

STUDENT CODE OF CONDUCT

The District is proud of all students and recognizes that continued cooperation is essential to the District educational mission and to provide our students a safe, supportive and positive learning environment. The Student Code of Conduct (Code) partners with the District-wide implementation of Positive Behavior Interventions & Supports (PBIS) to foster student academic and behavioral success. United ISD operates using PBIS as its model for promoting a positive learning culture for students. PBIS is a school wide behavior system designed to support school rules and policies in a consistent positive manner. 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 schools shall strive to provide for the basic welfare, educational opportunity, and safety of all students. Student conduct in the schools shall be supervised in an attempt to provide for reasonable order, courtesy and the recognition of student rights and responsibilities. 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 education program (JJAEP), or expulsion from school. School authorities shall give clear guidance to staff members concerning discipline procedures, teacher authority, and limitations as to personal actions.

The Student Code of Conduct has been adopted by the United Independent School District Board of Trustees (Board) and developed with the advice of the District-level committee which includes campus administrators, parents and students. The Student Code of Conduct provides information to parents and students regarding standards of conduct, consequences of misconduct, and procedures for administering discipline. It will provide guidance to both the District and its students in their joint endeavor to achieve a meaningful and successful educational experience. Throughout the Student Code of Conduct and discipline policies, the term “parents” includes parent, legal guardian, or other person having lawful control of the child. 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 Student Code of Conduct and the student handbook, the Student Code of Conduct shall prevail.

All students enrolled in United ISD, regardless of age or grade level, shall abide by this Student Code of Conduct. United ISD adheres to a zero tolerance policy for drugs and weapons. **If you find any item, that is not yours in your belongings or if someone asks you to hold a prohibited item, say no and report it immediately to a teacher, administrator, police, or security officer. Students are also discouraged from possessing or consuming beverages, food, or any item belonging to another student.**

SECTION I -- GENERAL

School District Authority and Jurisdiction:

Campus Behavior Coordinator: United ISD is a District of Innovation and is exempt from TEC Section 37.0012.

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. While students are going to and from school;
3. While the student is in attendance at any school-related activity (including a virtual learning environment), regardless of time or location;
4. During a school or District closure required by state, federal, or local action that has caused the District to modify instruction to a virtual learning environment and when the student is participating or was scheduled to participate in said virtual learning environment;
5. During lunch in which a student is allowed to leave campus;
6. For any school-related misconduct, regardless of time or location;
7. When retaliation against a school employee, Board member, or volunteer occurs or is threatened, regardless of time or location;
8. When criminal mischief is committed on or off school property or at a school-related event;
9. For certain offenses committed within 300 feet of school property as measured from any point on the school's real property boundary line;
10. For certain offenses committed while on school property or while attending a school-sponsored or school-related activity of another school district in Texas;
11. When a student engages in certain criminal conduct described by the Texas Education Code;
12. When the student commits a felony, as provided by Texas Education Code Sections 37.006 or 37.0081;
13. When a student engages in cyberbullying, as provided by Texas Education Code 37.0832; and
14. When the student is required to register as a sex offender.

Students shall comply with the Student Code of Conduct at all times while they are under the jurisdiction of the District.

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

Unauthorized Persons: In accordance with Texas Education Code 37.105, a school administrator, school 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 a verbal warning that the behavior is inappropriate and may result in refusal of entry or ejection. Appeals regarding refusal of entry from District property may be filed in accordance with FNG (Local) or GF (Local), as appropriate.

School Facilities: Certain areas of the school will be accessible to students before and after school for specific purposes. Students are required to remain in the area where their activity is scheduled to take place. After dismissal of school in the afternoon, and unless involved in an activity under the supervision of a teacher, students must leave campus immediately.

Student Parking and Parking Areas: The student parking lot is off limits immediately following arrival to school and during the school day. A student must have administrative approval to visit the parking areas during the school day. Teachers are not allowed to issue passes to parking areas. This rule applies equally to bicycles, motorcycles, and any other type of privately owned vehicle. Students are not to loiter in the parking lots upon arrival. Electric motorized recreational vehicles, go-carts, mopeds, scooters, hover board (i.e. segway), etc. are strictly prohibited on District property.

Conduct Before and After School: Teachers and administrators have full authority over student conduct before, during, and after school, or activities on District premises and at school-sponsored events off District premises, such as play rehearsal, club meetings, athletic practice, and special study groups or tutorials. Students are subject to the same rules of conduct that apply during the instructional day and will be subject to consequences established by the Student Code of Conduct or any stricter extracurricular code of conduct established by the sponsor in accordance with Board policy. Violations of the extracurricular standards of behavior that are also violations of the Student Code of Conduct may result in additional disciplinary actions.

Certain areas of the school will be accessible to students before and after school for specific purposes. Students are required to remain in the area where their activity is scheduled to take place. Unless the teacher or sponsor overseeing an activity gives permission, a student shall not be permitted, or go to another area of the building or campus. After dismissal of school in the afternoon, unless a student is involved in activity under the supervision of a teacher or other authorized employee or adult, or unless students are granted permission to remain on campus, students must leave campus immediately.

Between Classes: Loitering or standing in the halls between classes is not permitted. During class time, a student must have a hall pass to be outside the classroom for any purpose. Failure to obtain a pass will result in disciplinary action.

Report Crime in Your School: Students, parents and community members may report illegal activities or violations of the Student Code of Conduct to **UISD Police at (956)473-6361** or **Campus Crime Stoppers at 727-TIPS (8477)**. The school administrators will report crimes as required by law and will call local law enforcement when an administrator suspects that a crime has been committed on campus.

Alert! If you “find” or “see” a weapon or “drugs” DO NOT PICK “IT” UP! You should make a report immediately to a teacher, administrator, security guard or police officer! Students are encouraged to self-report the fact that he or she has a prohibited item on school campus, and in such a situation, campus administration may take into consideration the context and nature of the self-reporting when determining intent or lack of intent at the time the student engaged in the conduct.

Posting and Distribution of Student Code of Conduct: At the beginning of the school year and throughout the school year as necessary, the Student Code of Conduct shall be: 1. Posted and prominently displayed at each campus or made available for review in the principal’s office; and 2. Made available at the District’s website at www.uisd.net, and/or as hard copy to students, parents, teachers, administrator and to others on request. Once the Student Code of Conduct is promulgated, any subsequent changes or amendments must be approved by the UISD Board of Trustees and made available promptly to students, parents, teachers, and others. Each school year, a paper copy of the handbook will be available to parents in the administrative office of your child’s school or it can be electronically accessed at www.uisd.net. Each student, teacher, and parent annually shall sign a statement that they have been offered the option to obtain a paper copy of the United ISD Student Code of Conduct, Technology Use Guide, Bus Rider’s Handbook, and Student Handbook, or to electronically access it at www.uisd.net. Please visit your child’s school to obtain the most recent paper copy of the Student Code of Conduct. Failure to read and sign the Student Code of Conduct does not excuse the student from any consequences if they are in violation of the Student Code of Conduct.

Lost, Damaged, or Stolen Personal Items: Students are responsible for their own personal belongings while on campus or at a school-related or school-sponsored event. Students should be discouraged from bringing or wearing expensive clothing (i.e., winter coats), sunglasses, or jewelry/watches to school. UISD is not responsible for personal items that are lost, damaged, or stolen.

Corporal Punishment: The Board prohibits the use of corporal punishment in the District. Students shall not be spanked, paddled, or otherwise physically discipline for violations of the Student Code of Conduct by an employee, parent and/or legal guardian, or patron of the District while on District property or at a school sponsored event.

Applicability of School Rules and Discipline: To achieve the best possible learning environment for all of our students, UISD rules and discipline will 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.

As required by law, the District has developed and adopted a Student Code of Conduct that prohibits certain behaviors and establishes standards of acceptable behavior—both on and off campus—and consequences for violation of the standards. Students need to be familiar with the standards set out in the Student Code of Conduct, as well as campus and classroom rules. During any periods of instruction during the summer months, the Student Code of Conduct and Handbook in place for the year immediately preceding, the summer period shall apply, unless the District amends either or both documents for the purposes of summer instruction. It remains in effect during summer school and at all school-related events and activities outside the school year until an updated version adopted by the board becomes effective for the next school year.

Manners and Civility: At all times on District property and at school-sponsored or related events outside of District property, and while coming to and from school, students shall exhibit good manners and civility demanded of a civilized nation. Failure to act accordingly may subject a student to penalty.

Rights and Responsibilities of Students: 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 rights 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 and in compliance with rules established for the orderly conduct of the District's educational mission. The District's rules of conduct and discipline are established to achieve and maintain order in the school. These rules apply regardless of whether a student commits an offense on his/her home campus, on another UISD campus, or away from any UISD campus while at a school-related function. 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.

Standards for Student Conduct: Each student is responsible for achieving a positive learning environment at school or school-related activities in order for students to take advantage of available learning opportunities and to be productive members of our campus community. Students are expected to:

1. Develop good habits, such as <ul style="list-style-type: none"> • attending school daily. • arriving to classes punctually. • working well independently. • using appropriate language. • maintaining good health habits. 2. Assume responsibility for their actions by <ul style="list-style-type: none"> • keeping their parents informed of school activities, of credits earned and required, of supplies needed, and of communications sent home. • being self-disciplined. • making their own decisions despite peer pressure. • accepting the consequences for their behavior including penalties for inappropriate behavior. • using time wisely. • completing work on time. • having good study habits. • practicing neatness. • doing all assigned work. *Supervising backpacks and/or personal belongings at all times. *Paying required fees and fines, unless these are waived. 3. Maintain a positive attitude by <ul style="list-style-type: none"> • being proud of personal accomplishments. • being trustworthy. • having academic integrity. 4. Respect the rights of others by <ul style="list-style-type: none"> • allowing others to concentrate on their work. • allowing others to assume responsibility for their own actions. • learning to resolve differences in appropriate ways. • realizing that their behavior will directly affect others. • respecting others' property including District property and facilities. 5. Treat others with respect by <ul style="list-style-type: none"> • working and interacting well with others. • being courteous. • being polite and helpful. • caring for others. • displaying affection appropriately. • appreciating others' accomplishments. 	6. Treat teachers and school staff with respect by <ul style="list-style-type: none"> • being cooperative. • being attentive. • listening to teachers. • being polite. 7. Respect the authority of teachers and other school staff by <ul style="list-style-type: none"> • listening to them. • following their directions. • questioning the classroom teacher appropriately. • seeking changes in school rules and policies in an appropriate and responsible manner through approved channels. 8. Obey all school and classroom rules and procedures, such as <ul style="list-style-type: none"> • being in the appropriate seat and ready when the bell rings. • being prepared for each class with appropriate materials and assignments. 9. Participate in assigned academic activities, such as <ul style="list-style-type: none"> • attending all classes. • bringing supplies as required for classroom work. • talking when it is appropriate. • following instructions. • doing all assignments. 10. Assume responsibility for maintaining the learning environment, such as <ul style="list-style-type: none"> • coming to school well groomed and dressed appropriately. • walking quietly in the school hallways. • staying in the classroom seat as required. • Take care of District equipment in school and/or at home. 11. Take care of the school, such as <ul style="list-style-type: none"> • helping keep it clean. • keeping it free from destruction. • cooperating with school staff on vandalism cases. • cooperating with and assist school staff in maintaining safety, order, and discipline. • helping keep the school a safe place to be. • Cooperating with staff in investigation of disciplinary cases, and volunteering information within the student's knowledge relating to an offense.
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The District may impose campus or classroom rules in addition to those found in the Student Code of Conduct. These rules may be listed in the Student Handbook or posted in classrooms, and violations of such rules may or may not constitute violations of the Student Code of Conduct.

Parent and/or Guardian Responsibility: Parents have the responsibility to:

1. Ensure that their child complies with District and school policies, rules and regulations.
2. Assist their child to attend school well-groomed and dressed appropriately.
3. Communicate regularly with the school concerning their child's academic progress and conduct.
4. Provide for the physical needs of the child.
5. Participate in parent-teacher conferences and other activities in which their child is involved.
6. Cooperate with and support teachers and school administrators in their efforts to achieve and maintain a quality school system.

7. Discuss report cards and classroom assignments with their child.
8. Inform the school of any problems or conditions in the home, which affect their child.
9. Provide a work area free of interruption where their child may study and do homework.
10. Maintain up-to-date home, work, and emergency telephone numbers at the school.
11. Prepare the child emotionally and socially to be receptive to learning and discipline.
12. Encourage the child to develop proper study habits at home.
13. Send their child to school regularly and on time.
14. Teach their child to respect authority.
15. Insist that the child spend a minimum period of time studying/reading each day.
16. Assist the child to assume responsibility for appropriate behavior and to accept the consequences of inappropriate behavior.
17. Cooperate with the school in assisting their child to grow into a self-disciplined, mature, and responsible individual.

SECTION II – STANDARDIZED DRESS: Pre-K³ through 8th Grade

The District's standardized dress code is established to teach grooming and hygiene, instill discipline, prevent disruption, avoid safety hazards, and teach respect for authority. Students shall be dressed and groomed in a manner that is clean and neat and that will not be a health or safety hazard to themselves or others. The District prohibits any clothing or grooming that in the principal's or other administrator's judgment may reasonably be expected to cause disruption of or interference with normal school operations.

The student and parent may determine the student's personal dress and grooming standards, provided that they comply with the general guidelines set out above and with the student standardized dress code outlined in the Student Code of Conduct and Student Handbook.

In an effort to improve student learning and to facilitate a safe learning environment, the District shall mandate student standardized dress for students in prekindergarten–grade 8. Student standardized dress shall ensure that campuses are able to easily identify their students to better secure the campus.

Effective the 2022-2023 school year, the District requires all prekindergarten ³-grade 8 students to wear a school standardized dress that complies with the Student Code of Conduct. All clothing must adhere to the standards set out below. All garments must be in an approved color as per the guidelines established in this policy. Students shall wear the approved school standardized dress unless the parent/guardian has filed and been granted an exemption in accordance FNCA (LEGAL) / (LOCAL).

Standardized dress is defined in this policy as one or more specific kinds of articles of clothing commonly available at a variety of retail outlets that are required to be worn by prekindergarten-grade 8 during normal school hours.

Standardized Dress Code (Pre-K³ – 8) specifications are as follows and must also comply with the section below entitled "Dress Code Guidelines (All Students PK³-12)".

1. **TOPS:** Approved colors are solid white, black, or navy blue. The approved styles are long or short-sleeved blouses, shirts or dresses with collars (polo style or button style). Turtlenecks shall be allowed. All tops must comply with the section "Dress Code Guidelines (All Students PK³-12)".
2. **BOTTOMS:** Approved colors are solid khaki, navy blue, and black. Approved styles are trousers, shorts, skirts, jeggings, joggers, skorts, capris, skinny pants, cargos, carpenter, velour, sweatpants, and jumpers. **Jeggings** have elasticity and resemble pants with stitching, fake pockets and fake fly front. Leggings are stretchy skin-tight bottoms, resembling thicker tights and are typically used for athletic activities, e.g., yoga pants. **Leggings are prohibited for Middle & High School students. Leggings are allowed for Elementary students.** Administrators shall have discretion to determine if a bottom classifies as a "legging" or "jegging." Elementary and Middle School students are allowed to wear denim/jean pants on Fridays. All bottoms must comply with the section entitled "Dress Code Guidelines (All Students PK³-12)". Tights shall be allowed under attire that meets standardized dress specifications. Tights shall only be solid navy, black, or white. No embellishments shall be allowed.
3. **OUTERWEAR:** All outwear (i.e. sweaters, jackets, coats, sweatshirts, V-neck cardigans, crew-neck, vests, and letterman jackets) must be worn over an approved standardized dress, shirt/blouse (polo style or button style) and comply with the section "Dress Code Guidelines (All Students PK³-12)".

High School Student Dress Code below AND must also comply with the section "Dress Code Guidelines (All Students PK³-12)".

1. **TOPS:** Shirts, dresses, and blouses (including undershirts) may be any color, pattern, or material with sleeves. All tops must cover the midriff and comply with the "Dress Code Guidelines (All Students PK³-12)".
2. **BOTTOMS:** Trousers, shorts, skirts, joggers, skorts, capris, skinny style pants, cargo, carpenter, jeggings, velour, sweatpants, and jumpers – any material, color, or pattern. **Jeggings** have elasticity and resemble pants with stitching, fake pockets and fake fly front. Leggings are stretchy skin-tight bottoms, resembling thicker tights and are typically used for athletic activities, e.g., yoga pants. **Leggings are prohibited for Middle & High School students. Leggings are allowed for Elementary students.** Administrators shall have the discretion to determine if a bottom classifies as a "legging" or "jegging." All clothing/attire/garments/accessories must comply with the "Dress Code Guidelines (All Students PK³-12)".
3. **OUTERWEAR:** Any color, pattern, or material (i.e. sweaters, jackets, coats, sweatshirts, V-neck, cardigans, crew-neck, vests, and letterman jackets) comply with the "Dress Code Guidelines (All Students PK³-12)".

DRESS CODE GUIDELINES (ALL STUDENTS PK3-12): All students must conform to the dress code guidelines.

1. **TOPS:** All shirts and blouses must have sleeves and must cover the midriff. Any clothes that are suggestive or indecent, or which cause distraction, are prohibited including, tank/cami tops, muscle shirts, halter-tops, tube tops, spaghetti straps, exposed backs or midriffs, and any sheer garments.
2. **BOTTOMS:** All bottoms must be fully zippered up and button closed if equipped with zippers or buttons. Attire must fit at the waist and must not sag. Oversized, baggie, loose-fitting or wide-leg styled pants, overalls and pajama pants shall not be worn to school. A garment may be no shorter than 3 inches above the knee. A slit can be no more than 3 inches above the knee. A skirt with a slit cannot be 3 inches above the knee AND have a 3-inch slit. **Jeggings** have elasticity and resemble pants with stitching, fake pockets and fake fly front. Leggings are stretchy skin-tight bottoms, resembling thicker tights and are typically used for athletic activities, e.g., yoga pants. **Leggings are prohibited for Middle & High School students. Leggings are allowed for Elementary students.** Administrators shall have discretion to determine if a bottom classifies as a “legging” or “jegging.”
3. **OUTERWEAR:** Any color/pattern/material as long as outerwear (i.e. sweaters, jackets, coats, sweatshirts, V-neck, cardigans, crew-neck, vests, and letterman jackets) is worn over an approved dress, blouse, spirit shirt, or turtleneck top. Outerwear must comply with the additional “Dress Code Guidelines (All Students PK3-12)”. Students shall not be allowed to wear any type of hood including a hood attached to a sweatshirt inside the school building. For purposes of maintaining school safety, long coats extending below mid-thigh, including but not limited to trench coats, shall not be permitted. Heavy, full-length outwears, such as “dusters and trench coats,” are prohibited. Any outerwear garment shall be appropriately sized at the shoulders, sleeves, and length. Shirts, blouses, and tops are not considered outerwear garments and cannot be worn over approved standardized dresses, shirts or blouses.
4. **FOOTWEAR:** Footwear is mandatory. Students are required to wear shoes with soles. Students are prohibited from wearing house/pajama slippers, steel-toed boots/shoes, stilettos, and skate shoes (shoes with wheels). Shoes which may pose a hazard/safety concern (for PE or stairways, etc.) may be prohibited by the campus (i.e. athletic slides, flip flops, open-toe/open-heel, crocs, etc.).
5. **SPIRIT SHIRT:** Students in all grade levels shall be permitted to wear school spirit/club/organization shirt (with or without a collar) with their designated school name/mascot any day of the week provided the shirt correspond to the school the student attends. The spirit shirt (with or without a collar) must have sleeves. Students must also conform to “Dress Code Guidelines (All Students PK3-12)”.
6. The District prohibits pictures, emblems, or writings on clothing that are lewd, offensive, vulgar, or obscene, advertise or depict tobacco products, politics, weapons/ammunition, alcoholic beverages, drugs, or any other substance prohibited under FNCF (LEGAL).
7. Indecent/inappropriate patches, writings, or drawings on clothing, purses, bag, backpacks, personal belongings, or on the body are prohibited. Clothing and accessories with inappropriate advertising or statements that are lewd, offensive, vulgar, obscene, or defamatory (i.e., alcoholic beverages, sex, tobacco, politics, drugs, gangs, weapons/ammunition, etc.) are also prohibited.
8. Students shall cover private areas of the body by wearing appropriate undergarments. Undergarments should not be visible.
9. No torn or ripped clothing of any kind is allowed.
10. No head gear (i.e. hats, caps, skullcaps, scarves, bandanas) of any kind are to be worn or brought to school unless approved by the school principal for a special occasion, program, or unless there is a medical or religious justification.
11. No sunglasses are to be worn in the building.
12. Dangling chains will not be permitted. This includes chains attached to wallets, purses, footwear and backpacks.
13. Body piercing jewelry/accessories is prohibited. Ear piercing is acceptable. Mouth grills are not allowed.
14. All exposed/visible tattoos shall be covered at all times.
15. The District prohibits gang-related attire, or attire that is determined by the school’s principal or designee to be gang-related or, in reasonable probability, would be considered as gang-related.
16. Belts are recommended but not required.

The principal or other administrator shall notify students and parents regarding the implementation of the standardized dress policy at least 90 days prior to the effective date.

The Superintendent shall maintain federal and local compensatory funds available for the clothing needs of educationally disadvantaged students who cannot afford to purchase the clothing that complies with the standardized dress requirements. Any funds donated for the purpose of purchasing clothing that complies with the standardized dress requirements shall be set aside and used only for that purpose.

A parent/guardian may request that his or her child be exempted from the standardized dress requirements by submitting a written statement on the philosophical or religious objections to the standardized dress requirement. The procedures are outlined in FNCA (LEGAL) / (LOCAL). All students must comply with the standardized dress requirement until such time as an exemption is granted. Exemptions shall expire at the end of each school year. All students including those for whom exemptions are granted must also conform to the other standardized dress code requirements listed in the Student Code of Conduct and Student Handbook. District or campus personnel shall not discriminate against any student who has been exempted from the mandatory use of standardized dress requirements.

If approved by the Superintendent or designee, the principal shall be authorized to allow all or part of the student body to vary from the standardized dress requirements and establish a particular mode of attire for special occasion days or for particular school-sponsored or school-related activities (maximum one designated day per week). In extenuating circumstances, this period may be extended at the discretion of the Superintendent or designee.

Students who are new to the District shall be excused from wearing a school standardized dress for a maximum of five school days to allow them to make arrangements in acquiring the standardized dress components. In extenuating circumstances, this period may be extended at the discretion of the Superintendent or designee.

If approved by the Superintendent or designee, the principal, in cooperation with the sponsor, coach, or other person in charge of an extracurricular activity, may regulate the dress and grooming of students who participate in the activity. Students who violate dress and grooming standards established for such an activity may be removed or excluded from the activity for a period determined by the principal or sponsor, and may be subject to other disciplinary action, as specified in the Student Code of Conduct. [See FO series]

These rules apply to all UISD campuses and facilities, and to any location off-campus where UISD students are receiving classroom instruction (i.e., official class field trips, internships, or other programs hosted at facilities other than UISD). The Disciplinary Alternative Education Program (i.e. STEP Academy) may establish additional dress code or standardized dress guidelines.

Standardized Dress Voucher Assistance: Standardized Dress Vouchers are available to qualifying families. For additional information and applications, call (956) 473-6349.

SECTION III--Managing Student Behavior and Consequences of Inappropriate Conduct

Questioning Students: Students are expected to cooperate with administrative staff in the investigation of all District matters and to volunteer information within the students' knowledge. Administrators, teachers, and other professional personnel have the right to question students regarding their conduct, or the conduct of others, and are not required to contact parents/guardians prior to interviewing students. Students may be requested to submit a written statement describing their knowledge of an incident.

Student Discipline Action Form: A teacher with knowledge that a student has violated the Student Code of Conduct shall submit to the school principal or other appropriate administrator an electronically written report **Student Discipline Action Form**, (also known as a "Referral"), not to exceed one page, documenting the violation. The principal or other administrator may employ alternative discipline management techniques, including progressive interventions. A student may be removed from class for a behavior that violates this Student Code of Conduct to maintain effective discipline in the classroom. The principal or appropriate administrator shall notify the parent/guardian by telephone, or other appropriate means, that a violation of the Student Code of Conduct has been committed by the student. If attempts to reach the parent by telephone are unsuccessful, the administrator shall provide the student with a copy of the "Referral" (Student Discipline Action Form) which will suffice for parent notification. The principal or other appropriate administrator shall, not later than 24 hours, if possible, after receipt of a report/"Referral" from a teacher, send a copy of the report/"Referral" to the student's parents or guardians. It is the student's responsibility to provide the parent/guardian with the copy of the "Referral".

Parental questions or complaints regarding disciplinary measures should be addressed to the teacher, campus administration as appropriate, and in accordance with policy FNG (LOCAL). A copy of the policy may be obtained from the principal's office, central administration office, or through www.uisd.net.

Notice to Parents: The campus administrator shall promptly notify a student's parent by phone or in person of any violation that may result in in-school or out-of-school suspension, placement in a DAEP, placement in a JJAEP, or expulsion. The campus administrator shall also notify a student's parent if the student is taken into custody by a law enforcement officer under the disciplinary provisions of the Education Code. A good faith effort shall be made on the day that action was taken to provide the student written notification of the disciplinary action for delivery by the student to his/her parent/guardian.

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

Before suspending a student, placing a student in a Disciplinary Alternative Education Program, and/or recommending a student's expulsion, the principal or designee shall conduct an informal hearing at which time:

1. The student is advised of the conduct with which he or she is charged; and
2. The student is given the opportunity to explain his or her version of the incident.

In the event that a school or District is closed due to a federal, state, or local closure and the District has transitioned to a virtual learning environment, all conferences and appeals related to student discipline shall take place via a virtual platform as to not deprive a student of any rights afforded by state or federal law.

Due Process Conference: After the District makes a good faith effort to inform the student and the student's parent/guardian of the time and place of the Due Process Conference, the District may hold the Due Process Conference, regardless of whether the student, the student's parent/guardian, or another adult representing the student attends. The final decision shall be communicated promptly to the student and parent/guardian.

Videotaping of Students: For safety purposes, video/audio equipment will be used to monitor student behavior at school activities/operations, District property, buses, by/on law enforcement vehicles/personnel and in common areas on campus and District. Students will not be told when the equipment is being used. The principal, law enforcement, other administrator, or appropriate District personnel may review the tapes routinely and document student misconduct. Discipline shall be imposed in accordance with the Student Code of Conduct.

Upon request of a parent of a student who receives special education services, a staff member, or a Board member, state law requires the District to place video and audio recording equipment in a classroom in which the student spends at least 50 percent of his or her instructional day, referred to by law as a self-contained classroom. The majority of students in this type of classroom must also be students who receive special education services. Before the District places a video camera in a classroom or other setting in which your child receives special education services, the District will provide notice to you. Please speak directly with the principal for further information or to request the installation and operation of this equipment.

A parent who wants to view a videotape of the incident leading to the discipline of his or her child may request access in writing. The Superintendent/designee shall consider the request and render a decision in accordance with Board Policy FL and the Family Education Rights and Privacy Act (FERPA) (20 USCA 1232g). School officials may then share video footage with a parent only if the video does not disclose personally identifiable information regarding another student.

Bullying and Harassment Violations: United ISD prohibits conduct that consists of bullying or harassment. In addition to the penalties and consequences set forth in this Student Code of Conduct, pursuant to state law, on the request of a parent or other person with authority to act on behalf of a student who is a victim of bullying, the Board of Trustees, or the Board's designee, may transfer a student who engaged in bullying to 1) another classroom at the campus to which the victim was assigned at the time the bullying occurred; or 2) a campus in the District other than the campus which the victim was assigned at the time the bullying occurred.

The Board of Trustees, or the Board's designee, shall verify that a student has been a victim of bullying before transferring the student under this section. A review of interventions, administrative remedies, as well as their outcome, will be taken in consideration before a transfer is made under this provision. Past student behavior may be considered when identifying a bully. The determination by the Board of Trustees, or the Board's designee, is final and may not be appealed. The District is not required to provide transportation to a student who transfers to another campus. There are no hearings and appeals for a transfer due to bullying behavior. Additional responsibilities or campus restrictions may be imposed upon a student who has engaged in bullying behavior or who is transferred to another campus due to bullying behavior.

Bullying (See Glossary) is a single significant act or a pattern of acts by one or more students directed at another student that exploits an imbalance of power and involves engaging in written or verbal expression, expression through electronic means, or physical conduct that:

- (1) Has the effect or will have the effect of physical 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.
- (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.

Bullying includes, but is not limited to, hazing, threats, taunting, teasing, confinement, assault, demands for money, destruction of property, theft of valued possessions, name-calling, rumor spreading, and ostracism.

The District prohibits retaliation by a student or District employee against any person who in good faith makes a report of bullying, serves as a witness, or participates in an investigation. Examples of retaliation may include: threats, rumor spreading, ostracism, assault, destruction of property, unjustified punishments, or unwarranted grade reductions. Unlawful retaliation does not include petty slights or annoyances.

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

Although the District respects a student's right to freedom of expression under the First Amendment, a student maybe disciplined for conduct constituting Cyberbullying as defined in this Student Code of Conduct.

While on District property or at a District-sponsored event, students are prohibited from possessing, sending, forwarding, posting, accessing, or displaying electronic messages that are abusive, obscene, sexually oriented, threatening, harassing, damaging to

another's reputation, or illegal, and result in a substantial disruption to the educational environment. This prohibition also applies to conduct off school property, regardless of who the equipment's owner is if it results in a substantial disruption to the educational environment.

Cyberbullying (see Glossary) is defined as bullying that is communicated through the use of any electronic 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.

The District will punish any student via the Student Code of Conduct if the student engages in off-campus electronic communication that causes, or can cause, a substantial disruption or substantially interferes with the individual rights of others. The student may also face punishment via the Texas Penal Code, as applicable.

Any person taking, disseminating, transferring, possessing, or sharing obscene, sexually oriented, lewd, or otherwise illegal images or other content, commonly referred to as "sexting," will be disciplined according to the Student Code of Conduct, and may be required to complete an educational program related to the dangers of this type of behavior, and, in certain circumstances, may be reported to law enforcement. Because engaging in this type of behavior can lead to bullying or harassment, as well as possibly impede future endeavors of a student, we encourage you to review the Before You Text website with your child, a state-developed program that addresses the consequences of engaging in inappropriate behavior using technology.

United ISD ensures that District employees will enforce all prohibitions against bullying, harassment, and making hit lists. Additionally, options for managing students in the classroom and on school grounds, disciplining students, and preventing and intervening in student discipline problems, including bullying, harassment, and making hit lists are included in the United ISD personnel handbook. Federal and state laws regarding the discipline of students who are enrolled in a special education program apply. See Glossary to view "Hit List" definition.

Students/Parents who believe they have been harassed by another student, or by a District employee are encouraged to report the incident to a teacher, counselor, principal, administrator, and/or Director of Employee Relations/District Title IX Coordinator. The report may also be submitted on our District web page, www.uisd.net. Parents of the alleged victim will be notified by the third business day after an alleged incident of bullying is reported. School counselors may serve as an impartial resource for interpersonal conflicts and discord including accusations of bullying involving two or more students.

Social media is a general term used to reference sites and activity on sites like Facebook, Twitter, YouTube, or any other virtual hub where users interact. Other popular social media sites include, but are not limited to: Instagram, Tumblr, Snapchat, LinkedIn, Wikipedia, Flickr, WordPress, FourSquare, etc. Although most postings are benevolent in nature, there are times postings by individuals may misconstrue the facts of an activity, event, student or staff. For information about a posting or questions about the operations of UISD schools, activities, events, students or staff, please contact your child's school or visit the UISD webpage at uisd.net, UISD Facebook page or UISD Twitter for the latest news/notices/alerts. We request all social media users to be responsible in their posting of any contents relating to UISD, students or staff. Postings may result in disciplinary action as per the Student Code of Conduct and/or may result in a criminal offense(s) as per the Texas Penal Code, if such postings cause, or can cause, a substantial disruption or substantially interferes with the individual rights of others. In addition, UISD complies with SB 179 David's Law, which enforces policies related to cyberbullying prevention and mediation.

Positive Behavior Facilitators: The District has Positive Behavior Facilitators to work with students. They aim to build a school culture of socially acceptable behavior by focusing on a proactive approach to prevent inappropriate behavior by introducing, modeling, and reinforcing positive social behavior. To request assistance from a Positive Behavior Facilitator, contact your child's campus principal or other administrator.

Harassment On the Basis of Race, Color, Religion, National Origin, or Disability: Students must not engage in harassing behaviors directed toward another student which are motivated by race, color, religion, national origin, gender or disability. Bullying incidents which are determined to also be harassment based on a protected class status will also be handled in accordance with District policies regarding discrimination. See Glossary to view "Harassment" definition.

A student who believes he or she has experienced bullying and/or harassment or believes that another student has experienced bullying and/or harassment by another student or by a District employee should immediately report the alleged acts to a teacher, counselor, principal, administrator and/or the Director of Employee Relations/District Title IX Coordinator. The report may also be made by the student's parent. Allegations will be investigated and addressed pursuant to FFH (LOCAL) or FFI (LOCAL). To the greatest extent possible, complaints will be treated as confidential. Limited disclosure may be necessary to complete a thorough investigation.

If the results of an investigation indicate that bullying has occurred, the administration will take appropriate disciplinary action. Disciplinary or other action may be taken even if the conduct did not rise to the level of bullying. The District will also contact the parents of the victim and of the student(s) who was found to have engaged in bullying. Available counseling options will be provided to these individuals, as well as to any students who have been identified as witnesses to the bullying.

A student or his/her parent may appeal the decision of the principal or other administrator regarding the outcome of the investigation in accordance with policy FNG (LOCAL), FFH (LOCAL), and FFI (LOCAL).

2. Students shall be treated fairly and equitably. Discipline shall be based on a careful assessment of the circumstances of each case. Factors to consider shall include:
 - a. Seriousness of the offense;
 - b. Student's age;
 - c. Grade level;
 - d. Frequency of misconduct;
 - e. Student's attitude;
 - f. Potential effect of the misconduct on the school environment;
 - g. Statutory requirements of Chapter 37 of the Education Code;
 - h. A disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct;
 - i. District's Administrative Procedures for Discipline; and
 - j. The Student Code of Conduct adopted by the Board.

Because of these factors, discipline for a particular offense may bring into consideration varying techniques and responses. In a decision to order suspension, removal to a disciplinary alternative education program, expulsion, or placement in a juvenile justice alternative education program, regardless of whether the decision concerns a mandatory or discretionary action, consideration will be given to:

1. Self-defense;
2. Intent or lack of intent at the time the student engaged in the conduct;
3. A 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; or
6. A student's status as a student who is homeless (see Glossary).

Generally, academic sanctions shall not be used as discipline. However, when the disciplinary infraction is academically related, such as Academic Dishonesty (see Glossary), cheating or plagiarism, academic sanctions determined by the teacher may be imposed.

Discipline Management Techniques: Discipline shall 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 (unless otherwise specified by law) may bring into consideration varying techniques and responses. The District shall not engage in any "aversive technique" as defined by Texas Education Code §37.0023.

Please note: Discipline Management techniques may be applied to an individual student or a group of students such as, but not limited to, an organization, team, classroom, or students in a particular grade level and with appropriate due process to each individual student, if applicable and appropriate.

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, state and/or federal law will prevail. In accordance with the Education Code, a student who receives special education services may not be disciplined for conduct meeting the definition of bullying, cyberbullying, harassment, or making hit lists until an ARD committee meeting has been held to review the conduct. In deciding whether to order suspension, DAEP placement, or expulsion, regardless of whether the action is mandatory or discretionary, the District shall take into consideration a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct.

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:

1. **Verbal/written correction.**
2. **"Time-out" or Cooling-off time.** Time-out means a behavior management technique in which, to provide a student with an opportunity to regain self-control, the student is separated from other students for a limited period in a setting that is not locked and from which the exit is not physically blocked by furniture, a closed door held shut from the outside, or another inanimate object.
3. **Seating changes within the classroom.**
4. **Confiscation of items** that disrupt the educational process or items being sold/given without administrative permission. Confiscated items (i.e. perishable items) may be discarded by administration.
5. **Rewards and incentives.**
6. **Demerits.**
7. **Behavioral contracts.**
8. **Counseling by teachers, counselors, special services (i.e. Facilitator), or administrative personnel.**
9. **Participation in peer conflict resolution or mediation proceedings.**
10. **Parent-teacher conferences.**

11. **Grade reductions**, as determined by policy for cheating, plagiarism and as otherwise permitted by Board Policies EIA (LOCAL) and FO (LOCAL). Grade penalties on major projects and exams must be approved by the campus administration.
12. **Detention**. For violations of the Student Code of Conduct or other policies and regulations, teachers may detain students after school hours. Before assigning students to detention, the teacher will get approval from the campus administration for the detention to be assigned. The teacher shall inform the student of the conduct that allegedly constitutes the violation, and the student shall be given an opportunity to explain his or her version of the incident. The period of time for which a teacher assigns a student to detention shall be used for educational purposes. When detention is assigned, notice shall first be given to the student's parent or legal guardian to inform the parent of the reason for the detention and permit arrangements for the necessary transportation. Except in the case of a student who is 18 or older, the detention shall not begin until the parent has been notified. If the student uses school transportation, the student's parent/guardian, may be required to provide personal transportation when the student has been assigned to detention.
13. **Sending the student to the office or other assigned areas**.
14. **Assigned school duties other than class tasks**, including such tasks as cleaning or picking up litter.
15. **Withdrawal of privileges**, including, but not limited to, participation in extracurricular activities and **eligibility** for seeking or holding honorary positions or membership in school-sponsored clubs and organizations. Extracurricular activities include, but are not limited to, field trips, commencement exercises, prom, spring dances, or school programs as long as it is not an educational activity which would be an extension of the classroom TEKS objectives.
16. **Penalties** identified in individual student organizations' extracurricular standards of behavior.
17. **Withdrawing or restricting bus privileges**. However, transportation privileges may be taken away from a student with disabilities only if transportation is not determined to be necessary as a related service or if modification of the Individualized Education Program (IEP) by the ARD or Section 504 Committee occurs. A change in transportation services for a student with a disability for whom transportation is a related service requires ARD Committee action; likewise, a change in transportation services for Section 504 students for whom transportation is a related service requires Section 504 Committee action.
18. **School-assessed and school-administered probation**.
19. **Suspension**: Students may be suspended for any offense listed in this Code. The principal or designee shall consider reasonable alternatives, including appropriate discipline management techniques. If the principal or designee determines a suspension is the most appropriate consequence, no other disciplinary action need precede the suspension (in-school or out of school). Before being suspended a student will have an informal conference with the appropriate administrator who shall advise the student of the conduct of which he or she is accused. The student will be given the opportunity to explain his or her version of the incident before the administrator's decision is made. The number of days of a student's suspension will be determined by the appropriate administrator. The administrator will determine any restrictions on participation in school-sponsored or school-related extracurricular and co-curricular activities.

Teachers are to inform students of the time allotted for completion of their work during a suspension. Students are responsible for obtaining the assignments and completing the work within the time allotted, and students are allowed to make up both class work and homework. Students shall receive full credit for assignments completed during Suspension. Students who are suspended will be offered an opportunity to complete coursework before the beginning of the next school year. Available methods to complete coursework include, but are not limited to, correspondence courses, distance learning, or summer school.

- a. **In-School Suspension**. Students may be placed in In-School Suspension for engaging in any Level I or Level II Offenses as described and set forth in this Student Code of Conduct. Additionally, students may be placed in In-School Suspension pending DAEP placement or expulsion. The principal or designee will make a reasonable attempt to inform parents that the student is being placed in In-School-Suspension.
- b. **Out-of-School Suspension**: Students may not be assigned to Out-of-School Suspension for Level I (Minor) Offenses. For offenses at Level II and above, students may be assigned to Out-of-School Suspension for a maximum of 3 school days per behavior violation. Additionally, students may be suspended pending DAEP placement or expulsion. A principal or other appropriate administrator may suspend a student prior to (but not in lieu of) placement in a Disciplinary Alternative Education Program or prior to (but not in lieu of) expulsion, where a student's conduct requires such placement or expulsion.

Parents of students who have been suspended are hereby advised that it is their responsibility to provide adequate supervision for the student during the period of suspension.

Before being suspended a student shall have an informal conference with the appropriate administrator who shall advise the student of the conduct of which he or she is accused. The student shall be given the opportunity to explain his or her version of the incident before the administrator's decision is made.

The number of days of a student's suspension shall be determined by the appropriate administrator, but shall not exceed three school days per behavior violation.

The student who is assigned to Out-of-School Suspension is not allowed on the home campus or any other school campus or at any school-related activity, including but not limited to, in-town or out of town District games or events during the

period of suspension. If a student violates the prohibition on District property, the student can be charged with Trespass on School Grounds, a Class C misdemeanor, pursuant to Texas Education Code §37.107.

The District shall not use Out-of-School Suspension for students in grade 2 or below or a student who is homeless (see Glossary) unless the conduct meets the requirements established in law. A student in grade 2 or below or a student who is homeless (see Glossary) 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 of school property, the student engages in: (1) conduct that contains the elements of a weapons offense, as provided in Texas Penal Code Section 46.02 or 46.05; (2) conduct that contains the elements of assault, sexual assault, aggravated assault, or aggravated sexual assault, as provided by the Texas Penal code; or (3) 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.

- 20. Parent Shadowing.** This is when a parent escorts his/her child for a specified period of time during school hours. The parent must meet Visitor guidelines and will be processed through the District's Raptor system. (See Visitors on Campus in the Student Handbook).
- 21. Placement at a Disciplinary Alternative Education program (DAEP).** The procedures in the subsequent sections on DAEP will be followed.
- 22. Referral to outside agency** (i.e. school-community programs) **or legal authority** for criminal prosecution in addition to disciplinary measures imposed by the District.
- 23. Referral to Police Department.** UISD has its own police force, which is in operation 24 hours a day. The officers work closely with the Laredo Police Department to assist at all UISD campuses and school-related functions. They will investigate acts of vandalism, burglary, disruption, or any act that would be considered a violation of the law or harmful to UISD schools, staff or students. The UISD police officers are commissioned and have authority to arrest violators of the law, both on and off campuses. They may also issue citations for violations of the Penal Code. When a student is arrested or receives a citation, that student may be required to appear in court and may receive other consequences imposed by the legal system as a result of these events. Certain acts of misconduct may constitute criminal offenses in addition to violations of the Student Code of Conduct. Because school discipline is independent of criminal proceedings, disciplinary consequences will not be postponed pending the outcome of any criminal proceeding or affected by the outcome of any criminal proceeding. Any person wishing to contact the UISD Police Department may call (956) 473-6361.
- 24. Removal from regular educational setting or reassignment to another classroom:** 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. A teacher or administrator **may** remove a student from class for behavior that violates this Code to maintain effective discipline in the classroom and school activity/environment. A bus driver that is transporting students to or from school, or a school-sponsored or school-related activity, may initiate a formal removal. The bus driver is allowed to send the student to the principal's or other appropriate administrator's office in order to maintain discipline on the bus. The school principal or designee will be required to respond by employing appropriate disciplinary management techniques consistent with the Student Code of Conduct. Students with disabilities may not be removed in violation of specific IEP/IAP provisions or for more than ten days without an ARD/504 Committee review.
 - a. Routine Referral
 - i. A routine referral occurs when a teacher/school employee sends a student or submits to the principal or other appropriate administrator a Student Discipline Action Form (a/k/a Referral) as a discipline management technique in order to maintain effective discipline in the classroom or school activity/environment. The principal or administrator shall employ appropriate discipline management techniques, including progressive interventions consistent with this Student Code of Conduct. A teacher or administrator may remove a student from class for behavior that violates the Student Code of Conduct to maintain effective discipline in the classroom.
 - b. Formal Removal
 - i. A teacher **may** initiate a formal removal from class if:
 - (1) The student has been documented by the teacher as repeatedly interfering with the teacher's ability to communicate effectively with the students in the class or with the student's classmates' ability to learn; or
 - (2) Whose behavior the teacher determines is so unruly, disruptive, or abusive that it seriously interferes with the teacher's ability to communicate effectively with the students in the class or with the ability of the student's classmates to learn.
 - ii. When a student is removed from the regular classroom by a teacher under subsection (b) and a conference is pending, the principal or campus administrator may place the student in another appropriate classroom, In-School Suspension, Out-of-School Suspension, or a disciplinary alternative education program as provided by Section 37.008. The student may not be returned to the regular classroom pending the conference.
 - iii. **Conference and Review Requirements for Students Removed from Class:** Not later than the third class day after the day in which the student is removed from the class by the teacher under Section 37.002(b) or (d), or by the principal or other appropriate administrator under Section 37.001(a)(2) or Section 37.006, the principal or other appropriate administrator shall schedule a conference among the principal or other appropriate administrator, a parent/guardian of

the student, the teacher, in the case of a removal by the teacher, and the student. At the conference, the student is entitled to written or oral notice of the misconduct, an explanation of the basis for the removal, and the consequences. The student shall have an opportunity to present his/her version of the incident. Following the conference, and whether or not all requested parties are in attendance-after valid attempts to require their attendance, the principal or other appropriate administrator shall order the placement of the student as provided by Sections 37.003 or 37.006, as applicable, for a period consistent with the Student Code of Conduct. If the period of the placement is inconsistent with the guidelines included in the Student Code of Conduct regarding how the length of placement will be determined, the order will give notice of this inconsistency.

- iv. **Returning Student to Classroom:** 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. The teacher may not be coerced to consent.

When a student has been formally removed by a teacher for any other conduct, the principal or other administrator may return the student 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. The terms of the removal may prohibit the student from attending or participating in school-sponsored or school-related activities.

25. Expulsion. The procedures in the subsequent sections on Expulsion will be followed.

26. Physical Restraint: Restraint means the use of physical force or a mechanical device to significantly restrict the free movement of all or a portion of a student's body. If a student is receiving Special Education Services, then the student shall be restrained in accordance with state and federal laws. Within the scope of an employee's duties, a District employee may physically restrain a student if the employee reasonably believes restraint is necessary in order to:

1. Protect a person, including the person using physical restraint, from physical injury or self-injury.
2. Obtain possession of a weapon or other dangerous object.
3. Prevent a student from fleeing.
4. Protect property from serious damage.
5. Remove from a specific location a student refusing a lawful command of a school employee, including from a classroom or other school property, in order to restore order or impose disciplinary measures.
6. Control an irrational student.

27. Other strategies and consequences as determined by school officials including but not limited to Saturday School, Uniting Families, parenting sessions, ROPES Challenge Course, cleaning tasks, community service-in/out of school, etc.

SECTION IV – INAPPROPRIATE CONDUCT

In order to maintain effective discipline in the classroom and school activities/environment, inappropriate conduct, as mentioned in this Code, will result in the completion of a Student Discipline Action Form (also known as a "Referral").

Notification: The campus administrator shall promptly notify a student's parent by phone or in person of any violation that may result in In-School Suspension or Out-of-School Suspension, placement in a DAEP, placement in a JJAEP, or expulsion. The campus administrator shall also notify a student's parent if the student is taken into custody by a law enforcement officer under the disciplinary provisions of the Education Code. A good faith effort shall be made on the day that action was taken to provide to the student for delivery to the student's parent written notification of the disciplinary action.

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 arrangement for necessary transportation.

Appeals: Parental questions or complaints regarding disciplinary measures should be addressed to the teacher, campus administration as appropriate, and in accordance with policy FNG (LOCAL). Consequences will not be deferred pending the outcome of a grievance/hearing. In the event that a school or District is closed due to a federal, state, or local closure and the District has transitioned to a virtual learning environment, all conferences and appeals related to student discipline shall take place via a virtual platform as to not deprive a student of any rights afforded by state or federal law.

LEVEL I -- Minor Offenses:

The following offenses are prohibited at school or school-related activities and may be punishable by In-School Suspension, detention, Saturday school, assignment of school duties other than class tasks, withdrawal of extracurricular or honorary privileges, or any other discipline management techniques listed in Section III of this Code, as determined by the campus principal or other administrator. Students who engage in conduct as described in this section shall be subject to disciplinary action in accordance with State law and local Board policy.

Disregard for Authority:

1. Insubordination which includes failure to comply with directives given by District/school personnel.
2. Cheating or copying work of another student, plagiarism, **such as, but not limited to, Artificial Intelligence (AI)**, and unauthorized communication between students during an examination or work assigned by the teacher/administrator.
3. Without permission, not being at assigned/designated area, leaving/attempting to leave classes, leaving/attempting to leave a school sponsored activity/event or attempting to leave school grounds during instructional time.

4. Dishonesty to a Staff Member: Attempting to make a person believe as true something false which includes, but is not limited to, failing to disclose information, distorting **text, images, and videos by the use of media applications**, hiding/covering up information or evidence regarding oneself or others, or giving a false name or identification, documentation, or information.
5. Loitering or trespassing on school grounds before the first bell and after the last bell. Students should be on campus for an educationally related purpose, such as tutorials or extracurricular activities. Students who are waiting for a ride home shall not be considered to be loitering.
6. Refusal to cooperate in, or failure to follow health, safety, or social distancing guidelines (i.e. hand washing, wearing face mask, failure to report illness-especially an infectious or contagious disease-example COVID 19, disinfecting or cleaning work area, sanitizing equipment, etc.).

Misuse of Telecommunications/Electronic Devices:

7. Using a cellular telephone, two-way radios, paging devices, text messaging devices, and/or other telecommunications devices on District property/facilities is prohibited and on all District campuses during school hours (first bell to last bell). Devices must be turned off and cannot be visible. **The school is not responsible if these items are lost, broken, damaged, or stolen.** Examples of communication devices include, but are not limited to, cellular telephones, IPADs, personal computers, IPODs, smart watches, e-readers, tablets, chrome books, or any other communication device which has networking and/or communication capabilities.
8. Using or exhibiting an electronic device, such as stereos, headsets, portable speakers, electronic games, IPODs (without communication capabilities), Zune, MP3 or CD players, and accessories (including Earbuds and AirPods) are prohibited during school hours (first bell to last bell). Devices and accessories must be turned off and cannot be visible. **The school is not responsible if these items are lost, broken, damaged, or stolen. Items are subject to confiscation by administration.**
9. ~~Recording 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 is prohibited. Campus administrative approval is required prior to the use of a recording device. The school is not responsible if the recording device is lost, broken, damaged, or stolen.~~

Safety Transgressions:

10. Engaging in conduct that constitutes a disruption of classes or lawful assemblies, activities, or transportation.
11. Engaging in any other conduct that disrupts the school environment or educational process, but that the principal or designee determines is a minor offense.

Miscellaneous Offenses:

12. Engaging in inappropriate affection (i.e. kissing).
13. Violating dress and grooming standards as communicated in the Student Code of Conduct.
14. Unless authorized by the school principal/designee, students are prohibited from bringing or possessing on campus/school activity any object, gadget, or item that has no educational purpose and/or may distract from teaching and learning (i.e. spinner, ball, yoyo, slime, sticky hands, etc.). (Exception: The object is an educational need as documented in the student's accommodation plan).
15. Distributing, selling, or trading, on campus, any item not authorized by the principal or providing a service/skill without proper certification/license. (i.e. haircut, nails, etc.)

Possession of Prohibited Items:

16. Possessing or using matches or a lighter.

Mistreatment of Others:

17. Communicating-in a non-confrontational manner-with another student using profanity or vulgar language or making obscene gestures.

Confiscation of Cellular Phones, Two-Way Radios, Paging Devices, and/or Text Messaging Devices: A “paging device” is a telecommunications device that emits a signal without regard to whether the signal is audible, vibrates, displays a message, or otherwise summons or delivers a communication to the possessor. The use of cellular phones, two-way radios, paging devices and/or text messaging devices is prohibited on all UISD campuses and facilities during school hours (first bell to last bell-Read Bring Your Own Device Handbook and excerpt below for further information). Device must be turned off and cannot be visible. The school is not responsible if these items are lost, broken, damaged, or stolen. Examples of communication devices include, but are not limited to, cellular telephones, IPADs, personal computers, IPODs, smart watches, e-readers, tablets, chrome books, or any other communication device which has networking and/or communication capabilities. Students using or exhibiting cellular phones, two-way radios, communication devices, paging devices and/or text messaging devices shall have the device confiscated by school officials. Parents shall be notified within two school days after the cellular phones, two-way radios, paging devices and/or text messaging devices have been confiscated. The cell phone/communication device may not be retrieved on the same day it was confiscated. The parent/guardian may retrieve the paging device, cellular phone, or other communication device from the school's administrative office after school and only on the next school day following the confiscation date. In accordance with the retrieval procedures above, parents, paging or cellular companies may obtain the release of cellular phones, two-way radios, paging devices and/or text messaging devices for an administrative fee of \$15.00 for each offense. The fee must be paid in full prior to the release of the cellular phones, two-way radios, paging devices and/or text messaging devices. On the third offense, the item will be confiscated by the school administrator and will be returned upon request to the parent on the last day of the school year.

Failure to pay the administrative fee of \$15.00 prior to the end of the school year in which the cellular phones, two-way radios, paging devices and/or text messaging devices is confiscated may result in a decision by UISD to dispose of the device.

BYOD & Use of Guest Network

UISD highly encourages students to participate in the District 1:1 Mobile Learning Device Program (MLD) to use for educational purposes in grades EC-12. Students are required to use their district-issued credentials to access the UISD Network that connects to a secure/filtered internet to acquire access to the best online educational and related resources.

For students not participating in the 1:1 MLD Program, they will be allowed to use personal devices for the commission of daily instruction and related activities but will be required to access the District Guest Network to gain access to secure internet **and follow all District's policies, guidelines, and procedures that have been set forth by the Technology User Guidelines (TUG).**

The use of personal hotspots is discouraged as the district cannot guarantee or maintain the safety and security of the students while accessing the internet through a personal hotspot. Students who use personal MLDs and/or hotspots during the course of a school day or while participating in or attending a district event will be subject to corresponding disciplinary action and/or confiscation of the device(s) if found to be accessing inappropriate sites/material as delineated in the District Technology User Guidelines (TUG).

Extenuating Circumstances with Confiscated Devices: If a cell phone or communication device is involved in an ongoing disciplinary investigation, the device may be confiscated in order to perform a lawful search and may be held until the outcome of the investigation is finalized. In addition, the confiscated device may be turned over to law enforcement to determine whether a crime has been committed. Any searches of personal telecommunications or other personal electronic devices will be conducted in accordance with the law.

Additionally, any use of **cellular phones** **electronic devices (including but not limited to: cellular phones, smart watches, glasses, rings, devices with AI capabilities, or any device with internet or recording/photography capabilities)** during state testing or assessments can result in the invalidation of the student's test scores. The campus administration will investigate all reports of inappropriate use of these devices prior to taking any action regarding student test scores.

LEVEL II--Serious Offenses:

The following actions constitute "serious misbehavior" where that term appears in this Student Code of Conduct. These offenses are prohibited at school or school-related activities and will be punishable by Out-of-School Suspension, detention, In-School Suspension, Saturday school, assignment of duties other than class tasks, withdrawal of extracurricular or honorary privileges, or any other discipline management techniques listed in Section III of this Code, as determined by the campus principal or other administrator. These offenses are considered to be more serious than Level I Minor Offenses listed above. Thus, in most cases, the offenses listed in this section will warrant greater consequences than those listed in the Level I Minor Offenses section. (Example: serious offenses should warrant a greater number of days spent in In-School Suspension than minor offenses).

In some cases, the offenses listed in this section may also meet the definition of conduct which warrants Disciplinary Alternative Education Program (DAEP) placement. For instance, some of the offenses listed in this section also constitute "engaging in conduct that is punishable as a felony," which is a mandatory DAEP offense. Additionally, some of the offenses listed in this section (depending on the nature and severity of the incident in question) might be considered so severe that they constitute conduct that "substantially interferes with the orderly operation of the campus" or with the "teacher's ability to communicate effectively." If this occurs, the offense in question is elevated to a Level III offense, and the campus administration may consider DAEP placement. Additionally, possession of weapons or firearms, in most circumstances, is punishable under a higher-level offense. **A copy of the Disciplinary Alternative Education Program placement will be delivered to the authorized officer of the juvenile court in which the student resides as mandated by the Texas Education Code under Section 37.010(a).**

For those students who are already in the Disciplinary Alternative Education Program (DAEP), the offenses listed in this section may be grounds for expulsion.

Disregard for Authority:

1. Refusal to accept discipline management techniques assigned by District/school personnel.
2. Leaving or assisting someone in leaving campus/school grounds during instructional time by providing false information/document, or by hiding, concealing or falsifying their identity.
3. **Refusal to cooperate in, or interference with a search (i.e. random, metal detector, vehicle, K-9, etc.).**
4. Intentionally engaging in conduct which may endanger someone's well-being, cause panic or fear especially during a pandemic or flu epidemic (i.e. such as intentionally spitting, breathing on, coughing or touching others or their belongings which may lead them to believe you have spread germs which contain a contagious/infectious disease-COVID 19, etc.). Please note: This offense may meet the elements of a Discretionary/Mandatory DAEP Placement or Expulsion section of the Student Code of Conduct.

Property Offenses:

5. Committing or assisting in a robbery or theft or stealing on District property or while attending a school-sponsored or school-related activity on or off campus (i.e., theft that does not constitute a felony according to the Texas Penal Code).

Mistreatment of Others:

6. Engaging in verbal/written exchanges (i.e., name-calling, racial or ethnic slurs, or derogatory statements) that threaten the safety of another student, a District employee, or school property or that may disrupt the school environment or incite violence.
7. Fighting, scuffling, committing physical abuse, or threatening physical abuse (i.e., conduct that does not meet the definition of assault in Texas Penal Code Section 22.01(a) (1)).
8. Engaging in inappropriate, verbal, written, physical or sexual conduct, directed toward another person, including a District student, employee, or volunteer.
9. Engaging in conduct that constitutes sexual or gender-based harassment or sexual abuse, whether by word, gesture, or any other conduct that may include requests for sexual favors or other intimidating sexual conduct directed toward another person, including a District student, employee, Board member, or volunteer.
10. Engaging in conduct that constitutes dating violence, including the intentional use of physical, sexual, verbal, or emotional abuse to harm, threaten, intimidate, or control another person with whom the student has or has had a dating relationship.
11. Committing extortion, coercion, or blackmail (i.e., obtaining money or other objects of value from an unwilling person, or forcing an individual to act using force or threat of force). (Please note: This offense may meet the elements of a Discretionary/Mandatory Placement or Expulsion section of the Student Code of Conduct).
12. Harassment (as described in the Glossary).
13. Hazing (as described in the Glossary).
14. Bullying or cyberbullying (See Glossary).

Safety Transgressions:

15. Engages in action or group demonstration that incites violence, substantially disrupts or materially interferes with school activities.
16. Throwing objects which may or may not cause bodily injury or damage property.
17. Using or exhibiting school supplies (i.e., pencils, pens, and scissors) or any other item in a manner that threatens to inflict or actually inflicts bodily harm to another person.
18. Engaging or assisting in making threats, either verbal, ~~or~~ written, **or electronic/digital** exchanges, that threaten the safety of another student, a school employee, or school property.
19. Pulling a fire alarm or discharging a fire extinguisher as a prank, in a building owned or operated by UISD when there is no smoke, fire, or danger that requires evacuation. If a student pulls a fire alarm, such offense is a State Jail Felony and constitutes a mandatory DAEP offense or a discretionary expulsion.
20. Calling 911 as a prank when no real emergency exists, making false statements/claims, or perpetrating hoaxes regarding school safety.

Possession of Prohibited Items:

21. Possessing, using, giving, or selling drug paraphernalia related to any prohibited substance (including, but not limited to, roach clips, rolling papers, needles, razor blades, or pipes).
22. Possessing or using fireworks (e.g., smoke bomb, stink bombs, cherry bomb, poppers, etc.), combustibles, or other incendiary or pyrotechnic devices of any kind.
23. Possessing of, or conspiracy to possess, any explosive or explosive device. (Please note: This offense may meet the elements of a Discretionary/Mandatory Placement or Expulsion section of the Student Code of Conduct).
24. Possessing any device, chemical, irritant, supplement containing cannabidiol "CBD", or substance which can be used in a manner designed to cause harm, shock, physical irritation, allergic reaction or mental/physical impairment. Examples include, but are not limited to, mace, pepper spray, CBD, or "itching powder".
25. Possessing, exhibiting, or using a razor, box cutter, chain, a pocketknife or any other small knife, or any other object used in a way that threatens or inflicts bodily injury to another person or any martial arts objects (such as shuriken [throwing stars], nunchakus [nun-chucks], tonfa [wooden weapon], staff, baton [short stick], bolo [long cord with weights at each end]), to the extent that these objects are not within the definitions of location-restricted knives or prohibited weapons under TX Penal Code.
26. Possessing, displaying, or distribution of pornographic materials.
27. Any machine or other object that is used to create/imprint a tattoo is strictly prohibited.
28. Any ear/body piercing device, machine, or object that is used to create an opening, cut or break the skin, or pierce an individual's body is prohibited.
29. Using or possessing Laser Pointers for non-instructional purposes or without teacher approval.

Misuse of Computers, Internet, Telecommunications/Electronic Devices:

30. Violating any rule or law pertaining to virtual classroom setting, computers and the Internet use policies, rules, or agreements set forth in this Student Code of Conduct, Technology Use Guidelines, or other Agreement/Permission Forms. (For more information, read Section VI: Information and Technology in this Student Code of Conduct).
31. Using a camera, video equipment or other device inappropriately, or distributing/displaying inappropriate voice recordings, pictures, video footage, or written messages as determined by campus administration.

32. Recording 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 is prohibited. Campus administrative approval is required prior to the use of a recording device. **The school is not responsible if the recording device is lost, broken, damaged, or stolen.**

Prescription and Over-the-Counter Drugs:

33. Possessing or abusing the student's own prescription drug, giving a prescription drug to another student or possessing, exhibiting, or using another person's prescription drug. (See Student Handbook-"Medicine at School" for medication procedures).
34. Abusing or giving to another student an over-the-counter drug. (See Student Handbook-"Medicine at School" for medication procedures).

Miscellaneous Offenses:

35. Engaging in minor intimate/sexual acts (including, but not limited to, necking, groping and/or fondling).
36. Falsification of records, passes, electronic records, signature, or other school-related documents.
37. Repeatedly violating other communicated campus or classroom standards of behavior (including repeated violations of the standardized dress code).
38. Participating in gang-related activities as described in the Glossary (first offense).
39. Engaging in any other conduct that disrupts the school environment or educational process, regardless if the incident originated on/off-campus.
40. Possessing, displaying or distributing published or electronic material that is designed to promote or encourage illegal behavior or that could threaten students, District personnel, or student safety.
41. Participating in gambling or games of chance (e.g., Dice).

Students who commit serious offenses will be assessed discipline penalties commensurate with the offense.

Gang Intervention Facilitators: The District has Gang Intervention Facilitators to work with students, staff, parents, and the community to promote gang awareness, prevention, and intervention strategies. To request assistance from a Gang Intervention Facilitator or attend a gang awareness presentation, contact your child's campus principal or other administrator.

LEVEL III—Disciplinary Alternative Education Program

Notification: The campus administrator shall promptly notify a student's parent by phone or in person of any violation that may result in In-School Suspension or Out-of-School Suspension, placement in a DAEP, placement in a JJAEP, or expulsion. The campus administrator shall also notify a student's parent if the student is taken into custody by a law enforcement officer under the disciplinary provisions of the Education Code. On the day that action is taken, a copy of the Student Discipline Action Form will be provided to the student and he/she will be instructed to deliver the Form to his/her parent/guardian. This written notification of the disciplinary incident/action is a good faith effort to inform parent/guardian of school matters.

Informal Due Process Conference: Before placing a student in a Disciplinary Alternative Education Program or recommending a student's expulsion the principal or designee shall schedule, within three school days, an Informal Due Process Conference at which the student and/or parent/guardian are:

1. Advised in writing of the Student Code of Conduct violation;
2. Provided an explanation of the basis for the removal; and
3. Given the opportunity to explain his or her version of the incident.

After the District makes a good faith effort to inform the student and the student's parent/guardian of the time and place of the Informal Due Process Conference, the District may hold the Informal Due Process Conference and make a placement decision, regardless of whether the student, the student's parent/guardian, or another adult representing the student attends the conference. The final decision shall be communicated promptly to the student and parent/guardian.

In the event that a school or District is closed due to a federal, state, or local closure and the District has transitioned to a virtual learning environment, all conferences and appeals related to student discipline shall take place via a virtual platform as to not deprive a student of any rights afforded by state or federal law.

Placement Order: After the conference, if the student is placed in the DAEP, the campus administrator will issue a placement order. A copy of the DAEP placement order will be provided to the student's parent/guardian. A copy of the Disciplinary Alternative Education Program placement order and all information required by Section 52.04 of the Family Code will be delivered to the authorized officer of the juvenile court in which the student resides as mandated by the Texas Education Code under Section 37.010(a). 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.

Appeals: Regardless of the duration of the student's placement, the student or the student's parent/guardian is entitled to participate in a proceeding before the District's Hearing Officer or a District Committee appointed by the District's Superintendent or the Superintendent's Designee. Whether a District Hearing Officer or a District Committee presides over the Appeal shall be at the sole discretion of the Superintendent or the Superintendent's Designee. A student's parent/guardian who wishes to appeal the removal of the student to a Disciplinary Alternative Education Program may do so by appealing to the Student Relations Department. The request to appeal the student's placement at the District's Disciplinary Alternative Education Program (i.e., S.T.E.P. Academy) must be made in writing and received by the Student Relations Department within five (5) work days from the date of the Informal Due

Process Conference. Prior to the review hearing being scheduled, the student must be enrolled and attending a Disciplinary Alternative Education Program or enrolled and attending another educational institution. Disciplinary consequences will not be deferred pending the outcome of an appeal. In accordance with Texas Education Code Section 37.009(a), the decision of the District Committee or District Hearing Officer is final and may not be appealed. Only the District Committee or District Hearing Officer shall be authorized to make an audio/video recording of the Review Hearing proceedings. All other disciplinary concerns should be addressed in accordance with policy FNG (LOCAL). Disciplinary consequences shall not be deferred pending the outcome of an appeal.

In the event that a school or District is closed due to a federal, state, or local closure and the District has transitioned to a virtual learning environment, all conferences and appeals related to student discipline shall take place via a virtual platform as to not deprive a student of any rights afforded by state or federal law.

Elementary students assigned to a Disciplinary Alternative Education Program must be separated from secondary students assigned to a Disciplinary Alternative Education Program. Students younger than six years of age shall only be placed in a disciplinary alternative education program in the event that the student brings a firearm, as defined by 18 U.S.C. §921, to school. For purposes of DAEP, elementary classification shall be pre-kindergarten-grade 5 and secondary classifications shall be grades 6–12. Summer programs provided by the District shall serve students assigned to a DAEP in conjunction with other students.

Duration/Term of Placement: The duration of a student's placement in the Disciplinary Alternative Education Program (D.A.E.P.) shall be determined by the campus administrator. Students with egregious offenses on/off campus or persistent/repeated violations of the rules of conduct may be subject to increasingly longer terms of placements. The student's age and grade level may also be considered when determining the duration/term of placement. The duration/term of placement at a D.A.E.P. refers to a specific number of days of successful attendance. Days or partial days absent from a DAEP shall not count towards fulfilling the total number of days required in a student's DAEP Placement Order. Students are in control of the factors (i.e. attendance, grades, and behavior) that may extend their length of placement at a DAEP. Students placed at UISD's DAEP-STEP Academy earn their way back to their home campus. Students can only return to their home campus following the completion of all the following requirements: 1. Successful attendance for assigned number of days; 2. Passing grades (minimum of 70 or grading standards written in the students I.E.P.) in all courses; and 3. Highest Level on Behavior Point Sheet. If the student does not meet the above requirements, the duration/term of placement at the DAEP will be extended for a minimum of ten (10) days. Upon successful attendance of the additional required placement days, the student's academic and behavior progress will be reviewed. If the student has not reached the above requirements, a minimum of an additional ten (10) days will be added to the placement. The student will continue to receive a minimum of ten (10) day extensions to the DAEP placement until the requirements above are met successfully or until the end of the school year whichever occurs first. The maximum period of DAEP placement shall be one calendar year except as provided in this Student Code of Conduct.

Continued Misconduct: If during the term of a placement in a disciplinary alternative education program a student engages in additional misconduct for which placement in a disciplinary alternative education program or expulsion is required or permitted, additional proceedings may be conducted regarding that conduct and the campus administrator may extend a student's length of placement or enter an additional order as a result of those proceedings.

Placement Exceeds One Year: Before a student may be placed in a disciplinary alternative education program for more than one year, the District must determine after a review that the student is a threat to the safety of other students or to District employees.

If the period of the placement is inconsistent with the guidelines included in the Student Code of Conduct regarding how the length of the placement will be determined, the order must give notice of the inconsistency. 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.

Placement Exceeds School Year and Serious or Persistent Misbehavior: 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. Before the District may place a student in a DAEP for a period that extends beyond the end of the school year, the campus administrator 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** that violates this Student Code of Conduct. Serious offenses are those that substantially disrupt or materially interfere with the orderly process in the classroom, transportation, the school, any school-related activity, and may include persistent misbehavior of Level II or higher misconduct. Persistent shall be defined as five or more instances of Level I misconduct or more than one instance of Level II and higher misconduct. A student who has engaged in any offense listed as an offense under Level III or Level IV constitutes a finding that the student has engaged in serious misbehavior.
 - a. Persistent Misbehavior Offenses: The term "persistent misbehavior" appears in other portions of this Code of Conduct. That term, as used throughout the Code, is defined as follows:
 1. Two or more documented serious offenses; or
 2. Five or more documented minor offenses; or

3. Serious offenses and minor offenses that the principal, campus administrator, or designee deems to interfere with the District's ability to provide an education to other students.

Placement Exceeds 60 Days: For placement in a DAEP to extend beyond 60 days or the end of the next grading period, whichever is sooner, a student's parent will be given notice and the opportunity to participate in a proceeding before the Board or Board's designee.

Restrictions during Placement: Students who are placed at a Disciplinary Alternative Education Program shall not attend/participate in school-sponsored/school-related extracurricular/co-curricular activities during the period of placement, including, but not limited to, seeking or holding honorary positions and/or membership in school-sponsored clubs and organizations. The student is not allowed on the home campus, any other school campus, any District property, or at any school-related activity, including, but not limited to, in-town or out-of-town District games or events during the period of placement. If a student violates the prohibition on District property, the student can be charged with illegal trespass, a Class C misdemeanor, pursuant to Texas Education Code §37.107.

Transportation: The District will provide transportation to students in a DAEP; however, violation of transportation "Bus Rider Guidelines" may result in this privilege being revoked.

Graduating Juniors/Seniors in Disciplinary Alternative Education Programs: When a student is placed in the DAEP during the 11th or 12th grade, UISD shall allow that student to participate in graduation ceremonies, provided that all prerequisites for graduation are met and provided that the student has successfully completed all of the days that the student was assigned to the DAEP. If the student in question has not completed his/her days in the DAEP, the student may be allowed to participate in graduation ceremonies. Any student placed in a DAEP for more than 15 days during the 9th, 10th, 11th, or 12th grade for committing an offense involving Academic Dishonesty (see Glossary) shall not be given a speaking role or recognized for any academic achievement, including but not limited to valedictorian, salutatorian, class president, or top 10 in the class, at graduation ceremonies.

Review of Student's Status for Students Placed in a DAEP for 120 Days or More: A student placed in a DAEP shall be provided a review of the student's status, including a review of the student's academic status, by the campus administrator or the Board's designee at intervals not to exceed 120 days. In the case of a high school student, the Board's designee, with the student's parent/guardian, shall review the student's progress towards meeting high school graduation requirements and the student's graduation plan. The District is not required under this subsection to provide in the District's DAEP a course not specified under Section 37.008(a) of the Texas Education Code. At the review, the student or parent/guardian must be given an opportunity to present arguments for the student's return to the regular classroom or campus.

Withdrawal during 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 administrator may complete the proceedings and issue a placement order. If the campus administrator fails to issue a placement order after the student withdraws, the next district in which the student enrolls may complete the proceedings and issue a placement order.

Students who transfer out of UISD to another public or private institution, including students who withdraw from UISD for the purpose of home schooling, and students who do not attend the DAEP for the duration of the placement for any reason, shall be required, upon return to UISD, to complete the number of days missed in the DAEP before being allowed to return to the regular campus. Any period of the placement that has been served by the student on enrollment in another district's alternative school that honors the order will be credited toward the placement.

Newly Enrolled Students: If a student transfers into UISD from another district or school in which the student was placed in a DAEP, UISD may continue the DAEP placement under the terms of the order provided by the sending district or school. If the principal or other administrator or board of the district in which the student was formerly enrolled fails to enter an order after the student withdraws, UISD may complete the proceedings and enter an order.

Emergency Placement Procedure: The principal or the principal's designee may order the immediate placement of a student in the DAEP if the principal or the principal's designee reasonably believes the student's behavior is so unruly, disruptive, or abusive that it seriously interferes with a teacher's ability to communicate effectively with the students in a class, with the ability of the student's classmates to learn, or with the operation of school or a school-sponsored activity.

At the time of the emergency placement, the student shall be given oral notice of the reason for the action. Within a reasonable time after the emergency placement, but not later than the 10th day after the date of the placement, the student shall be offered the appropriate due process required for assignment to a DAEP. If the student subject to the emergency placement is a student with disabilities who receives Special Education services, the term of the student's emergency placement is subject to the requirements of the Individuals with Disabilities Education Act (IDEA) and its accompanying regulations.

Notice of Criminal Proceedings: The office of the prosecuting attorney shall notify the District if a student was placed in a DAEP for certain offenses and:

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.

The parent/guardian may provide the Discipline Management Department with written notification subject to the disposition of an offense which is subject to student's placement or expulsion.

If a student was placed in a DAEP or expelled to a JJAEP for such conduct, on receiving the notice from the parent/guardian or the prosecutor, the Superintendent or designee will review the student's placement and schedule a review with the student's parent. The student may not be returned to the regular classroom pending the review. After reviewing the notice and receiving information from the student's parent, the superintendent or designee may continue the student's placement if there is reason to believe that the presence of the student in the regular classroom threatens the safety of other students or teachers.

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

Under the Influence: When administration has reason to believe that a student is under the influence, the student will be expected to cooperate and submit to the DIBREP (Drug Impairment and Behavior Recognition for Educators & Professionals) – Texas High School Assessment conducted by the school nurse. Refusal to submit and cooperate will create an inference that the student is under the influence of a prohibited substance.

If a student has a valid prescription for low-THC (non-intoxicating) cannabis, the parent/guardian must follow the District's policies and procedures for prescription medications in these limited circumstances and as authorized by Chapter 487 of the Health and Safety Code.

Substance Abuse: The District has Licensed Chemical Dependency Counselors (LCDC), in addition to school counselors, available to provide substance abuse information, prevention, and referrals for students. For more information or to request assistance from a Licensed Chemical Dependency Counselor, contact your child's school counselor.

Coursework: The curriculum of the DAEP shall consist of English/language arts, mathematics, science, history, self-discipline, and shall provide for the student's behavioral needs through supervision and counseling. The District shall provide for the continuing education of a student placed in a DAEP, which may include:

1. Transfer to a different campus.
2. Transfer to a school-community guidance center.
3. Transfer to a community-based alternative school.
4. Transfer to an off-campus DAEP.

The parent/guardian of a student placed in DAEP shall be given written notice of the student's opportunity to complete coursework required for graduation at no cost to the student. The notice shall include information regarding all methods available for completing the coursework.

Dual Enrollment status during DAEP Placement/Expulsion: A student who is placed or expelled may be withdrawn from the Dual Enrollment program.

Course Completion at DAEP: Texas Education Code Chapter 37 Notice to Parents: Students shall receive full credit for assignments completed in a Disciplinary Alternative Education Program. Students who are placed in the District's Disciplinary Alternative Education Program will be offered opportunities to complete coursework required for graduation, at no cost to the student. Available methods to complete course work include, but are not limited to: a) courses offered at STEP; b) online curriculum courses offered at UISD; c) teacher prepared lessons sent to STEP only for Pre-AP, AP, and some dual enrollment courses if a student is placed for 18 days or less within the currently enrolled semester; d) teacher prepared lessons sent to STEP for CTE courses; e) Summer School.

Note: Magnet students may not be able to complete the Magnet program requirements due to the limited courses offered at STEP Academy.

Notice to Teachers: The principal or designee shall inform each educator who has responsibility for or is under the direction and supervision of an educator who has responsibility for the instruction of a student who has engaged in any code of conduct violation that results in a DAEP placement or expulsion or that is required by Article 15.27(a) (1) of the Code of Criminal Procedure. Additionally, if a student placed in a DAEP in another district enrolls in UISD before the expiration of the period of placement, UISD will inform each educator who has responsibility for the instruction of the student or will be directing and/or supervising the student the contents of the placement order. Each educator shall keep the information received under this subsection confidential from any person not entitled to the information under this subsection, except that the educator may share the information with the student's parent/guardian as provided for by state or federal law. The State Board for Educator Certification may revoke or suspend the certification of an educator who intentionally violates this subsection.

Placement of Students with Disabilities in a Disciplinary Alternative Education Program: A student with a disability being served in special education may be placed in a DAEP for engaging in conduct that would warrant such action for a student without

such disabilities only if the ARD committee determines that the misconduct is not a manifestation of the student's disabling condition. However, the student may be placed in an interim disciplinary alternative educational setting for a period of up to 45 days for certain drug or weapons offenses or for offenses causing serious bodily injury regardless of whether the student's behavior is linked to his or her disability. The DAEP placement applies even if the student's ARD Committee finds that the student's conduct was a manifestation of the student's disability.

A student with a disability who receives Special Education services may not be placed in a DAEP solely for educational purposes if the student has not also committed one or more of the offenses warranting placement in the DAEP.

A student who is disabled according to Section 504 shall not be placed in a DAEP unless the District first determines that the misbehavior is not a manifestation of the student's disabling condition (except when the violation involves drugs, weapons or serious bodily injury.) That determination may be made by the Section 504 Committee.

Course Credit during Disciplinary Process: Students shall receive full credit for assignments completed in a DAEP, including In-School Suspension. Students who are placed in the District's In-School Suspension or another setting other than a DAEP will be offered an opportunity to complete coursework before the beginning of the next school year for each course in which the student was enrolled at the time of the removal. Available methods to complete coursework include, but are not limited to, online coursework, correspondence courses, distance learning, or summer school. Teachers are to inform students of the time allotted for completion of the work. Students are responsible for obtaining the assignments and completing the work within the time allotted, and students are allowed to make up both class work and homework.

Assessment for Student Placed in a Disciplinary Alternative Education Program for 90 Days or More: All students placed into a DAEP for 90 days or more shall be assessed upon initial placement, and subsequently on the date that the student departs from the program, or as near to that date as possible. The assessment instrument will measure basic skills in reading and math. Students assigned to the DAEP must also take all academic skills assessments required of all public school students.

Discretionary Placement in a Disciplinary Alternative Education Program (D.A.E.P.)

The following actions constitute offenses that shall or may result in placement in the Disciplinary Alternative Education Program located at United STEP Academy. These offenses are considered to be more serious than the Level II Serious Offenses listed in this Code. The terms of a placement under this section shall prohibit the student from attending or participating in school-sponsored or school-related activities, including, but not limited to, extracurricular activities. A principal or other administrator is not prohibited from suspending a student immediately prior to the student's placement in the DAEP. If an offense meets the criteria for a Mandatory Placement/Expulsion or Discretionary Expulsion, that section of the Student Code of Conduct will supersede this Discretionary Placement.

Offenses Occurring on Campus or at School-Related Activities: A student may be placed in a DAEP if the student commits the following on campus or within 300 feet of District property or while attending a school-sponsored or school-related activity on or off campus:

Disregard for Authority:

1. Engages in unruly, persistent disruptive, disrespectful, or abusive conduct at any location on campus (i.e., the cafeteria, auditorium, parking lots, or in front of or behind campus) or at a school-related event that substantially interferes with the orderly operation of the campus or school-related event.
2. Engages in behavior that the principal or designee determines is so unruly, disruptive or abusive that it seriously interferes with the teacher's ability to communicate effectively with the students in the class or with the ability of the student's classmates to learn.
3. Has been documented by the teacher as repeatedly interfering with the teacher's ability to communicate effectively with the students in the class or with the student's classmates' ability to learn.
4. Engages in offensive, sexual, intimate or provocative conduct, regardless if the conduct is consensual.
5. Refusal to cooperate in, or interference with a search (i.e. random searches, backpack screenings, metal detector, vehicle, K-9, and/or fleeing or running away from school/district officials).

Property Offenses:

6. Engages in conduct constituting vandalism, or otherwise defacing, damaging, or tampering with the property of another and causing substantial inconvenience or pecuniary loss up to and including \$2,499.99 on school property or at a school-related or school-sponsored event. The taxpayers of the community have made a sustained financial commitment for the construction and upkeep of school facilities. To ensure that school facilities can serve those for whom they are intended—both this year and in the coming years—littering, defacing, or damaging school property is not tolerated. Students will be required to pay for damages they cause and will be subject to criminal proceedings as well as disciplinary consequences in accordance with the Student Code of Conduct.

Mistreatment of Others:

7. Engages in two or more fights. Please note: a student may be placed at the DAEP on the first occurrence if the conduct causes a substantial disruption to the educational environment.
8. Engages in inappropriate physical contact against a teacher or school employee.
9. Engages in two or more bullying or hazing offenses including cyber bullying offenses (including but not limited to: catfishing (as described in the Glossary), slamming, trash talking, threatening, obscene, harassing, "pantsing", degrading/damaging to another's reputation, or encouraging self-harm or harm to others). Please note: a student may be placed at the DAEP on the first occurrence regardless if the conduct originated off school property, if the conduct causes a substantial disruption to the educational environment. Incidents may result in a criminal offense(s) as per the Texas Penal Code (NOTE: Includes electronic communication).
10. Possesses, records, takes pictures, displays, broadcasts, gives, sells, provides, issues, manufactures, procures, mails, delivers, transfers, distributes, circulates, disseminates, presents, exhibits, advertises, promotes, or transmits visual/audio material of a person's intimate areas, changing rooms or other areas presumed to be private, sexual conduct (actual or simulated) or otherwise invasive, abusive, offensive, sexually oriented, intimate or provocative, regardless if the material reveals the person's identity or regardless if the person created or consented to the creation of said material. This applies to conduct which originated off school property, if the conduct causes a substantial disruption to the educational environment. Incidents may result in a criminal offense(s) as per the Texas Penal Code.

Safety Transgressions:

11. Threatens or assists in making threats against a District student, employee, volunteer, or District facility/property, including off school property if the conduct causes a substantial disruption to the educational environment.
12. Engages in conduct leading to or intended to disrupt school, incite a riot, violence, disturbance, or encouraging others to disrupt school program (i.e. walkout, sit out, post/threatening school violence, smoke alarm).
13. Engages in any sort of offensive, non-verbal, physical gesture against a District student, employee, or volunteer. Such gestures include, but are not limited to: (1) throat-slicing by use of hands; and (2) using hands as a gun and pointing at a student or the perpetrator's head.
14. Making hit lists (as described in the Glossary).

Possession/Use of Prohibited Items:

15. Is found in possession of a knife or a hand instrument (i.e. brass knuckles) which may cut or cause injury to another/self. Location-restricted knives are also addressed in the Mandatory Expulsion section of the Student Code of Conduct.
16. Possession of residue (including seeds).
17. Possessing/exhibiting or using a BB gun, pellet gun, air-powered rifle/pistol or paint ball gun, stunning device or stun gun, a taser or any device that emits an electrical charge.
18. Using any device, chemical, irritant, supplement containing cannabidiol "CBD", or substance in a manner inconsistent with its intended or prescribed use, or in a manner designed to cause harm, shock, physical irritation, allergic reaction, or mental/physical impairment. Examples include, but are not limited to, mace, pepper spray, CBD, or "itching powder".
19. Possessing, selling, using, giving, abusing, or being under the influence of a look-a-like drug, low-level THC or hemp or attempting to pass item off as drugs or contraband. School-related drug offenses are also addressed in the Mandatory Placement or Expulsion section of the Student Code of Conduct.
20. Possessing, purchasing, selling, giving, delivering, accepting, smoking, or using tobacco products. The District and its staff strictly enforce prohibitions against the use of tobacco products, CBD, hemp, low-level THC by students and others on school property or at school-sponsored or school-related activities. [See the Student Code of Conduct and policy GKA.] School-related drug offenses are also addressed in the Mandatory Placement or Expulsion section of the Student Code of Conduct.
21. Possessing a "look-alike" weapon, a toy gun, or any other instrument that is intended to be used as a weapon or could reasonably be perceived as a weapon. (See Glossary).
22. Possessing or using unloaded firearm accessories or parts (such as a gun barrel or a gun clip).
23. Possessing of non-armor piercing ammunition (including, but not limited to, shot shells, standard copper-coated bullets, and bullets that are typically used in handguns and rifles).

Misuse of Computers, Internet, Telecommunications/Electronic Devices:

24. Using district or personal devices (i.e., computers, telephone, networks, software, Artificial Intelligence (AI), internet access, etc.) to download, display, broadcast, give, sell, provide, issue, manufacture, procure, mail, deliver, transfer, distribute, circulate, disseminate, present, exhibit, advertise, promote, transmit, live-stream, or share pirated/copyrighted material.
25. Assembles or disassembles a computer, network, printer, or other computer equipment, except as part of a class assignment or in conjunction with a job responsibility.
26. Removes any technology equipment (hardware or software) without written permission of the principal or director, or breach of computer security.

27. Using a camera cell phone in locker/shower facilities and restroom areas. Exception when used to “call” first responder during a school wide safety/emergency situation.

Prescription and Over-the-Counter Drugs:

28. Distributing, using, or placing a prohibited substance - which may cause a mental or physical impairment - in food, drink, and/or other possessions.
29. Abusing the student’s own prescription drug, giving a prescription drug to another student or possessing/exhibiting or using another person’s prescription drug. Please note: Following a warning, if a student fails to submit prescribed medication to the School Nurse, a student may be placed at the DAEP if he/she possesses their own prescribed medication. School-related drug offenses are also addressed in the Mandatory Placement and Expulsion section of the Student Code of Conduct. (See Student Handbook - “Medicine at School” for medication procedures).
30. Being under the influence of student’s own prescription drug or over the counter drug. School-related drug offenses are also addressed in the Mandatory Placement and Expulsion section of the Student Code of Conduct. (See Glossary for Under the Influence definition).
31. Abusing an over-the-counter drug. (See Student Handbook - “Medicine at School” for medication procedures).

Miscellaneous Offenses:

32. Following a warning, engages in gang activity. (see Glossary)
33. Following a warning, engages in a public school fraternity, sorority, or secret society, including participation as a member or pledge, or coercing, inducing, or soliciting another person to become a pledge or member of a public school fraternity, sorority, gang, or secret society. (see Glossary)
34. Engages in inappropriate exposure of private body parts including, but not limited to, breast, buttocks, and genitals. (See Mandatory DAEP for similar offenses).
35. Engaging in conduct that contains the elements of the offense of deadly conduct under Section 22.05, Texas Penal Code, including recklessly engaging in conduct that places another in imminent danger of serious bodily injury or knowingly discharging a firearm at, or in the direction of, one or more individuals or a habitation, building or vehicle.

Offenses Occurring Off Campus/Not at School-Sponsored or School-Related Activities: A student may be removed and placed in the DAEP if the student commits the following conduct more than 300 feet off campus and while the student is not in attendance at a school-sponsored or school-related activity if:

36. The Superintendent or the Superintendent’s designee has a reasonable belief that the student has engaged in conduct defined as a felony offense other than those offenses defined in Title 5 of the Texas Penal Code or aggravated robbery under Section 29.03 Penal Code and the presence of the student in the regular classroom threatens the safety of other students or teachers, or will be detrimental to the educational process.
37. Engages in any activity on the way to or from school that would ordinarily be grounds for disciplinary alternative education placement if the activity had occurred on campus.
38. The student is truant or absent without permission for any portion of the instructional day, and the student engages in an activity while off campus that would ordinarily be grounds for disciplinary alternative education placement or expulsion.

Offenses Occurring at Any Location: A student may be placed in a DAEP if the student engages in the following, regardless of where the conduct took place:

39. Engaging in bullying that encourages a student to commit or attempt to commit suicide; or inciting violence against a student through group bullying; or 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 regardless if the incident originated off-campus.
40. Student is required to register as a sex offender and IS NOT under court supervision.

Mandatory Placement in a Disciplinary Alternative Education Program:

Offenses Occurring on Campus or at School-Related Activities: A student **must** be placed in a DAEP if the student commits the following 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:

Mistreatment of Others:

1. Engages in conduct that contains the elements of assault (Class A only and as defined by Texas Penal Code Section 22.01(a) (1)). (see Glossary)
2. Engages in conduct that contains the elements of the offense of retaliation against any school employee or volunteer either on or off school property. (Committing retaliation in combination with another expellable offense is addressed in the Expulsion section of this Code)
3. Engages in conduct that contains the elements of the offense of harassment under Section 42.07(a) (1), (2),(3), or (7), Penal Code, against an employee of the school district.

Drug, Alcohol & Volatile Chemicals:

4. Sells, gives, or delivers to another person, or possesses, uses, or is under the influence of marihuana, as defined by Section 481.002, Texas Health and Safety Code, or tetrahydrocannabinol (THC), as defined by rule adopted under Section 481.003 of that code. School-related felony drug offenses are in the Expulsion section. A student with a valid prescription for low-THC cannabis as authorized by Ch. 487 of the Health and Safety Code does not violate this provision.

5. Possesses, sells, gives, delivers, or uses an e-cigarette (nicotine or empty devices only), as defined by Section 161.081, Texas Health and Safety Code–TEC §37.006(a)(2)(C-2).
6. Sells, gives, or delivers to another person, or possesses, uses, or is under the influence of a controlled substance, as defined by Ch. 481, Texas Health and Safety Code, or by U.S.C. Section 801 et seq., or a dangerous drug, as defined by Chapter 483, Texas Health and Safety Code–TEC §37.006(a)(2)(C)(i) and (ii).
7. Sells, gives, or delivers to another person an alcoholic beverage (as defined by Section 1.04, Alcoholic Beverage Code); commits a serious act or offense while under the influence of alcohol; or possesses, uses, or is under the influence of an alcoholic beverage. School-related felony alcohol offenses are addressed in the Expulsion section.
8. Engages in conduct that contains the elements of an offense relating to an abusable volatile chemical under Sections 485.031 through 485.034, Health and Safety Code.

Safety Transgressions:

9. Engages in conduct that contains elements of terroristic threat under Texas Penal Code Section 22.07.
10. Engages in conduct involving a public school that contains the elements of the offense of false alarm or report under Texas Penal Code Section 42.06 (including a bomb threat).

Miscellaneous Offenses:

11. Engages in conduct punishable as a felony (non-drug related).
12. Engages in conduct that contains the elements of the offense of public lewdness under Texas Penal Code Section 21.07 or indecent exposure under Texas Penal Code Section 21.08.
13. Engages in expellable conduct and is between six and nine years of age.
14. Commits a federal firearms violation and is younger than six years of age.

Offenses Occurring Off Campus/Not at School-Sponsored or School-Related Activities: In accordance with Education Code Section 37.008, a student shall be removed and placed in a DAEP or may be expelled to a JJAEP if the student

15. Engages in conduct punishable as aggravated robbery under Title 7 or a felony listed under Title 5 of the Texas Penal Code when the conduct occurs off school property and while the student is not in attendance at a school-sponsored or school-related activity or event and:
 - a. The student receives deferred prosecution under Texas Family Code, Section 53.03, for conduct defined as a felony offense in Title 5, Texas Penal Code or the felony offense of aggravated robbery under Title 7, Section 29.03, Texas Penal Code;
 - b. A court or jury finds that the student has engaged in delinquent conduct under Family Code, Section 54.03 for conduct defined as a felony offense in Title 5, Texas Penal Code or the felony offense of aggravated robbery under Title 7, Section 29.03, Texas Penal Code;
 - c. The Superintendent or the Superintendent's designee has a reasonable belief that the student has engaged in conduct defined as a felony offense in Title 5, Texas Penal Code or the felony offense of aggravated robbery under Title 7, Section 29.03, Texas Penal Code. In determining whether there is a reasonable belief that a student has engaged in conduct defined as a felony offense by the Texas Penal Code, the Superintendent or the Superintendent's designee may consider all available information including the information furnished under Article 15.27, Code of Criminal Procedures.

A campus administrator may, but is not required to, remove and place a student to a disciplinary alternative education program or expel to a JJAEP for off campus conduct for which removal is required by state law if the campus administrator does not have knowledge of the conduct before the first anniversary of the date the conduct occurred.

16. A student may be expelled to the JJAEP or shall be placed at the District's DAEP for the following:
 - a. Deferred prosecution under Texas Family Code §53.03, found by a court or jury to have engaged in delinquent conduct under Texas Family Code §54.03 for conduct defined as a Title 5 felony offense or the felony offense of aggravated robbery under Title 7, Section 29.03, Texas Penal Code;
 - b. Charged with engaging in conduct defined as a Title 5 felony offense or the felony offense of aggravated robbery under Title 7, Section 29.03, Texas Penal Code;
 - c. Referred to a juvenile court for allegedly engaging in delinquent conduct under Texas Family Code §54.03 for conduct defined as a Title 5 felony offense or the felony offense of aggravated robbery under Title 7, Section 29.03, TX Penal Code;
 - d. Received probation or deferred adjudication or convicted or arrested or charged with a Title 5 felony offense or the felony offense of aggravated robbery under Title 7, Section 29.03, Texas Penal Code.

A student who is placed or expelled to an alternative setting under these circumstances will be given the opportunity for a hearing. An expulsion/placement will not be made unless the Board or the Board's designee determines that the student's presence in the regular classroom either:

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.

The expulsion or DAEP placement may be without regard for the date or location of the offense, enrollment status of the student, or court disposition requirements imposed in connection with the conduct, and the student is subject to placement until one of the following occurs:

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.

This placement continues regardless of whether the student transfers to another district in the state. Students are entitled to periodic 120 day review provided for other disciplinary placements. In the event of a conflict, any provision in the Student Code of Conduct that derives from Texas Education Code §37.007 will prevail.

Title 5 Offenses (See Glossary): Title 5 offenses are crimes (not on school property) against the person. The following offenses are considered Title 5 Texas Penal Code Offenses and are mandatory DAEP placements. The Title 7 Offense against property felony offense of aggravated robbery is also a mandatory DAEP placement regardless of where it occurs. Title 5 Texas Penal Code Offenses include, but are not limited to, the following offenses:

1. Murder, capital murder, or manslaughter
2. Kidnapping or aggravated kidnapping
3. Assault or aggravated assault
4. Sexual assault or aggravated sexual assault
5. Unlawful restraint
6. Criminally negligent homicide
7. Coercing, soliciting, or inducing gang membership if it causes bodily injury to a child or by threatening the child with imminent bodily injury
8. Indecency with a child or continuous sexual abuse of a child or disabled individual
9. Injury to a child, elderly individual, or disabled individual of any age
10. Abandoning or endangering a child
11. Terroristic threat
12. Deadly conduct
13. Aiding a person to commit suicide
14. Tampering with a consumer product
15. Trafficking of Persons
16. Smuggling or continuous smuggling of persons
17. Improper Photography or Invasive Visual Recording
18. Disclosure or promotion of intimate visual material
19. Voyeurism
20. Sexual Coercion
21. Bestiality

Offenses Occurring at Any Location: A student must be placed in a DAEP if the student engages in the following, regardless of where the conduct took place:

17. Engaging in conduct that contains the elements of assault under Section 22.01(a) (1), Texas Penal Code, against school district employee or a volunteer as defined by Texas Education Code Section 22.053.
18. Student is a registered sex offender or is **UNDER** any form of court supervision, including probation, community supervision, or parole.

Students Who Are Registered Sex Offenders: Upon receipt of notification 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. A decision regarding the placement of the student into a District's DAEP or the JJAEP will be made according to the following guidelines:

The placement decision will be based upon whether the student is a registered sex offender. Students who are no longer required to register as a sex offender, or who receive early termination of the obligation to register are not considered registered sex offenders. Placement into an alternative disciplinary program under this section supersedes all other legal provisions pertaining to alternative disciplinary placement. Additionally, students who are placed in an alternative setting under this provision must still maintain and comply with any other court ordered requirements relating to sex offender registrant status.

Students under Court Supervision: A student who is under any form of court supervision, including probation, community supervision, or parole, must be placed for at least one semester in the District's DAEP or in a JJAEP. If a student under court supervision is placed in the DAEP or in a JJAEP and withdraws/transfers, the student may be required to complete an additional semester in an alternative placement in the new school district without a committee conducting a placement review as described below, or the enrolling district may count the time spent by the student in the former district toward the required placement time.

Students Who Are Not Under Court Supervision: A student who is not under any form of court supervision may be placed in a DAEP or JJAEP for one semester or in the regular classroom. The placement may not be in the regular classroom if the Board's designee determines that the student's presence threatens the safety of other students or teachers; will be detrimental to the educational process; or is not in the best interests of the District's students.

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.

Placement Review after One Semester: 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 must be composed of:

1. A classroom teacher from the campus to which the student would be assigned if the student was not in the alternative program;
2. The student's parole or probation officer or a representative of the local juvenile probation department;
3. An instructor from the alternative education program to which the student is assigned;
4. A District designee selected by the Board or its designee;
5. A counselor employed by the District;

The committee must vote (majority vote) and recommend to the Board or its designee whether the student should remain in the alternative setting or be returned to the regular classroom. Absent a special finding as set forth below, the Board or its designee must honor the committee's recommendation unless one of the following:

1. Recommended regular classroom placement but Board's designee determines that the student's presence:
 - a. threatens the safety of other students or teachers;
 - b. will be detrimental to the educational process; or
 - c. is not in the best interests of the District's student.
2. Recommended continued alternative setting but the Board's designee determines that the student's presence:
 - a. does not threaten the safety of other students or teachers;
 - b. will not be detrimental to the educational process; or
 - c. is not contrary to the best interests of the District's students.

Student Receiving Special Education Services: A placement for a student with a disability receiving special education services must be made in compliance with The Individuals with Disabilities Education Act of 2004 (20 USC §1400 et seq.). At the end of the first semester the placement review as described above must be conducted by the student's Admission Review and Dismissal (ARD) Committee. The ARD Committee can request that a placement committee with the members described be convened in order to assist in conducting the review.

Appeal: A student or student's parent/guardian may appeal a placement as a registered sex offender by requesting a conference between the Board or its designee, the parents/guardian, and the student. This conference will be limited to the factual question of whether the student is required to register as a sex offender under Chapter 62 of the Code of Criminal Procedure. If the determination is made that the student is required to register as a sex offender, then the student is subject to placement in an alternative education program. Any decision made by the Board or its designee is final and may not be appealed.

Disciplinary Placement for Sexual Assault Occurring Off Campus: A student who commits a sexual assault against another student who at the time the offense occurs is assigned to the same campus, but regardless of whether the conduct occurs on or off school property, may be removed from class and placed in a DAEP or a JJAEP. There are no limitations on the term of placement of a student who has engaged in conduct that constitutes a sexual assault.

For purposes of the transfer and student placement provisions related to the commission of a sexual assault against another student, the student committing the assault must have: (1) been convicted of continuous sexual abuse of young child or children under §21.02, Texas Penal Code, or convicted of or placed on deferred adjudication for the offense of sexual assault under §22.011, Texas Penal Code, or aggravated sexual assault under §22.021, Texas Penal Code, committed against another student who, at the time the offense occurred, was assigned to the same campus as the student convicted or placed on deferred adjudication; (2) been adjudicated under §54.03, Texas Family Code, as having engaged in conduct described in section (1); (3) received a deferred prosecution under §53.03, Texas Family Code, for engaging in conduct described in section (1); or (4) been placed on probation under §54.04(d)(1), Texas Family Code, for engaging in conduct described in (1).

A student who is the victim of conduct described above shall receive, on the request of a parent or other person with authority to act on behalf of a student, one of the following transfers:

1. To a District campus other than the campus to which the student (victim) was assigned at the time the conduct occurred;
2. To the campus to which the student who engaged in the conduct was assigned, if the student who engaged in the conduct has been assigned to a different campus since the conduct occurred; or
3. A neighboring school district, if there is only one campus in the District serving the grade level in which the student is enrolled.

The campus or school district to which the student is transferred must be agreeable to the parent or other person with authority to act on the student victim's behalf. The District is not required to provide transportation to a student who transfers to another campus or school district.

If the student victim does not wish to transfer to another campus in the District, the victim's parent or another person with the authority to act on behalf of the victim may request that the Board transfer the offending student to another campus. The Board shall transfer the student who engaged in the conduct to a District campus other than the campus to which the student who is the victim of

the conduct is assigned; or the District's DAEP or JJAEP, if there is only one campus in the District serving the grade level in which the student who engaged in the conduct is enrolled. To the extent permitted under federal law, a school district shall notify the parent, or other person with authority to act on behalf of a student who is a victim to whom Subsection (a)(2) applies, of the campus or program to which the student who engaged in conduct described by Subsection (a)(1)(A) is assigned. There are no hearings or appeals regarding this type of transfer.

LEVEL IV—EXPULSIONS:

The following actions constitute offenses that shall or may result in expulsion. These offenses are considered to be more serious than the serious offenses listed in this Code. A campus principal or other administrator is not prohibited from suspending a student or placing a student in In-School Suspension pending a complete investigation of the conduct which forms the basis for the expulsion.

Discretionary Expellable Offenses—Offenses Which May Result in Expulsion:

Any Location: A student **may** be expelled if the student engages in the following, regardless of where the conduct took place:

1. Engaging in conduct that constitutes criminal mischief, if such conduct is punishable as a felony.
2. Engaging in conduct containing the elements of assault (Texas Penal Code 22.01(a) (1)), in retaliation against any school district employee or volunteer.
3. 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 or aggravated robbery (Section 29.03, Texas Penal Code).
4. Engaging in conduct involving a public school that contains the elements of the offense of false alarm or report (including bomb threat) under Section 42.06, Texas Penal Code, or terroristic threat under Section 22.07, Texas Penal Code. (This offense is a mandatory DAEP placement or a discretionary expulsion to JJAEP).
5. Engaging in conduct that contains the elements of the offense of breach of computer security under Section 33.02 Texas Penal Code, 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 information, or commits a breach of any other computer, computer network, or computer systems.
6. Engaging in bullying that encourages a student to commit or attempt to commit suicide; or inciting violence against a student through group bullying; or 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.

At School, Within 300 Feet, or at School Event: Commits 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.

7. Sells, gives, or delivers to another person, or possesses, uses, or is under the influence of any amount of marijuana, or a controlled substance (Chapter 481, Health & Safety Code or by 21 U.S.C. Section 801 et seq.), or a dangerous drug (Chapter 483, Health & Safety Code), or an alcoholic beverage (Section 1.04, Alcoholic Beverage Code) or committing a serious act or offense while under the influence of alcohol. A student with a valid prescription for low-THC cannabis as authorized by Chapter 487 of the Health & Safety Code does not violate this provision. If the conduct is punishable as a felony, see Mandatory Expulsion.
8. Engaging in conduct that contains the elements of an offense relating to an abusable volatile chemical under Sections 485.031 through 485.034, Health & Safety Code. (Examples: abusable glue or aerosol paint)
9. Engaging in conduct that contains the elements of the offense of deadly conduct under Section 22.05, Texas Penal Code, including recklessly engaging in conduct that places another in imminent danger of serious bodily injury or knowingly discharging a firearm at, or in the direction of, one or more individuals or a habitation, building or vehicle.
10. Engaging in conduct that contains the elements of assault under Section 22.01(a) (1), Texas Penal Code, against a school district employee or a volunteer as defined by Texas Education Code Section 22.053.

Within 300 Feet:

11. A student **may** be expelled for engaging in the following conduct while within 300 feet of school property, as measured from any point on the school's real property boundary line:
 - a. Aggravated assault, sexual assault, or aggravated sexual assault.
 - b. Arson (See Glossary)
 - c. Murder, capital murder, or criminal attempt to commit murder or capital murder.
 - d. Indecency with a child.
 - e. Aggravated kidnapping.
 - f. Aggravated robbery.
 - g. Manslaughter.
 - h. Criminally negligent homicide.
 - i. Continuous sexual abuse of a young child or disabled individual.
 - j. Felony drug- or alcohol-related offense.

- k. Carrying on or about the student's person a handgun, a location-restricted knife or a club, as these terms are defined by state law. (See Glossary)
- l. Possessing, manufacturing, transporting, repairing, or selling a prohibited weapon, as defined by state law. (See Glossary.)
- m. Possession of a firearm (as defined by federal law). (See Glossary)

Property of Another District:

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

While in a Disciplinary Alternative Education Program (DAEP): The student, while placed in a Disciplinary Alternative Education Program (DAEP), continues to

- 13. Engage in documented serious misbehavior that violates this Student Code of Conduct despite documented behavioral interventions while placed in a DAEP. For purposes of discretionary expulsion from a DAEP, serious misbehavior means:
 - a) Deliberate violent behavior that poses a direct threat to the health or safety of others;
 - b) Extortion, meaning the gaining of money or other property by force or threat;
 - c) Conduct that constitutes coercion, as defined by Section 1.07, Texas Penal Code; or
 - d) Conduct that constitutes the offense of:
 - 1. Public lewdness under Section 21.07, Texas Penal Code;
 - 2. Indecent exposure under Section 21.08, Texas Penal Code;
 - 3. Criminal mischief under Section 28.03, Texas Penal Code;
 - 4. Personal hazing under Section 37.152, Texas Education Code; or
 - 5. Harassment under Section 42.07(a) (1), Texas Penal Code, of a student or District employee.

Offenses Which May Result in Expulsion (Conduct Unrelated to School)

The following offenses may result in expulsion regardless of when or where they occur:

- 14. A student may also be expelled and placed into the JJAEP or District's DAEP for the following:
 - a. Deferred prosecution under Texas Family Code §53.03, found by a court or jury to have engaged in delinquent conduct under Texas Family Code §54.03 for conduct defined as a Title 5 felony offense or the felony offense of aggravated robbery under Title 7, §29.03, Texas Penal Code;
 - b. Charged with engaging in conduct defined as a Title 5 felony offense or the felony offense of aggravated robbery under Title 7, §29.03, Texas Penal Code;
 - c. Referred to a juvenile court for allegedly engaging in delinquent conduct under Texas Family Code §54.03 for conduct defined as a Title 5 felony offense or the felony offense of aggravated robbery under Title 7, §29.03, Texas Penal Code; or
 - d. Received probation or deferred adjudication or convicted or arrested or charged with a Title 5 felony offense or the felony offense of aggravated robbery under Title 7, §29.03, Texas Penal Code.

A student who is placed in an alternative setting under these circumstances will be given the opportunity for a hearing. A placement will not be made unless the Board or the Board's designee determines that the student's presence in the regular classroom either:

- 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.

The expulsion or DAEP placement may be without regard for the date or location of the offense, enrollment status of the student, or court disposition, and the student is subject to placement until one of the following occurs:

- 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.

This placement continues regardless of whether the student transfers to another district in the state. Students are entitled to periodic 120 day review provided for other disciplinary placements. In the event of a conflict, any provision in the Student Code of Conduct that derives from Texas Education Code §37.007 will prevail.

Discretionary Expellable Offenses-Offenses Which May Result in Expulsion (regardless of the location):

- 15. Engaging in retaliation as a result of the person's employment or association with a school district against a school employee or volunteer, regardless of where the conduct occurs.
- 16. Student is a registered sex offender or is **UNDER** any form of court supervision including probation, community service or parole.

MANDATORY EXPELLABLE OFFENSES

Additional Offenses Requiring Expulsion: (On Campus or School-Related): A student shall be expelled from school if the student, on school property or while attending a school-sponsored event or school-related activity on or off school property:

Federal Law: Engages in conduct which is a firearm violation, as defined by federal law (18 U.S.C., Section 921).

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

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

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

2. A handgun, defined by state law as any firearm designed, made, or adapted to be used with one hand. (See Glossary.) Note: A student may not be expelled solely on the basis of the student's use, exhibition, or possession of a firearm that occurs at an approved target range facility that is not located on a school campus, while participating in or preparing for a school-sponsored, shooting sports competition or a shooting sports educational activity that is sponsored or supported by the Parks and Wildlife Department, or a shooting sports sanctioning organization working with the department. [See policy FNCG (LEGAL).]
3. A location-restricted knife, as defined by state law. (See Glossary.)
4. A club as defined by state law (See Glossary.)
5. Possessing, manufacturing, transporting, repairing, or selling a prohibited weapon, as defined in state law. (See Glossary.)
6. Engages in conduct that contains the elements of the following offenses under the Texas Penal Code:
 - a. Aggravated assault (Section 22.02), sexual assault (Section 22.011), or aggravated sexual assault (Section 22.021).
 - b. Arson (Section 28.02).
 - c. Murder (Section 19.02), capital murder (Section 19.03), or criminal attempt (Section 15.01) to commit murder or capital murder.
 - d. Indecency with a child (Section 21.11).
 - e. Aggravated kidnapping (Section 20.04).
 - f. Aggravated robbery (Section 29.03).
 - g. Manslaughter (Section 19.04).
 - h. Criminally negligent homicide (Section 19.05).
 - i. Continuous sexual abuse of a young child or disabled individual (Section 21.02).
 - j. Engages in conduct punishable as a felony that involves selling, giving, or delivering to another person, or possessing, using, or being under the influence of marijuana, a controlled substance, a dangerous drug or alcohol; or committing a serious act or offense while under the influence of alcohol.
7. Engages in conduct that contains the elements of the following offenses under Texas Penal Code Against an Employee: aggravated assault or sexual assault or aggravated sexual assault.

Expulsion of Students Under Ten (10) Years of Age: Students younger than age 10 who commit expellable offenses shall be placed in the DAEP.

Expulsion of Students Under Six (6) Years of Age: Students under age 6 shall not be expelled or placed in a disciplinary alternative education setting with the exception of a student under the age of 6 years old who brings a firearm, as defined by 18 U.S.C. §921, to school. In such a case, the student will be expelled under the terms set forth under TEC §37.007(e) and shall be provided educational services in a DAEP.

Emergency Expulsions: A principal or the principal's designee **may** order the immediate expulsion of a student if the principal or the principal's designee reasonably believes that action is necessary to protect persons or property from imminent harm.

At the time of the emergency expulsion, the student shall be given oral notice of the reason for that action. Emergency expulsion must be based on a reason for which expulsion may be made on a non-emergency basis. Within a reasonable time after the emergency expulsion, but not later than the 10th day after the date of the expulsion, the student shall be accorded the appropriate due process.

If the student subject to the emergency expulsion is a student with disabilities who receives Special Education services, the term of the emergency expulsion is subject to the requirements of the Individuals with Disabilities Education Act (IDEA) and its accompanying regulations.

If the student has been removed under the emergency expulsion provision prior to assignment to home-based instruction pending the expulsion hearing, the District shall obtain the parent's written agreement if the student will be excluded from the school setting for more than ten consecutive school days before the hearing is conducted. If the parent's agreement cannot be obtained, the District shall return the student to school or ensure that the expulsion hearing is timely conducted so that the student is not excluded from school for more than 10 consecutive days without an opportunity for a due process hearing.

General Information - Expulsions:

Notification: The campus administrator shall promptly notify a student's parent by phone or in person of any violation that may result in In-School or Out-of-School Suspension, placement in a DAEP, placement in a JJAEP, or expulsion. The campus administrator shall also notify a student's parent if the student is taken into custody by a law enforcement officer under the disciplinary provisions of the Education Code. A good faith effort shall be made on the day that action was taken to provide to the student for delivery to the student's parent written notification of the disciplinary action.

Informal Due Process Conference: Before recommending a student's expulsion the principal or designee shall schedule, within three school days, an Informal Due Process Conference at which time the student and/or parent/guardian are:

1. Advised in writing of the Student Code of Conduct violation;
2. Provided an explanation of the basis for the removal;
3. Given the opportunity to explain his or her version of the incident.

In the event that a school or District is closed due to a federal, state, or local closure and the District has transitioned to a virtual learning environment, all conferences and appeals related to student discipline shall take place via a virtual platform as to not deprive a student of any rights afforded by state or federal law.

The District will make a good faith effort to inform the student and the student's parent/guardian of the time and place of the Informal Due Process Conference and will hold the Informal Due Process Conference and make a placement decision, regardless of whether the student, the student's parent/guardian, or another adult representing the student attends the conference. The final decision shall be communicated promptly to the student and parent.

Recommendation for Expulsion: After the conference, if the recommendation is to expel the student, the appropriate campus administrator will issue and present the parent with a Recommendation for Expulsion letter. A copy of the Recommendation for Expulsion letter will be provided to the student's parent/guardian. A copy of the Recommendation for Expulsion letter and all information required by Section 52.04 of the Family Code will be delivered to the authorized officer of the juvenile court in which the student resides as mandated by the Texas Education Code under Section 37.010(a). Until a hearing can be held, the principal or designee may place the student in: another appropriate classroom, In-school suspension, Out-of-School Suspension, or DAEP.

Due Process/Expulsion Hearing: If a student is believed to have committed an expellable offense, the Student Relations Department at (956) 473-6263 will schedule a hearing. At the expulsion hearing, the student may be represented by the student's parent/guardian or another adult who can provide guidance to the student. The student and student's representative shall be notified in writing of the date, time, and place of the expulsion hearing at least 72 hours prior to the hearing.

Before a student is expelled, the Board or its designee (including a District Hearing Officer or District Committee appointed by the Superintendent or the Superintendent's Designee) shall provide the student an opportunity for a hearing at which the student is afforded due process. Only the District Committee, District Hearing Officer, or Board shall be authorized to make an audio/video recording of the hearing proceedings. Consequences will not be deferred pending the outcome of a hearing. The student is entitled to:

1. Prior notice of the charges and the proposed sanctions so as to afford a reasonable opportunity for preparation.
2. Representation by the student's parent/guardian or another adult, who is not an employee of the District, who along with the parent/guardian or legal counsel can provide guidance to the student, has the right to present information, evidence and witnesses in his/her defense (if the witness is a student, parent permission is required), and has the right to examine the available information/evidence presented by the school administration in accordance with FERPA guidelines.
3. An opportunity to request documentation which will be relied on by the UISD administration at the hearing may be available to you upon request in accordance with FERPA guidelines.
4. Fair hearing before the Board or its designee.

After the District makes a good faith effort to inform the student and the student's parent/guardian of the time and place of the hearing, the District may hold the hearing, regardless of whether the student, the student's parent/guardian, or another adult representing the student attends. The notice shall be in writing and shall advise of the nature of the incident. The decision shall be based on information/evidence reflected in the record and any information or statements presented at the hearing. The final decision shall be communicated promptly to the student and parent.

In the event that a school or District is closed due to a federal, state, or local closure and the District has transitioned to a virtual learning environment, all conferences and appeals related to student discipline shall take place via a virtual platform as to not deprive a student of any rights afforded by state or federal law.

Superintendent's or Superintendent's Designee Review of Expulsion: A student's parent who wishes to appeal the decision made at the hearing may do so by appealing to the Superintendent or the Superintendent's Designee in writing within five (5) work days from the date of receipt of the written Expulsion Order. The Superintendent or the Superintendent's Designee shall provide the student or parent/guardian written notice of the date, time, and place of the meeting at which the Superintendent or the Superintendent's Designee will review the decision.

In the event that a school or District is closed due to a federal, state, or local closure and the District has transitioned to a virtual learning environment, all conferences and appeals related to student discipline shall take place via a virtual platform as to not deprive a student of any rights afforded by state or federal law.

Board Review of Expulsion: The decision of the Superintendent or the Superintendent's Designee may be appealed in compliance with FOD (Legal). The student or parent must submit a written request to the Superintendent within five days after receipt of the written decision. If an appeal is initiated in compliance with FOD (Legal), a tape recording or transcript of the proceeding shall be made for the Board's/Board committee's review. The Superintendent or the Superintendent's Designee shall provide the student or parent/guardian written notice of the date, time, and place of the meeting at which the Board will review the decision.

The Board will 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. Consequences will not be deferred pending the outcome of the hearing.

In the event that a school or District is closed due to a federal, state, or local closure and the District has transitioned to a virtual learning environment, all conferences and appeals related to student discipline shall take place via a virtual platform as to not deprive a student of any rights afforded by state or federal law.

Expulsion Order: After the due process hearing, 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.

Expulsion to a Juvenile Justice Alternative Education Program: Students who are expelled are referred for enrollment in the Webb County Juvenile Justice Alternative Education Program. For more information, please contact the Student Relations Department at (956) 473-6263. No fees, including entrance or supply fees, will be charged by the JJAEP for participating in the program.

Length of Expulsion: The length of expulsion will be made in accordance with the guidelines set forth under General Guidelines for Assessing Discipline Penalties found in this Student Code of Conduct. Before a student may be expelled for more than one year the District must determine, after a review that: (1) the student is a threat to the safety of other students or to District employees or (2) extended expulsion is in the best interest of the student. Students 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.

Emergency Expulsion: When an emergency expulsion occurs, the student will be given verbal and written 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.

Firearm Violations: 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 or other appropriate administrator may modify the length of the expulsion on a case-by-case basis. The District shall provide educational services to an expelled student in a Disciplinary Alternative Education Program if the student is younger than ten years of age on the date of expulsion. The District may provide services to an expelled student who is older than 10 years of age in a Disciplinary Alternative Education Program.

A student may not be expelled solely on the basis of the student's use, exhibition, or possession of a firearm that occurs:

- (1) at an approved target range facility that is not located on a school campus; and
- (2) while participating in or preparing for a school-sponsored shooting sports competition or a shooting sports educational activity that is sponsored or supported by the Texas Parks and Wildlife Department or a shooting sports sanctioning organization working with the department.

This does not authorize a student to bring a firearm on school property to participate in, or prepare for a school-sponsored shooting sports competition or a shooting sports educational activity as described above.

Enrollment of Expelled Students: If an expelled student from another district or school enrolls in UISD, the governing body of the district or school taking the disciplinary action shall provide to UISD or the school in which the student enrolls, at the same time other records of the student are provided, a copy of the expulsion order. UISD may continue the expulsion order as per the terms of the expulsion order by expelling the student to a JJAEP, placing the student in a DAEP for the period specified by the expulsion order, or allowing the student to attend regular classes without completing the period of expulsion.

UISD may continue the expulsion order of another school district or another state if the out-of-state district provides UISD a copy of the expulsion order and the offense resulting in the expulsion is also an expellable offense in UISD. If the principal or other appropriate administrator, or board of the district in which the student was formerly enrolled fails to enter an order after the student withdraws, UISD may complete the proceedings and enter an order. If the period of expulsion by the out-of-state district exceeds one year, and UISD continues the expulsion, UISD will reduce the period of expulsion so that the aggregate period does not exceed one year unless, after a review, UISD determines that (1) the student is a threat to the safety of other students or to District employees; or (2) extended placement in is the best interest of the student.

Withdrawal during Expulsion Process: Students who withdraw from UISD to attend another public or private institution, including students who withdraw from UISD for the purpose of home schooling, shall be required upon return to UISD to complete the number of days assigned to the JJAEP before being allowed to return to the regular campus. Any period of the expulsion that has been served by the student on enrollment in a JJAEP or another district's alternative school that honors UISD's expulsion order will be credited toward the expulsion. When a student has violated the UISD's Code in a way that requires or permits expulsion from UISD and the student withdraws from UISD before the expulsion hearing takes place, UISD may conduct the hearing after sending written notice to the parent and student. If the campus administrator or the Board fails to issue an expulsion order after the student withdraws from UISD, the next district in which the student enrolls may complete the proceedings.

Notice of Criminal Proceedings: The office of the prosecuting attorney shall notify the District if a student was placed in a DAEP for certain offenses and:

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.

The parent/guardian may provide the Discipline Management Department with written notification subject to the disposition of an offense which is subject to student's placement or expulsion.

If a student was placed in a DAEP or expelled to a JJAEP for such conduct, on receiving the notice from the parent/guardian or the prosecutor, the Superintendent or designee will review the student's placement and schedule a review with the student's parent. The student may not be returned to the regular classroom pending the review. After reviewing the notice and receiving information from the student's parent, the Superintendent or designee may continue the student's placement if there is reason to believe that the presence of the student in the regular classroom threatens the safety of other students or teachers.

Continued Misconduct While Expelled: If, during the term of an expulsion order, a student engages in additional misconduct for which placement in a DAEP or expulsion is required or permitted, additional proceedings may be conducted regarding that conduct and the campus administrator or Board, as appropriate, may enter an additional disciplinary order as a result of those proceedings.

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

Disciplinary Placement/Expulsion for Sexual Assault Occurring off Campus: A student who commits a sexual assault against another student, who at the time the offense occurs is assigned to the same campus, but regardless of whether the conduct occurs on or off school property, may be removed from class and placed in a DAEP or a JJAEP. There are no limitations on the term of placement of a student who has engaged in conduct that constitutes a sexual assault.

For purposes of the transfer and student placement provisions related to the commission of a sexual assault against another student, the student committing the assault must have: (1) been convicted of or placed on deferred adjudication for the offense of sexual assault under Section 22.011, Texas Penal Code, or aggravated sexual assault under Section 22.021, Texas Penal Code, committed against another student who, at the time the offense occurred, was assigned to the same campus as the student convicted or placed on deferred adjudication; (2) been adjudicated under Section 54.03, Texas Family Code, as having engaged in conduct described in (1); (3) received a deferred prosecution under Section 53.03, Texas Family Code, for engaging in conduct described in (1); (4) been placed on probation under Section 54.04(d)(1), Texas Family Code, for engaging in conduct described in (1); or (5) convicted of continuous sexual abuse of a young child or disabled individual under Section 21.02 of the Texas Penal Code.

A student who is the victim of conduct described above shall receive, on the request of a parent or other person with authority to act on behalf of a student, one of the following transfers:

1. To a District campus other than the campus to which the student was assigned at the time the conduct occurred; or
2. The campus to which the student who engaged in the conduct is assigned, if the student who engaged in the conduct has been assigned to a different campus since the conduct occurred; or
3. A neighboring school district, if there is only one campus in the District serving the grade level in which the student is enrolled.

The campus or school district to which the student is transferred must be agreeable to the parent or other person with authority to act on the student victim's behalf. The District is not required to provide transportation to a student who transfers to another campus or school district. If the student victim does not wish to transfer to another campus or district, the Board shall transfer the student who engaged in the conduct to a District campus other than the campus to which the student who is the victim of the conduct is assigned, or the District's DAEP or JJAEP if there is only one campus in the District serving the grade level in which the student who engaged in the conduct is enrolled. To the extent permitted under federal law, a school district shall notify the parent or other person with authority to act on behalf of a student who is a victim of the conduct described above of the campus or program to which the student who engaged in the conduct described above is assigned. There are no hearings or appeals regarding this type of transfer.

Students Who Are Registered Sex Offenders: This new law applies to offenses committed on or after September 1, 2007. Upon receipt of notification that a student is a registered sex offender, a decision regarding the placement of the student into a District's DAEP or the JJAEP will be made according to the following guidelines:

The placement decision will be based upon whether the student is a registered sex offender. Students who are no longer required to register as a sex offender or who receive early termination of the obligation to register are not considered registered sex offenders. Placement into an alternative disciplinary program under this section supersedes all other legal provisions pertaining to alternative disciplinary placement. Additionally, students who are placed in an alternative setting under this provision must still maintain and comply with any other court ordered requirements relating to sex offender registrant status.

Students under Court Supervision: A student who is under any form of court supervision, including probation, community supervision, or parole, must be placed for at least one semester in a DAEP or in a JJAEP. If a student under court supervision is placed in the DAEP or in a JJAEP and transfers, the student may be required to complete an additional semester in an alternative placement in the new school district without a committee conducting a placement review as described below or the enrolling district may count the time spent by the student in the former district toward the required placement time.

Students Not Under Court Supervision: A student who is not under any form of court supervision may be placed in a disciplinary program or in the regular classroom unless the Board's designee determines that the student's presence threatens the safety of other students or teachers; will be detrimental to the educational process; or is not in the best interests of the District's students.

Placement Review after One Semester: A committee must be convened after the student is placed for one semester to review the student's placement. The committee must be composed of:

1. A classroom teacher from the campus to which the student would be assigned if the student was not in the alternative program;
2. The student's parole or probation officer or a representative of the local juvenile probation department;
3. An instructor from the alternative education program to which the student is assigned;
4. A District designee selected by the Board or its designee; and
5. A counselor employed by the District.

The committee must vote (majority vote) to determine whether the student should remain in the alternative setting or be returned to the regular classroom. The recommendation must be made to the Board or its designee. The Board must honor the recommendation unless one of the following:

1. Recommended regular classroom placement but Board's designee determines that the student's presence:
 - a. threatens the safety of other students or teachers;
 - b. will be detrimental to the educational process; or
 - c. is not in the best interests of the District's student OR
2. Recommend continued alternative setting but the Board's designee determines that the student's presence:
 - a. does not threaten the safety of other students or teachers;
 - b. will not be detrimental to the educational process; or
 - c. is not contrary to the best interests of the District's students.

If the recommendation is to continue the alternative setting and the Board determines that this will occur, then before the beginning of each school year, the placement committee must meet and make its determination and recommendation again.

Student Receiving Special Education Services: A placement for a student with a disability receiving special education services must be made in compliance with IDEA as amended by the IDEA Improvement Act of 2004. If a student receiving special education services is placed into an alternative setting for more than one semester, the placement review as described above must be conducted by the student's Admission Review and Dismissal (ARD) Committee. The ARD Committee can request that a placement committee with the members described be convened in order to assist in conducting the review.

Appeal: A student or parent/guardian may appeal a placement as a registered sex offender by requesting a conference among the Board or its designee, the parents/guardian and the student. This conference will be limited to the factual question of whether the student is required to register as a sex offender under Chapter 62 of the Code of Criminal Procedure. If the determination is made that the student is required to register as a sex offender, the student is subject to placement in an alternative education program. This decision made by the Board or its designee is final and may not be appealed.

Graduating Juniors/Seniors in the JJAEP: When a student is expelled during the 11th or 12th grade, UISD may allow that student to participate in graduation ceremonies if the student has completed the days of expulsion at the JJAEP at the time of graduation and that all prerequisites for graduation are met. If the student in question has met all prerequisites for graduation but has not completed his/her days in the JJAEP, the student may be allowed to participate in graduation ceremonies. Any student placed in a JJAEP for more than 15 days during the 9th, 10th, 11th, or 12th grade for committing an offense involving Academic Dishonesty (see Glossary) shall not be given a speaking role or recognized for any academic achievement, including but not limited to valedictorian, salutatorian, class president, or top 10 in the class, at graduation ceremonies.

Expulsion of Special Education Students: A student with a disability being served in Special Education may be expelled for engaging in conduct that would warrant such action for a student without such disabilities only if the ARD Committee determines the misconduct is not related to the student's disabling condition or inappropriate placement.

Before an expulsion or other exclusion that constitutes a change in placement, the ARD Committee must conduct a "manifestation determination" to determine whether the student's conduct was caused by his/her disabling condition or was the direct result of the district's failure to implement the individualized education program (IEP). Such a determination should be based on current evaluations and/or assessment data and on review of the current IEP documentation. The ARD Committee shall consider whether the student's behavior indicates the need for new assessment or evaluation data. Unless the parents agree otherwise, the student must be returned to his or her placement while additional assessments are being conducted.

The ARD Committee shall determine the instructional and related services to be provided during the time of expulsion. The student's IEP shall include goals and objectives designed to assist in returning the student to school and preventing significant regression. If the ARD Committee determines that the student's disruptive behavior is related to the disabling condition or inappropriate placement, the student shall not be expelled (except when the violation involves drugs, weapons or serious bodily injury). If the disruptive behavior on the part of the student indicates an inappropriate placement, the ARD Committee shall review the placement and recommend alternatives. If the ARD Committee determines that the behavior was related to the disabling

condition, it shall either rewrite the IEP to address the student's behavioral and educational needs or, when appropriate, consider the extension of an emergency removal.

Expulsion of Section 504 Students: Students served under Section 504 are treated similar to students served under IDEA with respect to discipline. Before an expulsion or other exclusion that constitutes a significant change in placement, the Section 504 Committee must conduct a "manifestation determination" to determine whether the student's conduct was caused by his/her disabling condition. Such a determination should be based on current data.

If it is determined by the Section 504 Committee that the misconduct is not caused by the student's disabling condition, the student may be excluded from school in the same manner as similarly situated nondisabled students are excluded, but educational services may not be terminated completely during the expulsion period. Educational services should be provided to the extent necessary to prevent regression in the area of the student's disabling condition.

If the results of the Section 504 Manifestation Determination Meeting indicate that the conduct was related to the student's disability, the District may not discontinue educational services to the student (except when the violation involves drugs, weapons, or serious bodily injury). The Section 504 Committee then needs to reevaluate the student to determine if his current placement and Individual Accommodation Plan is appropriate or needs to be changed.

Course Credit during Disciplinary Process: Students shall receive full credit for assignments completed in a DAEP, including In-School Suspension. Students who are placed in the District's In-School Suspension or another setting other than a DAEP will be offered an opportunity to complete coursework before the beginning of the next school year for each course in which the student was enrolled at the time of the removal. Available methods to complete coursework include, but are not limited to, correspondence courses, distance learning, or summer school. Teachers are to inform students of the time allotted for completion of the work. Students are responsible for obtaining the assignments and completing the work within the time allotted, and students are allowed to make up both class work and homework.

Students who are placed in the Webb County Juvenile Justice Alternative Education Program following expulsion are eligible to receive credit for course work completed during the expulsion. Students with disabilities will receive educational services during expulsion as determined by the Admission, Review, and Dismissal (ARD) and/or Section 504 Committees.

SECTION V--Searches, Metal Detectors, Questioning of Students, and Taking Students into Custody

Searches: In the interest of promoting student safety and attempting to ensure that schools are safe and drug free, District officials may from time to time conduct searches. Such searches are conducted without a warrant and as permitted by law. School officials may search a student's outer clothing, pockets, or property by establishing reasonable suspicion or securing the student's voluntary consent. Vehicles on school property are also subject to search.

Areas such as lockers, which are owned by the District and jointly controlled by the District and student, may be searched by school administrators, law enforcement or other appropriate personnel may AND routinely conduct blanket locker searches. Students shall not place, keep, or maintain any article or material in school-owned lockers that is forbidden by the District, or that would lead school officials to reasonably believe that it would cause a substantial disruption on school property or at a school-sponsored function.

Students are responsible for any and all prohibited items found in their possession, in their lockers, personal belongings, or in vehicles parked on school property, and shall be subject to appropriate school disciplinary action in accordance with this Student Code of Conduct and/or prosecution.

Students' Desks and Lockers: Students' desks and lockers are school property and remain under the control and jurisdiction of the school even when assigned to an individual student. Students are fully responsible for the security and contents of the assigned desks and lockers. Students must be certain that the locker is locked, and that the combination is not available to others.

Inspections and searches of desks or lockers may be conducted at any time there is reasonable cause to believe that they contain articles or materials prohibited by the District, whether or not a student is present. The parent will be notified if any prohibited items are found in the student's desk or locker.

Vehicles on Campus: Parking is a privilege. All vehicles on campus must be registered and the parking permit sticker displayed. An application must be completed and signed by the student and parent/guardian and returned before a parking permit will be issued. Upon receipt of the application and approval of the documentation required, a parking permit will be issued and affixed inside the lower left corner of the front windshield or visible area of the motorcycle. Parking permits will be sold to students with a valid driver's license and proof of insurance. The student driver's name must be listed on the insurance. Motorcycle operators are also required to register. Parking permits will be sold until the capacity of the student lot has been reached. Parking permits are only valid during the school year purchased. Periodic random checks for proof of insurance will be conducted. Electric motorized recreational vehicles, go-carts, mopeds, scooters, hover board (i.e. segway), etc. are strictly prohibited on district property.

Students not having a current valid parking permit displayed may receive a written warning attached to vehicle, lose their parking permit and privilege, and the vehicle is subject to being towed at owner's expense. All students driving to school must display the appropriate parking permit in order to park on campus. Students shall park in the areas designated for student parking. The

responsibility of finding a legal parking space rests with the motor vehicle operator. Lack of space is not considered an excuse for violation of parking regulations. Students are not permitted to park in staff, faculty, or visitor designated parking spaces at any time. Parking in unauthorized spaces or occupying more than one parking space will cause violators to lose their parking permit and/or towing of the vehicle at owner's expense.

Students shall comply with all local and state traffic regulations while operating any motor vehicle on campus. Citations will be issued for traffic and parking violations. The operator of any vehicle shall comply with the legal instructions of any campus security officer and all traffic signs.

Parking permits may be revoked for a number of reasons. These include but are not limited to:

- Leaving campus without authorization
- Taking other students off campus without authorization
- Reckless driving on or near campus or involving a school bus
- Violating safety and/or parking regulations

This shall serve as notice that United Independent School District is not liable for any vandalism to, or theft of or from, vehicles parked on District property. Furthermore, charges for towing vehicles are at the owner's expense.

Pursuant to state law effective September 1, 2007, a student who violates a provision in the student code of conduct providing for the operation and parking of vehicles on school property commits a Class C Misdemeanor. Vehicles parked on school property are under the jurisdiction of the school. The school may search any vehicle any time there is reasonable cause to do so, with or without the student's permission or presence. A student has full responsibility for the security of his or her vehicle and must make certain that it is locked and that the keys are not given to others. If a vehicle subject to search is locked, the student will be asked to unlock the vehicle. If the student refuses, the student's parent will be contacted. If a search is also refused by the student's parent, the District will turn the matter over to law enforcement. The District may, in certain circumstances, contact law enforcement even if permission to search is granted.

It is a criminal offense to intentionally exhibit, use, or threaten to exhibit or use a firearm in a manner intended to cause alarm or personal injury to another person, or to damage school property in or on any property, including a parking lot, parking garage, or other parking area that is owned by a private or public school; or any school bus being used to transport children to and from school-sponsored activities of a private or public school.

Random Drug Searches/Drug Detection Dogs: In order to ensure a drug-free learning environment, the District conducts random drug searches of school facilities. During these random drug searches, lockers, hallways, classrooms, grounds, vehicles, etc. are subject to drug checks by trained dogs at any time. If a dog alerts to a locker, a vehicle, an item in a classroom, or other common area, that locker, vehicle, or item may be searched by school officials. Trained dogs' sniffing of cars and lockers does not constitute a search under the Fourth Amendment. The alert of a trained dog to a locker or car provides reasonable cause for a search of the locker or car. (See FNF Legal).

Metal Detectors: The District does not tolerate conduct which endangers students or employees or disrupts the educational process. Accordingly, stationary and hand-held metal detectors may be used periodically to search for weapons, safeguard students and employees, and to maintain a safe environment.

All students and their possessions are subject to search by a walk-through or hand-held metal detector. Students shall be subject to the search where individualized reasonable suspicion exists that the student possesses a weapon. As necessary for efficiency purposes, students entering the school may be randomly selected for the search based on a formulaic method. All weapons which are found shall be confiscated and turned over to appropriate law enforcement agency(ies) for a determination on whether to initiate criminal prosecution.

Scanning devices shall be operated and searches shall be conducted by authorized District personnel or School Resource Officers. A District employee, volunteer or independent contractor may, within the person's scope of duties, apply physical restraint on a student in an emergency and as reasonably necessary to address the emergency and protect the safety of the student and others.

Students found in possession of a weapon or other prohibited items or contraband during the search shall be subject to appropriate disciplinary action in accordance with the Student Code of Conduct.

Questioning of Students: When law enforcement officers or other lawful authorities desire to question or interview a student at school for any purpose other than a child abuse investigation, the following guidelines shall apply:

- The principal or other appropriate administrator shall verify and record the identity of the officer or other authority and request an explanation of the need to question or interview the student at school.
- The principal or other appropriate administrator ordinarily shall make reasonable efforts to notify the student's parents or other person having lawful control of the student. If the interviewer raises what the principal or other appropriate administrator considers to be a valid objection to the notification, parents shall not be notified.
- The principal or a designee ordinarily shall be present during the questioning or interview. If the interviewer raises what the principal or other appropriate administrator considers to be a valid objection to a third party's presence, the interview shall be conducted without that person's presence.

Child Abuse Investigation: When a representative of the Department of Family and Protective Services or another lawful authority desires to question or interview a student at school as part of a child abuse investigation, the principal or other appropriate administrator shall cooperate fully with the representative's/officers' requests regarding the conditions of the interview or questioning.

Release of Child in Custody to School Campus: If a student is brought to a school campus by a law enforcement officer who request that the child will be released into the custody of the campus principal, his or her designee, or the peace officer assigned to the school campus can agree to assume responsibility for the student for the remainder of the day. A reasonable attempt to notify the parent/guardian of the circumstances under which the student was brought to school will be made; however, a school official is not required to assume such responsibility or to notify the parent/guardian of this fact.

Taking Students Into Custody: Law enforcement officers or other lawful authorities have the authority to question or interview a student at school. Law enforcement officers also have the authority to arrest or take a student into custody at school. (Board Policies FNF (LEGAL) and FNF (LOCAL)). State law requires the District to permit a student to be taken into legal custody:

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

Before a student is released to a law enforcement officer or other legally authorized person, the principal or designee shall verify the officer's identity and, to the best of his or her ability, shall verify the official's authority to take custody of the student. The principal or designee shall immediately notify the Superintendent or designee and shall notify the parents or other person having lawful control of the student. If the officer or other authorized person raises what the principal or other appropriate administrator considers to be a valid objection to notifying the parents at that time, the principal or other appropriate administrator shall not notify the parents. Since the principal or designee does not have the authority to block or delay a custody action, notification will most likely be after the fact.

Notification of Law Violations: The District is also required by state law to notify:

- All instructional and support personnel who have responsibility for supervising a student who has been arrested or referred to the juvenile court for any felony offense or for certain misdemeanors.
- All instructional and support personnel who have regular contact with a student who has been convicted or adjudicated of delinquent conduct for any felony offense or certain misdemeanors. For further information, see GRA POLICY.

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: Improper or excessive use.

ACADEMIC DISHONESTY: Any type of cheating that occurs in relation to a formal academic exercise. It can include:

- Cheating, which includes fraud, deceit, or dishonesty in an academic assignment, or using or attempting to use materials, or assisting others in using materials that are prohibited or inappropriate in the context of the academic assignment in question.
- Plagiarism, which includes use of intellectual material, including ideas or words, produced by another person without acknowledging its source.
- False Information and Representation and Fabrication or Alteration of Information, which includes furnishing false information, failing to identify oneself honestly, fabricating or altering information and presenting it as legitimate, or providing false or misleading information to an instructor or any other District official in an academic context.
- Theft or Damage of Intellectual Property, which includes sabotaging or stealing another person's work, improper access to or electronically interfering with the property of another person or the District, or obtaining a copy of an exam or assignment prior to its approved release.
- Deception, which includes providing false information to an instructor concerning a formal academic exercise – e.g., giving a false excuse for missing a deadline or falsely claiming to have submitted work.
- Alteration of District Documents, which includes forgery of an instructor's signature, submitting an altered District document, putting one's name on another's individual work, or falsely altering a previously graded exam or assignment.

AGGRAVATED ROBBERY: As defined in part by Texas Penal Code §29.03(a), when a person commits robbery and:

1. Causes serious bodily injury to another;
2. Uses or exhibits a deadly weapon; or
3. Causes bodily injury to another person or threatens or places another person in fear of imminent bodily injury or death, if the other person is: (a.) 65 years of age or older, or b. A disabled person.

ARD: Admissions, Review, and Dismissal. An ARD Committee serves to make decisions regarding the educational program of students who qualify for Special Education services.

ARMOR-PIERCING AMMUNITION: As defined by Texas Penal Code §46.01, handgun ammunition used in pistols and revolvers and designed

primarily for the purpose of penetrating metal or body armor.

ARSON: As defined in part by Texas Penal Code §28.02: 1. A crime that involves starting a fire or causing an explosion with intent to destroy or damage: A. Any vegetation, fence, or structure on open-space land; or B. Any building, habitation, or vehicle:

1. Knowing that it is within the limits of an incorporated city or town,
 2. Knowing that it is insured against damage or destruction,
 3. Knowing that it is subject to a mortgage or other security interest,
 4. Knowing that it is located on property belonging to another,
 5. Knowing that it has located within it property belonging to another, or
 6. When the person starting the fire is reckless about whether the burning or explosion will endanger the life of some individual or the safety of the property of another;
2. A crime that involves recklessly starting a fire or causing an explosion while manufacturing or attempting to manufacture a controlled substance and the fire or explosion damages any building, habitation, or vehicle; or
 3. A crime that involves intentionally starting a fire or causing an explosion and in so doing:
 - A. Recklessly damages or destroys a building belonging to another, or
 - B. Recklessly causes another person to suffer bodily injury or death.

ASSAULT: A person commits an offense if the person intentionally, knowingly, or recklessly causes bodily injury to another (See Texas Penal Code §22.01(a) (1)); intentionally or knowingly threatening another with imminent bodily injury (See Texas Penal Code §22.01(a) (2)); or as intentionally or knowingly causing physical contact with another that can reasonably be regarded as offensive or provocative (See Texas Penal Code §22.01(a) (3)).

BIP: Behavior Intervention Plan (formerly known as Behavior Management Plan). A BIP is the section on an Individual Education Plan, which documents modifications or adaptations to the School Districts disciplinary rules, which accommodate the unique needs of a student with a disability. A BIP is designed to decrease and/or ultimately eliminate inappropriate behaviors that may interfere with the student's or other students' ability to receive an education.

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

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

- (1) Has the effect or will have the effect of physical 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.
- (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.

CATFISHING: Term used when a person takes information and/or images from another person and creates a new identity for themselves to target a victim and/or deceive people for love, money or manipulation.

CHEMICAL DISPENSING DEVICE: As defined by Texas Penal Code §46.01, a device designed, made, or adapted for the purpose of dispensing a substance capable of causing an adverse psychological or physiological effect on a human being. A small chemical dispenser sold commercially for personal protection is not in this category.

CITATION (TICKET): Notice of disorderly conduct, tobacco use, or other legal violation that may be issued by school or local law enforcement personnel when a student engages in certain conduct; this is an action separate from any school disciplinary action.

CLUB: As defined by Texas Penal Code §46.01, 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.

CONDUCT IN NEED OF SUPERVISION: Conduct indicating a need for supervision includes the absence of a child on ten or more days or parts of days within a six-month period in the same school year or on three or more days or parts of days within a four-week period from school. Family Code 51.03(b)(2). It is an affirmative defense to prosecution for nonattendance or to an allegation of conduct in need of supervision that one or more of the absences required to be proven were excused by a school official or by the court or that one or more of the absences were involuntary, but only if there is an insufficient number of unexcused or voluntary absences remaining to constitute an offense.

CONTROLLED SUBSTANCE and DANGEROUS DRUG: Controlled substance means a substance, including a drug, 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 the Agriculture Code §121.001, or the tetrahydrocannabinols (THC) in hemp. **Dangerous drug** is defined by Health and Safety Code §483.001 as a device or a drug that is unsafe for self-medication and that is not included in Schedules I through V or Penalty Groups 1 through 4 of the Texas Controlled Substances Act. The term includes a device or drug that federal law prohibits dispensing without prescription or restricts to use by or on the order of a licensed veterinarian.

CRIMINAL MISCHIEF: Without the effective consent of the owner, (a) intentionally or knowingly damaging or destroying the tangible property of the owner; (b) intentionally or knowingly tampering with the tangible property of the owner and causing pecuniary loss or substantial inconvenience to the owner or a third person; or (c) intentionally or knowingly making markings, including inscriptions, slogans, drawings, or paintings, on the tangible property of the owner.

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

CYBERBULLYING: As defined by §37.0832 of the Texas Education Code, bullying that is done through the use of any electronic 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.

DATING VIOLENCE: Dating violence occurs when a person in a current or past marriage or dating relationship intentionally 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 person committing the offense, as defined by Family Code §71.0021 of the Family Code.

DEADLY CONDUCT: 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: 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: 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.

DISCIPLINARY ALTERNATIVE EDUCATION PROGRAM (DAEP): An educational program provided by the School District for students who have engaged in serious misconduct, such as assault, drug- or alcohol-related offenses, public lewdness, abuse of volatile chemicals, and unruly, disruptive, or abusive classroom behavior. DAEP's may be located on or off the regular campus. Students in DAEP's are separated from students in the regular program. DAEP provides supervision and counseling and focuses on English language arts, mathematics, science, history, and self-discipline.

DISCRETIONARY: When something is left to or regulated by a local decision maker.

DISRUPTIONS OF SCHOOL OPERATIONS: Any disruption of school operations is not tolerated and may constitute a misdemeanor offense. As identified by law, disruptions include the following:

- Interference with the movement of people at an exit, entrance, or hallway of district building without authorization from an administrator.
- Interference with an authorized activity by seizing control of all or part of a building.
- Use of force, violence, or threats in an attempt to prevent participation in an authorized assembly.
- Use of force, violence, or threats to cause disruption during an assembly.
- Interference with the movement of people at an exit or an entrance to district property.
- Use of force, violence, or threats in an attempt to prevent people from entering or leaving district property without authorization from an administrator.
- Disruption of classes or other school activities while on district property or on public property that is within 500 feet of district property. Class disruption includes making loud noises; trying to entice a student away from, or to prevent a student from attending, a required class or activity; and entering a classroom without authorization and disrupting the activity with loud or profane language or any misconduct.
- Interference with the transportation of students in vehicles owned or operated by the district.

DISRUPTIVE ACTIVITIES (TEC §37.123):

- (a) A person commits an offense if the person, alone or in concert with others, intentionally engages in disruptive activity on the campus or property of any private or public school.
- (b) For purposes of this section, disruptive activity is:
 - (1) obstructing or restraining the passage of persons in an exit, entrance, or hallway of a building without the authorization of the administration of the school;
 - (2) seizing control of a building or portion of a building to interfere with an administrative, educational, research, or other authorized activity;
 - (3) preventing or attempting to prevent by force or violence or the threat of force or violence a lawful assembly authorized by the school administration so that a person attempting to participate in the assembly is unable to participate due to the use of force or violence or due to a reasonable fear that force or violence is likely to occur;
 - (4) disrupting by force or violence or the threat of force or violence a lawful assembly in progress; or
 - (5) obstructing or restraining the passage of a person at an exit or entrance to the campus or property or preventing or attempting to prevent by force or violence or by threats of force or violence the ingress or egress of a person to or from the property or campus without the authorization of the administration of the school.
- (c) An offense under this section is a Class B misdemeanor.
- (d) Any person who is convicted the third time of violating this section is ineligible to attend any institution of higher education receiving funds from this state before the second anniversary of the third conviction.
- (e) This section may not be construed to infringe on any right of free speech or expression guaranteed by the constitution of the United States or of this state.

DISRUPTION OF CLASSES (TEC §37.124): A person commits an offense if the person, on school property or on public property within 500 feet of school property, alone or in concert with others, intentionally disrupts the conduct of classes or other school activities. An offense under this section is a Class C misdemeanor. In this section:

- (1) "Disrupting the conduct of classes or other school activities" includes:
 - (A) emitting noise of an intensity that prevents or hinders classroom instruction;
 - (B) enticing or attempting to entice a student away from a class or other school activity that the student is required to attend;
 - (C) preventing or attempting to prevent a student from attending a class or other school activity that the student is required to attend; and
 - (D) entering a classroom without the consent of either the principal or other appropriate administrator or the teacher and, through either acts of misconduct or the use of loud or profane language, disrupting class activities.
- (2) "Public property" includes a street, highway, alley, public park, or sidewalk.
- (3) "School property" includes a public school campus or school grounds on which a public school is located and any grounds or buildings used by a school for an assembly or other school-sponsored activity.

DISTRICT OR SCHOOL: Includes an independent school district, a home-rule school district, a campus or campus program charter holder, or an open-enrollment charter school.

EXPLOSIVE WEAPON: As defined by Texas Penal Code §46.01, 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.

E-CIGARETTE: An electronic cigarette or any other device that simulates smoking by using a mechanical heating element, battery, or electronic circuit to deliver nicotine or other substances to the individual inhaling from the device 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.

EXPULSION: An act of the school administration, which forbids a student from attending school for a period in excess of three school days. Expulsions can be for periods as long as a semester or a school year. In serious cases, an expulsion can be longer than one school year.

FALSE ALARM OR REPORT: 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.

FIGHT: Engaging in a struggle, conflict, quarrel, or argument involving physical contact with one or more students or staff members which does not rise to the level of assault as defined in §22.01(a)(1) of the Texas Penal Code

FIREARM: As defined by federal law (18 U.S.C. §921(a)): 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.

GANG: An organization composed, in whole or in part, of students, which seeks to perpetuate itself by taking in additional members from the student population on the basis of the decision of the organization's membership as a whole, rather than on the free choice of the individual student.

GANG ACTIVITIES, PUBLIC SCHOOL FRATERNITY, SORORITY, AND SECRET SOCIETIES: Students shall not become members or promise to become members of any organization composed wholly or in part of students of public schools below the rank of college or junior college which seeks to perpetuate itself by taking in additional members from the students enrolled in such school on the basis of the decision of its membership, rather than upon the free choice of any student in the school who is qualified under the rules of the school to fill the special aims of the organization. Students shall be warned against such membership and once warned, any student who continues such membership or promise shall be guilty of serious misbehavior and may be recommended for placement in a Disciplinary Alternative Education Program.

More specifically, students are prohibited from engaging in the following activities, at school, at any school-related activity, or on a school bus, which the District considers to be gang-related:

1. Wearing, possessing, using, distributing, displaying, or selling any clothing, jewelry, emblems, badges, symbols, signs, graffiti, or other affiliation in any gang;
2. Committing any act or omission, or using any speech, either verbal or non-verbal (gestures, handshakes, etc.), showing membership or affiliation in a gang;
3. Using any speech, or committing any act or omission in furtherance of interest in any gang or gang activity, including, but not limited to:
 - a. Coercing, inducing or soliciting others for membership in any gang;
 - b. Requesting any person to pay for protection, or otherwise intimidating or threatening any person;
 - c. Inciting other students to act with physical violence upon any other person;
 - d. Engaging in conduct with others in intimidating, fighting, assaulting, or threatening to assault others;
 - e. Committing any other illegal acts or other violations of District policies.

Students who engage in these activities shall be subject to disciplinary action, which may include suspension, removal to a Disciplinary Alternative Education Program, or expulsion.

GRAFFITI: A person commits an offense if, without the effective consent of the owner, the person intentionally or knowingly makes markings, including inscriptions, slogans, drawings, or paintings, on the tangible property of the owner with:

1. Aerosol paint;
2. An indelible pen or marker; or
3. Etching or engraving device.

An offense under this section is a state jail felony if:

1. The marking is made on a school, an institution of higher education, a place of worship or human burial, a public monument, or a community center that provides medical, social, or educational programs; and
2. The amount of the pecuniary loss to real property or to tangible personal property is less than \$20,000.

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

HARASSMENT: (1) Conduct that meets the definition established in District policies DIA (Local) and FFH (Local); (2) Conduct that threatens to cause harm or bodily injury to another person, including a district student, employee, Board member, or volunteer; is sexually intimidating conduct, causes physical damage to the property of another student, subjects another student to physical confinement or restraint, or maliciously and substantially harms another student's physical or emotional health or safety, as defined in §37.001(b)(2) of the Texas Education Code; or (3) Conduct that is punishable as a crime under Texas Penal Code §42.07, including the following types of conduct if carried out with intent to harass, annoy, alarm, abuse, torment, or embarrass another: (a) Initiating communication and, in the course of the communication, making a comment, request, suggestion, or proposal that is obscene, as defined by law; (b) Threatening, in a manner reasonably likely to alarm the person receiving the threat, to inflict bodily injury on the person or to commit a felony against the person, a member of the person's family or household, or the person's property; (c) Conveying, in a manner reasonably likely to alarm the person receiving the report, a false report, which is known by the conveyor to be false, that another person has suffered death or serious bodily injury; and (d) Sending repeated electronic communications in a manner reasonably likely to harass, annoy, alarm, abuse, torment, embarrass, or offend another; and (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 described by law.

HAZING: As defined by §37.151 of the Texas Education Code, an intentional, knowing, or reckless act, on or off campus, by one person alone or acting with others, directed at a student for the purpose of pledging, initiation into, affiliation with, holding office in, or maintaining membership in an organization if the act: (A) is any type of physical brutality, such as whipping, beating, striking, branding, electronic shocking, placing of a harmful substance on the body, or similar activity; (B) involves sleep deprivation, exposure to the elements, confinement in a small space, calisthenics, or other similar activity that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student; (C) involves consumption of a food, liquid, alcoholic beverage, liquor, drug, or other substance other than as described in Paragraph (E), that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student; (D) is any activity that induces, causes, or requires the student to perform a duty or task that involves a violation of the Texas Penal Code; or (E) involves coercing, as defined by §1.07 of the Texas Penal Code, the student to consume: (i) a drug; or (ii) an alcoholic beverage or liquor in an amount that would lead a reasonable person to believe that the student is intoxicated, as defined by §49.01 of the Texas Penal Code. Students shall have prior approval from the principal or designee for any type of initiation rites of a school club or organization. No student shall engage in any form of hazing, nor shall any student encourage or assist any other person in hazing. It is a criminal offense if a person engages in hazing; solicits, encourages, directs, aids, or attempts to aid another in hazing; or has firsthand knowledge of an incident of hazing being planned or having occurred and fails to report this to the principal, other campus administrator, or superintendent. Acts of hazing and failure to report known hazing or planned hazing can result in criminal penalties, as well as school discipline, including, but not limited to, suspension, removal to a DAEP, or expulsion.

HIT LIST: As defined by Texas Education Code §37.001(b)(3), 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.

HOMELESS STUDENTS: As defined by 42 U.S.C. §11434a, means individuals who lack a fixed, regular, and adequate residence; and includes: (i) children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or traditional shelters; or are abandoned in hospitals; (ii) children and youth who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings; (iii) children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and (iv) migratory children who qualify as homeless for the purposes of this part the children are living in circumstances described in clauses (i) through (iii).

IAP: A Section 504 Individual Accommodation Plan is a written plan that describes the educational and related aids and services that a Section 504 Committee determines a student needs to receive a Free and Appropriate Public Education (FAPE). The IAP contains a set of instructions that detail specific strategies and practices that will be used to:

- Communicate to teachers what strategies and practices will be used to ensure that a student's learning needs are met
- Detail any specialized learning materials or equipment needed for the child's instruction or physical needs
- Explain any class work or homework accommodations the child will receive
- List any additional support services the child may need to benefit from education
- Explain any grading or assessment changes the student will receive
- Detail the strategies used for Behavior Intervention Plans
- Specify how the parents or guardians of a child will assist with the accommodation plan, if applicable
- Detail the child's responsibilities regarding the plan, if any.

IEP: An Individual Education Plan is developed for each student who receives Special Education Services. The IEP must include: (1) a statement of the child's present levels of educational performance; (2) a statement of measureable annual goals including academic and functional goals; (3) a description of how the child's progress toward meeting the goals will be provided; (4) a statement of the special education and related services and supplementary aids and services to be provided to the child; (5) an explanation of the extent, if any, to which the child will not participate with nondisabled children in the regular class; (6) a statement of any individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the child on State and district wide assessments; and (7) the projected dates for the beginning of the services and modifications and the anticipated frequency, location and duration of such services.

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

INDECENT EXPOSURE: As defined by Texas Penal Code §21.08, an offense that occurs when a person exposes 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: As defined by Texas Civil Practices and Remedies Code §98B.001, §98B.002 and Texas Penal Code §21.16, visual material that depicts a person with the person's intimate parts exposed or engaged in sexual conduct. "Visual material" means any film, photograph, video tape, negative, or slide of any photographic reproduction or any other physical medium that allows an image to be displayed on a computer or other video screen and any image transmitted to a computer or other video screen.

JEGGINGS: Jeggings have elasticity and resemble pants with stitching, fake pockets and fake fly front. Leggings are stretchy skin-tight bottoms, resembling thicker tights and are typically used for athletic activities, e.g., yoga pants. *Leggings are prohibited for Middle & High School students. Leggings are allowed for Elementary students.*

JURISDICTION: The sphere of authority or control; the territorial range over which any authority extends.

KNUCKLES: As defined by Texas Penal Code §46.01, 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.

LEGGINGS: Leggings are stretchy skin-tight bottoms, resembling thicker tights and are typically used for athletic activities, e.g., yoga pants. *Leggings are prohibited Middle & High School students. Leggings are allowed for Elementary students.*

LOCATION RESTRICTED KNIFE: As defined by Texas Penal Code §46.01, a knife with a blade over five and one-half inches.

LOOK-ALIKE WEAPON: An item that resembles a weapon but it not intended to be used to cause serious bodily injury.

MACHINE GUN: As defined by Texas Penal Code §46.01, any firearm that is capable of shooting more than two shots automatically, without manual reloading, by a single function of the trigger.

MANDATORY: When something is obligatory or required because of an authority.

MANIFESTATION DETERMINATION: The purpose of this process is to determine whether or not the child's behavior that led to the disciplinary infraction is linked or not linked to his or her disability.

NICOTINE: A toxic colorless or yellowish oily liquid that is the chief active constituent of tobacco. It acts as a stimulant in small doses, but in larger amounts blocks the action of autonomic nerve and skeletal muscle cells. Nicotine is also used in insecticides.

PARAPHERNALIA: Devices that can be used for inhaling, ingesting, injecting, or otherwise introducing marijuana, a controlled substance or a dangerous drug into a human body.

PLACEMENT REVIEW COMMITTEE: Each campus will establish a three-member committee composed of two teachers chosen by the faculty and one member chosen by the principal. The purpose of this committee is to determine placement of a student when a teacher refuses the return of a student to the teacher's class and to make recommendations to the district regarding readmission of expelled students.

POSSESSION: 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; telecommunications or electronic devices; or any school property used by the student, including but not limited to a locker or desk. Actual care, custody, control, or management will be taken into consideration.

PRIVILEGE: Permission or authorization to participate and/or hold membership in school-related or extracurricular activities, including, but not limited to, the following: honor and scholarship clubs/societies and activities or other school-related clubs/societies and activities; school assemblies, graduation exercises, school dances, junior-senior proms, class or group trips (other than instructional field trips which are part of the curriculum); theater organizations, plays, presentations/performances, and talent shows; student body government, class organizations, and other similar activities and organizations; and participation in field days, carnivals, or other school-related celebrations.

PROHIBITED WEAPON: As defined by Texas Penal Code §46.05(a), 1. An explosive weapon; 2. A machine gun; 3. A short-barrel firearm unless registered with the U.S. Bureau of Alcohol, Tobacco, Firearms, and Explosives or classified as a curio or relic by the U.S. Department of Justice (applicable to 1, 2 and 3); 4. Armor-piercing ammunition; 5. A chemical dispensing device; 6. A zip gun; 7. A tire deflation device; 8. An improvised explosive device.

PROHIBITION: A rule, law, order, or decree that forbids something.

PUBLIC LEWDNESS: As defined by Texas Penal Code §21.07, 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.

REASONABLE BELIEF: A determination made by the superintendent or designee which reasonably suggest a violation of the Student Code of Conduct or other school/district policies or rules using all available information including the information furnished under Article 15.25 of the Code of Criminal Procedure.

RESTRAINT: The use of physical force or a mechanical device to significantly restrict the free movement of all or a portion of a student's body.

RIOT: Riot means the assemblance of seven or more persons resulting in conduct which 1. Creates an immediate danger of damage to property or injury to persons; 2. Substantially obstructs law enforcement or other governmental functions or services; or 3. By force, threat of force or physical action deprives any person of a legal right or disturbs any person in the enjoyment of a legal right.

SCHOOL DAYS: Those days students are in regular attendance (school days may vary from school to school).

SECTION 504 COMMITTEE: Committee composed of knowledgeable persons about the student, the meaning of the student's current evaluation data, and placement options. The composition of the Section 504 Committee is fluid and may change within a school year or between school years as a student's needs and services change. The Section 504 Committee makes decisions regarding the evaluation and placement of students under Section 504.

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

SERIOUS MISBEHAVIOR: Behavior that is grounds for permissible expulsion or mandatory DAEP placement. Behavior identified by the District as grounds for Discretionary DAEP placement. In addition, for purposes of discretionary expulsion from a DAEP, serious misbehavior means:

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

SEXTING: Sending or posting electronic messages, videos, or pictures that are abusive, obscene, sexually oriented, threatening, harassing, damaging to another's reputation, or illegal.

SEXUAL HARASSMENT: Sexual harassment of a student by an employee includes any welcome or unwelcome sexual advances, requests for sexual favors, and other verbal (oral or written), physical, or visual conduct of a sexual nature. It also includes such activities as engaging in sexually oriented conversations for purposes of personal sexual gratification, telephoning a student at home or elsewhere to solicit inappropriate social relationships, physical contact that would be reasonably construed as sexual in nature, and enticing or threatening a student to engage in sexual behavior in exchange for grades or other school-related benefit. Sexual harassment of a student by another student includes unwanted and unwelcome verbal or physical conduct of a sexual nature, whether by word, gesture, or any other sexual conduct, including requests for sexual favors.

SHORT-BARREL FIREARM: As defined by Texas Penal Code §46.01, 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.

SUSPENSION (Out of School): An act of the school administration taken as a disciplinary action which forbids a student from attending school for one, two, or three school days.

TERRORISTIC THREAT: As defined by Texas Penal Code §22.07, a person commits an offense if he threatens to commit any offense involving violence to any person or property with intent to: (1) cause a reaction of any type to his threat by an official or volunteer agency organized to deal with emergencies; (2) place any person in fear of imminent serious bodily injury, or (3) prevent or interrupt the occupation or use of a building; room; place of assembly; place to which the public has access; place of employment or occupation; aircraft, automobile, or other form of conveyance; or other public place; (4) cause impairment or interruption of public communications, public transportation, public water, gas, or power supply, or other public service; (5) place the public or 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: Crimes listed in Title 5 of the Texas Penal Code that typically involve injury to a person and may include murder; capital murder, manslaughter; homicide; criminally negligent homicide, kidnapping; aggravated kidnapping; trafficking of persons; smuggling or continuous smuggling of persons; coercing, soliciting, or inducing gang membership if it causes bodily injury to a child or by threatening the child with imminent bodily injury; assault; aggravated assault; sexual assault; aggravated sexual assault; unlawful restraint; continuous sexual abuse of young child or disabled individual; bestiality; improper relationship between educator and student; voyeurism; indecency with a child; invasive visual recording; disclosure or promotion of intimate visual material or improper photography; sexual coercion; 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.

TRUANCY: Failure of a student to attend school for all or part of a school day when the student's absence has not been excused by the School District.

UNDER THE INFLUENCE: Lacking the normal use of one's mental or physical faculties, as determined by the school nurse, law enforcement, or campus administrator, considering the preponderance of the evidence. Impairment of a person's physical or mental faculties may be evidenced by abnormal or erratic behavior, the presence of abnormal physical symptoms which could be related to drug or alcohol use, or by admission. A student "under the influence" need not be legally intoxicated to trigger disciplinary action. Further, the District is not required to consider or fund an outside drug or alcohol test.

VANDALISM AND DAMAGE TO SCHOOL PROPERTY: Students shall not vandalize or otherwise damage or deface any property, including furniture and other equipment, belonging to or used by the District or District schools. Parents or guardians of students guilty of damaging school property shall be liable for damages in accordance with Texas law, and may be subject to criminal penalties.

VOLATILE CHEMICALS: Harmful chemicals such as chloroform, acetone, ketone, methanol, toluene, etc. (See Texas Health and Safety Code §484).

ZIP GUN: As defined by Texas Penal Code §46.01, 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.