- restricted knife, or a club, as these
- Terms are defined by state law. (See glossary,)
- Possessing, manufacturing, transporting, repairing, or selling a prohibited weapon as defined by state law. (See glossary.)
- Possession of a firearm as defined by federal law. (See glossary.)

## PROPERTY OF ANOTHER DISTRICT

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

## WHILE IN DAEP

Engaging in documented serious misbehavior that violates the district's Code, despite documented behavioral interventions while placed in a DAEP. For purposes of discretionary expulsion from a DAEP, serious misbehavior means:

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

## MANDATORY EXPULSION

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

### 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 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 TEXAS PENAL CODE

Carrying on or about the "students" person the following, as defined by the Texas Penal Code:

- 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 that is not located on a school campus, while participating 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.) A club as defined by state law. (See glossary.)
- Possessing, manufacturing, transporting, repairing or selling a prohibited weapon, as defined in state law. (See glossary.)
- Behaving in a manner that contains elements of the following offenses under the Texas Penal Code
- Aggravated assault, sexual assault, or aggravated sexual assault.
- Arson. (See glossary)
- Murder, capital murder, or criminal attempt to commit murder or capital murder.
- Indecency with a child.
- Aggravated kidnapping.
- Aggravated robbery.
- Manslaughter.
- Criminally negligent homicide
- 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 marijuana, controlled

substance, a dangerous drug, or alcohol; or committing a serious act or offense while under the influence of alcohol.

- Engaging in retaliation against a school employee or volunteer combined with one of the above-listed mandatory expulsion offenses.

### UNDER AGE TEN

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

### EXPULSION PROCESS

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

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

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

### HEARING

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

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

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

The hearing shall be conducted by the board of trustees or their designee, and the decision to expel will be made by the board or designee.

### BOARD REVIEW OF EXPULSION

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

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

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

The board shall hear statements made by the parties at the review and will base its decision on evidence reflected in the record and any statements made by the parties at the review.

The board will make and communicate its decision orally at the conclusion of the presentation. Consequences will not be deferred pending the outcome of the hearing.

### EXPULSION ORDER

Before ordering the expulsion, the board or campus behavior coordinator shall take into consideration:

1. Self-defense (see glossary),
2. Intent or lack of intent at the time the student engaged in the conduct, and
3. The student's disciplinary history,
4. A disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct,
5. A student's status in the conservatorship of the Department of Family and Protective Services (foster care), or
6. A student's status as homeless If the student is expelled, the board or its designee will deliver to the student and the student's parent a copy of the order expelling the student.

Not later than the second business day after the hearing, the Superintendent's designee will deliver to the juvenile court a copy of the expulsion order and the information required by Section 52.04 of the Family Code.

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

### LENGTH OF EXPULSION

The length of an expulsion will be correlated to the seriousness of the offense, the student's age and grade level, the frequency of misbehavior, the student's attitude, and statutory requirements.

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

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

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

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

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

#### WITHDRAWAL DURING EXPULSION PROCESS

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

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

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

#### ADDITIONAL MISCONDUCT WHILE EXPELLED

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

#### RESTRICTIONS DURING EXPULSION

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

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



## NEWLY ENROLLED STUDENTS UNDER EXPULSION

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

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

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

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

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

## EMERGENCY EXPULSION PROCEDURES

When an emergency expulsion is necessary to protect persons or property from harm, imminent the student will be given verbal notice of the reason for the action. Within ten days after the date of the emergency expulsion, the student will be given appropriate due process required for a student facing expulsion.

## DAEP PLACEMENT OF EXPELLED STUDENTS

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

## TRANSITION SERVICES

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

## EXPULSION AND/OR PLACEMENT FOR CERTAIN OFFENSES

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

## REGISTERED SEX OFFENDERS

Upon receiving notification in accordance with state law that a student is currently required to register as a sex offender, the administration must remove the student from the regular classroom and determine appropriate placement unless the court orders JJAEP placement. If the student is under any form of court supervision, including probation, community supervision, or parole, the placement will be in either DAEP or JJAEP for at least one semester.

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

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

## REVIEW COMMITTEE

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

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

## NEWLY ENROLLED STUDENT

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

## APPEAL

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

## CERTAIN FELONIES

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

- Have received deferred prosecution for conduct defined as a Title 5 felony offense;
- Have been found by a court or jury to have engaged in delinquent conduct for conduct defined as a Title 5 felony offense;
- Have been charged with engaging in conduct defined as a Title 5 felony offense;
- Have been referred to a juvenile court for allegedly engaging in delinquent conduct for conduct defined as a Title 5 felony offense; or
- Have received probation or deferred adjudication or have been arrested for, charged with, or convicted of a Title 5 felony offense.

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

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

## HEARING AND REQUIRED FINDINGS

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

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

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

## LENGTH OF PLACEMENT FOR CERTAIN FELONIES

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

## NEWLY ENROLLED STUDENTS WITH CERTAIN FELONIES

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.

## EXTRACURRICULAR STANDARD OF BEHAVIOR

Any student who represents the CISD by participating in extracurricular activities or is a member or participant in any CISD sponsored club or organization will be suspended from membership and/or any and all participation if the student is found by the CISD to have engaged in conduct which would be classified as a felony or class A misdemeanor or constitutes a violation of any law related to alcohol, dangerous drugs, marijuana and/or controlled substances, volatile chemicals, and abusable glue or aerosol paint, as such substance is defined in the Student Code of Conduct, regardless of whether or not such conduct occurs on school property or at a school sponsored or school related event and regardless of whether or not such conduct occurs while school is in session or during the school year.

Off campus, non-school related conduct, which occurs at any time, is punishable in accordance with this code. These consequences affect all extracurricular activities and participation in all activities of the organization or club regardless of whether or not the activities are during the school year. The length of suspension from membership or participation shall be for the remainder of the school year or season whichever is later. Refer to policy "FO Local" in the CISD Policy Book for more information concerning the application of the policy, reinstatement, and counseling opportunities.

## GENERAL CONDUCT VIOLATIONS

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

## DISREGARD FOR AUTHORITY

Students shall not:

- Fail to comply with directives given by school personnel (insubordination).
- Leave school grounds or school- sponsored events without permission.
- Disobey rules for conduct on district vehicles.
- Refuse to accept discipline management techniques assigned by a teacher or principal.

## PROPERTY OFFENSES

Students shall not:

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

## MISTREATMENT OF OTHERS

Students shall not:

- Use profanity or vulgar language or make obscene gestures.
- Fight or scuffle. (For assault see DAEP Placement and Expulsion)
- Threaten a district student, employee, or volunteer, including off school property if the conduct causes a substantial disruption to the educational environment
- Engage in bullying, cyberbullying, harassment, or making hit lists. (See glossary for all four terms)
- Cause an individual to act through the use of or threat of force (coercion).
- Commit extortion or blackmail (obtaining money or an object of value from an unwilling person).
- Engage in conduct that constitutes sexual or gender based harassment or sexual abuse whether by word, gesture or any other conduct directed toward another person including a district student, employee, board member or volunteer.
- Engage in conduct that constitutes dating violence. (See glossary.)
- Engage in inappropriate or indecent exposure of private body parts.
- Engage in inappropriate verbal, physical or sexual conduct directed toward another person including a district student, employee or volunteer.

- Record the voice or image of another without the prior consent of the individuals being recorded or in any way that disrupts the educational environment or invades the privacy of others.
- Release or threaten to release intimate visual material of a minor or a student who is 18 years of age or older without the student's consent.

## POSSESSION OF PROHIBITED ITEMS

Students shall not possess or use:

- fireworks of any kind, smoke or stink bombs, or any other pyrotechnic device;
- a razor, box cutter, chain, or any other object used in a way that threatens or inflicts bodily injury to another person;
- a "look-alike" weapon that is intended to be used as a weapon or could reasonably be perceived as a weapon;
- an air gun or BB gun;
- ammunition;
- A location-restricted knife
- A hand instrument designed to cut or stab another by being thrown;
- A firearm
- a stun gun;
- mace or pepper spray;
- pornographic material;
- Hemp and low-THC tetrahydrocannabinols CBD products (oil, lotion, gel or pills)
- tobacco products, cigarettes; e- cigarettes; and any component,
- Electronic cigarettes(see definition), electronic vaping devices, personal vaporizers, electronic nicotine delivery systems, including Juul and Juul pods, or vials of liquid or other types of material for use in such devices.
- part, or accessory for an e- cigarette device;
- matches or a lighter;
- a laser pointer for other than an approved use; or
- any articles not generally considered to be weapons, including school supplies, when the principal or designee determines that a danger exists.
- Switchblade
- A firearm silencer or suppressor;

For weapons and firearms, see DAEP Placement and Expulsion. In most circumstances, possession of these items is punishable by mandatory expulsion under federal or state law.

## POSSESSION OF TELECOMMUNICATIONS DEVICES

Students shall not use a telecommunications device, including a cellular telephone, or other electronic device in violation of district and campus rules.

## ILLEGAL, PRESCRIPTION AND OVER THE COUNTER DRUGS

Students shall not: Possess or sell seeds or pieces of marijuana in less than a usable amount. (For illegal drugs, alcohol, and inhalants see DAEP Placement and Expulsion)

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

## MISUSE OF TECHNOLOGY AND RESOURCES AND THE INTERNET

Students shall not:

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

## SAFETY TRANSGRESSIONS

Students shall not:

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

## MISCELLANEOUS OFFENSES

Students shall not:

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

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

## BUS TRANSPORTATION DISCIPLINARY ACTION AND CONSEQUENCES

- Disciplinary sanctions and changes in transportation for a student with a disability will be made in accordance with provisions in the student's Individual Education Plan.
- Discipline will be the responsibility of the Campus Principal, Transportation Supervisor and Director of Transportation. CISD Police Officers will monitor bus discipline under the supervision of Director of Transportation.
- The following procedures will be followed when a discipline concern arises on a bus



serving a regular route or extracurricular activity:

1. The driver will attempt to correct the misbehavior of the passenger(s).
2. The bus driver will complete a bus conduct report.
3. In severe situations (fighting, etc.), which prevent the driver from continuing safely, Transportation or Security Staff may remove the student(s) immediately.

#### FIRST OFFENSE

Student will have a conference with the principal and a warning letter sent to parent or guardian stating that the next offense results in a three (3) day suspension from bus riding privileges.

#### SECOND OFFENSE

A written notice is sent to the parent or guardian stating that the student is suspended from bus riding privileges for three (3) days. The next offense will result in a suspension from bus riding privileges, until the student, and parent or guardian attends a School Bus Behavior Management Class. Attendance at this class and a behavior contract signed by the student, parent or guardian and CISD official will allow the renewal of bus riding privileges.

#### THIRD OFFENSE

This offense will result in a suspension that requires the student and parent or guardian to a School Bus Behavior Management Class. The class will be held on the 2nd Saturday of each month from 9:00 A.M. to 11:00 A.M. The class will review and discuss bus discipline policies, violations, recommend options for renewing bus riding privileges and preview videos on bus safety and related topics. Successful completion of the class by student and parent or guardian, plus the completion and signing of a Student Behavior Conduct Contract, will result in restoring bus-riding privileges.

#### FOURTH OFFENSE

This offense will result in suspension from bus riding privileges for the semester. The parent or guardian shall be notified prior to the effective time of suspension. Any student suspended during the fall semester that commits another offense during the spring semester will be automatically suspended from bus riding privileges for the remainder of the school year.

#### SEVERE CLAUSE

Campus Principal, Transportation Staff or Security Staff will immediately remove from the bus, any student(s) committing severe disruptions on the bus. Severe disruptions will result in immediate suspension from bus riding privileges. The Superintendent, Director of Transportation or their designee is authorized to take appropriate action, including suspension of the student from transportation services for the remainder of the year.

## REMOVAL FROM THE SCHOOL BUS

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

Since the District's primary responsibility in transporting students in district vehicles is to do so as safely as possible, the operator of the vehicle must focus on driving and not have his or her attention distracted by student misbehavior. Therefore, when appropriate disciplinary management techniques fail to improve student behavior or when specific misconduct warrants immediate removal, the principal or campus behavior coordinator may restrict or revoke a student's transportation privileges, in accordance with law.

## NOTIFICATION OF DISCIPLINE

The campus behavior coordinator will 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 JJAEP, or expulsion. The campus behavior coordinator shall also notify a student's parent if the student is taken into custody by a law enforcement officer under the disciplinary provisions of the Education Code. A good faith effort shall be made on the day the action was taken to provide to the student for delivery to the student's parent written notification of the disciplinary action. 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 campus behavior coordinator shall send written notification by U.S. Mail. If the campus behavior coordinator is not able to provide notice to the parent, the principal shall provide the notice.

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

## REMOVAL FROM THE REGULAR EDUCATIONAL SETTING

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

## FORMAL REVIEW

A teacher **may** also initiate a formal removal from class if:

1. The student's behavior has been documented by the teacher as repeatedly interfering with the teacher's ability to teach his or her class or with the student's classmates' ability to learn; or
2. The behavior is so unruly, disruptive, or abusive that the teacher cannot teach and the students in the classroom cannot learn.

Within three school days of the formal removal, the campus behavior coordinator or the

appropriate administrator will schedule a conference with the student's parent; the student; the teacher, in the case of removal by a teacher; and any other administrator.

At the conference, the campus behavior coordinator or appropriate administrator will inform the student of the misconduct for which he or she is charged and the consequences. The administrator will give the student an opportunity to give his or her version of the incident.

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

Another appropriate classroom

- In-school suspension
- Out-of-school suspension
- DAEP

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

#### RETURNING STUDENT TO CLASSROOM AFTER REMOVAL

When a student has been formally removed from class by a teacher for conduct against the teacher containing the elements of assault, aggravated assault, sexual assault, aggravated sexual assault, murder, capital murder, or criminal attempt to commit murder or capital murder, the student may not be returned to the teacher's class without the teacher's consent.

When a student has been formally removed by a teacher for any other conduct, the student 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.

#### REPORTING CRIMES

School administrators 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

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

- A. **Primary Duties:** The primary duties of District Police Officers shall be to perform law enforcement functions for the District that aid in protecting the safety and welfare of any person engaged in the educational process within the police officer's jurisdiction and in protecting the property, real and personal, of the District. In performance of these primary duties, police officers shall first attend to protecting persons and assets on school –owned property, and second, shall attend to protecting students, school personnel, and District personal property (assets) off District property but within the jurisdiction (school District boundaries) of the police officers.
  
- B. **Secondary Duties:** Code of Criminal Procedure Articles 2.13 and 14.03 shall guide secondary duties of District police officers, involving non-school related incidents. Article 14.03 specifies offenses committed in the presence of a police officer. Intervention into other non-school-related cases shall be handled on an emergency basis and shall be concluded within a reasonable time. The District police officer shall notify the agency with primary jurisdiction and will release the responsibility of the case to that agency. The intent of the transfer of jurisdiction is to enable more effective protection of persons engaged in the educational process, not to provide regular police service to communities.
  
- C. **Specific Duties:**
  - 1) To enforce the statutes of the State of Texas within jurisdictional limits as conferred by law to arrest and charge the violators thereof,
  - 2) To take charge of all prisoners delivered to the Chief of Police by order of any court.
  - 3) To deliver any persons who may be confined upon conviction of a crime committed under the jurisdiction of the court to any school based program authorized by the Superintendent of schools or the Board of Trustees.
  - 4) To render such account of the CISD Police Department, its duties, and receipts as may be required by the Superintendent and keep records of the office, except those exempted by law, open to inspection by the Superintendent at any time.
  - 5) To direct traffic and ensure the orderly flow thereof and investigate and make reports on traffic accidents within the jurisdiction of the District.
  - 6) To perform such additional duties as may be required by the Board of Trustees.

## ROUTINE REFERRAL

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

### **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.

## STUDENTS WITH DISABILITIES

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

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

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

## SUSPENSION

### MISCONDUCT LEADING TO SUSPENSION

Students may be suspended for any behavior listed in the Code as a general conduct violation, DAEP offense, or expellable offense.

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

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

- Conduct that contains the elements of a weapon offense, as provided in Penal Code Section 46.02 or 46.05;
- Conduct that contains the elements of assault, sexual assault, aggravated assault, or aggravated sexual assault, as provided by the Penal Code; 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.

## SUSPENSION PROCESS

State law allows a student to be suspended for no more than three school days per behavior violation, with no limit on the number of times a student may be suspended in a semester or school year.

Before being suspended a student will have an informal conference with the campus behavior coordinator or the appropriate administrator, who shall advise the student of the alleged misconduct of which he or she is accused. The student shall have the opportunity to explain his or her version of the incident before the administrator's decision is made.

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

In deciding whether to order out-of-school suspension, the campus behavior coordinator shall take into consideration:

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

## COURSEWORK DURING SUSPENSION

The district shall ensure a student receives access to coursework for foundation curriculum coursed while the student is placed in in-school suspension, or out of school suspension, including at least one method of receiving this coursework that doesn't require the use of the internet.

A student removed from the regular classroom to in-school suspension or another setting, other than a DAEP, will have an opportunity to complete before the beginning of the next school year each course the student was enrolled in at the time of removal from the regular classroom. 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.

## GLOSSARY

The glossary provides legal definitions and locally established definitions and is intended to assist in understanding terms related to the Student Code of Conduct

**Abuse** is improper or excessive use.

**Aggravated robbery** is defined in part by Texas Penal Code 29.039a) 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 65 years of age or older, or a disabled person.

**Armor-piercing ammunition** is handgun ammunition used in pistols and revolvers and designed primarily for the purpose of penetrating metal or body armor.

**Arson** is a crime that involves starting a fire or causing an explosion with intent to destroy or damage:

4. Any vegetation, fence, or structure on open-space land; or
5. Any building, habitation, or vehicle:
  - a. Knowing that it is within the limits of an incorporated city or town,
  - b. Knowing that it is insured against damage or destruction,
  - c. Knowing that it is subject to a mortgage or other security interest,
  - d. Knowing that it is located on property belonging to another,
  - e. Knowing that it has located within it property belonging to another, or
  - f. When the person starting the fire is reckless about whether the burning or explosion will endanger the life of some individual or the safety of the property of another.

**Assault** is defined in part by Texas 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 .

**Breach of Computer Security** includes knowingly accessing a computer, computer network, or computer system without the effective consent of the owner as defined in Texas

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, engages 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 a device designed, made, or adapted for the purpose of causing an adverse psychological or physiological effect on a human being. A small chemical dispenser sold commercially for personal protection is not in this category.

**Club** is 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.

**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.



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

**Cyberbullying** is the use of any electronic communication device including through the use of a cellular or other type of telephone. A computer, a camera, electronic mail, instant messaging, text messaging, a social media application, an Internet website, or any other Internet-based communication tool.

**Dangerous drug** is defined by Health and Safety Code 483.001 as a device or a drug that is unsafe for self-medication and that is not included in Schedules I through V or Penalty Groups 1 through 4 of the Texas Controlled Substance Act. The term includes a device or drug that federal law prohibits dispensing without prescription or restricts to use by or on the order of a licensed veterinarian.

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

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

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

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

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

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

**E-cigarette** means an electronic cigarette or any other device that simulates smoking by using a mechanical heating element, battery, or electronic circuit to deliver nicotine or other substances to the individual inhaling from the device or a consumable liquid solution or other material

aerosolized or vaporized during the use of an electronic cigarette or other device described by this provision. The term includes any device that is manufactured, distributed, or sold as an e-cigarette, e-cigar, or e-pipe or under another product name or description and a component, part or accessory for the device, regardless of whether the component, part or accessory is sold separately from the device.

**Explosive weapon** is any explosive or incendiary bomb, grenade, rocket, or mine and its delivery mechanism that is designed, made, or adapted for the purpose of inflicting serious bodily injury, death, or substantial property damage, or for the principal purpose of causing such a loud report as to cause undue public alarm or terror.

**False Alarm or Report under Pena Code 42.63** occurs when a person knowingly initiates, communicates, or circulates a report of a present, past, or future bombing, fire, offense, or other emergency that he or she knows is false or baseless and that would ordinarily:

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

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

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

**Graffiti** includes markings with aerosol paint or an indelible pen or marker 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(5) 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); or

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.

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

**Hazing** is 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 a list of people targeted to be harmed, using a firearm, a knife, or any other object to be used with intent to cause bodily harm.

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

**Indecent exposure** defined by Texas Penal Code 231.08 as an offense that occurs when a person exposed his or her anus or any part of his or her genitals with intent to arouse or gratify the sexual desire of any person and is reckless about whether another is present who will be offended or alarmed by the act.

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

**Location-restricted knife** is defined by Texas Penal Code 46.01 (6) as a knife with a blade over five and one-half inches.

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

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

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

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

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

**Prohibited weapon** under Texas Penal Code 46.05 (a) means

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;
- c. short-barrel firearm d
- Knuckles;
- e. Armor-piercing ammunition;
- f. A chemical dispensing device;
- g. A zip gun; or
- h. A tire deflation device; or
- i. An improvised explosive device

**Possession** means to have an item on one's person or in one's personal property, including but not limited to clothing, purse, or backpack; 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; or any other school property used by the student, including but not limited to a locker or desk.

**Public Lewdness** is defined by Texas 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 accepted from this definition.

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

**School** any setting that is under the district's control or supervision for the purpose of a school 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 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 Section 21.07, Penal Code;
  - b. Indecent exposure under Section 21.08, Penal Code;
  - c. Criminal mischief under Section 28.03, Penal Code;
  - d. Personal hazing under Section 37.152; or
  - e. Harassment under Section 42.07 (a)(1), Penal Code, of a student or district employee.

**Serious or persistent misbehavior** includes but is not limited to:

- Behavior that is grounds for permissible expulsion or mandatory DAEP placement.
- Behavior identified by the district as grounds for discretionary DAEP placement.
- Actions or demonstrations that substantially disrupt or materially interfere with school activities.
- Refusal to attempt or complete school work as assigned.
- Insubordination.
- Profanity, vulgar language, or obscene gestures.
- Leaving school grounds without permission.

- Falsification of records, passes, or other school-related documents.
- Refusal to accept discipline assigned by the teacher or principal.

**Short-barrel firearm** is a rifle with a barrel length of less than 16 inches or a shotgun with a barrel length of less than 18 inches, or any weapon made from a rifle or shotgun that, as altered, has an overall length of less than 26 inches.

**Switchblade** is any knife with a blade that folds, closes, or retracts into the handle or sheath and that opens automatically by pressing a button or by the force of gravity or centrifugal force.

**Terroristic threat** is 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).

**Title 5 felonies** are those crimes listed in Title 5 of the Texas Penal Code that involve injury to a person and may include murder; manslaughter, or homicide kidnapping; trafficking of persons; smuggling or continuous smuggling of persons; sexual assault; aggravated assault; aggravated sexual assault; unlawful restraint; voyeurism; continuous sexual abuse of a young child or disabled individual, bestiality, improper relationship between educator and student, sexual coercion, coercing, soliciting, or inducing gang membership if it causes bodily injury to a child; indecency with a child; invasive visual recording; disclosure or promotion of intimate visual material; injury to a child, an elderly person, or a disabled person of any age; abandoning or endangering a child; deadly conduct; terroristic threat; aiding a person to commit suicide; and tampering with a consumer product. [See FOC (EXHIBIT)]

**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 a device or combination of devices, not originally a firearm, but adapted to expel a projectile through a smooth-bore or rifled-bore barrel by using the energy generated by an explosion or burning substance.