

Midway ISD Student Code of Conduct - 2025-2026 Update
Guide to Changes and Additions

Non-substantive changes such as acronyms or wording changes to enhance readability were not included in this change table.		
Topic	Page	Description of Change
Table of Contents		<ul style="list-style-type: none">Updated after revisions
Purpose	5	<ul style="list-style-type: none">Updated to include required language per 89th Legislature <p>Not later than the first day of the 2025-2026 school year, the Texas Education Agency (TEA) shall prepare and provide to each school district a report identifying each law relating to school discipline that was amended or added by the 89th Legislature, Regular Session, 2025. A school district shall provide to each student and the parent of or person standing in parental relation to the student the prepared report.</p>
Campus Behavior Coordinator	6	<ul style="list-style-type: none">Updated to include required language per 89th Legislature (House Bill 6) <p>As required by law, a single person at each campus must be designated to serve as the campus behavior coordinator (CBC). The designated person may be the principal, or any other campus administrator selected by the principal. Additional staff members may assist the CBC in the performance of the CBC's duties, provided that the CBC personally verifies that all aspects of Chapter 37, Subchapter A are appropriately implemented. The CBC is primarily responsible for maintaining student discipline. The CBC shall monitor disciplinary referrals and report the following behavior to the campus's threat assessment and safe and supportive school team:</p> <ul style="list-style-type: none">Conduct that contains the elements of the offense of terroristic threat under Penal Code 22.07;Conduct that contains the elements of the offense of unlawfully carrying weapons under Penal Code 46.02;Conduct that contains the elements of the offense of exhibiting, using, or threatening to exhibit or use a firearm under Education Code 37.125; andAny concerning student behaviors or behavioral trends that may pose a serious risk of violence to the student or others.

		<ul style="list-style-type: none"> The district shall post on its website and in the Student Handbook, for each campus, the email address and telephone number of the person serving as CBC. Contact information may be found at www.midwayisd.org/schools and at HANDBOOK LINK COMING SOON.
Mistreatment of Others	10	<ul style="list-style-type: none"> Added language to reflect MISD's intolerance for profanity, vulgar language, or obscene gestures <p>Use profanity or vulgar language or make obscene gestures including any form of racial, ethnic, religious, gender, sexual orientation, nationality, disability, or other slurs.</p> <ul style="list-style-type: none"> Added per SB 326 <p>Engage in any behavior that violates the Student Code of Conduct and is motivated by antisemitism (see glossary)</p>
Possession of Prohibited Items	11	<ul style="list-style-type: none"> SB 1596 removed short barrel firearms from the definition of prohibited weapons in the Penal Code, so those firearms are now listed as a prohibited weapon in this section. <p>A short barrel firearm;</p> <ul style="list-style-type: none"> Nicotine pouches have been included as an example of tobacco products to ensure clarity that all nicotine delivery devices are covered as prohibited items <p>Tobacco products (including nicotine pouches), cigarettes, e-cigarettes, and any component, part, or accessory for an e-cigarette device;</p>
Possession of Personal Communications Devices	12	<ul style="list-style-type: none"> Updated and added per HB 1481 <p>Students shall not turn on, use, or remove a personal communication device from proper storage on school property during the school day. Students shall store personal communications devices in a proper storage site such as a backpack, purse, bag, car, or other campus designated storage area. (see Glossary)</p> <p>The school day begins when a student enters the school building and ends at the last bell of the school's last instructional period of the day (see Glossary).</p>

		<p>The use of cell phones or any device capable of capturing images is strictly prohibited in locker rooms or restroom areas while at school or at a school-related or school-sponsored event.</p> <p>Students who turn on, use, or remove a personal communication device from proper storage during the school day will receive disciplinary consequences in accordance with this Code of Conduct.</p> <p>First Offense - An authorized district employee will confiscate the personal communication device. The student may retrieve the personal communication device the following school day.</p> <p>Second Offense - An authorized district employee will confiscate the personal communication device. The student's parent or legal guardian may retrieve the device the following school day.</p> <p>If the first or second offense occurs on the last day of a school week a student's parent or legal guardian may retrieve the personal communications device on the same day it was confiscated.</p> <p>Third and Subsequent Offenses - The third and subsequent violations will be considered insubordination and school consequences such as but not limited to ISS, OSS, confiscation of the device, sequestering the device, and demerits at the secondary level will be applied.</p> <p>Campus Administrators have the authority to apply consequences based on individual student circumstances and needs.</p> <p>The district may authorize the use of a personal communications device for the following reasons:</p> <ul style="list-style-type: none"> • To implement an individualized education program (IEP) or for a plan created under Section 504, Rehabilitation Act of 1973 (29 U.S.C Section 794) or a similar program or plan; • With documented need based on a directive from a qualified physician; or • To comply with a health or safety requirement imposed by law or as part of the district's safety protocols.
Misuse of Technology Resources and the Internet	13	<ul style="list-style-type: none"> • A reference to the inappropriate use of artificial intelligence has been added <p>Utilize artificial intelligence in a way that would constitute academic dishonesty or as a means of engaging in any other prohibited conduct.</p>

Miscellaneous Offenses	14	<ul style="list-style-type: none"> The provision addressing cheating has been broadened to reference academic dishonesty and provide examples. A reference to the unauthorized use of artificial intelligence has been included as an example of academic dishonesty. <p>Engage in academic dishonesty, which includes cheating or copying the work of another student, unauthorized use of artificial intelligence, plagiarism, and unauthorized communication between students during an examination.</p>
First-Time Offense of Possession or Use of Nicotine Delivery Product or E-Cigarette	15	<ul style="list-style-type: none"> This is a new requirement per HB 6 <p>An appropriate administrator may place a student in a disciplinary alternative education program for the first-time offense of possession or use of a nicotine delivery product or e-cigarette, as defined by <u>Section 161.081, Health and Safety Code</u>.</p> <p>If a student who possesses or uses an e-cigarette is not placed in a disciplinary alternative education program for the first-time offense under <u>Education Code 37.008</u>, the student shall be placed in in-school suspension for a period of at least 10 school days.</p>
Parental Involvement	17	<ul style="list-style-type: none"> In accordance with HB6 the district must choose whether or not to adopt a policy for parental involvement in student disciplinary placements. <p>The district has not adopted a policy for parental involvement in school disciplinary placements under <u>Education Code 37.0014</u>.</p>
Formal Teacher Removal	18	<ul style="list-style-type: none"> HB 6 changed the standards for teacher removals and clarified that teacher removals can result from a single incident of student behavior. HB 6 requires that the removing teacher should have an opportunity to participate in the conference. <p>Formal Teacher Removal</p> <p>A teacher may initiate a formal removal from class if:</p> <ol style="list-style-type: none"> A student's behavior has been documented by repeatedly interferes with the teacher as repeatedly interfering with the teacher's ability to teach the class or with other students' ability to learn. or The A student demonstrates behavior that is so unruly, disruptive, or abusive that toward the teacher, another adult, or cannot teach, and the another student in the classroom cannot learn A student engages in conduct that constitutes bullying, as defined by <u>Education Code 37.0832</u>.

		<p>A teacher, CBC, or other appropriate administrator must notify a parent or person standing in parental relation to the student of the formal removal. A teacher may remove a student from class based on a single incident of behavior.</p>
Returning a Student to the Classroom	19	<ul style="list-style-type: none"> HB6 provides that a model return to class plan will be adopted by the commissioner for use by a school district. A return to class plan must be created before or at the conference. A plan created before the conference must be discussed at the conference. <p>A student who has been formally removed from class by a teacher for conduct against the teacher containing the elements of assault, aggravated assault, sexual assault, or aggravated sexual assault may not be returned to the teacher's class without the teacher's written consent.</p> <p>A student who has been formally removed by a teacher for any other conduct may not be returned to the teacher's class without the teacher's written consent unless the placement review committee determines that the teacher's class is the best or only alternative, and not later than the third class day after the day the student was removed from class, a conference in which the teacher was provided an opportunity to participate has been held. The student may not be returned to the teacher's class unless the teacher provides written consent for the student's return or a return to class plan has been prepared for that student.</p>
Appeals of Formal Teacher Removals	19	<ul style="list-style-type: none"> HB6 allows a district to choose whether or not they have a process for students to appeal to the school's placement review committee. Policy language will be included in Update 126. <p>A student may appeal the teacher's removal of the student from class to the school's placement review committee or the campus's threat assessment and safe and supportive school team, in accordance with a district policy providing for such an appeal to be made to this team.</p>
In-School Suspension & Process	19-20	<ul style="list-style-type: none"> HB6 clarified provisions related to in-school suspension <p>An in-school suspension is not subject to any time limit.</p>

		<p>A school’s principal or other appropriate administrator shall review the in-school suspension of a student at least once every 10 school days after the date of the suspension begins to evaluate the educational progress of the student and to determine if continued in-school suspension is appropriate.</p> <p>During in-school suspension, a student shall receive appropriate behavioral support services and comparable educational services as the student would receive in the classroom. If the student receives special education services, the student must continue to receive special education and related services specified in the student’s individualized education program (IEP) and continue to have an opportunity to progress in the general curriculum.</p> <p>[See First-Time Offense of Possession or Use of Nicotine Delivery Product or E-Cigarette for limitations to the general rule.]</p> <p>Process</p> <p>Before being suspended, a student shall have an informal conference with the CBC or appropriate administrator, who shall inform the student of the alleged misconduct and give the student an opportunity to respond to the allegation before the administrator makes a decision.</p> <p>The CBC shall determine the number of days of a student’s suspension.</p> <p>In deciding whether to order in-school suspension, the CBC shall take into consideration:</p> <ol style="list-style-type: none">1. Self-defense [see Glossary];2. Intent or lack of intent at the time the student engaged in the conduct;3. The student’s disciplinary history;4. A disability that substantially impairs the student’s capacity to appreciate the wrongfulness of the student’s conduct;5. A student’s status in the conservatorship of the Department of Family and Protective Services (foster care); or6. A student’s status as homeless. <p>The appropriate administrator shall determine any restrictions on participation in school-sponsored or school-related extracurricular and cocurricular activities.</p>
Out-of-School Suspension	20	<ul style="list-style-type: none">• Adjustments made per HB6 - specifically for students below grade 3

		<p>Students may be suspended for behavior listed in the Code of Conduct as a general conduct violation, DAEP offense, or expellable offense.</p> <p>The district shall not use out-of-school suspension for students in-grade 2 or below below grade 3 unless the conduct meets the requirements established in law.</p> <p>A student below grade 3 or a student who is homeless shall not be placed in out-of-school suspension unless, while on school property or while attending a school-sponsored or school-related activity on or off school property, the student engages in:</p> <ul style="list-style-type: none"> • Conduct that contains the elements of a weapons offense, as provided in Penal Code sections 46.02 or 46.05; • Conduct that threatens the immediate health and safety of other students in the classroom contains the elements of assault, sexual assault, aggravated assault, or aggravated sexual assault as provided by the Penal Code; • Documented conduct that results in repeated or significant disruption to the classroom; or • Selling, giving, or delivering to another person or possessing, using, or being under the influence of any amount of marijuana, an alcoholic beverage, or a controlled substance or dangerous drug as defined by federal or state law. <p>The district shall use a positive behavior program as a disciplinary alternative for students below grade 3 who commit general conduct violations instead of suspension or placement in a DAEP. The program shall meet the requirements of law.</p>
Alternative Assignment	21	<ul style="list-style-type: none"> • HB 6 provides for alternative placement with sufficient documentation and may only be used in extenuating circumstances and not used as a routine replacement for out-of-school suspension. <p>A parent or person standing in parental relation to the student may submit a written request to the principal or other appropriate administrator to reassign a student placed in out-of-school suspension. The parent or person standing in parental relation to the student must provide information and documentation that they are unable to provide suitable supervision for the student during school hours during the period of the suspension. It is the sole discretion of the principal or other appropriate administrator to reassign the student placed in out-of-school suspension.</p>
Discretionary Placement: Misconduct that May Result in DAEP Placement	22-23	<ul style="list-style-type: none"> • Revision pursuant to HB 6

		<ul style="list-style-type: none"> Engages in conduct that contains the elements of the offense of disruptive activities under Education Code 37.123. Engages in conduct that contains the elements of the offense of disruption of classes under Education Code 37.124. Possesses or uses an e-cigarette, as defined by Section 161.081, Health and Safety Code, except that if a student who possesses or uses an e-cigarette is not placed in a disciplinary alternative education program for the first-time offense under Education Code 37.008, the student shall be placed in in-school suspension for a period of at least 10 school days. See First-Time Offense of Possession or Use of Nicotine Delivery Product or E-Cigarette for additional information. <p>In accordance with state law, a student may be placed in a DAEP if the superintendent or the superintendent's designee has reasonable belief (see glossary) that the student engaged in conduct punishable as a felony, other than aggravated robbery or those listed as offenses in Title 5 (see Glossary) of the Penal Code that occurs off school property and not at a school-sponsored or school-related event, if the student's presence in the regular classroom threatens the safety of other students or teachers or will be detrimental to the educational process. Aggravated robbery or felonies listed as offenses in Title 5 (see glossary) of the Penal Code are punishable as mandatory expulsions.</p>
Mandatory Placement: Misconduct that Requires DAEP Placement	23-24	<ul style="list-style-type: none"> HB 6 removes mandatory DAEP placement for possession or use of e-cigarettes. It also clarifies that a felony offense is also a mandatory expulsion. Additions to this section per HB 6. <p>Sells, gives, or delivers to another person or possesses or uses an e-cigarette, as defined by Section 161.081, Health and Safety Code.</p> <ul style="list-style-type: none"> Engages in conduct that contains the elements of harassment under Penal Code 42.07 against any school employee or volunteer on or off of school property. Engages in conduct punishable as aggravated robbery or a felony listed under Title 5 (see Glossary)

		<p>The student receives deferred prosecution [see Glossary], or a court or jury finds that the student has engaged in delinquent conduct [see Glossary], or the superintendent or designee has a reasonable belief [see Glossary] under Section 53.03, Family Code, for conduct defined as any of the following offenses under the Penal Code:</p> <ol style="list-style-type: none"> 1. A felony offense under Title 5; 2. The offense of deadly conduct under Section 22.05; 3. The felony offense of aggravated robbery under Section 29.03; 4. The offense of disorderly conduct involving a firearm under Section 42.01(a)(7) or (8); or 5. The offense of unlawfully carrying weapons under Section 46.02, except for an offense punishable as a Class C misdemeanor under that section. <p>6. A court or jury finds that the student has engaged in delinquent conduct (see Glossary), or the superintendent or designee has a reasonable belief (see Glossary) that the student engaged in the conduct.</p>
Discretionary Expulsion: Misconduct that May Result in Expulsion	30	<ul style="list-style-type: none"> ● Per HB 6 Assault against a school employee or volunteer is now a mandatory expulsion <p>Conduct that contains the elements of assault under Penal Code 22.01(a)(1) in retaliation against a school employee or volunteer</p> <ul style="list-style-type: none"> ● Deletions per HB 6; these are now mandatory expulsions <p>Engaging in conduct that contains the elements of one of the following offenses against another student:</p> <ul style="list-style-type: none"> ● Aggravated assault ● Sexual assault ● Aggravated sexual assault ● Murder ● Capital murder ● Criminal attempt to commit murder or capital murder ● Aggravated robbery
Discretionary Expulsion: Misconduct that May Result in Expulsion Within 300 Feet of School	31	<ul style="list-style-type: none"> ● Per HB 6 <p>A student may be expelled for possession of a firearm, as defined by federal law, while within 300 feet of school property, as measured from any point on the school's real property boundary line.</p>

		<ul style="list-style-type: none"> The deleted text are infractions that are now mandatory expulsions per HB 6. <p>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</p> <ul style="list-style-type: none"> Aggravated assault, sexual assault, or aggravated sexual assault Arson Murder, capital murder, or criminal attempt to commit murder or capital murder Indecency with a child Aggravated kidnapping Manslaughter Criminally negligent homicide Aggravated robbery Continuous sexual abuse of a young child or disabled individual Felony controlled substance or dangerous drug offense not including THC Unlawfully carrying on or about the student's person a handgun or a location restricted knife, as those terms are defined by state law Possessing, manufacturing, transporting, repairing, or selling a prohibited weapon, as defined by state law Possession of a firearm, as defined by federal law
Mandatory Expulsion: Misconduct that Requires Expulsion	32	<ul style="list-style-type: none"> Revision per HB 6 - this misconduct is a mandatory expulsion regardless time of location <p>A student must be expelled under federal or state law for any of the following offenses that occur on school property or while attending a school sponsored or school related activity on or off school property:</p>
Mandatory Expulsion: Misconduct that Requires Expulsion Under the Penal Code	32-33	<ul style="list-style-type: none"> Additions Per HB 6, HB 6 removed the mandatory expulsion requirement for retaliation against a school employee or volunteer because regardless of the motivation it is a mandatory expulsion <p>Engages in conduct that contains the elements of the offense of exhibiting, using, or threatening to exhibit or use a firearm under Education Code 37.125.</p> <ul style="list-style-type: none"> Behaving in a manner that contains elements of the following offenses under the Penal Code:

		<ul style="list-style-type: none"> • Aggravated assault, sexual assault, or aggravated sexual assault. • Arson. (See glossary.) • Murder, capital murder, or criminal attempt to commit murder or capital murder. • Indecency with a child. • Kidnapping or Aggravated kidnapping. • Burglary, robbery, or Aggravated robbery. • Manslaughter. • Criminally negligent homicide. • Continuous sexual abuse of a young child or disabled individual. • Behavior punishable as a felony that involves selling, giving, or delivering to another person or possessing, using, or being under the influence of a controlled substance or a dangerous drug. • Engaging in conduct that contains elements of assault against a school employee or volunteer. • Engaging in retaliation against a school employee or volunteer combined with one of the above listed mandatory expulsion offenses
Virtual Expulsion Program and Consideration of Virtual Education as Alternative to Expulsion	33	<ul style="list-style-type: none"> • HB 6 adds a virtual expulsion program if the juvenile justice alternative education program (JJAEP) rejects or releases the student early or the school district is in a county without a JJAEP and doesn't contract with one in another county.

		<p>In some circumstances, a student may be placed in a virtual expulsion program.</p> <ul style="list-style-type: none"> • The school must ensure students in the program have the necessary technology and internet and must provide it if needed. • The virtual program must, as much as possible, meet the same requirements as an in-person disciplinary alternative education program (DAEP). • The student's placement must be reviewed every 45 school days. • If an in-person spot becomes available, the school should plan the student's return to in-person learning. • If continued virtual placement is appropriate, the school must document the decision. <ul style="list-style-type: none"> • SB 569 sets out the considerations for virtual education as an alternative option to expulsion <p>Before a school district may expel a student, the district must consider the appropriateness and feasibility of, as an alternative to expulsion, enrolling the student in a full-time hybrid program, full-time virtual program, full-time hybrid campus, or full-time virtual campus. This requirement does not apply to a student expelled under Education Code 37.0081 or 37.007(a), (d), or(e).</p>
Emergency Expulsion Procedures	36	<ul style="list-style-type: none"> • A principal or principal's designee can order an immediate expulsion of a student in accordance with Education Code 37.019; additional language is per HB 6. <p>When an emergency expulsion is necessary to protect persons or property from imminent harm, the student shall be given verbal notice of the reason for the action. Emergency expulsion may be ordered based on a single incident of behavior by the student. Within ten days after the date of the emergency expulsion, the student shall be given appropriate due process required for a student facing expulsion.</p>
Certain Felonies Hearing and Required Findings Length of Placement Placement Review Newly Enrolled Students	37-38	<ul style="list-style-type: none"> • These sections have been relocated from Discretionary Expulsion <p>Certain Felonies</p>

		<p>Regardless of whether DAEP placement or expulsion is required or permitted by one of the reasons in the DAEP Placement or Expulsion sections, in accordance with Education Code 37.0081, a student may be expelled and placed in either DAEP or JJAEP if the board or CBC makes certain findings and the following circumstances exist in relation to aggravated robbery or a felony offense under Title 5 [see Glossary] of the Penal Code. The student must have:</p> <ul style="list-style-type: none">• Received deferred prosecution for conduct defined as aggravated robbery or a Title 5 felony offense;• Been found by a court or jury to have engaged in delinquent conduct for conduct defined as aggravated robbery or a Title 5 felony offense;• Been charged with engaging in conduct defined as aggravated robbery or a Title 5 felony offense;• Been referred to a juvenile court for allegedly engaging in delinquent conduct for conduct defined as aggravated robbery or a Title 5 felony offense; or• Received probation or deferred adjudication or have been arrested for, charged with, or convicted of aggravated robbery or a Title 5 felony offense. <p>The district may expel the student and order placement under these circumstances regardless of:</p> <ol style="list-style-type: none">1. The date on which the student’s conduct occurred;2. The location at which the conduct occurred;3. Whether the conduct occurred while the student was enrolled in the district; or4. Whether the student has successfully completed any court disposition requirements imposed in connection with the conduct. <p>Hearing and Required Findings</p> <p>The student must first have a hearing before the board or its designee, who must determine that in addition to the circumstances above that allow for the expulsion, the student’s presence in the regular classroom:</p> <ol style="list-style-type: none">1. Threatens the safety of other students or teachers;2. Will be detrimental to the educational process; or3. Is not in the best interest of the district’s students. <p>Any decision of the board or the board’s designee under this section is final and may not be appealed.</p>
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		<p>Length of Placement</p> <p>The student is subject to the placement until:</p> <ol style="list-style-type: none">1. The student graduates from high school;2. The charges are dismissed or reduced to a misdemeanor offense; or3. The student completes the term of the placement or is assigned to another program. <p>Placement Review</p> <p>A student placed in a DAEP or JJAEP under this section is entitled to a review of his or her status, including academic status, by the CBC or board's designee at intervals not to exceed 120 days. In the case of a high school student, the student's progress toward graduation and the student's graduation plan shall also be reviewed. At the review, the student or the student's parent shall have the opportunity to present arguments for the student's return to the regular classroom or campus.</p> <p>Newly Enrolled Students</p> <p>A student who enrolls in the district before completing a placement under this section from another school district must complete the term of the placement.</p>
Glossary	39-47	<ul style="list-style-type: none">• Updated to reflect changes per 89th Legislature <p>Antisemitism is defined by Government Code section 448.001 as a certain perception of Jews that may be expressed as hatred toward Jews. The term includes rhetorical and physical acts of antisemitism directed toward Jewish or non-Jewish individuals or their property or toward Jewish community institutions and religious facilities. Examples of antisemitism are included with the International Holocaust Remembrance Alliance's "Working Definition of Antisemitism" adopted on May 26, 2016.</p> <p>Personal Communication Device means a telephone, cell phone such as a smartphone or flip phone, tablet, smartwatch, radio device, paging device, or any other electronic device capable of telecommunication or digital communication.</p> <p>Possession means to have an item on one's person or in one's personal property, including, but not limited to:</p> <ol style="list-style-type: none">1. Clothing, purse, or backpack;

		<div>2. A private vehicle used for transportation to or from school or school-related activities, including, but not limited to, an automobile, truck, motorcycle, or bicycle;</div> <div>3. Telecommunications Personal communications devices or electronic devices; or</div> <div>4. Any school property used by the student, including, but not limited to, a locker or desk.</div> <div>School day begins when a student enters the school building and ends at the last bell of the last instructional period of the day.</div>
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