



Student Code of Conduct

2025-2026

Huntsville Independent School District and Career and Technical Education do not discriminate on the basis of race, religion, color, national origin, sex or disability in providing education or providing access to benefits of education services, activities, and programs, including vocational programs, in accordance with Title VI of the Civil Rights Act of 1964, as amended; Title IX of the Educational Amendments of 1972; Section 504 of the Rehabilitation Act of 1973, as amended; and Title II of the Americans with Disabilities Act.

Dr. Nkrumah Dixon, Assistant Superintendent of Human Resources & Operations at 441 FM 2821 East, Huntsville, TX, 77320, (936) 435-6300, has been designated to coordinate compliance with these legal requirements.



Acknowledgement

Student Code of Conduct and Student Handbook Electronic Distribution

Dear Student and Parent:

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

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

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

Thank you.

Dr. Scott Sheppard
Superintendent of Schools

We acknowledge that we have been offered the option to receive a paper copy of the Huntsville ISD Student Code of Conduct and the Student Handbook for the 2025-2026 school year, or to electronically access them on the district's website at www.huntsville-isd.org. We understand that students will be held accountable for their behavior and will be subject to the disciplinary consequences outlined in the Code.

We have chosen to:

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

Print Name of Student: _____

Signature of Student: _____

Print Name of Parent: _____

Signature of Parent: _____

Date: _____

School: _____

Grade Level: _____

Please sign this page, remove it, and return it to the student's school. Thank you.



2025-2026 Changes to the Code of Conduct

Based on the 89th Texas Legislature, updates or changes have been made to the following sections of the Student Code of Conduct:

- Campus Behavior Coordinator (7)
- The District's Right to Interview Students (8)
- Reporting Crimes (8)
- Mistreatment of Others (11)
- Possession of Prohibited Items (12)
- Possession of Personal Communication Devices (12-13)
- Misuse of Technology Resources and the Internet (14)
- Miscellaneous Offenses (15)
- First-Time Offense of Possession or Use of Nicotine Delivery Product or E-Cigarette (16)
- Students with Disabilities (16)
- Techniques (16-17)
- Level III Offenses (21)
- Parental Involvement (23)
- Removal from the Regular Educational Setting (24)
- Returning a Student to the Classroom (24)
- Appeals of Formal Teacher Removals (24)
- Placement Review Committee (24)
- In-School Suspension (25)
- Out of School Suspension (25)
- DAEP Placement - Misconduct Identified in State Law (27)
- DAEP Placement - Mandatory Placement Level IV (28)
- Expulsion - Any Location (34)
- Expulsion - Within 300 Feet (34)
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- Certain Felonies (38)
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General Information

Accessibility

If you have difficulty accessing the information in this document because of your disability, please contact Shannon Hollis, Specialist of Communication and Public Information at 936-435-6300.

Purpose

The Student Code of Conduct (“Code”) is the district’s response to the requirements of Chapter 37 of the Texas Education Code.

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

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

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

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

Because the Student Code of Conduct is adopted by the district’s board of trustees, it has the force of policy; therefore, in case of conflict between the Code and the Student Handbook, the Code shall prevail.

Please note: The discipline of students with disabilities who are eligible for services under federal law (Individuals with Disabilities Education Act and Section 504 of the Rehabilitation Act of 1973) is subject to the provisions of those laws.

“Parent” Defined

Throughout the Code of Conduct and related discipline policies, the term “parent” includes a parent, legal guardian, or other person having lawful control of the child.



School District Authority and Jurisdiction

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

The district has disciplinary authority over a student:

- During the regular school day and while the student is going to and from school or a school-sponsored or school-related activity on district transportation;
- During lunch periods in which a student is allowed to leave campus;
- While the student is in attendance at any school-related activity, regardless of time or location;
- For any school-related misconduct, regardless of time or location;
- When retaliation against a school employee, board member, or volunteer occurs or is threatened, regardless of time or location;
- When a student engages in cyberbullying, as provided by Education Code 37.0832;
- When criminal mischief is committed on or off school property or at a school-related event;
- For certain offenses committed within 300 feet of school property as measured from any point on the school's real property boundary line;
- For certain offenses committed while on school property or while attending a school-sponsored or school-related activity of another district in Texas;
- When the student commits a felony, as provided by Education Code 37.006, 37.007 or 37.0081; and
- When the student is required to register as a sex offender.

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

The district has the right to search a student's locker or desk when there is reasonable cause to believe it contains articles or materials prohibited by the district.

Campus Behavior Coordinator

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:

- Conduct that contains the elements of the offense of terroristic threat under Penal Code 22.07;
- Conduct that contains the elements of the offense of unlawfully carrying weapons under Penal Code 46.02;
- Conduct that contains the elements of the offense of exhibiting, using, or threatening to exhibit or use a firearm under Education Code 37.125; and
- Any concerning student behaviors or behavioral trends that may pose a serious risk of violence to the student or others.

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 <https://www.huntsville-isd.org/> and at [insert URL to digital copy of Student Handbook].

Threat Assessment and Safe and Supportive School Team

The campus behavior coordinator will work closely with the campus threat assessment safe and supportive school team to implement the district's threat assessment policy and procedures, as required by law and shall take appropriate disciplinary action in accordance with the Code of Conduct.

Searches

District officials may conduct searches of students, their belongings, and their vehicles in accordance with state and federal law and district policy. Searches of students shall be conducted in a reasonable and nondiscriminatory manner. Refer to the district's policies at FNF(LEGAL) and FNF(LOCAL) for more information regarding investigations and searches. The district has the right to search a vehicle driven to school by a student and parked on school property whenever there is reasonable suspicion to believe it contains articles or materials prohibited by the district.



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

The District's Right to Interview Students

School officials have the legal authority and responsibility to investigate violations of the Student Code of Conduct and to interview students without prior notice to parents/legal guardians or the consent of parents/legal guardians in order to do so. This authority derives from the common law doctrine of "in loco parentis", which means school officials are standing in the place of the parents when students are at school or attending school activities. School officials, including law enforcement officers acting as school officials, exercise this authority to maintain the safety and security of the school environment and to prevent the disruption of instructional programs.

Reporting Crimes

The campus behavior coordinator and other school administrators as appropriate shall report crimes as required by law and shall utilize District School Resource Officers as outlined in policy CKE (LOCAL) and will call local law enforcement when an administrator suspects that a crime has been committed on campus.

Security Personnel

To ensure sufficient security and protection of students, staff and property, the board employs peace officers, school resource officers (SRO's), and security personnel. In accordance with law, the board has coordinated with the campus behavior coordinator and other district employees to ensure appropriate law enforcement duties are assigned to security staff. The law enforcement duties of district peace officers are listed in policy CKE(LOCAL). The law enforcement duties of school resource officers are: to implement the district's comprehensive safety programs and shall not be assigned regular classroom management or administrative tasks. The district has entered into an agreement with local law enforcement agencies for safety and security services.

Participating in Graduation Activities

The district has the right to limit a student's participation in graduation activities for violating the district's Code. Participation might include a speaking role, as established by district policy and procedures. Students eligible to give the opening and closing remarks at graduation shall be notified by the campus principal. Notwithstanding any other eligibility requirements, in order to be considered as an eligible student to give the opening or closing remarks, a student shall not have engaged in any misconduct in violation of the district's Code resulting in an out-of-school suspension, removal to a DAEP, or expulsion during the semester immediately preceding graduation.

The valedictorian and salutatorian may also have speaking roles at graduation. No student shall be eligible to have such a speaking role if he or she engaged in any misconduct in violation of the district's Code resulting in an out- of-school suspension, removal to a DAEP, or expulsion during the semester immediately preceding graduation.

Unauthorized Persons

In accordance with Education Code 37.105, a school administrator, school resource officer (SRO), or district police officer shall have the authority to refuse entry or eject a person from district property if the person refuses to leave peaceably on request and:

- The person poses a substantial risk of harm to any person; or
- The person behaves in a manner that is inappropriate for a school setting, and the person persists in the behavior after being given a verbal warning that the behavior is inappropriate and may result in refusal of entry or ejection.

Appeals regarding refusal of entry or ejection from district property may be filed in accordance with policies FNG(LOCAL) or GF(LOCAL), as appropriate. However, the timelines for the district's grievance procedures shall be adjusted as necessary to permit the person to address the board in person within 90 days, unless the complaint is resolved before a board hearing.

See DAEP—Restrictions During Placement on page 30, for information regarding a student assigned to DAEP at the time of graduation.



Student Rights and Responsibilities

While it is important that students understand that they have rights and responsibilities, it is equally important that they understand that their individual rights are balanced against the rights of other students, teachers, and administrators within the school. The Code of Conduct outlines the students' rights and responsibilities and provides a guide for the principal to balance those rights against the principal's responsibility to provide a safe and caring school.

In support of this effort, Huntsville ISD promotes the following basic expectations:

- Be Safe
- Be Respectful
- Be Responsible
- Be Ready to Learn

Specifically, each student is expected to:

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



General Conduct Violations

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

Disregard for Authority

Students shall not:

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

Mistreatment of Others

Students shall not:

- Use profanity or vulgar language or make obscene gestures.
- Fight or scuffle. (For assault, see DAEP Placement and Expulsion.)
- Threaten a district student, employee, or volunteer, including off school property, if the conduct causes a substantial disruption to the educational environment.
- Engage in bullying, cyberbullying, harassment, or making hit lists. (See glossary for all four terms.)
- Release or threaten to release intimate visual material of a minor or a student who is 18 years of age or older without the student's consent.
- Engage in conduct that constitutes sexual or gender-based harassment or sexual abuse, whether by word, gesture, or any other conduct, directed toward another person, including a district student, employee, board member, or volunteer.
- Engage in conduct that constitutes dating violence. (See glossary.)
- Engage in inappropriate or indecent exposure of private body parts.
- Participate in hazing. (See glossary.)
- Engage in any behavior that violates the Student Code of Conduct and is motivated by antisemitism. [see Glossary]
- Cause an individual to act through the use of or threat of force (coercion).
- Commit extortion or blackmail (obtaining money or an object of value from an unwilling person).
- Engage in inappropriate verbal, physical, or sexual conduct directed toward another person, including a district student, employee, or volunteer.
- Record the voice or image of another without the prior consent of the individual being recorded or in any way that disrupts the educational environment or invades the privacy of others.

Property Offenses

Students shall not:

- Damage or vandalize property owned by others. (For felony criminal mischief, see DAEP Placement or Expulsion.)
- Deface or damage school property: including textbooks, technology and electronic resources, lockers, furniture, and other equipment, with graffiti or by other means.
- Steal from students, staff, or the school.
- Commit or assist in a robbery or theft, even if it does not constitute a felony according to the Texas Penal Code. (For felony robbery, aggravated robbery, and theft, see DAEP Placement and Expulsion.)



Possession of Prohibited Items

Students shall not possess or use:

- Fireworks of any kind, smoke or stink bombs, or any other pyrotechnic device;
- A razor, box cutter, chain, or any other object used in a way that threatens or inflicts bodily injury to another person;
- A “look-alike” weapon that is intended to be used as a weapon or could reasonably be perceived as a weapon;
- An air gun or BB gun;
- A short barrel firearm;
- Ammunition;
- A hand instrument designed to cut or stab another by being thrown:
- *A location-restricted knife;
- *A firearm;
- A stun gun;
- A pocket knife or any other small knife;
- Mace or pepper spray;
- Pornographic material;
- Tobacco products; (including nicotine pouches), cigarettes; e-cigarettes; and any component, part, or accessory for an e-cigarette device;
- Matches or a lighter;
- A laser pointer for other than an approved use; or
- Any articles not generally considered to be weapons, including school supplies, when the principal or designee determines that a danger exists.

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

Possession of Personal Communication Devices

Students shall not:

Use a telecommunications personal communications device, including a cell phone, or other electronic device on school property during the school day and shall store the device in accordance with the method of storage established by the district. [see Glossary]

The district may authorize the use of a personal communication device for the following reasons:

- 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.

Inappropriate use of a personal communication device during the school day will result in disciplinary action in accordance with this Code of Conduct.

This policy is established to reduce distractions for students during the school day to minimize interruptions to the learning process for all students. The District recognizes that personal telecommunications may be a safety tool, but asks that parents and guardians please call the school’s phone number to relay any urgent messages to their child.

Personal Communication Device Definition:

The term “Personal Communication Device” includes a telephone, cell phone, such as a smartphone or flip phone, tablet, radio device, smartwatch, or any other electronic device capable of telecommunication or digital communication. The term does not include an electronic device provided to a student by the District.



Policy Expectation and Guidelines:

All personal communication devices must remain turned off during the instructional school day and stowed away off the student in a backpack, purse, locker or other designated storage area unless the device(s) are being used for approved purposes. Campus administrators shall have the discretion to determine the appropriate storage method.

Personal Communication Device(s) shall not be used for on-campus instructional purposes and District employees shall not allow students to use personal communication devices as a reward or for free time during the instructional day.

Instructional School Day Definition:

The instructional school day begins at the official time when students are allowed to enter the campus and ends at the conclusion of the last instructional period of the day (final bell). Therefore, personal communication devices are not to be used during class changes or during lunch periods. Personal communication devices may be used respectfully and responsibly before and after the instructional school day.

The allowed use of personal communication devices outside of instructional time varies by grade levels as follows:

- **PK-5:** Students may be in possession of a device but must not access at any time during the school day.
- **Grades 6-12:** Students may be in possession of a cell phone and may access the phone before and after school only.

Consequences for Unauthorized Use of Personal Communication Device:

The consequences for unauthorized use of personal communication devices during the instructional school day have been established based on the student's grade level and campus.

The use of cellular 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 and may result in a higher-level disciplinary offense.

Offense:

Personal Communication Devices will be confiscated with each offense and held in the school office and returned to the student at the end of the day pending parent contact. Further offenses will require the parent or guardian to collect the device from the campus administrator. Campus administrators have the discretion to determine additional consequence(s) based on the number of offenses, grade levels and Texas Education Code Chapter 37 factors.

The District is not liable for lost or stolen cell phones. All confiscated phones must be turned in to the principal's office immediately, if possible, or as soon as practicable the day the phone is confiscated. All staff members must place confiscated cell phones in a secure location. Once the cell phone has been confiscated, appropriate discipline is assigned and documented and the following procedure will be used to return the device:

Elementary:

Violation #1 - Warning (must be documented at student refusal or habitually violating policy).

Violation #2 - Phone confiscation and parent phone call(must be documented)

Violation #3 - Office Discipline Referral and assign consequences follow the student code of conduct.

Violation #4 +

Parent conference and student discipline consequences will be assigned if the device is brought back on campus.

**NOTE:**

If the student refuses to follow the administrator's directive, a parent-admin meeting will be scheduled immediately.

Secondary:**Violation #1-3**

Student turns in device at grade level office

Warning is issued

*Violation 3 includes loss of Hornet Card privileges.

The Student may pick up the device at the end of the day in the grade level office

Violation #4-6

Student turns in device at grade level office

Disciplinary Consequences issued

- (4) The Student may pick up the device at the end of the day in the grade level office
- At 5 the parent will be required to pick up the device

Disciplinary Consequence by Referral: Options per the Code of Conduct up through Saturday School and additional loss of Hornet Card privileges.

Violation #7+

Student turns in device at grade level office

Disciplinary Consequences issued

Parent/Guardian required to pick up the device from campus

Disciplinary Consequences by Referral: 1+ day of ISS at administrator's discretion with additional loss of Hornet Card privileges.

NOTE:

- Failure to comply with staff directives/expectations may result in additional disciplinary action.
- Persistent non-compliance with this policy and expectations may result in a student's placement at the district's Discipline Alternative Education Program (DAEP).

Any device not claimed by September 1 following the end of the school year will be disposed of according to FNCE(LEGAL).

In limited circumstances and in accordance with the law, a student's personal communications device may be searched by authorized personnel.

Illegal, Prescription, and Over-the-Counter Drugs

Students shall not:

- Possess, use, give, or sell alcohol or an illegal drug. (Also see DAEP Placement and Expulsion for mandatory and permissive consequences under state law.)
- Possess or sell seeds or pieces of marijuana in less than a usable amount.
- Possess, use, give, or sell paraphernalia related to any prohibited substance. (See glossary for "paraphernalia.")
- Possess, use, abuse, or sell look-alike drugs or attempt to pass items off as drugs or contraband.
- Abuse the student's own prescription drug, give a prescription drug to another student, or possess or be under the influence of another person's prescription drug on school property or at a school-related event. (See glossary for "abuse.")
- Abuse over-the-counter drugs. (See glossary for "abuse.")
- Be under the influence of prescription or over-the-counter drugs that cause impairment of the physical or mental faculties. (See glossary for "under the influence.")
- Have or take prescription drugs or over-the-counter drugs at school other than as provided by district policy.

Misuse of Technology Resources and the Internet

Students shall not:



- Violate policies, rules, or agreements signed by the student or the student's parent regarding the use of technology resources.
- Attempt to access or circumvent passwords or other security-related information of the district, students, or employees or upload or create computer viruses, including off school property if the conduct causes a substantial disruption to the educational environment.
- Attempt to alter, destroy, or disable district technology resources including, but not limited to, computers and related equipment, district data, the data of others, or other networks connected to the district's system, including off school property if the conduct causes a substantial disruption to the educational environment.
- Use the Internet or other electronic communications to threaten district students, employees, board members, or volunteers, including off school property if the conduct causes a substantial disruption to the educational environment or infringes on the rights of another student at school.
- Send, post, deliver, or possess electronic messages that are abusive, obscene, sexually oriented, threatening, harassing, damaging to another's reputation, or illegal, including cyberbullying and "sexting," either on or off school property, if the conduct causes a substantial disruption to the educational environment or infringes on the rights of another student at school.
- Use the Internet or other electronic communication to engage in or encourage illegal behavior or threaten school safety, including off school property if the conduct causes a substantial disruption to the educational environment or infringes on the rights of another student at school.
- Utilize artificial intelligence in a way that would constitute academic dishonesty or as a means of engaging in any other prohibited conduct.

Safety Transgressions

Students shall not:

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

Miscellaneous Offenses

Students shall not:

- Violate dress and grooming standards as communicated in the Student Handbook and district website.
- 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.
- Gamble.
- Falsify records, passes, or other school-related documents.
- Engage in actions or demonstrations that substantially disrupt or materially interfere with school activities.
- Repeatedly violate other communicated campus or classroom standards of conduct.

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

Discipline Management Techniques

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



Discipline Management Strategies

Positive Behavior Interventions and Support (PBIS): This is a strategy used to improve student behavior. The proactive approach establishes the behavioral support and social culture needed for all students in a school to achieve social, emotional and academic success.

Restorative Practices: Restorative practices promote inclusiveness, relationship-building and problem-solving, through such restorative methods as circles for teaching and conflict resolution to conferences that bring victims, offenders and their supporters together to address wrongdoing.

First-Time Offense of Possession or Use of Nicotine Delivery Product or E-Cigarette

An appropriate administrator may place a student in a disciplinary alternative education program for the first-time offense of possession or use of a nicotine delivery product or e-cigarette, as defined by Section 161.081, Health and Safety Code.

If a student who possesses or uses an e-cigarette is not placed in a disciplinary alternative education program for the first-time offense under Education Code 37.008, the student shall be placed in in-school suspension for a period of at least 10 school days.

Students with Disabilities

The discipline of students with disabilities is subject to applicable state and federal law in addition to the Student Code of Conduct. To the extent any conflict exists, the district shall comply with federal law.

In accordance with the Education Code, a student who receives special education services may not be disciplined in a manner that results in a change to the student's educational placement for conduct meeting the definition of bullying, cyberbullying, harassment, or making hit lists (see glossary) until an ARD committee meeting has been held to review the conduct.

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

Techniques

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

- Verbal correction, oral or written.
- Cooling-off time or a brief "time-out" period, in accordance with law.
- Seating changes within the classroom or vehicles owned or operated by the district.
- Temporary confiscation of items that disrupt the educational process.
- Rewards or demerits.
- Behavioral contracts.
- Counseling by teachers, school counselors, or administrative personnel.
- Parent-teacher conferences.
- Behavior coaching.
- Anger management classes.
- Mediation (victim-offender).
- Classroom circles.
- Family group conferencing.



- Grade reductions for cheating, plagiarism, and as otherwise permitted by policy.
- Detention, including outside regular school hours.
- Sending the student to the office, another assigned area, or to in-school suspension (ISS).
- Assignment of school duties, such as cleaning or picking up litter.
- Withdrawal of privileges, such as participation in extracurricular activities, eligibility for seeking and holding honorary offices, or membership in school-sponsored clubs and organizations.
- Penalties identified in student organizations' extracurricular standards of behavior.
- Restriction or revocation of district transportation privileges.
- School-assessed and school-administered probation.
- In-school suspension, as specified in In-School Suspension.
- Out-of-school suspension, as specified in Out-of-School Suspension.
- Placement in a DAEP, as specified in Disciplinary Alternative Education Program (DAEP) Placement.
- Expulsion and/or placement in an alternative educational setting, as specified in Placement and/or Expulsion for Certain Offenses.
- Expulsion, as specified in Expulsion.
- Referral to an outside agency or legal authority for criminal prosecution in addition to disciplinary measures imposed by the district.
- Other strategies and consequences as determined by school officials.

Prohibited Aversive Techniques

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

Aversive techniques include:

- Using techniques designed or likely to cause physical pain.
- Using techniques designed or likely to cause physical pain by electric shock or any procedure involving pressure points or joint locks.
- Directed release of noxious, toxic, or unpleasant spray, mist or substance near a student's face.
- Deny adequate sleep, air, food, water, shelter, bedding, physical comfort, supervision, or access to a restroom facility.
- Ridiculing or demeaning a student in a manner that adversely affects or endangers the learning or mental health of the student or constitutes verbal abuse.
- Employing a device, material, or object while the student is standing or sitting.
- Inhibiting, reducing, or hindering the student's ability to communicate.
- Using chemical restraints.
- Using time-out in a manner that prevents the student from being able to be involved in and progress appropriately in the required curriculum or any applicable individualized education program (IEP) goals, including isolating the student by the use of physical barriers.
- Depriving the student of one or more of the student's senses, unless the technique does not cause the student discomfort or complies with the student's IEP or behavior intervention plan (BIP).

Level System of Discipline

Disciplinary offenses in the Student Handbook and Student Code of Conduct are categorized into five levels which identify sample offenses and possible disciplinary options available to the teacher or administrator. In general, discipline shall be progressively administered so that each level has an increasing degree of intervention designed to promote student self-discipline unless Board Policy, state law or the student code of conduct specifies otherwise. The teacher or administrator responsible for the discipline of a student in a given situation may use discretion in determining



the action(s) most appropriate to the setting and the infraction, except in regard to mandatory placements specified in state law (Level IV and Level V offenses). Campus administrators have the authority to discipline students for violation of the Student Handbook and Student Code of Conduct which occur on campus, on a school bus, or at school-related activities, as well as off-campus offenses as specified by law.

Level I

The focus at Level I of the Code of Conduct is on the implementation of the District's proactive Response to Intervention (RTI) process and the use of tiered supports to teach and reinforce positive behavioral expectations for all students in the classroom setting. The RTI process also makes use of early, systematic intervention support when inappropriate behaviors are identified in order to prevent the escalation or reoccurrence of undesired behaviors.

It is anticipated that most students will respond positively to high quality behavioral interventions applied by general education teachers at Tier I of RTI referred to as Tiers of Positive Behavior Intervention System (PBIS).

Students are subject to disciplinary consequences from Levels II through V when they do not respond to classroom interventions and/or when the nature of the behaviors dictates more formal action.

Level II-III

The discipline charts for Levels II and III on the following pages depict examples of offenses and disciplinary options applicable to students at each campus level (elementary PreK-5th and Secondary 6th-12th) by campus administration. There is no appeal process for disciplinary consequences assigned at Levels II and III.

Levels IV-V

Level IV offenses are assessed disciplinary alternative education program (DAEP) placements, and Level V offenses are assessed as expulsion offenses. In some cases, the student may be expelled to DAEP. There is no appeal process for disciplinary consequences assigned at Level IV if the placement does not extend beyond 60 days or the end of the next grading period, whichever is earlier. Parental questions or complaints regarding issues related to disciplinary measures should be addressed informally with the teacher or campus administration as appropriate in accordance with Board Policy FNG (LOCAL). This process, however, may not be used to overturn a disciplinary assignment.

Level IV

Level IV offenses are primarily acts of misconduct for which mandatory removal to a disciplinary alternative education program (DAEP) is required by law (refer to page 28). A student younger than 6 years of age may not be removed from class and placed in a DAEP. Students 6 years of age and under 10 years of age shall be removed to DAEP if the student engages in conduct under Texas Education Code (TEC) Sec. 37.007 Expulsion for Serious Offenses. Students 10 years of age and older shall be removed to DAEP for certain conduct as described in TEC Sec. 37.006.

Level V

Level V offenses are primarily acts of misconduct for which mandatory expulsion is required by law (refer to page 34). Elementary students who are 10 years of age or older who commit one of these offenses will be recommended for expulsion. Students younger than 10 years of age who commit an offense listed a level V will not be expelled but will be placed in DAEP.



Level I Offenses*: Pre-K – 12th Grade

Possible Interventions for Classroom Managed Behaviors

<u>Level I Offenses – Teacher Managed</u> Low Frequency, Intensity, and/or Duration	<u>Interventions</u> Could be used by teacher to manage offenses**
<ul style="list-style-type: none"> ☐ Profanity ☐ Not following teacher directions ☐ Failure to comply with teacher consequences ☐ Minor throwing (small objects, not furniture) ☐ Refusal to work ☐ Preparedness ☐ Minor dishonesty, including academic ☐ Disrespect/rude ☐ Minor disruption ☐ Running halls/horseplay ☐ Minor theft ☐ Internet websites without permission or misuse of technology ☐ Dress code ☐ Tardies ☐ Cell phone violations ☐ Leaving class without permission*** ☐ Cheating 	<ul style="list-style-type: none"> ☐ Praise appropriate behavior ☐ Warning ☐ Redirection ☐ Peer to peer mediation {restorative practice} ☐ Proximity control ☐ Reflection sheets ☐ Behavior contract ☐ Re-teach expectation ☐ Model/roleplay expected behavior ☐ Change seating arrangement ☐ Provide student with choices ☐ Differentiate assignments ☐ Referral to counselor ☐ Loss of privilege ☐ Verbal and/or written apology ☐ Environmental restoration ☐ Note home ☐ Parent phone call ☐ Parent conference ☐ Teacher assigned lunch detention ☐ Cooling-off period or a brief time-out

* The list of Level I Offenses may not include all teacher-managed offenses.

** Students are subject to disciplinary consequences when they do not respond to classroom intervention and/or when the nature of the behaviors dictates more formal action.

*** Leaving class without permission is considered a Level II Offense at the elementary level.



Level II Offenses: Pre-K – 12th Grade

- Level II Offenses and Disciplinary Options are not limited to those provided.
- The disciplinary action(s) will depend on the offense, previous actions, and the seriousness of the misbehavior. More than one disciplinary option **may be assigned**.
- Each campus has the authority to establish appropriate disciplinary consequences based on campus needs which may be different than other campuses in the District.

<u>Examples of Offenses</u>	<u>Disciplinary Options</u>			
	<u>ISS, detention, or other local disciplinary techniques</u>	<u>Out of School Suspension up to 3 Days</u>	<u>DAEP**</u>	<u>Expulsion</u>
1. Repeated Tardiness	X	X		
2. Violating Dress Code	X	X		
3. Creating or participating in a minor disruption/disturbance or other inappropriate activity	X	X		
4. Failing to serve detention	X	X		
5. Abusing the use of a hall/restroom pass	X	X		
6. Possessing lighters and/or matches	X	X		
7. Possessing or using a laser pointer (other than pointing towards a person's eyes)	X	X		
8. Possessing toys and other nuisance items	X	X		
9. Committing persistence offenses from Level I (minor acts of misconduct)	X	X	X	
10. Using food inappropriately	X	X	X	
11. Using inappropriate language (verbal or written)	X	X	X	
12. Failing to comply with the directives of a member of the school staff; being disrespectful	X	X	X	
13. Truancy, including skipping class and/or leaving school or class without permission	X	X	X	
14. Physical contact with another student, including spitting or biting	X	X	X	
15. Encouraging or promoting a fight, including videoing	X	X	X	
16. Possessing a current prescription (student's own medication); or possessing or using a non-prescription drug, natural and/or homeopathic-like substance, dietary supplements or energy pills (student's own)	X	X	X	

** A student under the age of 6 shall not be placed in DAEP unless the student commits a federal firearm offense.



Level III Offenses: Pre-K – 12th Grade

- Level III Offenses and Disciplinary Options are not limited to those provided.
- The disciplinary action(s) will depend on the offense, previous actions, and the seriousness of the misbehavior. More than one disciplinary option **may be assigned**.
- Each campus has the authority to establish appropriate disciplinary consequences based on campus needs which may be different than other campuses in the District.

<u>Examples of Offenses</u>	<u>Disciplinary Options</u>			
	<u>ISS, detention, or other local disciplinary techniques</u>	<u>Out of School Suspension up to 3 Days</u>	<u>DAEP**</u>	<u>Expulsion</u>
1. Forging or altering school records, parent notes, forms or other school/home communications	X	X		
2. Assaulting another student or an adult not a mandatory removable or expellable offense	X	X		
3. Failing to disclose information, hiding/covering up (for self or others) information/evidence, committing perjury or lying as a witness during a school investigation	X	X		
4. Engaging in behavior that is illegal that does not constitute a mandatory removable or expellable offense	X	X		
5. Mooning, streaking, other forms of nudity; exposing or attempting to expose one's undergarments or those of another ("panting")	X	X	X	
6. Committing persistent offenses for Level II	X	X	X	X
7. Engaging in conduct that disrupts the school environment or educational process	X	X	X	X
8. Using profane, vulgar, obscene or threatening language/graphics, including a hit list (verbal or written) that is not a mandatory removable offense; or making obscene gestures	X	X	X	X
9. Intentionally or knowingly making libelous or slanderous remarks (verbal or written) about students, employees, or others	X	X	X	X
10. Using ethnic, racial, or gender-related slurs (verbal or written), or committing inappropriate facts that are directed toward a specific racial or ethnic person or group	X	X	X	X
11. Physical aggression, physical contact, or fighting	X	X	X	X
12. Using lighters or matches	X	X	X	X
13. Using/possessing products containing tobacco; using tobacco-less cigarettes, or electronic cigarettes; vaping devices or accessories or tobacco-related paraphernalia	X	X	X	X
14. Possessing, distributing, or using fireworks, stink bombs, smoke bombs, poppers, other noxious chemicals (including pepper-spray or mace-type materials), or shock pens and other similar devices	X	X	X	X
15. Violating the guidelines for personal communication devices, including a cellular phone, other than minor offenses (promote, encourage, or participate in taking photographs or videos, uploading to social networking sites, using devices to cheat, etc.)	X	X	X	X
16. Possessing drug paraphernalia, aerosol paint, or fixture spray	X	X	X	X
17. Possessing ammunition	X	X	X	X
18. Possessing, distributing, or creating pornographic or sexually oriented material or material that promotes violence or other illegal activities, including sexting	X	X	X	X
19. Possessing, distributing, or concealing a weapon not included as mandatory removal to a DAEP or expulsion, including knives that are not illegal	X	X	X	X
20. Selling, giving, or delivering to another person a non-prescription drug or possessing or using a non-prescription drug other than one's own.	X	X	X	X



21. Possessing, transmitting, selling, attempting to sell or exhibiting what is represented to be a prohibited substance	X	X	X	X
22. Attempting to sell or purchase a prohibited substance through verbal or written communication without being in possession	X	X	X	X
23. Stealing or unauthorized possession of another person's property, theft, or committing burglary on campus	X	X	X	X
24. Possessing, exhibiting, delivering, using or selling look-alike weapons	X	X	X	X
25. Vandalizing, including defacement of or damage to school property and graffiti not included as a mandatory removable or expellable offense; inappropriate use of personal or school property that has the potential to cause damage or injury	X	X	X	X
26. Making sexual comments (verbal, written, or gesturing) or engaging in sexual conduct, including stalking	X	X	X	X
27. Hazing or stalking (non-sexual)	X	X	X	X
28. Creating a situation that may constitute a potential health or safety hazard or results in possible injury (exposing others to bodily fluids; pulling chairs out from someone; taking more than recommended dosage of medicine, possessing or using items for body piercing and/or tattooing, pointing a laser toward a person's eyes, etc.)	X	X	X	X
29. Engaging in inappropriate behavior on overnight trips not addressed elsewhere	X	X	X	X
30. Gambling	X	X	X	X
31. Hacking (illegal or unauthorized entry, or attempted entry in the District's computer system)	X	X	X	X
32. Interfering with school activities, including trespassing, boycotting and group demonstrations, and falsifying a report; or making a 911 call that does not constitute a mandatory removable offense	X	X	X	X
33. Participating in an unauthorized organization, secret society, or gang; gang-related activity that does not constitute a mandatory removable offense	X	X	X	X
34. Committing extortion, coercion, or blackmail	X	X	X	X
35. Tampering with a fire extinguisher, an automated external defibrillator (AED), or the storage cabinet for one of these items	X	X	X	X
36. Multiple incidents of harassment (confirmed through investigation)	X	X	X	X

** A student under the age of 6 shall not be placed in DAEP unless the student commits a federal firearm offense.

*** A student under the age of 10 who engages in expellable behavior shall be placed in DAEP.

Notification

The campus behavior coordinator shall promptly notify a student's parent by phone or in person of any violation that may result in in-school or out-of-school suspension, placement in a DAEP, or expulsion. The campus behavior coordinator shall also notify a student's parent if the student is taken into custody by a law enforcement officer under the disciplinary provisions of the Education Code. A good faith effort shall be made on the day the action was taken to provide to the student for delivery to the student's parent written notification of the disciplinary action. If the parent has not been reached by telephone or in person by 5:00 p.m. of the first business day after the day the disciplinary action was taken, the campus behavior coordinator shall send written notification by U.S. Mail. If the campus behavior coordinator is not able to provide notice to the parent, the principal or designee shall provide the notice.

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

Parental Involvement



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

Complaints

Once a disciplinary consequence is assigned, the student is expected to serve the consequence to avoid additional penalties. While there is no disciplinary appeal for in-school or out of school suspension or any campus level discipline, parental complaints regarding issues that were ancillary to the consequence should be addressed informally with the teacher, appropriate assistant principal, or campus principal. For example, a complaint might allege that proper procedures were not followed. If these conferences are not satisfactory, parents may follow the formal complaint process in accordance with the Board Policy FNG (LOCAL). This process may not be used to overturn a disciplinary assignment.

Removal from School Bus

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

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

In addition to compliance with Student Code of Conduct, students are expected to comply with the following transportation rules:

- Refrain from making loud or distracting noises
- Comply with lawful directives issued by driver
- Enter and exit transportation in an orderly manner at the designated stop
- Do not obstruct the driver's view
- Remain seated in designated seats facing forward
- Follow the driver's rules for food and beverages
- Keep aisles clear of books, bags, instruments, feet, or other obstructions
- Do not throw objects inside the transportation or out of the windows or doors
- Do not extend any body part, clothing, or other article outside of the transportation
- Do not mark, deface, destruct, or tamper with seats, windows, emergency doors, or other equipment

Students may be suspended from district transportation for any misconduct listed in any category of the SCC. The student will be informed of the reason for suspension or revocation of transportation privileges and will be given an opportunity to respond before the administrator's decision is final. Homeless students may not be suspended from the bus unless they present a safety concern to transportation. Suspension of transportation privileges does not excuse a student from attending school. It is the responsibility of the parent/guardian and/or student to make alternate transportation arrangements to and from school.

Removal from the Regular Educational Setting

A teacher may initiate a formal removal from class if:

1. A student's behavior repeatedly interferes with the teacher's ability to teach the class or with other students' ability to learn.
2. A student demonstrates behavior that is unruly, disruptive, or abusive toward the teacher, another adult, or another student in the classroom.
3. A student engages in conduct that constitutes bullying, as defined by Education Code 37.0832.

A teacher, CBC, or other appropriate administrator must notify a parent or person standing in parental relation to the student of the formal removal. A teacher may remove a student from class based on a single incident of behavior.



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

At the conference, the CBC or appropriate administrator shall inform the student of the alleged misconduct and the proposed consequences. The student shall have an opportunity to respond to the allegations. When a student is removed from the regular classroom by a teacher and a conference is pending, the CBC or other administrator may place the student in:

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

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

Returning a Student to the Classroom

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

A student who has been formally removed by a teacher for any other conduct may not be returned to the teacher's class without the teacher's written consent unless the placement review committee determines that the teacher's class is the best or only alternative, and not later than the third class day after the day the student was removed from class, a conference in which the teacher was provided an opportunity to participate has been held. The student may not be returned to the teacher's class unless the teacher provides written consent for the student's return or a return to class plan has been prepared for that student.

Appeals of Formal Teacher Removals

A student may appeal the teacher's removal 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.

Placement Review Committee

Each school shall have a Placement Review Committee composed of three members. The committee will determine placement of a student when a teacher has removed the student and refuses to allow the return of the student to the teacher's class. The committee will make a final determination of the student's placement when a student is removed under this section.

- The campus faculty shall choose two teachers to serve as members and one teacher to serve as an alternate member.
- The campus behavior coordinator shall choose one member from the professional staff of the campus.
- The teacher refusing to readmit the student may not serve on the committee.

If the teacher removed the student from class for engaging in assault, aggravated assault, sexual assault, aggravated sexual assault, or assault against the teacher, the student may not be returned to the teacher's class without the teacher's consent. The teacher may not be coerced to consent. In accordance with federal law, the placement of a student with disabilities may be changed only by a duly constituted ARD Committee.

In-School Suspension

An in-school suspension is not subject to any time limit.

A school's principal or other appropriate administrator shall review the in-school suspension of a student at least once every 10 school days after the date of the suspension begins to evaluate the educational progress of the student and to determine if continued in-school suspension is appropriate.



During in-school suspension, a student shall receive appropriate behavioral support services and comparable educational services as the student would receive in the classroom. If the student receives special education services, the student must continue to receive special education and related services specified in the student's individualized education program (IEP) and continue to have an opportunity to progress in the general curriculum.

[See First-Time Offense of Possession or Use of Nicotine Delivery Product or E-Cigarette for limitations to the general rule.]

Process

Before being suspended, a student shall have an informal conference with the CBC or appropriate administrator, who shall inform the student of the alleged misconduct and give the student an opportunity to respond to the allegation before the administrator makes a decision.

The CBC shall determine the number of days of a student's suspension.

In deciding whether to order in-school suspension, the CBC shall take into consideration:

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

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

Out of School Suspension

Misconduct

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

The district shall not use out-of-school suspension for students below grade 3 unless the conduct meets the requirements established in law.

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

- Conduct that contains the elements of a weapons offense, as provided in Penal Code sections 46.02 or 46.05;
- Conduct that threatens the immediate health and safety of other students in the classroom
- Documented conduct that results in repeated or significant disruption to the classroom; or
- Selling, giving, or delivering to another person or possessing, using, or being under the influence of any amount of marijuana, an alcoholic beverage, or a controlled substance or dangerous drug as defined by federal or state law.

The district shall use a positive behavior program as a disciplinary alternative for students below grade 3 who commit general conduct violations instead of suspension or placement in a DAEP. The program shall meet the requirements of law.

Process

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



Before being suspended a student shall have an informal conference with the campus behavior coordinator or appropriate administrator, who shall advise the student of the alleged misconduct. The student shall have the opportunity to respond to the allegation before the administrator makes a decision.

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

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

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

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

Alternative Assignment

A parent or person standing in parental relation to the student may submit a written request to the principal or other appropriate administrator to reassign a student placed in out-of-school suspension. The parent or person standing in parental relation to the student must provide information and documentation that they are unable to provide suitable supervision for the student during school hours during the period of the suspension. It is the sole discretion of the principal or other appropriate administrator to reassign the student placed in out-of-school suspension.

Coursework During Suspension

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

A student removed from the regular classroom to in-school suspension for another setting, other than a DAEP, will have an opportunity to complete before the beginning of the next school year each course the student was enrolled in at the time of removal from the regular classroom. The district may provide the opportunity by any method available, including a correspondence course, another distance learning option, or summer school. The district will not charge the student for any method of completion provided by the district.



Disciplinary Alternative Education Program (DAEP) Placement

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

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

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

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

In deciding whether to place a student in a DAEP, regardless of whether the action is mandatory or discretionary, the campus behavior coordinator shall take into consideration:

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

Discretionary Placement: Misconduct that may result in DAEP Placement

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

Misconduct Identified in State Law

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

- Engaging in bullying that encourages a student **to die by** suicide.
- Inciting violence against a student through group bullying.
- Releasing or threatening to release intimate visual material of a minor or a student who is 18 years of age or older without the student's consent.
- Involvement in a public school fraternity, sorority, or secret society, including participating as a member or pledge, or soliciting another person to become a pledge or member of a public school fraternity, sorority, secret society, or gang. (See glossary.)
- Involvement in criminal street gang activity. (See glossary.)
- Any criminal mischief, including a felony.
- Assault (no bodily injury) with threat of imminent bodily injury.
- Assault by offensive or provocative physical contact.
- 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.

In accordance with state law, a student **may** be placed in a DAEP if the superintendent or the superintendent's designee has reasonable belief [see Glossary] that the student engaged in conduct punishable as a felony, that occurs off school property and not at a school-sponsored or school-related event, if the student's presence in the regular classroom threatens the safety of other students or teachers or will be detrimental to the educational process. Aggravated robbery or felonies listed as offenses in Title 5 [see Glossary] of the Penal Code are punishable as mandatory expulsions.



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

Mandatory Placement: Misconduct that Requires DAEP Placement – Level IV

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

- Engages in conduct relating to a false alarm or report (including a bomb threat) or a terroristic threat involving a public school. (See glossary.)
- Commits the following offenses on school property or within 300 feet of school property as measured from any point on the school’s real property boundary line, or while attending a school-sponsored or school-related activity on or off school property:
 - Engages in conduct punishable as a felony.
 - Commits an assault (see glossary) under Penal Code 22.01(a)(1).
 - **Except as provided by Education Code 37.007(a)(3), sells, gives, or delivers to another person, or possesses, uses, or is under the influence of marijuana, a controlled substance, or a dangerous drug in an amount not constituting a felony offense. A student with a valid prescription for low-THC cannabis as authorized by Chapter 487 of the Health and Safety Code does not violate this provision. (School-related felony drug offenses are addressed in the Expulsion section.)** (See glossary for “under the influence.”)
 - Sells, gives, or delivers to another person an alcoholic beverage; commits a serious act or offense while under the influence of alcohol; or possesses, uses, or is under the influence of alcohol, if the conduct is not punishable as a felony offense. (School-related felony alcohol offenses are addressed in the Expulsion section.)
 - Behaves in a manner that contains the elements of an offense relating to abusable volatile chemicals.
 - **Sells, gives, or delivers to another person an e-cigarette, as defined by Section 161.081, Health and Safety Code.**
 - Behaves in a manner that contains the elements of the offense of public lewdness or indecent exposure.
 - Engages in conduct that contains the elements of an offense of harassment against an employee under Penal Code 42.07(a)(1), (2), (3), or (7).
- Engages in expellable conduct and is between six and nine years of age.
- Commits a federal firearms violation and is younger than six years of age.
- Engages in conduct that contains the elements of the offense of retaliation against any school employee or volunteer on or off school property.
- **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.**
- **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:**
 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.**

Sexual Assault and Campus Assignments

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

Process

Removals to a DAEP shall be made by the campus behavior coordinator.



Conference

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

At the conference, the campus behavior coordinator or appropriate administrator shall inform the student, orally or in writing, of the reasons for the removal and shall give the student an explanation of the basis for the removal and an opportunity to respond to the reasons for the removal.

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

Consideration of Mitigating Factors

In deciding whether to place a student in a DAEP, regardless of whether the action is mandatory or discretionary, the campus behavior coordinator shall take into consideration:

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

Placement Order

After the conference, if the student is placed in the DAEP, the campus behavior coordinator shall write a placement order. A copy of the DAEP placement order shall be sent to the student and the student's parent.

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

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

Coursework Notice

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

Length of Placement

The campus behavior coordinator shall determine the duration of a student's placement in a DAEP. The duration of a student's placement shall be determined case-by-case based on the seriousness of the offense, the student's age and grade level, the frequency of misconduct, the student's attitude, and statutory requirements. The duration will be created by the Campus Behavior Coordinator and the Deputy Superintendent.

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

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

The district shall administer the required pre- and post-assessments for students assigned to DAEP for a period of 90 days or longer in accordance with established district administrative procedures for administering other diagnostic or benchmark assessments.

Exceeds One Year



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

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

Exceeds School Year

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

For placement in DAEP to extend beyond the end of the school year, the campus behavior coordinator or the board's designee must determine that:

- The student's presence in the regular classroom or campus presents a danger of physical harm to the student or others, or
- The student has engaged in serious or persistent misbehavior (see glossary) that violates the district's Code.

Appeals

The board has designated the principal, and Campus Behavior Coordinator the authority to assign a DAEP placement, suspension, and all campus level discipline. A student will not be afforded a Level II hearing with the Deputy Superintendent on disciplinary consequences except for removals to DAEP extending beyond 60 days or at the end of the next grading period whichever is earlier, as provided for in other portions of this Code. The principal shall notify the student of the reason for the consequence and grant the student an opportunity to give his or her version of the incident. The student will have an opportunity to appeal the decision of the administrator making the recommendation to the principal or designee. **The decision of the principal is final and may not be appealed.**

Removal to DAEP extending beyond 60 days

(or the end of the next grading period, whichever is earlier):

- If the term of the placement, as recommended by the campus administrator, extends beyond 60 days or the end of the next grading period, whichever is earlier, the student's parent or guardian is entitled to a Level II appeal hearing to have the decision reviewed. The student's parent or guardian is entitled to notice and an opportunity to participate in a proceeding before the Deputy Superintendent of Administration. The campus administrator shall inform the student's parent or guardian in writing of the right to appeal and shall describe the procedures for scheduling an appeal with that office. The parent or guardian may waive the right to an appeal.
- Procedures for an appeal to the Deputy Superintendent are:
 - The parent shall contact the office of the Deputy Superintendent at (936) 435-6309 to schedule an appeal hearing within three (3) business days following the campus decision to remove the student to a DAEP.
 - Notice of the hearing (date/time/location) will be provided to the parent.
 - Generally, the hearing shall be with the Deputy Superintendent or their designee.
 - The hearing is intended to be an informal process and traditional courtroom rules of evidence do not apply. In addition, while either side may present witnesses as part of that side's affirmative presentation, the parties are not allowed to question the other side's witnesses.
 - Following the presentation by the campus administration and the student or student's representative, the hearing officer and panel will make a determination to uphold, amend, or rescind the campus recommendation. The decision will be communicated to the student's parents.
 - The decision of the hearing officer is final and may not be appealed.

Restrictions during Placement

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

The district shall provide transportation to students in 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.



For seniors who are eligible to graduate and are assigned to a DAEP at the time of graduation, the last day of placement in the program shall be the last instructional day, and the student shall be allowed to participate in the graduation ceremony and related graduation activities unless otherwise specified in the DAEP placement order.

Placement Review

A student placed in a DAEP shall be provided with a review of his or her status, including academic status, by the campus behavior coordinator or the board's designee at intervals not to exceed 120 days. In the case of a high school student, the student's progress toward graduation and the student's graduation plan shall also be reviewed. At the review, the student or the student's parent shall be given the opportunity to present arguments 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.

Additional Misconduct

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

Notice of Criminal Proceedings

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

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

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

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

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

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

Withdrawal During Process

When a student violates the district's Code in a way that requires or permits the student to be placed in a DAEP and the student withdraws from the district before a placement order is completed, the campus behavior coordinator may complete the proceedings and issue a placement order. If the student then re-enrolls in the district during the same or a subsequent school year, the district may enforce the order at that time, less any period of the placement that has been served by the student during enrollment in another district. If the campus behavior coordinator or the board fails to issue a placement order after the student withdraws, the next district in which the student enrolls may complete the proceedings and issue a placement order.

Newly Enrolled Students

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



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

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

Emergency Placement Procedure

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

Transition Services

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



Placement and/or Expulsion for Certain Offenses

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

Registered Sex Offenders

Upon receiving notification in accordance with state law that a student is currently required to register as a sex offender, the district must remove the student from the regular classroom and determine appropriate placement unless the court orders DAEP placement.

If the student is under any form of court supervision, including probation, community supervision, or parole, the placement shall be in DAEP for at least one semester.

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

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

Review Committee

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

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

Newly Enrolled Student

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

Appeal

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

Expulsion

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

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

Discretionary Expulsion: Misconduct That May Result in Expulsion



Some of the following types of misconduct may result in mandatory placement in a DAEP, whether or not a student is expelled. (See DAEP Placement).

Any Location

A student **may** be expelled for:

- Engaging in bullying that encourages a student **to die by** suicide.
- Inciting violence against a student through group bullying.
- Releasing or threatening to release intimate visual material of a minor or a student who is 18 years of age or older without the student's consent.
- **Engages in conduct that contains the elements of an offense of exhibiting, using or threatening to exhibit or use a firearm under Section 37.125 of TEC.**
- Breach of computer security. (See glossary)

At School, Within 300 Feet, or at a School Event

A student **may** be expelled for committing any of the following offenses on or within 300 feet of school property, as measured from any point on the school's real property boundary line, or while attending a school-sponsored or school-related activity on or off school property:

- Engaging in deadly conduct. (See glossary.)

Within 300 Feet

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.

Property of Another District

A student **may** be expelled for committing any offense that is a state-mandated expellable offense if the offense is committed on the property of another district in Texas or while the student is attending a school-sponsored or school-related activity of a school in another district in Texas.

While in DAEP

A student may be expelled for engaging in documented serious misbehavior that violates the district's Code, despite documented behavioral interventions while placed in a DAEP. For purposes of discretionary expulsion from a DAEP, serious misbehavior means:

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

Mandatory Expulsion: Misconduct That Requires Expulsion-Level V

A student **must** be expelled under federal or state law for any of the following offenses that occur on or off school property:

Under Federal Law

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

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

Under the Penal Code



- Unlawfully carrying on or about the student's person the following, in the manner prohibited by Penal Code 46.02:
 - A handgun, defined by state law as any firearm designed, made, or adapted to be used with one hand. (See glossary.) Note: A student may not be expelled solely on the basis of the student's use, exhibition, or possession of a firearm that occurs at an approved target range facility that is not located on a school campus, while participating in or preparing for a school-sponsored, shooting sports competition or a shooting sports educational activity that is sponsored or supported by the Parks and Wildlife Department, or a shooting sports sanctioning organization working with the department. [See policy FNCG(LEGAL).]
 - A location-restricted knife, as defined by state law. (See glossary.)
- Possessing, manufacturing, transporting, repairing, or selling a prohibited weapon, as defined in state law. (See glossary.)
- Engages in conduct that contains the elements of the offense of exhibiting, using, or threatening to exhibit or use a firearm under Education Code 37.125.
- Behaving in a manner that contains elements of the following offenses under the Texas Penal Code:
 - Aggravated assault, sexual assault, or aggravated sexual assault.
 - Arson. (See glossary.)
 - Murder, capital murder, or criminal attempt to commit murder or capital murder.
 - Indecency with a child.
 - Kidnapping or aggravated kidnapping.
 - Burglary, robbery or aggravated robbery.
 - Manslaughter.
 - Criminally negligent homicide.
 - Continuous sexual abuse of a young child or children.
 - Behavior punishable as a felony that involves selling, giving, or delivering to another person, or possessing, using, or being under the influence of marijuana, a controlled substance, a dangerous drug, or alcohol; or committing a serious act or offense while under the influence of alcohol.
 - Engaging in conduct that contains elements of assault against a school employee or volunteer.

Under Age Ten

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

Virtual Expulsion Program

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

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

Consideration of Virtual Education as Alternative to Expulsion

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

Process



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

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

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

Hearing

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

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

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

The board of trustees' delegates to the Deputy Superintendent authority to conduct hearings and expel students.

Board Review of Expulsion

After the due process hearing, the expelled student may request that the board review the expulsion decisions. The student or parent must submit a written request to the superintendent within seven days after receipt of the written decision. The superintendent must provide the student or parent written notice of the date, time, and place of the meeting at which the board will review the decision.

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

The board shall hear statements made by the parties at the review and shall base its decision on evidence reflected in the record and any statements made by the parties at the review. The board shall make and communicate its decision orally at the conclusion of the presentation.

Consequences shall not be deferred pending the outcome of the hearing.

Expulsion Order

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

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

If the student is expelled, the board or its designee shall deliver to the student and the student's parent a copy of the order expelling the student.

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



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

Length of Expulsion

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

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

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

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

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

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

Withdrawal During Process

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

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

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

Additional Misconduct

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

Restrictions During Expulsion

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

No district academic credit shall be earned for work missed during the period of expulsion unless the student is enrolled in the district's DAEP.

Newly Enrolled Students

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

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

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



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

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

Emergency Expulsion Procedures

When an emergency expulsion is necessary to protect persons or property from 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 10 days after the date of the emergency expulsion, the student shall be given appropriate due process required for a student facing expulsion.

DAEP Placement of Expelled Students

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

Transition Services

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

Certain Felonies

Regardless of whether DAEP placement or expulsion is required or permitted by one of the reasons in the DAEP Placement or Expulsion sections, in accordance with Education Code 37.0081, a student may be expelled and placed in either DAEP or JJAEP if the board or CBC makes certain findings and the following circumstances exist in relation to aggravated robbery or a felony offense under Title 5 [see Glossary] of the Penal Code. The student must have:

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

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

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

Hearing and Required Findings

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

1. Threatens the safety of other students or teachers;



2. Will be detrimental to the educational process; or

3. Is not in the best interest of the district's students.

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

Length of Placement

The student is subject to the placement until:

1. The student graduates from high school;

2. The charges are dismissed or reduced to a misdemeanor offense; or

3. The student completes the term of the placement or is assigned to another program.

Placement Review

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

Newly Enrolled Students

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.



Glossary

Abuse is improper or excessive use.

Aggravated robbery is defined in part by Penal Code 29.03(a) as when a person commits robbery and:

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

Antisemitism means a certain perception of Jews that may be expressed as hatred toward Jews. The term includes rhetorical and physical acts of antisemitism directed toward Jewish or non-Jewish individuals or their property or toward Jewish community institutions and religious facilities. Examples of antisemitism are included with the International Holocaust Remembrance Alliance's "Working Definition of Antisemitism" adopted on May 26, 2016.

Armor-piercing ammunition is defined by Penal Code 46.01 as handgun ammunition used in pistols and revolvers and designed primarily for the purpose of penetrating metal or body armor.

Arson is defined in part by Penal Code 28.02 as:

1. A crime that involves starting a fire or causing an explosion with intent to destroy or damage:
 - a. Any vegetation, fence, or structure on open-space land; or
 - b. Any building, habitation, or vehicle:
 - i. Knowing that it is within the limits of an incorporated city or town,
 - ii. Knowing that it is insured against damage or destruction,
 - iii. Knowing that it is subject to a mortgage or other security interest,
 - iv. Knowing that it is located on property belonging to another,
 - v. Knowing that it has located within its property belonging to another, or
 - vi. When the person starting the fire is reckless about whether the burning or explosion will endanger the life of some individual or the safety of the property of another.
1. A crime that involves recklessly starting a fire or causing an explosion while manufacturing or attempting to manufacture a controlled substance and the fire or explosion damages any building, habitation, or vehicle; or
2. A crime that involves intentionally starting a fire or causing an explosion and in so doing:
 - a. Recklessly damages or destroys a building belonging to another, or
 - b. Recklessly causes another person to suffer bodily injury or death.

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

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

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

1. Has the effect or will have the effect of physically harming a student, damaging a student's property, or placing a student in reasonable fear of harm to the student's person or of damage to the student's property;



2. Is sufficiently severe, persistent, or pervasive enough that the action or threat creates an intimidating, threatening, or abusive educational environment for a student;
3. Materially and substantially disrupts the educational process or the orderly operation of a classroom or school; or
4. Infringes on the rights of the victim at school.

Bullying includes cyberbullying. (See below) This state law on bullying prevention applies to:

1. Bullying that occurs on or is delivered to school property or to the site of a school- sponsored or school- related activity on or off school property;
2. Bullying that occurs on a publicly or privately-owned school bus or vehicle being used for transportation of students to or from school or a school-sponsored or school-related activity; and
3. Cyberbullying that occurs off school property or outside of a school-sponsored or school- related activity if the cyberbullying interferes with a student's educational opportunities or substantially disrupts the orderly operation of a classroom, school, or school-sponsored or school-related activity.

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

Club is defined by Penal Code 46.01 as an instrument specially designed, made, or adapted for the purpose of inflicting serious bodily injury or death. A blackjack, nightstick, mace, and tomahawk are in the same category.

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

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

Cyberbullying is defined by Section 37.0832 of the Education Code as bullying that is done through the use of any electronic communication device, including through the use of a cellular or other type of telephone, a computer, a camera, electronic mail, instant messaging, text messaging, a social media application, an Internet website, or any other Internet-based communication tool.

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

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

Deadly conduct under Penal Code 22.02 occurs when a person recklessly engages in conduct that places another in imminent danger of serious bodily injury, such as knowingly discharging a firearm in the direction of an individual, habitation, building, or vehicle.

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

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



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

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

E-cigarette means an electronic cigarette or any other device that simulates smoking by using a mechanical heating element, battery, or electronic circuit to deliver nicotine or other substances to the individual inhaling from the device. The term includes any device that is manufactured, distributed, or sold as an e-cigarette, e-cigar, or e-pipe or under another product name or description and a component, part, or accessory for the device, regardless of whether the component, part, or accessory is sold separately from the device.

Explosive weapon is defined by Penal Code 46.01 as any explosive or incendiary bomb, grenade, rocket, or mine and its delivery mechanism that is designed, made, or adapted for the purpose of inflicting serious bodily injury, death, or substantial property damage, or for the principal purpose of causing such a loud report as to cause undue public alarm or terror.

False alarm or report under Penal Code 42.06 occurs when a person knowingly initiates, communicates, or circulates a report of a present, past, or future bombing, fire, offense, or other emergency that he or she knows is false or baseless and that would ordinarily:

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

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

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

Firearm silencer is defined by Penal Code 46.01 as any device designed, made, or adapted to muffle the report of a firearm.

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

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

Harassment includes:

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



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

Hazing is defined by Section 37.151 of the Education Code as an intentional, knowing, or reckless act, on or off campus, by one person alone or acting with others, directed against a student for the purpose of pledging, initiation into, affiliation with, holding office in, or maintaining membership in a student organization if the act meets the elements in Education Code 37.151, including:

1. Any type of physical brutality;
2. An activity that subjects the student to an unreasonable risk of harm or that adversely affects the student's mental or physical health, such as sleep deprivation, exposure to the elements, confinement to small spaces, calisthenics, or consumption of food, liquids, drugs, or other substances;
3. An activity that induces, causes, or requires the student to perform a duty or task that violates the Penal Code; and
4. Coercing a student to consume a drug or alcoholic beverage in an amount that would lead a reasonable person to believe the student is intoxicated.

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

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

Indecent exposure is defined by Penal Code 21.08 as an offense that occurs when a person exposes his or her anus or any part of his or her genitals with intent to arouse or gratify the sexual desire of any person, and is reckless about whether another is present who will be offended or alarmed by the act.

Instructional school day The instructional school day begins at the official time when students are allowed to enter the campus and ends at the conclusion of the last instructional period of the day (final bell). Therefore, personal communication devices are not to be used during class changes or during lunch periods. Personal communication devices may be used respectfully and responsibly before and after the instructional school day.

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

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

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

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

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

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

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

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. The term does not include an electronic device provided to a student by the District.



Possession means to have an item on one's person or in one's personal property, including, but not limited to, clothing, purse, or backpack; a private vehicle used for transportation to or from school or school-related activities, including, but not limited, to an automobile, truck, motorcycle, or bicycle; **personal communication device**; or any school property used by the student, including, but not limited to, a locker or desk.

Prohibited weapon under Penal Code 46.05(a) means:

1. The following items unless registered with the U.S. Bureau of Alcohol, Tobacco, Firearms, and Explosives or otherwise not subject to that registration requirement or unless the item is classified as a curio or relic by the U.S. Department of Justice:
 - a. An explosive weapon;
 - b. A machine gun;
2. Armor-piercing ammunition;
3. A chemical dispensing device;
4. A zip gun;
5. A tire deflation device;
6. An improvised explosive device; or
7. A firearm silencer, unless classified as a curio or relic by the U.S. Department of Justice or the actor otherwise possesses, manufactures, transports, repairs, or sells the firearm silencer in compliance with federal law.

Public Lewdness is defined by Texas Penal Code 21.07 as an offense that occurs when a person knowingly engages in an act of sexual intercourse, deviate sexual intercourse, or sexual contact in a public place or, if not in a public place, is reckless about whether another is present who will be offended or alarmed by the act.

Public school fraternity, sorority, secret society, or gang means an organization composed wholly or in part of students that seeks to perpetuate itself by taking additional members from the students enrolled in school based on a decision of its membership rather than on the free choice of a qualified student. Educational organizations listed in Section 37.121(d) of the Education Code are accepted from this definition.

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

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

Serious misbehavior means:

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

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

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



- Refusal to accept discipline assigned by the teacher or principal.

Short-barrel firearm is defined by Penal Code 46.01 as a rifle with a barrel length of less than 16 inches or a shotgun with a barrel length of less than 18 inches, or any weapon made from a rifle or shotgun that, as altered, has an overall length of less than 26 inches.

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

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

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

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

- Murder, manslaughter, or homicide under Sections 19.02, – .05;
- Kidnapping under Section 20.03;
- Trafficking of persons under Section 20A.02;
- Smuggling or continuous smuggling of persons under Sections 20.05 – .06;
- Assault under Section 22.01;
- Aggravated assault under Section 22.02;
- Sexual assault under Section 22.011;
- Aggravated sexual assault under Section 22.021;
- Unlawful restraint under Section 20.02;
- Continuous sexual abuse of a young child or children under Section 21.02;
- Bestiality under Section 21.09;
- Improper relationship between educator and student under Section 21.12;
- Voyeurism under Section 21.17;
- Indecency with a child under Section 21.11;
- Invasive visual recording under Section 21.15;
- Disclosure or promotion of intimate visual material under Section 21.16;
- Sexual coercion under Section 21.18;
- Injury to a child, an elderly person, or a disabled person of any age under Section 22.04;
- Abandoning or endangering a child under Section 22.041;
- Deadly conduct under Section 22.05;
- Terroristic threat under Section 22.07;
- Aiding a person to **die by** suicide under Section 22.08; and
- Tampering with a consumer product under Section 22.09. [See FOC(EXHIBIT).]

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

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



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