



# Student Code of Conduct

## 2010-2011

Mr. Hector Mendez, Superintendent of Schools  
802 N. Sam Houston  
Odessa, Texas 79761  
(432) 332-9151  
<http://www.ectorcountysd.org>

*Ector County Independent School District does not discriminate on the basis of gender, age, race, nationality, religion, disability, socioeconomic standing, or non-proficiency in English language skills, in providing educational services for students' benefit.*

**Notification of  
Compliance with  
Title IX of the Education Amendments of 1972**

The Ector County Independent School District, Odessa, Texas, places all students, employees, and parents on notice that no student or employee will be excluded from participation in, be denied the benefit of, or be subjected to discrimination under any program or activity of the school district on the basis of sex/gender. The District further states that any student or employee may grieve harassment on the basis of sex/gender under Board Policies FNC(Local) for students or DNC(Local) for employees.

The District has adopted complaint procedures for handling Title IX issues. Information may be obtained from the principal, Title IX Coordinator, Athletic Director, or coach. The student may be accompanied by the parent or by another advisor throughout the complaint process.

ALL COMPLAINTS REGARDING SEXUAL HARASSMENT AND TITLE IX ISSUES MUST BE FILED WITH THE TITLE IX COORDINATOR FOR THE DISTRICT:

Title IX Coordinator, Joretha H. Lee  
Ector County Independent School District  
Administrative Building  
802 North Sam Houston  
Odessa, Texas 79761 (432) 334-7167

The Ector County Independent School District will take steps to assure that lack of English language skills will not be a barrier to admission and participation in all educational and vocational programs.

Copias de este folleto estan disponible en la oficina de la escuela.

THIS SCHOOL PERIODICALLY APPLIES PESTICIDES.

Information concerning these applications may be obtained  
From the Grounds Foreman-Maintenance/Operations at:  
(432) 337-4892

(Additional Information is contained in the Elementary and Secondary Student Handbooks)

# STUDENT CODE OF CONDUCT

**NOTICE:**

The term DAEP shall stand for Disciplinary Alternative Education Program and may serve as an Interim Alternative Educational Setting (IAES).

**NOTICE:**

This is not a contract. This booklet is to be used as a guideline only. Policies and Procedures contained within this booklet can be modified at any time.

**NOTICE:**

The generic form of he, him, or his is used to represent both male and female students.

**NOTICE:**

In case of conflict between the Student Code of Conduct and Board Policy or the Student Handbook, the Student Code of Conduct will prevail.

ECISD Board Policies FNCF(Legal), FNCF(Local), FNCG(Legal), and FNCG(Local) are in compliance with The Drug-Free Schools and Communities Act Amendment of 1989, Public Law 101-226.

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## GENERAL OVERVIEW

<b>PURPOSE</b>	<p>The Board of Trustees adopted this Student Code of Conduct (SCC) to promote a safe, secure, and optimal learning environment for all students. Inside you will find information regarding:</p> <ul style="list-style-type: none"> <li>• The District-wide discipline management plan,</li> <li>• A description of prohibited conduct,</li> <li>• The disciplinary options, methods, and consequences for preventing and addressing student misconduct, and</li> <li>• The process the District will follow when administering disciplinary consequences.</li> </ul> <p>If there is a conflict between the SCC and the Student Handbook, the terms of the SCC will control. If there is a conflict between the SCC and the District Policy, the more recently adopted provision will control.</p>
<b>ADDITIONAL RULES</b>	<p>Students may be subject to campus, classroom, extracurricular, and/or organization rules in addition to those found in the SCC. Students may face consequences under these additional rules as well as possible disciplinary action under the SCC. Further, to the extent a student engages in misconduct that is not specifically addressed in the SCC, the student may still be disciplined if the misconduct disrupts or interferes with the educational process, learning environment, or school safety.</p>
<b>NOTICE OF DISCIPLINARY ACTION</b>	<p>Teachers and administrators strive to notify parents/guardians by phone of student's conduct concerns as they occur. The campus administrator will contact the parent/guardian by phone or in writing within three school days of becoming aware of misconduct that may result in out-of-school-suspension, DAEP placement, or expulsion from school. Failure to send any notice within this time period or as noted elsewhere in the SCC does not preclude imposing a discipline consequence.</p>
<b>DISCIPLINE OF STUDENTS WITH SPECIAL NEEDS</b>	<p>Students eligible for services under the Individual with Disabilities Education Improvement (IDEI) of the Rehabilitation Act of 1973 are subject to discipline in accordance with those laws. For more information about those specific procedures, please contact the Executive Director of Special Education at 334-7112. Students with special needs are subject to the rules governing the Student Code of Conduct except in cases where the behavior subject to disciplinary action is determined to be a manifestation of a student's identified or suspected disability.</p>

<b>ANTI DISCRIMINATION</b>	The District does not discriminate against students on the basis of race, sex, national origin, disability, religion, color, or ethnicity when enforcing the provisions of the SCC.
<b>DISCIPLINE APPEALS</b>	Appeals of disciplinary measures should be directed to the student's teacher or campus administrator, as described in District Policy FNG(Local). Depending on the disciplinary consequence assigned, different complaint procedures may apply. A copy of the appropriate policy is available at the campus or central administration office or online at <a href="http://www.tasb.org/policy/pol/private/068901/">http://www.tasb.org/policy/pol/private/068901/</a> Timelines for filing appeals stated in the policy will be enforced. Disciplinary consequences will not be delayed or deferred pending the outcome of an appeal.
<b>EFFECT OF STUDENT WITHDRAWAL</b>	Withdrawal from school after a student has been accused of a violation of the SCC will not prevent the District from investigating the alleged violation and, if it is determined that a violation did occur, assessing the appropriate disciplinary consequence and enforcing that consequence should the student re-enroll in the District.
<b>SCOPE OF THE DISTRICT'S DISCIPLINARY AUTHORITY</b>	
<b>GENERAL AUTHORITY</b>	<p>In addition to the disciplinary authority established for certain types of offenses as described within the SCC, the District has general disciplinary authority over a student at the following times:</p> <ul style="list-style-type: none"> <li>• At any time during the school day</li> <li>• While traveling to and from school or school activities on District transportation</li> <li>• While attending any school-sponsored or school-related activity, including summer school, regardless of time or location</li> <li>• As provided in extracurricular or organization handbooks, by-laws, or constitutions</li> <li>• During lunch periods, including those in which a student leaves the campus</li> <li>• While on school property</li> <li>• For any school-related misconduct, regardless of time or location</li> <li>• Other off campus conduct as permitted by Chapter 37 of the Texas Education Code</li> <li>• For certain offenses committed within 300 feet of school property as measured from any point on the school's real property boundary line</li> <li>• Off-campus conduct creating substantial risk to students on-campus</li> </ul>

<b>SEARCHES</b>	A student's clothing, personal property, method of transportation, or school property used by the student (such as lockers or desks) may be searched including the use of metal detectors and specially trained dogs, when there is reasonable cause to believe the search will reveal articles or materials prohibited by the District. Students are responsible for ensuring that any personal property, method of transportation, or school property used by the student does not contain prohibited items. Students may be disciplined for possession of prohibited items discovered during a search. For more information about searches, please review the District's Student Handbook and District Policy FNF (Local).
<b>STUDENT TRANSFERS</b>	The District may terminate the transfer of a student for violating the SCC.
<b>CRIMINAL CONDUCT</b>	School administrators will report crimes as required by law and may contact local law enforcement regarding suspected criminal activity. Certain acts of misconduct may constitute criminal offenses in addition to violations of the SCC. Because school discipline is independent of criminal proceedings, disciplinary consequences may not be postponed pending the outcome of any criminal proceeding or affected by the outcome of any criminal proceeding.
<b>DISCIPLINE CONSIDERATIONS &amp; TECHNIQUES</b>	
<b>DISCIPLINE CONSIDERATIONS</b>	<p>Using their professional judgment, District employees will consider a variety of factors when administering disciplinary consequences and determining the duration of the consequence, including but not limited to:</p> <ul style="list-style-type: none"> <li>• all legal requirements such as the requirements of Chapter 37 of the Texas Education Code</li> <li>• the degree of severity and the effect of the misconduct</li> <li>• the age and grade level of the student</li> <li>• the student's attitude or demeanor</li> <li>• the potential effects of the misconduct on the school environment</li> <li>• the student's disciplinary history</li> <li>• a student with an identified disability and if the conduct in question was caused by, or had a direct and substantial relationship to the child's disability C.F.R. 300.530</li> </ul>

<p><b>DISCIPLINE CONSIDERATIONS</b> (continued)</p>	<ul style="list-style-type: none"> <li>• the student's intent at the time of the misconduct</li> <li>• depending upon all of the relevant circumstances, a student who acts in self-defense may still be subject to an appropriate disciplinary consequence</li> <li>• the frequency of the misconduct</li> </ul>
<p><b>DISCIPLINE MANAGEMENT TECHNIQUES</b></p>	<p>Discipline is designed to correct student behavior and encourage students to comply with school rules. The District may use any one or a combination of the following strategies or techniques to manage student behavior, prevent or intervene in discipline problems, or address violations of the SCC or campus or classroom rules:</p> <ul style="list-style-type: none"> <li>• Warning, verbal correction, seating changes, removal from classroom, and other in-class disciplinary actions</li> <li>• Conferences (parent, student, teacher, administrator and/or staff)</li> <li>• Contracts to modify student behavior</li> <li>• Grade penalty for cheating</li> <li>• Assignment of school-related tasks or duties</li> <li>• Withdrawal or restriction of bus privileges</li> <li>• Other methods and consequences as stated in this SCC</li> <li>• Calming-down time</li> <li>• Confiscation of items</li> <li>• School probation</li> <li>• Revocation of student transfer, with the approval of the appropriate Assistant Superintendent</li> <li>• Transfer to a different classroom or campus</li> </ul>



<b>DISCIPLINE MANAGEMENT TECHNIQUES (continued)</b>	<ul style="list-style-type: none"><li>• Loss or restriction of privileges, including transportation privileges, participation or membership in co-curricular or extracurricular activities, and seeking or holding honorary positions</li><li>• Counseling</li><li>• Corporal punishment</li><li>• Referral to an outside agency and/or legal authority for criminal prosecution in addition to measures imposed by the District</li><li>• Detention</li><li>• Community service or Saturday detention</li><li>• In-school suspension</li><li>• Out-of-school suspension</li><li>• Disciplinary Alternative Education Program (DAEP)</li><li>• Expulsion</li><li>• Consequences identified in co-curricular or extracurricular codes of conduct, constitutions, or by-laws</li><li>• Restitution or restoration of loss or damage</li><li>• Parent Shadowing (Parent attends classes with their student)</li><li>• Mandatory Drug Testing for all students suspected to be under the influence. (FNF-Local and FNFA-Regulation)</li></ul>
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## GENERAL TYPES OF PROHIBITED CONDUCT

### MISCONDUCT INVOLVING OTHERS

Misconduct identified in the list of prohibited behaviors below will result in the assignment of one or more "Discipline Management Techniques" if the behavior is committed at school, a school-sponsored or school-related activity, or when the District has "Disciplinary Authority" as described in the SCC.

- Fighting or scuffling that does not result in physical pain, illness, or any impairment of a physical condition
- Engaging in conduct that can cause bodily injury (see definitions) or property damage
- Stealing from others, including the District
- Damaging, destroying, or vandalizing property owned by others or the District
- Marking District property such as textbooks, lockers, furniture, or equipment with graffiti, tagging, or by other means
- Forcing an unwilling person to act or not act or obtaining money or another object of value from an unwilling person through duress, threats, force, extortion, coercion, or blackmail
- Subjecting a student or District employee, official, or volunteer to physical confinement or restraint
- Bullying (see definitions)
- Name-calling, ethnic or racial slurs, or derogatory statements that school employees reasonably believe could substantially disrupt the school environment or incite violence
- Making false accusations or providing false statements concerning wrongful, unlawful, inappropriate, or illegal conduct alleged to have been committed by another student or District employee, official, or volunteer
- Adding any substance, whether harmful or not, without permission to any food or beverage belonging to, in the possession of, or meant to be consumed by another student or District employee, official, or volunteer

<b>MISCONDUCT INVOLVING OTHERS</b> <b>(continued)</b>	<ul style="list-style-type: none"> <li>• Engaging in harassment (see definitions) toward another student or a District employee, official, or volunteer, including harassment motivated by race, color, religion, national origin, disability, sex, or age; or making hit lists as those terms are defined in Section 37.001 of the Texas Education Code</li> <li>• Engaging in sexual harassment (see definitions) or sexual abuse</li> <li>• Inappropriate verbal (oral or written), physical, or sexual contact toward another student or a District employee, official, or volunteer regardless of whether it is consensual</li> <li>• Engaging in oral or written threats to cause harm or bodily injury (see definitions) to another student, a District employee, official, or volunteer, or school property, including threats made using the Internet or other computer resources at school. Students may be disciplined for threats made outside of school if the threat causes a material or substantial disruption at school</li> <li>• Sending or posting electronic messages that are abusive, obscene, sexually oriented, harassing, illegal, or that cause a material or substantial disruption at school</li> <li>• Hazing (see definitions)</li> <li>• Engaging in physical, sexual, verbal, or emotional abuse as a means to harm, threaten, intimidate, or control another person in a dating relationship</li> </ul>
<b>POSSESSING, USING, GIVING, SELLING, OR BUYING PROHIBITED ITEMS</b>	<ul style="list-style-type: none"> <li>• Matches or a lighter</li> <li>• Tobacco products</li> <li>• Fireworks or any other pyrotechnic device</li> <li>• Smoke or stink bombs</li> <li>• Laser pointers (unauthorized use)</li> <li>• Pepper spray or other small chemical dispenser sold commercially for personal protection</li> </ul>

<p><b>POSSESSING, USING, GIVING, SELLING, OR BUYING PROHIBITED ITEMS (continued)</b></p>	<ul style="list-style-type: none"> <li>• "Look-alike" drugs or items attempted to be passed off as drugs, including non-prescription drugs, medications, or herbal or dietary supplements except as permitted by District policy</li> <li>• Razor blades, box cutters, or chains</li> <li>• Knives with a blade up to 5 ½", razor, box cutter, or any other object used in a way that threatens or inflicts bodily injury to another person</li> <li>• Fake or "look-alike" weapons</li> <li>• BB gun, air gun, or stun gun</li> <li>• Ammunition, shells, or bullets</li> <li>• Material that is sexually-oriented, pornographic, or reveals a person's private body parts</li> <li>• Material, including published or electronic items, that promotes or encourages illegal behavior or could threaten school safety</li> <li>• Articles not generally considered to be weapons when the administrator determines that a danger exists or when used in a way that threatens or inflicts bodily injury to another</li> <li>• CD or DVD players, cassette players, electronic games, MP3 players, PDA, stereo head sets, or other electronic equipment for other than approved use</li> <li>• Using, displaying, or having in operational mode a paging device, cellular telephone, or telecommunications device (see definitions) at school during the school day</li> </ul>
<p><b>FAILURE TO FOLLOW RULES</b></p>	<ul style="list-style-type: none"> <li>• Violating dress and grooming criteria</li> <li>• Being insubordinate or otherwise failing to comply with lawful directives given by school personnel</li> <li>• Leaving the campus or school events without permission</li> <li>• Attempting to or successfully evading, avoiding, or delaying questioning by a District employee</li> </ul>

<p><b>FAILURE TO FOLLOW RULES</b> (continued)</p>	<ul style="list-style-type: none"> <li>• Violating rules for conduct on school transportation</li> <li>• Violating the District's medications policy regarding prescription and over-the-counter drugs; abusing the student's own prescription drug, giving a prescription drug to another student or being under the influence of another person's prescription drug on school grounds or school related events; or abusing any type of inhalants</li> <li>• Violating other campus or classroom rules for behavior or District Policies</li> </ul>
<p><b>OTHER MISCONDUCT</b></p>	<ul style="list-style-type: none"> <li>• Academic dishonesty, including cheating, copying the work of another, plagiarism, or unauthorized collaboration with another person in preparing an assignment</li> <li>• Skipping school or class</li> <li>• Tardies or early pick-ups</li> <li>• Using profanity, vulgar language, or obscene gestures</li> <li>• Falsifying, altering, forging, or destroying school records, passes, other school-related documents, or documents presented to District employees</li> <li>• Attempting to violate or assisting, encouraging, promoting, or attempting to assist another student in violating the Code of Conduct</li> <li>• Gambling or possession of gambling paraphernalia, including but not limited to dice, cards, etc.</li> <li>• Inappropriate exposure of a student's private body parts which are ordinarily covered by clothing, including through such acts as mooning, streaking, or flashing</li> <li>• Committing or assisting in a robbery, theft, or burglary that is not punishable as a felony</li> <li>• Attempting to start or starting a fire on or in any property owned, used, or controlled by a student, the District, or District employees, officials, or volunteers that does not rise to the level of arson or criminal mischief</li> <li>• Discharging a fire extinguisher, pulling a fire alarm, calling 911, or causing the sprinkler system to activate when there is no smoke, fire, danger, or emergency</li> </ul>

**OTHER  
MISCONDUCT  
(continued)**

- Making or participating in false statements or hoaxes regarding school safety
- Engaging in misbehavior, actions, or demonstrations that substantially disrupt or materially interfere with school activities or that give school officials reasonable cause to believe that such conduct will substantially disrupt the school program or incite violence
- Attempting to or successfully accessing or circumventing passwords or other security-related information of the District, officials, volunteers, employees, or other students by any means
- Attempting to or successfully altering, destroying, interrupting, or disabling District computer equipment, District data, the data of other users of the District's computer system, or other networks connected to the District's system, including uploading or creating computer viruses, worms, or other harmful material
- Engaging or exhibiting gang related behavior or activity
- A legal knife carried by a student (on his person or in his locker/backpack) will be confiscated. The student may be placed in the DAEP
- An illegal knife carried by a student (on his person or in his locker/backpack) will be confiscated, turned over to the ECISD Police, and the student will be expelled
- A legal knife found in a vehicle will be confiscated. The student may be placed in the DAEP
- An illegal knife found in a vehicle will be confiscated, turned over to the ECISD Police, and the student will be expelled
- A threat with a knife: the student will be placed in the DAEP

**NOTE: Administrators, after investigating the circumstances involving a legal knife where no threat or violence occurred, may assign other disciplinary techniques**

## REMOVAL FROM CLASSROOM

<b>ORDINARY REMOVAL FROM CLASSROOM</b>	A teacher may send a student to the administrator's office to maintain discipline in the classroom or when the student engages in behavior that violates the SCC. The administrator may use one or more discipline management techniques to address the behavior.
<b>FORMAL REMOVAL FROM CLASSROOM</b>	<p>A student may be removed from class when:</p> <ul style="list-style-type: none"> <li>• The student's behavior has been documented by the teacher as repeatedly interfering with the teacher's ability to teach or with learning of other students; or</li> <li>• The behavior is so unruly, disruptive, or abusive that it seriously interferes with the teacher's ability to teach or with the learning of other students.</li> </ul> <p>A teacher must remove a student from class if the student engages in conduct that requires or permits DAEP placement or expulsion under the Texas Education Code.</p>
<b>PLACEMENT DURING REMOVAL FROM CLASSROOM</b>	When a teacher utilizes a formal removal of the student from the classroom, the administrator may place the student in: (1) another appropriate classroom, (2) in-school suspension, (3) out-of-school suspension, or (4) DAEP.
<b>PROCEDURES FOR REMOVAL FROM CLASSROOM</b>	No later than three school days after a student has formally been removed from class, an administrator will schedule a conference with the administrator, the student's parent/guardian, the student, and the teacher. At the conference, the student will be provided an explanation of the basis for removal and be given an opportunity to respond. After the conference, the administrator will render a discipline decision and inform the student and parent/guardian of the consequences.
<b>RETURN TO THE CLASSROOM</b>	If the student is removed from class because he/she engaged in assault resulting in bodily injury, aggravated assault, sexual assault, or aggravated sexual assault against the teacher, the student may not be returned to the teacher's class without the teacher's consent. In other cases where the teacher initiates a formal removal, the student may only be returned to the teacher's class without the teacher's consent if the Placement Review Committee determines that the teacher's class is the best or only alternative.

### IN-SCHOOL SUSPENSION (ISS)

REASONS FOR ISS	Students may be placed in ISS for any misconduct listed in any category of the SCC.
PROCEDURE FOR ISS	<p>The student will be informed of the reason for placement in ISS and be given an opportunity to respond before the administrator's decision is final. While in ISS the student will complete assignments from his or her teacher.</p> <p>In order for a day to count toward the ISS assignment, the student must be present for the entire day, arrive on time, complete all assignments, follow all rules, and engage in no additional violations of the SCC.</p>
AFTER-SCHOOL PARTICIPATION	Students will be allowed to participate in PRACTICES for extra-curricular, however, will not be allowed to participate in UIL contests or program activities.

### OUT-OF-SCHOOL SUSPENSION (OSS)

REASONS FOR OSS	Students may be suspended from school for any misconduct listed in any category of the SCC.
PROCEDURE FOR OSS	The student will be informed of the reason for out-of-school suspension and be given an opportunity to respond before the administrator's decision is final. While the student is suspended, the student shall not participate in school-sponsored or school-related activities. Suspended students shall not be on any school district property. Students may be suspended for a maximum of three school days per behavior violation FOB(Legal).

### DISCIPLINARY ALTERNATIVE EDUCATION PROGRAM (DAEP)

REASONS FOR MANDATORY DAEP PLACEMENT	<p><b>School-Related.</b> A student who is at least six years of age at the date of the infraction must be placed in DAEP for any of the following misconduct if committed while on school property, within 300 feet of school property as measured from any point on the school's real property boundary line, or while attending a school-sponsored or school-related activity on or off school property:</p> <ul style="list-style-type: none"> <li>• Engages in conduct punishable as a felony.</li> <li>• Commits an assault (see definitions) resulting in bodily injury (see definitions) to another.</li> <li>• Sells, gives, delivers, possesses, uses, or is under the influence of marijuana, a controlled substance (see definitions), a dangerous drug (see definitions), or an alcoholic beverage (see definitions) in any amount not punishable as a felony.</li> </ul>
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**REASONS FOR  
MANDATORY  
DAEP  
PLACEMENT  
(continued)**

- Commits a serious act or offense while under the influence of an alcoholic beverage if the conduct is not punishable as a felony. Students will be expelled for the second or subsequent infractions occurring in the same school year.
- Engages in an offense relating to abusable and/or volatile chemicals (see definitions). Students will be expelled for the second or subsequent infractions occurring in the same school year.
- Engages in public lewdness (see definitions).
- Engages in indecent exposure (see definitions).
- Commits a serious act or offense while in possession of a knife with a blade over 3" up to 5 ½".
- Engages in expellable conduct if the student is between six and nine years of age.
- Engages in a federal firearm offense if the student is six years of age or younger.
- Off-campus conduct creating substantial risk to students on-campus.

A student who sells, gives, delivers, possesses, uses, or is under the influence of marijuana, a controlled substance (see definitions), a dangerous drug (see definitions), or an alcoholic beverage (see definitions), upon first offense shall be transferred to the DAEP for a period of eighteen (18) days, if the offense is not punishable as a felony and the student is not expelled for the offense. This eighteen (18) day period shall be reduced to twelve (12) days in the event the parent completes drug abuse awareness training. The student shall be required to attend SAS counseling sessions. If a student fails to attend the counseling sessions, the student may be placed back into the DAEP for the remainder of the semester. A student who engages in the conduct described above, on a second offense, shall be transferred to the DAEP until the end of the semester unless that conduct occurred at the end of the final six (6) week period. A student who engages in the conduct described above for a third time cumulatively at the junior high level (grades 7-9), or cumulatively at the high school level (grades 9-12), may be expelled.

**Off-Campus.** A student must be placed in DAEP for the following misconduct while off-campus and not in attendance at a school-sponsored or school-related activity:

<p><b>REASONS FOR MANDATORY DAEP PLACEMENT (continued)</b></p>	<ul style="list-style-type: none"> <li>• The student receives deferred prosecution for a Title 5 (see definitions) felony offense.</li> <li>• A court or jury finds the student engaged in delinquent conduct for a Title 5 felony offense.</li> <li>• The administrator reasonably believes that the student engaged in a Title 5 felony offense.</li> </ul> <p><b>Regardless of Location.</b> A student must be placed in DAEP if the student engages in the following misconduct, regardless of whether the conduct occurred on or off campus:</p> <ul style="list-style-type: none"> <li>• Issues a false alarm or report (see definitions) or a terroristic threat (see definitions) involving a public school. Students will be expelled for the second infraction occurring in the same school year.</li> <li>• Retaliates (see definitions) against any school employee.</li> <li>• Is a registered sex offender (see definitions) under court supervision, probation, community supervision, or parole.</li> </ul> <p>Students who are: (1) convicted of continuous sexual abuse of a young child or children; or (2) convicted, receive deferred adjudication or deferred prosecution, been found to have engaged in delinquent conduct or conduct in need of supervision, or been placed on probation for either sexual assault or aggravated sexual assault or against another student assigned to the same campus at the time the offense occurred will be placed in DAEP (or JJAEP as appropriate) on the request of the victim's parents if the victim student does not wish to transfer, and there is only one campus serving that grade level. Placement in this circumstance may be for any length of time considered necessary.</p>
<p><b>REASONS FOR DISCRETIONARY DAEP PLACEMENT</b></p>	<p><b>School-Related.</b> A student may be placed in DAEP for any of the following misconduct if committed while on school property, within 300 feet of school property as measured from any point on the school's real property boundary line, or while attending a school-sponsored or school-related activity on or off school property:</p> <ul style="list-style-type: none"> <li>• Possessing, giving, buying, or selling less than a usable amount of stems, seeds, or other pieces of marijuana.</li> <li>• Possessing, using, selling, buying, or giving paraphernalia (see definitions) related to any prohibited substance, including but not limited to marijuana, a controlled substance, a dangerous drug, or an alcoholic beverage.</li> <li>• Abusing the student's own prescription drug or using it in a way other than prescribed; giving, buying, or selling a prescription drug; possessing, using, or being under the influence of another person's prescription drug.</li> <li>• Preparing a hit list (see definitions).</li> </ul>

<p><b>REASONS FOR DISCRETIONARY DAEP PLACEMENT (continued)</b></p>	<ul style="list-style-type: none"> <li>• Committing any offense included in the list of "General Types of Prohibited Misconduct" in this SCC.</li> <li>• Engaging in serious (see definitions) or persistent (see definitions) misbehavior that violates this SCC.</li> <li>• Is involved with a public school fraternity, sorority, secret society, or gang (see definitions), including participating as a member or pledge, or soliciting another person to become a member or pledge.</li> <li>• Engages in criminal mischief if the damage is less than \$1,500.</li> </ul> <p><b>Off-Campus.</b> A student may be placed in DAEP for engaging in the following misconduct while off-campus and not in attendance at a school-sponsored or school-related activity:</p> <ul style="list-style-type: none"> <li>• The administrator reasonably believes the student engaged in conduct punishable as a felony (other than a Title 5 felony), and the student's continued presence in the regular classroom is a threat to the safety of others or is detrimental to the educational process.</li> <li>• Off-campus conduct for which DAEP placement is required by state law when the administrator does not learn of the conduct until more than a year passes after the conduct occurred.</li> </ul> <p><b>Regardless of Location.</b> A student may be placed in DAEP if the student is a registered sex offender (see definitions) who is not under any form of court supervision.</p>
<p><b>EMERGENCY DAEP PLACEMENT</b></p>	<p>An administrator may order an emergency DAEP placement if the student has been so unruly, disruptive, or abusive that it seriously interferes with the teacher's ability to teach the class, the learning of other students, or the operation of a school-related or a school-sponsored activity. The reason for emergency placement must also be a reason for which DAEP placement could be ordered on a non-emergency basis. At the time of the emergency placement, the student will be told the reason for the action.</p> <p>No later than the tenth (10<sup>th</sup>) day after the date of emergency DAEP placement, the student will be given a conference as required for regular placement in DAEP; see following:</p>

<p><b>PROCEDURE FOR DAEP PLACEMENT</b></p>	<p><b>Conference.</b> No later than three school days after the student is removed from class, the administrator will schedule a conference with the student, the student's parent/guardian, and the administrator. The District may conduct the conference and make a discipline decision regardless of whether the student or the student's parent/guardian attends if the District made reasonable attempts to have them attend.</p> <p>At the conference, the administrator will explain the allegations against the student, inform the student of the basis for the proposed DAEP placement, and give the student an opportunity to explain his or her version of the incident.</p> <p>If during the term of DAEP placement the student engages in additional misconduct, additional conferences may be conducted and additional discipline may be imposed.</p> <p><b>Interim Placement.</b> Until a placement conference can be held, the student may be placed in another appropriate classroom, in-school suspension, or out-of-school suspension. The student may not be returned to the regular classroom pending the placement conference.</p> <p><b>DAEP Placement Order.</b> If the outcome of the conference is to place the student in DAEP, the administrator will issue a DAEP placement order. If the length of placement differs from the guidelines included in the SCC, the DAEP placement order will give notice of the inconsistency.</p> <p>A copy of the DAEP placement order will be sent to the student and the student's parent/guardian. For those students placed in DAEP for a reason identified in the Texas Education Code, the District will also send the juvenile court a copy of the DAEP placement order no later than the second business day after the placement conference. A copy of the DAEP placement order will be included with any records sent to a school where the student seeks to enroll. The enrolling school district has discretion to enforce the DAEP placement order.</p>
<p><b>LENGTH OF DAEP PLACEMENT</b></p>	<p>The length of a student's placement in DAEP will be determined on a case-by-case basis using the criteria identified in the "Discipline Considerations" section of this SCC. Mandatory DAEP placements will result in placement for a minimum of <u>18</u> school days. Discretionary DAEP placements will result in placement for a minimum of <u>12</u> school days. The length of DAEP placement may not exceed one year unless, after review, the District determines that (1) the student is a safety threat, or (2) extended placement is in the best interest of the student.</p> <p>In order for a day to count toward the DAEP assignment, the student must be present for the entire day, arrive on time, complete all assignments, follow all rules, and engage in no additional violations of the SCC.</p>

<p><b>LENGTH OF DAEP PLACEMENT (continued)</b></p>	<p>Students placed in DAEP at the end of one school year may be required to complete the assigned term at the beginning of the next school year. For DAEP discretionary placement to extend beyond the end of the school year, the Assistant Superintendent must determine that: (1) the student's presence in the regular classroom or campus presents a danger of physical harm to the student or others; or (2) the student has engaged in serious or persistent misbehavior (see definitions) that violates the SCC.</p> <p>If the DAEP placement extends beyond 60 days or the end of the next grading period, whichever is sooner, the student or the student's parent/guardian may participate in a proceeding before the Board or Board's designee as provided in policy FNG(Legal). Any decision of the Board is final and may not be appealed.</p>
<p><b>PARTICULAR RULES FOR SEX OFFENDERS</b></p> <p><b>UNDER COURT SUPERVISION</b></p> <p><b>NOT UNDER COURT SUPERVISION</b></p>	<p>The general SCC rules for DAEP placement apply to registered student sex offenders (see definitions) except as modified in this section.</p> <p><b>Placement.</b> Registered sex offenders will be placed in a Juvenile Justice Alternative Education Program (JJAEP) in lieu of DAEP if: (1) ordered to attend JJAEP by a court, or (2) if permitted by agreement between the District and the JJAEP.</p> <p><b>Length of Placement.</b> Registered sex offenders under court supervision will be placed in DAEP for a minimum of one semester.</p> <p>Registered sex offenders who are not under any form of court supervision, but are assigned to DAEP must serve a minimum of one semester.</p> <p><b>Transfers.</b> Registered sex offenders (whether under court supervision or not) that transfer into the District will be required to complete the DAEP assignment assessed by the previous school district, but will receive credit for any time already spent in DAEP.</p> <p>In making a decision regarding the placement of a registered sex offender that transfers into the District, the District will consider the recommendation of the review committee as described in the "Periodic Review for Sex Offenders" section described in the following:</p>

<p><b>PARTICULAR RULES FOR SEX OFFENDERS (continued)</b></p>	<p><b>Periodic Review for Sex Offenders.</b> After one semester in DAEP, a review committee will determine by majority vote and recommend to the Assistant Superintendent or designee whether the student should remain in DAEP placement or be returned to the regular classroom. The Assistant Superintendent or designee will follow the committee's decision to return the student to the regular classroom unless the student's presence in the regular classroom is a threat to the safety of others, is detrimental to the educational process, or is not in the best interests of the District's students. Conversely, the Assistant Superintendent or designee will follow the committee's decision to continue the student's placement in DAEP unless the student's presence in the regular classroom is not a threat to the safety of others, is not detrimental to the educational process, or is not contrary to the best interests of the District's students.</p> <p>If the student remains in DAEP, the review committee will re-consider the student's placement before the beginning of the next school year.</p> <p><b>Appeals for Sex Offenders.</b> DAEP placement may be appealed as described in District Policy FNG or FOC. However, the appeal is limited to the factual question of whether the student is required to register as a sex offender under the law. A decision of the District's Board of Trustees is final and may not be appealed.</p>
<p><b>OTHER DAEP ISSUES</b></p>	<p><b>No Participation in Activities While in DAEP.</b> Students placed in DAEP for any mandatory or discretionary reasons are not allowed to attend or participate in school-sponsored or school-related extracurricular or co-curricular activities during the period of DAEP placement. This restriction applies until the student fulfills the DAEP assignment at this or another school district. The student shall not be on any school district property other than the boundaries of the DAEP.</p> <p><b>Impact on Graduation.</b> For graduating seniors who are in DAEP during the last week of school, the DAEP placement will continue through the last instructional day. The student will be allowed to participate in commencement exercises and related graduation activities unless otherwise specified in the DAEP placement order.</p> <p><b>Transportation.</b> The District will provide transportation to and from DAEP. This transportation privilege may be revoked if the student does not follow the transportation rules, refuses to cooperate with the driver or other District personnel involved in providing transportation or violates any provision of the SCC during transport.</p> <p>Students are required to ride the bus to and from DAEP.</p>

**OTHER DAEP  
ISSUES  
(continued)**

**Periodic Review.** The District will review a student's DAEP placement and academic status every 120 calendar days. In the case of a high school student, the student's progress toward graduation will be reviewed and a graduation plan will be established. At the review, the student or the parent/guardian will have an opportunity to present reasons for the student's return to the regular classroom or campus. The student may not be returned to the classroom of a teacher who removed the student without that teacher's consent.

**Effect of Student Withdrawal.** When a student withdraws from an ECISD school before a DAEP placement order is completed, the District may complete the proceedings and issue a DAEP placement order. If the student re-enrolls in the District during the same or subsequent school year, the District may enforce the DAEP placement order at that time, minus any portion of the placement that was served by the student during enrollment in another district.

**Student Transfers.** Students assigned to DAEP in another Texas district, a Texas open-enrollment charter school, or an out-of-state school district at the time of enrollment into the District will be placed into the District's DAEP to complete the term of their DAEP placement. In order to continue an out-of-district DAEP placement, the basis for the DAEP placement must also be a reason for DAEP placement in the enrolling district. If the out-of-district DAEP placement period exceeds district policy, the District will alter the period of placement so that the total placement does not violate the receiving district policy.

**Criminal Proceedings.** The review and appeal process described below does not apply if the student was placed in DAEP as required by law for conduct occurring on or within 300 feet of school property, at a school-sponsored or school-related activity, or for a false alarm or report or terroristic threat involving a public school.

If the District receives notice that prosecution of a student's case was refused and no formal proceedings, deferred adjudication, or deferred prosecution will be initiated or a court or jury found the student not guilty or did not engage in delinquent conduct or conduct indicating a need for supervision and dismissed the student's case with prejudice, the District will review the student's DAEP placement and will schedule a review with the student's parent/guardian no later than the third day after receiving notice. The student will not be returned to the regular classroom before the review. After reviewing the notice and receiving information from the student's parent/guardian, the administrator may only continue the student's DAEP placement if the administration has reason to believe the student's presence in the regular classroom threatens the safety of others.

The administrator's decision may be appealed to the Board. In the event of an appeal, at the next scheduled meeting the Board will: (1) review the notice, (2) hear statements from the student, the student's parent/guardian, and the administrator, and (3) confirm or reverse the decision of the administrator.

<p><b>OTHER DAEP ISSUES</b> (continued)</p>	<p>If the Board confirms the decision of the administrator, the student and the student's parent/guardian have the right to appeal to the Commissioner of Education. The student may not be returned to the regular classroom while the appeal is pending.</p>
<p><b>EXPULSION</b></p>	
<p><b>REASONS FOR MANDATORY EXPULSION</b></p>	<p><b>School-Related.</b> A student must be expelled 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> <ul style="list-style-type: none"> <li>• Brings to school a firearm, as defined by federal law (see definitions).</li> <li>• Uses, exhibits, or possesses the following items, as defined by state law: (1) a firearm, (2) an illegal knife, (3) a club, or (4) a prohibited weapon (see definitions).</li> <li>• Engages in the following misconduct as defined in the Texas Penal Code: (1) aggravated assault, (2) sexual assault, (3) aggravated sexual assault, (4) arson, (5) murder, (6) capital murder, (7) criminal attempt to commit murder or capital murder, (8) indecency with a child, (9) aggravated kidnapping, (10) aggravated robbery, (11) manslaughter, (12) criminally negligent homicide, or (13) continuous sexual abuse of a young child or children.</li> <li>• Sells, gives, delivers, possesses, uses, or is under the influence of marijuana, a controlled substance (see definitions), a dangerous drug (see definitions), or an alcoholic beverage (see definitions) if the behavior is punishable as a felony. Commits a serious act or offense while under the influence of an alcoholic beverage if the behavior is punishable as a felony.</li> <li>• Any amount of cocaine is a felony.</li> </ul> <p>A student will also be expelled for any of the following offenses that occur on school property, within 300 feet of school property as measured from any point on the District's real property boundary line, or while attending a school-sponsored or school-related activity on or off school property:</p>



<p><b>REASONS FOR MANDATORY EXPULSION (continued)</b></p>	<ul style="list-style-type: none"> <li>• Commits a serious act while under the influence of an alcoholic beverage if it is the 2nd infraction in the same school year and the conduct is not punishable as a felony.</li> <li>• Engages in misconduct that contains the elements of an offense relating to abusable and/or volatile chemicals if it is the second infraction in the same school year.</li> </ul> <p><b>Regardless of Location.</b> A student must be expelled if the student engages in the following misconduct, regardless of whether the conduct occurred on or off campus:</p> <ul style="list-style-type: none"> <li>• Retaliates against a school employee or volunteer by committing a state-mandated expellable offense.</li> <li>• Issues a false alarm or report (see definitions) or a terroristic threat (see definitions) involving a public school for the 2nd time in the same school year.</li> </ul>
<p><b>REASONS FOR DISCRETIONARY EXPULSION</b></p>	<p><b>School-Related.</b> A student may be expelled for any of the following offenses that occur on school property, within 300 feet of school property as measured from any point on the District's real property boundary line, or while attending a school-sponsored or school-related activity on or off school property:</p> <ul style="list-style-type: none"> <li>• Commits an assault (see definitions) resulting in bodily injury to a school employee or volunteer.</li> <li>• Engages in deadly conduct (see definitions). Engages in serious (see definitions) or persistent (see definitions) misbehavior that violates this SCC while the student is placed in DAEP.</li> </ul> <p><b>Three Hundred Feet.</b> Additionally, a student may be expelled for any of the following offenses that occur within 300 feet of school property as measured from any point on the District's real property boundary line:</p> <ul style="list-style-type: none"> <li>• Possesses a firearm, as defined by federal law (see definitions).</li> <li>• Uses, exhibits, or possesses the following items, as defined by state law: (1) a firearm, (2) an illegal knife, (3) a club, or (4) a prohibited weapon. (see definitions)</li> <li>• Engages in the following misconduct as defined in the Texas Penal Code: (1) aggravated assault, (2) sexual assault, (3) aggravated sexual assault, (4) arson, (5) murder, (6) capital murder, (7) criminal attempt to commit murder or capital murder, (8) indecency with a child, (9) aggravated kidnapping, (10) aggravated robbery, (11) manslaughter, (12) criminally negligent homicide, or (13) continuous sexual abuse of a young child or children.</li> </ul>

**REASONS FOR  
DISCRETIONARY  
EXPULSION  
(continued)**

**Regardless of Location.** A student may be expelled if the student engages in the following misconduct, regardless of whether the conduct occurred on or off campus:

- Commits aggravated assault, sexual assault, aggravated sexual assault, murder, capital murder, criminal attempt to commit murder or capital murder, or aggravated robbery against another student.
- Retaliates against a school employee or volunteer by committing an assault (see definitions) resulting in bodily injury.
- Engages in criminal mischief if the damage is \$1,500 or more.
- Commits a state-mandated expellable offense on the school property of another Texas school district or while attending a school-sponsored or school-related activity of another Texas school district.

**Title 5 Felonies Regardless of Location.** In addition to the expellable conduct listed above, a student may also be expelled and placed in DAEP if the student:

- is arrested for a Title 5 felony offense (see definitions),
- is charged with engaging in a Title 5 felony offense, received deferred adjudication or deferred prosecution for a Title 5 felony offense,
- is on probation for a Title 5 felony offense, was found by a court or jury to have engaged in delinquent conduct for a Title 5 felony offense,
- was found by a court or jury to have engaged in delinquent conduct for a Title 5 felony offense,
- has been referred to a juvenile court for delinquent conduct based on a Title 5 felony offense, or
- was convicted of a Title 5 felony offense; and the administrator determines the student's presence in the regular classroom threatens the safety of other students or teachers, is detrimental to the educational process, or is not in the best interests of the District's students.

In this circumstance, expulsion to an alternative setting may be ordered regardless of: (1) the date on which the conduct occurred, (2) the location at which the conduct occurred, (3) whether the student was enrolled in the District at the time the conduct occurred, or (4) whether the student successfully completed any court disposition requirements regarding the conduct.

<b>REASONS FOR DISCRETIONARY EXPULSION (continued)</b>	<p>A student may be subject to an expulsion under this circumstance until:</p> <p>(1) the student graduates from high school, (2) the charges are dismissed or reduced to a misdemeanor, (3) the student completes the term of the placement, or (4) the District assigns the student to a another program. The student will be entitled to the same periodic review afforded to other students in alternate settings. An expulsion ordered in this case is final and may not be appealed beyond the Board of Trustees.</p> <p>A student is under the influence of any amount of marijuana, controlled substance, dangerous drug, or alcoholic beverage, if it is the 3<sup>rd</sup> infraction for being under the influence cumulatively at the junior high level (grades 7-9), or cumulatively at the high school level (grades 9-12).</p>
<b>EMERGENCY EXPULSION</b>	<p>An administrator may order the immediate expulsion of a student if the administrator reasonably believes the emergency expulsion is necessary to protect persons or property from imminent harm. The reason for the emergency expulsion must also be a reason for which expulsion could be ordered on a non-emergency basis. At the time of the emergency expulsion, the student will be told the reason for the action. No later than the tenth day after the date of emergency expulsion, the student will be given a hearing as required for a regular expulsion; see the following.</p>

**PROCEDURES  
FOR  
EXPULSION**

**Hearing.** Students alleged to have committed an expellable offense will receive a hearing before the Hearing Officer or designee within a reasonable time following the alleged misconduct. The student's parent/guardian will be informed of the basis for the proposed expulsion and be invited in writing to attend the hearing. After making an effort to inform the student and parent/guardian of the hearing, the District may hold the hearing regardless of whether the student or the student's parent/guardian attends. At the hearing, the student is entitled to:

- Representation by an adult, including the student's parent/guardian, who can provide guidance to the student and who is not an employee of the District;
- An opportunity to question the District's witnesses; and
- An opportunity to testify and to review and present evidence and witnesses in the student's defense.

Additional proceedings may be conducted and additional discipline may be imposed if the student engages in additional misconduct while the student is already expelled.

**Interim Placement.** Until an expulsion hearing can be held, the student may be placed in another appropriate classroom, in-school suspension, or out-of-school suspension.

**Expulsion Order.** If the outcome of the expulsion hearing is that the student will be expelled, the appropriate administrator will issue an expulsion order and provide a copy to the student and the student's parent/guardian. If the duration of the expulsion differs from the guidelines in the SCC, the expulsion order will give notice of the inconsistency. The District will send a copy of the expulsion order to the juvenile court no later than the second business day after the expulsion hearing. A copy of the expulsion order will be included with any records sent to a school where the student seeks to enroll. The enrolling school district has discretion to enforce the expulsion order.

<p><b>LENGTH OF EXPULSION</b></p>	<p>The duration of the expulsion will be determined on a case-by-case basis using the criteria identified in the "Discipline Considerations" section of this SCC. A student who engages in the conduct described below will, upon the second offense, be transferred to the DAEP until the end of the semester unless that conduct occurred during the final six (6) week period.</p> <ul style="list-style-type: none"> <li>• Selling, giving, or delivering to another person, or possessing, using or under the influence of marijuana or a controlled substance, or a dangerous drug in an amount not constituting a felony offense;</li> <li>• Selling, giving, or delivering to another person an alcoholic beverage; committing a serious act or offense while under the influence of alcohol; or possessing, using, or under the influence of alcohol, if the conduct is not punishable as a felony offense; and</li> <li>• Behaving in a manner that contains the elements of an offense relating to abusable volatile chemicals.</li> <li>• In this case, the removal may not extend beyond the end of the next semester. Mandatory expulsions will result in expulsion for up to one school year. Discretionary expulsions will result in expulsion for up to 81 school days. Students who bring a firearm (as defined by federal law) to school will be expelled from the regular classroom for at least one calendar year except as modified by the administrator on a case-by-case basis.</li> </ul> <p>An expulsion will not exceed one calendar year unless, after review, the District determines that: (1) the student is a threat to the safety of other students or to District employees; or (2) extended expulsion is in the best interest of the student.</p> <p>Students expelled at the end of one school year may be required to complete the term of their expulsion at the beginning of the next school year.</p>
<p><b>OTHER EXPULSION ISSUES</b></p>	<p><b>Academic Impact.</b> Students will not receive academic credit for work missed during the period of expulsion unless the student is enrolled in a Juvenile Justice Alternative Education Program (JJAEP) or other District-approved program or as required by IDEA or Section 504.</p> <p><b>Participation in Activities.</b> Expelled students are prohibited from being on school grounds or attending or participating in school-sponsored or school-related activities while expelled.</p> <p><b>Age Restrictions.</b> Students under the age of twelve that engage in expellable behavior will not be expelled without services, but will be expelled to the DAEP.</p> <p><b>Effect of Student Withdrawal.</b> If a student withdraws from the District before the expulsion hearing is conducted, the District may proceed with conducting the hearing after sending written notice to the parent/guardian and student.</p>

<p><b>OTHER EXPULSION ISSUES (continued)</b></p>	<p>If the student re-enrolls during the same or subsequent school year the District may enforce the expulsion order at that time; students will be credited for any expulsion period that was served by the student while enrolled in another district.</p> <p>If the administrator does not issue an expulsion order after the student withdraws, the next district in which the student enrolls may complete the proceedings and issue an expulsion order.</p> <p><b>Student Transfers.</b> The District will continue the expulsion of students expelled from either another Texas school district or from an out-of-state school district for behavior that is also a reason for expulsion in the enrolling district, until the term of expulsion has been served. If the out-of-state expulsion exceeds one year, the District will reduce the period of the expulsion so that the total expulsion does not exceed one year unless the District determines that the student is a threat to the safety of others or extended placement is in the best interest of the student.</p>
<p><b>EXPULSION APPEALS</b></p>	<p>An expelled student may appeal the expulsion decision to the Board of Trustees. The student or student's parent/guardian must submit a written appeal to the Superintendent within seven (7) days after receipt of the expulsion order or decision. The Superintendent will give the student or the student's parent/guardian written notice of the date, time, and location of the meeting at which the Board will review the decision. Consequences will not be delayed pending the outcome of the appeal.</p> <p>A more detailed explanation of the expulsion appeal process is contained in District policy FOD(Legal). A copy of the appropriate policy is available at the campus or central administration office or online at <a href="http://www.ectorcountysd.org">http://www.ectorcountysd.org</a></p>

## DEFINITIONS

**ABUSABLE AND/OR VOLATILE CHEMICALS:** Those substances as defined in Texas Health and Safety Code § 485.001.

**ALCOHOLIC BEVERAGE:** Those substances as defined in Texas Alcoholic Beverage Code § 1.04.

**ARMOR-PIERCING AMMUNITION:** Handgun ammunition that is designed primarily for the purpose of penetrating metal or body armor and to be used primarily in pistols and revolvers.

**AGGRAVATED ASSAULT:** When a person intentionally, knowingly, or recklessly causes serious bodily injury to another person, or the person uses or exhibits a deadly weapon during the commission of the assault.

**ASSAULT:** A person commits an offense if the person, intentionally, knowingly, or recklessly causes bodily injury to another, including the person's spouse; intentionally or knowingly threatens another with imminent bodily injury, including a person's spouse; intentionally or knowingly causes physical contact with another when the person knows or should reasonably believe that the other will regard the contact as offensive or provocative.

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

**BULLYING:** Written or verbal expression or physical conduct that (1) has the effect of physically harming a student, damaging a student's property, or placing a student in reasonable fear of harm to the student's person or of damage to the student's property; or (2) is sufficiently severe, persistent, or pervasive enough that the action or threat creates an intimidating, threatening, or abusive educational environment for a student.

**CHEMICAL DISPENSING DEVICE:** A device other than a small chemical dispenser sold commercially for personal protection, which is designed, made, or adapted for the purpose of dispensing a substance capable of causing an adverse psychological or physiological effect on an individual.

**CLUB:** An instrument specially designed, made, or adapted for the purpose of inflicting serious bodily injury or death by striking a person with the instrument, including a blackjack, nightstick, mace, and tomahawk.

**CONTROLLED SUBSTANCE:** Substances as defined in Chapter 481 of the Texas Health & Safety Code or 21 U.S.C. § 801 et seq.

**DANGEROUS DRUG:** Substances as defined in Chapter 483 of the Texas Health and Safety Code.

**DEADLY CONDUCT:** Recklessly engaging in conduct that places another in imminent danger of serious bodily injury or by knowingly discharging a firearm in the direction of an individual, habitation, building, or vehicle.

**EXPLOSIVE WEAPON:** Any explosive or incendiary bomb, grenade, rocket, or mine 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. It includes a device designed, made or adapted for delivery or shooting an explosive weapon.

**FALSE ALARM OR REPORT:** Knowingly initiating, communicating, or circulating a report of a present, past, or future bombing, fire, offense, or other emergency that is known to be false or baseless and that would ordinarily: (1) cause action by an official or volunteer agency organized to deal with emergencies; (2) place a person in fear of imminent serious bodily injury; or (3) prevent or interrupt the occupation of a building, room, or place of assembly.

**FIREARM (Federal law):** (1) any weapon, including a starter gun, that will, is designed to, or may readily be converted to expel a projectile by the action of an explosive; (2) the frame or receiver of any such weapon; (3) any firearm muffler or firearm weapon; or (4) any destructive device, such as any explosive, incendiary or poison gas bomb, or grenade.

**FIREARM (State law):** Any device designed, made, or adapted to expel a projectile through a barrel by using the energy generated by an explosion or burning substance or any device readily convertible to that use.

**FIREARM SILENCER:** Any device designed, made, or adapted to muffle the report of a firearm.

**GANG:** An organization, combination, or association of persons composed wholly or in part of students that: (1) seeks to perpetuate itself by taking in additional members on the basis of the decision of the membership rather than on the free choice of the individual, or (2) that engages in illegal and/or violent activities. In identifying gangs and associated gang attire, signs, or symbols, the District will consult with law enforcement authorities.

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

**HARASSMENT:** Threatening to cause harm or bodily injury to another, engaging in sexually intimidating conduct, causing physical damage to the property of another, subjecting another to physical confinement or restraint, maliciously taking any action that substantially harms another's physical or emotional health or safety, or other conduct prohibited by District policy.



**HAZING:** Any act, occurring on or off the campus, by one person alone or acting with others, directed against a student, that endangers the mental or physical health or safety of a student for the purposes of pledging, initiation into, affiliation with, holding office in, or maintaining membership in an organization. Consent to or acquiescence in the hazing activity does not excuse the student of responsibility for the misconduct.

**HIT LIST:** List of people targeted to be harmed using a firearm, knife, or any other object to be used with intent to cause bodily harm.

**ILLEGAL KNIFE:** A knife with a blade over 5 ½ inches; hand instrument designed to cut or stab another by being thrown; dagger, including but not limited to a dirk, stiletto, poniard, bowie knife, sword, or spear.

**INDECENT EXPOSURE:** Those acts defined in Texas Penal Code section 21.08.

**KNIFE:** A bladed hand instrument that is capable of inflicting serious bodily injury or death by cutting or stabbing.

**KNUCKLES:** Any instrument consisting of finger rings or guards made of a hard substance that is designed, made, or adapted for the purpose of inflicting serious bodily injury or death by striking a person with a fist enclosed in the knuckles.

**MACHINE GUN:** Any firearm capable of shooting more than two shots automatically, without manual reloading, by a single function of the trigger.

**PARAPHERNALIA:** Any article or device used or intended for use to inject, ingest, inhale, or otherwise introduce marijuana, a controlled substance, or a dangerous drug into the human body, including but not limited to roach clips, rolling papers, needles, baggies with residue, razor blades, or pipes.

**PERSISTENT:** Three or more violations of the SCC or repeated occurrences of the same violation.

**POSSESSION:** To have in or on: (1) a student's person or in the student's personal property, such as the student's clothing, purse, or backpack; (2) in any vehicle used by the student for transportation to or from school or school-related activities, such as an automobile, truck, motorcycle, or bicycle; or (3) any other school property used by the student, such as a locker or desk; regardless of the student's knowledge or intent to possess the item.

**PROHIBITED WEAPONS:** A prohibited weapon includes the following items: armor-piercing ammunition, chemical dispensing device, explosive weapon, firearm silencer, knuckles, machine gun, short-barrel firearm, switchblade knife, or zip gun.

**PUBLIC LEWDNESS:** Those acts defined in Texas Penal Code § 21.07.

**REASONABLE BELIEF:** A determination that misconduct occurred made by the administrator using all available factual and legal information, including information furnished under Article 15.27 of the Code of Criminal Procedure.

**RETALIATION:** Harming or threatening to harm another: (1) on account of their service as a District employee or volunteer, (2) to prevent or delay another's service to the District, or (3) because the person intends to report a crime.

**SELF-DEFENSE:** When the person who is not the aggressor in an encounter uses the minimum force required to remove himself or herself from immediate danger of harm. Actions that escalate or continue the encounter will not be considered self-defense.

**SERIOUS:** Any misconduct identified as being punishable with placement in DAEP or expulsion.

**SEX OFFENDER:** A student required to register as a sex offender under Chapter 62 of the Code of Criminal Procedure for an offense committed on or after September 1, 2007. The term does not include a student who: (1) is no longer required to register as a sex offender under Chapter 62, (2) is exempt from registering as a sex offender under Chapter 62, or (3) receives an early termination of the obligation to register as a sex offender under Chapter 62.

**SEXUAL HARASSMENT:** Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature that has the purpose or effect of unreasonably interfering with a student's performance or creates an intimidating, hostile, or offensive educational environment.

**SHORT-BARREL FIREARM:** 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 if, as altered, has an overall length of less than 26 inches.

**TELECOMMUNICATIONS DEVICE:** Any type of device that: (1) emits an audible signal, vibrates, displays a message, or otherwise summons or delivers a communication to the possessor, or (2) permits the recording, transmission, and/or receipt of messages, voices, images, or information in any format or media, electronic or otherwise. It does not include an amateur radio under control of someone with an amateur radio license.

**TERRORISTIC THREAT:** Threats to commit any offense involving violence to any person or property with intent to: (1) cause a reaction by an official or volunteer agency organized to deal with emergencies; (2) place any person in fear of imminent serious bodily injury; (3) prevent or interrupt the occupation or use of a building, room, place of assembly, place to which the public has access, place of employment or occupation, aircraft, automobile, or other form of conveyance, or other public place; (4) cause impairment or interruption of public communications, public transportation, public water, gas, or power supply or other public service; (5) place the public or a substantial group of the public in fear of serious bodily injury; or (6) influence the conduct or activities of a branch or agency of the federal government, the state, or a political subdivision of the state (including the District).

**TIME OUT:** A behavioral management technique used to provide a student with an opportunity to regain self-control in a setting separated from other students for a limited period of time.

**TITLE 5 FELONY OFFENSES:** Offenses against the person that, depending on the circumstances, may include murder; capital murder; manslaughter; criminally negligent homicide; unlawful restraint; kidnapping; aggravated kidnapping; trafficking of persons; unlawful transport; assault; aggravated assault; sexual assault; aggravated sexual assault; improper relationship between educator and student; indecency with a child, an elderly person, or a disabled person; abandoning or endangering a child; improper photography or visual recording; coercing, soliciting, or inducing gang membership; deadly conduct; terroristic threat; aiding a person to commit suicide; harassment by a person in a correctional facility; and tampering with a consumer product.

**UNDER THE INFLUENCE:** When in the employee's professional judgment, the student does not have the normal use of mental or physical faculties likely attributable to the student's use of a prohibited substance. Such impairment may be evidenced by the symptoms typically associated with drug or alcohol use or other abnormal or erratic behavior. The student need not be legally intoxicated.

**USE:** Student has smoked, ingested, injected, imbibed, inhaled, drunk or otherwise taken internally on or off campus, a prohibited substance recently enough that it is detectable by the student's appearance, actions, breath, or speech.

**ZIP GUN:** A device or combination of devices that was not originally a firearm and is adapted to expel a projectile through a smooth-bore or rifled-bore barrel by using the energy generated by an explosion or burning substance.

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