



SOUTH SAN ANTONIO INDEPENDENT SCHOOL DISTRICT

Agenda Item Summary

Meeting Date: 7/20/2022

Agenda Section: Consent

Agenda Item Title: South San Antonio ISD Student Code of Conduct for the 2022-2023 school year

From: Joel Gaines, Executive Director of Curriculum & Instruction

Additional Presenters if Applicable: N/A

Description: The Student Code of Conduct, as required by Chapter 37 of the Texas Education Code, provides methods and options for managing student behavior, preventing and intervening in student discipline problems, and imposing discipline. 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), placement in a juvenile justice alternative education program (JJAEP), or expulsion from school. The Student Code of Conduct must be approved and adopted yearly by the South San Antonio ISD board of trustees.

Historical Data: N/A

Recommendation: Approval of the South San Antonio ISD Student Code of Conduct for the 2022-2023 school year.

Funding Budget Code and Amount: N/A

Section 3:

South San Antonio Independent School District

Student Code of Conduct

Accessibility

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Purpose

The Student Code of Conduct (“Code”), as required by Chapter 37 of the Texas Education Code, provides methods and options for managing student behavior, preventing and intervening in student discipline problems, and imposing discipline.

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

This Student Code of Conduct has been adopted by the *South San Antonio ISD* board of trustees and developed with the advice of the district-level planning and decision-making committee. It provides information to parents and students regarding standards of conduct, consequences of misconduct, and procedures for administering discipline. This Code remains in effect during summer school and at all school-related events and activities outside the school year until the board adopts an updated version 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 campus principal’s office. Additionally, the Code shall be available at the campus behavior coordinator’s office 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 a DAEP or JJAEP, expelled, or taken into custody by a law enforcement officer under Chapter 37 of the Education Code.

Because the Student Code of Conduct is adopted by the district’s board of trustees, it has the force of policy. In the event of a 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.

South San Antonio ISD - Campus Behavior Coordinators

Campus	Behavior Coordinator	Email
Armstrong Elementary 210-623-8787	Laura Ramirez	lauraram@southsanisd.net
Athens Elementary 210-977-7055	John Gonzalez	jgonzalez@southsanisd.net
Benavidez Elementary 210-977-7175	Leticia Vasquez	
Carrillo Elementary 210-977-7550	Ramona Vedia	rvedia@southsanisd.net
Five Palms Elementary 210-645-3850	Jacob Gonzales	jgonzales@southsanisd.net
Frank Madla Elementary 210-645-3800	Bette Jackson	bette.jackson@southsanisd.net
Hutchins Elementary 210-977-7200	Charles Garcia	charles.garcia@southsanisd.net
Kindred Elementary 210-977-7575	Sandra Lomas	sandra.lomas@southsanisd.net
Palo Alto Elementary 210-977-7125		
Price Elementary 210-977-7225	Christian Sanchez	christian.sanchez@southsanisd.net
Dwight Middle School 210-977-7300	Eduardo Narezo	eduardo.narezo@southsanisd.net
Kazen Middle School 210-977-7470	Larry Machado	larry.machado@southsanisd.net
Shepard Middle School 210-623-1875	Teresa Pena-Rodriguez	trodriguez@southsanisd.net
Zamora Middle School 210-977-7278	Samantha Lopez	samantha.lopez@southsanisd.net
South San High School 210-977-7400		
West Campus High School 210-977-7015	Dr. David Villalobos	david.villalobos@southsanisd.net

South San Antonio ISD believes:

- Students are responsible for the choices they make.
- Students can be taught behavioral expectations.

The desired outcome of a disciplinary action is for students to learn from the mistake and use the new information to make better choices.

School District Authority and Jurisdiction

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

The district has disciplinary authority over a student:

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

Campus Behavior Coordinator

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

Threat Assessment and Safe and Supportive School Team

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

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.

Reporting Crimes

The principal *or* campus behavior coordinator and other school administrators as appropriate shall report crimes as required by law and shall call local law enforcement when an administrator suspects that a crime has been committed on campus.

Security Personnel

To ensure the security and protection of students, staff, and property, the board authorizes the formation of a District police department and employs commissioned police officers. In accordance with law, the board has coordinated with the campus

behavior coordinator and other district employees to ensure appropriate law enforcement duties are assigned to security staff. The law enforcement duties of district peace officers are listed in policy CKE(LOCAL).

The jurisdiction of police officers shall include all territory within District boundaries, as well as all real and personal property outside the boundaries of the District that is owned, leased, or rented by the District, or is otherwise under the District's control. Police officers employed by the District shall have all the powers, privileges, and immunities of police officers on or off duty within the jurisdiction of the District. Subject to limitations in law, District police officers shall have the authority to:

1. Protect the safety and welfare of any person in the jurisdiction of the District and protect the property of the District.
2. Enforce all laws, including municipal ordinances, county ordinances, and state laws, and investigate violations of law as needed. In doing so, District police officers may serve search warrants in connection with District-related investigations in compliance with the Texas Code of Criminal Procedure.
3. Arrest suspects consistent with state and federal statutory and constitutional standards governing arrests, including arrests without warrant, for offenses that occur in the officer's presence or under the other rules set out in the Texas Code of Criminal Procedure.
4. Coordinate and cooperate with commissioned officers of all other law enforcement agencies in the enforcement of this policy as necessary.
5. Enforce District policies, rules, and regulations on District property, in school zones, at bus stops, or at District functions.
6. Investigate violations of District policy, rules, and regulations as requested by the Superintendent and participate in hearings concerning alleged violations.
7. Carry weapons as directed by the chief of police and approved by the Superintendent.
8. Carry out all other duties as directed by the chief of police or Superintendent.

District police officers shall not be assigned routine classroom discipline or administrative tasks.

Complaints against a District police officer shall be in writing on a form provided by the District and shall be signed by the person making the complaint. In accordance with law, the District shall provide to the police officer a copy of the complaint. [See Complaints Against Peace Officers at CKEA(LEGAL)] Appeals regarding this complaint process shall be filed in accordance with DGBA, FNG, or GF, as appropriate.

“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.

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 eligible, a student shall not have engaged in any misconduct that resulted 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 that resulted in an out-of-school suspension, removal to a DAEP, or expulsion during the semester immediately preceding graduation.

South San Antonio ISD

Responsibility of School Community Members

Each member of the school community has rights and responsibilities for establishing and maintaining good discipline in our schools.

Student Responsibility and District Expectations

Students are to conduct themselves properly, in a manner prescribed by the teacher, and they must comply with the applicable rules and policies of the District.

Each student is expected to:

1. Demonstrate courtesy, even when others do not.
2. Behave in a responsible manner and cooperate with and assist the school staff in maintaining safety, order, and discipline.
3. Exercise self-discipline.
4. Attend all classes regularly and on time.
5. Bring appropriate materials and assignments to class.
6. Meet district and campus standards of grooming and dress.
7. Obey all campus and classroom rules.
8. Respect the rights and privileges of students, teachers, and other district staff and volunteers.
9. Respect the property of others, including district property and facilities.
10. Cooperate with and assist the school staff in maintaining safety, order, and discipline.
11. Adhere to the requirements of the Student Code of Conduct.

Parent and/or Guardian Responsibility

Parents have the responsibility to:

1. Ensure that their child complies with District and school policies, rules and regulations.
2. Send their child to school regularly and on time, well groomed and dressed appropriately.
3. Communicate regularly with the school concerning their child's academic progress and conduct as well as discuss report cards and classroom assignments with their child.
4. Provide for the physical needs of the child.
5. Participate in parent-teacher conferences and other activities in which their child is involved.

6. Cooperate with and support the teachers and the school administrators in their efforts to achieve and maintain a quality school system and help their children grow into self disciplined, mature, and responsible individuals.
7. Inform the school of any problems or conditions in the home which affect their child.
8. Provide a work area free of interruption where their child may study and do homework and encourage the child to develop proper study habits at home.
9. Maintain up-to-date home, work, and emergency telephone numbers at the school.
10. Assist the child to assume responsibility for appropriate behavior, to accept the consequences of inappropriate behavior and to respect authority.

Teacher Responsibility

Teachers have the responsibility to:

1. Provide an effective program of instruction that meets the standards of performance required by the District.
2. Maintain an orderly classroom, conducive to learning.
3. Serve as a model for students by showing respect for themselves, students, parents, and other school personnel.
4. Be punctual and have regular attendance.
5. Communicate regularly with parents regarding their child's progress.
6. Maintain a well-groomed appearance and dress appropriately to serve as a role model for students.
7. Indicate a genuine interest and concern for the welfare of students by establishing rapport and an effective working relationship with parents, students, and other staff members.
8. Teach students responsibility for their actions by enforcing the rules of conduct and discipline fairly and appropriately for those students who violate these rules.
9. Recognize the growth, success, and achievement of students.
10. Obey District and school policies and regulations.

Counselor Responsibility

Counselors have the responsibility to provide:

1. Academic support, including organizational, study, and test-taking skills.
2. College and career awareness, exploration, and planning
3. Lessons on peer relationships, coping strategies, and effective social interactions.
4. Individual and small group counseling.
5. Individual/family/school crisis intervention.
6. Consultation and collaboration.
7. Transition planning.

8. Academic planning.
9. Multicultural/diversity awareness.
10. Substance abuse education.

Administrator Responsibility

Administrators have the responsibility to:

1. Promote effective training and discipline based upon fair and impartial treatment of all students using the Student Code of Conduct as a reference point.
2. Provide appropriate support for teachers in dealing with students who are sent to the office for behaving inappropriately.
3. Implement a flexible curriculum within the limits provided by the District and the state to meet the needs of all students.
4. Establish a climate for learning that is conducive to good teacher performance and maximum student growth and work to assure that the physical surroundings and school grounds are conducive to a learning environment.
5. Encourage parents to keep in regular communication with the school and encourage parental participation in required parent-teacher conferences.
6. Develop a cooperative working relationship among staff and students.
7. Assist students by providing appropriate assistance in learning self discipline.
8. Assume responsibility and instructional leadership for discipline and for evaluation of the discipline management plan.
9. Appear at school in a well-groomed and appropriately dressed manner.
10. Serve as Campus Behavior Coordinator, as designated by the Campus Principal. Pursuant to Texas Education Code 37.0012, the Campus Behavior Coordinator is primarily responsible for maintaining student discipline and the implementation of Texas Education Code, Chapter 37.

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**, those 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**.

Disregard for Authority

Students shall not:

- Fail to comply with directives given by school personnel.
- Leave school grounds or school-sponsored events without permission.
- Disobey rules for conduct in district vehicles.
- Refuse to accept discipline or consequence 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/or Expulsion for Certain Offenses** on page 25.)
- 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 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**.)
- Coerce an individual to act through the use or threat of force.
- Commit extortion or blackmail.

- 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 and/or Expulsion for Certain Offenses**.)
- 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 Penal Code. (For felony robbery, aggravated robbery, and theft, see **DAEP— Placement and/or Expulsion for Certain Offenses**.)
- Enter, without authorization, district facilities that are not open for operations.

Possession of Prohibited Items

Students shall not possess or use:

- Fireworks of any kind, smoke or stink bombs, or any other pyrotechnic device;
- A razor, box cutter, chain, or any other object used in a way that threatens or inflicts bodily injury to another person;
- A “look-alike” weapon that is intended to be used as a weapon or could reasonably be perceived as a weapon;
- An air gun or BB gun;
- Ammunition;
- A hand instrument designed to cut or stab another by being thrown;
- A firearm silencer or suppressor;
- *A location-restricted knife;
- *A club;
- *A firearm;
- A stun gun;
- Knuckles;
- A pocket knife or any other small knife;
- Mace or pepper spray;
- Pornographic material;

- Tobacco products, cigarettes, e-cigarettes, and any component, part, or accessory for an e-cigarette device;
- Matches or a lighter;
- A laser pointer, unless it is for 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/or Expulsion for Certain Offenses**. In many circumstances, possession of these items is punishable by mandatory expulsion under federal or state law.

Possession of Telecommunications or Other Electronic Devices

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

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 to the body or mind. (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 or harass 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.

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.

- Engage in academic dishonesty, which includes cheating or copying the work of another student, 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

Students shall be treated fairly and equitably. Discipline shall be based on a careful assessment of the circumstances of each case. Duration and severity of consequences will depend on, but are not limited to, the offense, the nature of the violation, the student's age, disciplinary history, intent, disability, status as a student who is homeless or in the conservatorship of DFPS and the overall effect upon student welfare and the learning environment. While these factors are considered, the severity of an incident remains the primary factor in determining what specific disciplinary action will be taken. Records of students receiving special services will be reviewed. In most cases, discipline shall be administered so that penalties generally increase proportionately to the severity and/or persistence of the misbehavior.

The principal/CBC or his/her designee may suspend students who engage in conduct identified in the Student Code of Conduct. An out-of-school suspension may not exceed three (3) school days for a single incident.

A student who is enrolled in a grade level below grade three and/or homeless may 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:

1. Conduct that contains the elements of an offense related to weapons under Section 46.02 or 46.05, Penal Code;
2. Conduct that contains the elements of a violent offense under Section 22.01, 22.011, 22.02, or 22.021, Penal Code; or
3. Selling, giving, or delivering to another person or possessing, using, or being under the influence of any amount of:

- a. marijuana or a controlled substance, as defined by Chapter 481, Health and Safety Code, or by 21 U.S.C. Section 801 et seq.;
- b. a dangerous drug, as defined by Chapter 483, Health and Safety Code; or
- c. an alcoholic beverage, as defined by Section 1.04, Alcohol Beverage Code.

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. In the event of any conflict, the district shall comply with federal law. For more information regarding discipline of students with disabilities, see policy FOF(LEGAL).

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

In deciding whether to order suspension, DAEP placement, or expulsion, 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.

Discipline Techniques

Disciplinary strategies and/or consequences may include, but are not limited to, the following, which are not necessarily listed in order of progressive severity:

- Verbal corrections and warnings (oral or written).
- Seating changes.
- Temporary confiscation of items that disrupt the educational process.
- Special assignments or duties.
- Parent/guardian - teacher conferences.
- Behavioral contracts.
- Counseling/mediation by staff, student peers, and community leaders, outside agencies of the federal, state, or local governments.
- "Stay Away" agreement or no contact orders issued by the principal/CBC or designee.
- Withdrawal of privileges.
- Withdrawal of school activities.
- Revocation of Acceptable Use Policy (AUP), which allows use of District technology resources.

- Partial or complete denial of attendance and/or participation in extracurricular activities.
- Probation.
- Demerits.
- Duty assignments.
- Detention, including outside regular school hours.
- Modified day.
- Individualized behavior modification.
- Referral to the school administrator.
- Referral to an outside agency.
- Overnight suspension.
- In-school alternative assignment.
- Reassignment of classes.
- Temporary removal from class.
- Temporary or permanent removal from District transportation.
- Police involvement.
- Parent/guardian - administrative conferences.
- Restitution of damages.
- In School Suspension (ISS).
- Out of School Suspension (OSS).
- Revocation of magnet program enrollment.
- Disciplinary Alternative Educational Programs (DAEP).
- Expulsion to Juvenile Justice Academy Educational Program (JJAEP).
- Filing a criminal complaint or civil action.
- Other strategies and/or consequences created by unforeseeable special circumstances.

Removal from the School Bus

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

To transport students safely, the vehicle operator must focus on driving and not be 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.

Removal from the Regular Educational Setting

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

Notification of Discipline

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, placement in a JJAEP, or expulsion. The campus behavior coordinator shall also notify a student's parent if the student is taken into custody by a law enforcement officer under the disciplinary provisions of the Education Code.

A good-faith effort shall be made to provide written notice of the disciplinary action to the student, on the day the action was taken, for delivery to the student's parent. 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.

The home campus of expelled students will evaluate and may promote or award credit to students based upon work completed as students at the Juvenile Justice Academy. Expelled students who meet special education or 504 eligibility criteria will receive educational services as determined by the appropriate review committee (MDR/504).

Appeals

Questions from parents regarding disciplinary measures should be addressed to the teacher, campus administration, or campus behavior coordinator, as appropriate. Appeals or complaints regarding the use of specific discipline management techniques should be addressed in accordance with policy FNG(LOCAL). A copy of the policy may be obtained from the principal's office, the campus behavior coordinator's office, or the central administration office.

The district shall not delay a disciplinary consequence while a student or parent pursues a grievance. In the instance of a student who is accused of conduct that meets the

definition of sexual harassment as defined by Title IX, the district will comply with applicable federal law, including the Title IX formal complaint process. See policies FFH(LEGAL) and (LOCAL).

Routine Referral

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

Out-of-School Suspension

Misconduct

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

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

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

- Conduct that contains the elements of a weapons offense, as provided in Penal Code sections 46.02 or 46.05;
- Conduct that contains the elements of assault, sexual assault, aggravated assault, or aggravated sexual assault, as provided by the Penal Code; or
- Selling, giving, or delivering to another person or possessing, using, or being under the influence of any amount of marijuana, an alcoholic beverage, or a controlled substance or dangerous drug as defined by federal or state law.

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

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

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

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

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

Categories of Offenses

CATEGORY I OFFENSES MANDATORY EXPULSIONS TEC 37.007

Students SHALL BE expelled to the JJAEP for any of the following offenses if committed on school property or while attending a school-sponsored or school-related activity on or off school property:

1. Bring to school or possess 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.
2. Engage in conduct that contains the offenses under Section 46.02, Penal Code, or elements of an offense relating to weapons under Section 46.05, Penal Code.
3. Engage in behavior containing the elements of the following offenses under the Texas Penal Code:
 - a. Aggravated assault, sexual assault, aggravated sexual assault.
 - b. Arson.
 - c. Murder, capital murder, or criminal attempt to commit murder or capital murder.
 - d. Indecency with a child.
 - e. Aggravated kidnapping.
 - f. Aggravated robbery.
 - g. Manslaughter.
 - h. Criminally negligent homicide.
 - i. Continuous sexual abuse of a young child or disabled individual.
4. Engage in conduct specified by Section 37.006 (a)(2)(C) or (D) if the conduct is punishable as a felony.
5. Engage in retaliation against a school employee or volunteer combined with one of the above listed offenses on or off school property or at a school-sponsored or school-related activity.

Students involved in a first time Category I offense will be expelled for a period not to exceed 90 school days except for firearm violations. Expulsion for subsequent offenses may be longer than 90 school days. Days absent do not count towards the assigned days. The District will follow the guidelines set by federal and state laws.

Students who violate the provisions of the Student Code of Conduct and who are expelled shall be referred to the JJAEP. Pursuant to Chapter 37.010 and the Memorandum of Understanding between South San Antonio ISD and the Bexar County Juvenile Board, students expelled will be referred to the Bexar County Juvenile Probation Department and assigned a Probation Officer. The JJAEP is supervised by the Bexar County Juvenile Probation Department and provides educational services for those students who are expelled. The JJAEP is located at 1402 N. Hackberry. The Board or its designee shall set a term for the expulsion, which may extend beyond the end of the current school year.

*Note: A student who is younger than ten (10) years of age shall be removed from class and placed in a DAEP for engaging in conduct listed above except for firearm offenses. In accordance with federal law, a student who brings a firearm to school will be expelled regardless of age. Due to the seriousness of Category I offenses, assignments to discipline alternative education programs for violations in this category of offenses will be longer in duration than in other categories.

STUDENTS ARE PROHIBITED FROM ATTENDING OR PARTICIPATING IN A SCHOOL-SPONSORED OR SCHOOL-RELATED ACTIVITY ON OR OFF SCHOOL PROPERTY. STUDENTS WHO VIOLATE THIS WARNING WILL BE SUBJECT TO ARREST FOR CRIMINAL TRESPASS (TEXAS PENAL CODE, SECTION 30.05).

Provision For Appeal of Student Expulsions

A process for appeal of student expulsions is outlined in South San Antonio ISD Board Policy FNG (Local) and affords students and parents/guardians due process. The appeal process shall meet the requirements of Board policy. The discipline placement assigned to students will remain in effect pending the outcome of an appeal. The expulsion placement of students who qualify for protection under the Individuals with Disabilities Education Act is governed by the applicable policy/law.

CATEGORY II OFFENSES

Students **MAY BE** expelled to the JJAEP, if students:

- I. Regardless as to where the conduct occurs:
 1. Engage in bullying that encourages a student to commit or attempt to commit suicide.
 2. Incite violence against a student through group bullying.
 3. Release or threaten to release intimate visual material of a minor or of a student who is 18 years of age or older without the student's consent.
 4. Engage in conduct that contains the elements of assault under Penal Code 22.01(a)(1) in retaliation against a school employee or volunteer.
 5. Engage in criminal mischief, if punishable as a felony.
 6. Engage in conduct that contains the elements of one of the following offenses against another student:
 - a. Aggravated assault, sexual assault, or aggravated sexual assault.
 - b. Murder, capital murder, or criminal attempt to commit murder or capital murder.
 - c. Aggravated robbery.
 7. Engage in conduct that contains the elements of the offense of breach of computer security under the Section 33.02 Penal Code.
 8. Engage in conduct involving a public school that contains the elements of the offense of false alarm or report under the Section 42.06 Penal Code, or terroristic threat under Section 22.07, Penal Code.
- II. While on campus 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:
 1. Sell, give, deliver to another person, possess, use, or is under the influence of:
 - a. Marijuana or a controlled substance as defined by Chapter 481, Health and Safety Code.
 - b. A dangerous drug as defined by Chapter 483, Health and Safety Code in an amount not constituting a felony offense.
 - c. An alcoholic beverage, as defined by Section 1.04, Alcoholic Beverage Code or commits a serious act or offense while under the influence of alcohol.
 2. Engage in conduct that contains the elements of an offense relating to an abusable volatile chemical under Sections 485.031 through 485.034, Health and Safety Code.

3. Engage in conduct that contains the elements of assault under Section 22.01 (a) (1) of the Penal Code, against a school district employee or a volunteer.
 4. Engage in conduct that contains the elements of the offense of deadly conduct.
- III. While off campus but within 300 feet of school property, as measured from any point on the school's property boundary line (Off Campus 300 Foot Zone):
1. Use, exhibit or possess a firearm specified in Texas Education, Section 37.007 (a) (1) (A).
 2. Uses, exhibit or possess a location-restricted knife, or prohibited weapon specified in Texas Education Code, Section 37.007 (a) (1) (B-D).
 3. Engage in aggravated assault, sexual assault, or aggravated sexual assault.
 4. Commit arson.
 5. Commit murder, capital murder, or criminal attempt to commit murder or capital murder.
 6. Commit indecency with a child, aggravated kidnapping, manslaughter, criminally negligent homicide, or aggravated robbery.
 7. Engage in continuous sexual abuse of a young child or disabled individual.
 8. Engage in conduct specified by Section 37.006 (a)(2)(C) or (D) if the conduct is punishable as a felony.
- IV. While off campus and not in attendance at a school-sponsored or school-related activity (Texas Education Code, Sections 37.006, 37.008, and 37.0081):
1. Receive deferred prosecution under Section 53.03, Family Code, for conduct defined as a felony offense in Title 5, Penal Code or the felony offense of aggravated robbery under Section 29.03, Penal Code;
 2. A court or jury find that the student has engaged in delinquent conduct under Section 54.03, Family Code, for conduct defined as a felony offense in Title 5, Penal Code or the felony offense of aggravated robbery under Section 29.03, Penal Code;
 3. Is charged with engaging in conduct defined as a felony offense in Title 5, Penal Code or the felony offense of aggravated robbery under Section 29.03, Penal Code;
 4. Has been referred to a juvenile court for allegedly engaging in delinquent conduct under section 54.03, Family Code, for conduct defined as a felony offense in Title 5, Penal Code or the felony offense of aggravated robbery under Section 29.03, Penal Code;

5. Has received probation or deferred adjudication for a felony offense under Title 5, Penal Code or the felony offense of aggravated robbery under Section 29.03, Penal Code;
 6. Has been convicted of a felony offense under Title 5, Penal Code or the felony offense of aggravated robbery under Section 29.03, Penal Code; or
 7. Has been arrested for or charged with a felony offense under Title 5, Penal Code or the felony offense of aggravated robbery under Section 29.03, Penal Code; and
 8. The board or the board's designee determines that the student's presence in the regular classroom:
 - a. Threatens the safety of other students; or
 - b. Will be detrimental to the educational process; or
 - c. Is not in the best interest of the district's students.
- V. While placed in a DAEP engage in documented serious misbehavior that violates the District's Student Code of Conduct.
- VI. While on the property of another school district in Texas or while attending a school-sponsored or school-related activity of a school in another district in Texas, commits any offense that is a state-mandated expellable offense.

Students expelled for a Category II offense will be assigned to JJA for a period not to exceed 90 school days. Expulsion for subsequent offenses may be longer than 90 school days. Days absent do not count towards the assigned days.

Students assigned to a DAEP for a Category II offense will be assigned for a period not to exceed 90 school days. Length of assignment may be extended based upon factors which may include, but are not limited to, the seriousness of the incident and/or the number of repeated offenses. Days absent do not count towards the assigned days.

Students who violate the provisions of the Student Code of Conduct and who are expelled may be referred to the JJAEP. Pursuant to Chapter 37.010 and the Memorandum of Understanding between South San Antonio ISD and the Bexar County Juvenile Board, students expelled will be referred to the Bexar County Juvenile Probation Department and assigned a Probation Officer. The Juvenile Justice Academy is supervised by the Bexar County Juvenile Probation Department and provides educational services for those students who are expelled. The Juvenile Justice Academy is located at 1402 N. Hackberry. The Board or its designee shall set a term for the expulsion, which may extend beyond the end of the current school year.

Any DAEP decision of the Board of Trustees or the Board's designee under this section is final and may not be appealed and the District will not engage in any further discussion regarding the DAEP placement.

STUDENTS ARE PROHIBITED FROM ATTENDING OR PARTICIPATING IN A SCHOOL-SPONSORED OR SCHOOL-RELATED ACTIVITY ON OR OFF SCHOOL PROPERTY. STUDENTS WHO VIOLATE THIS WARNING WILL BE SUBJECT TO ARREST FOR CRIMINAL TRESPASS (TEXAS PENAL CODE, SECTION 30.05).

CATEGORY III OFFENSES

Students SHALL BE removed from class and placed in a DAEP, as provided by Section 37.006, Texas Education Code, if students:

- I. Regardless as to where the conduct occurs:
 1. Engage in conduct involving a public school that contains the elements of the offense of false alarm or report under the Section 42.06 Penal Code, or terroristic threat under Section 22.07, Penal Code.
 2. Engage in conduct that contains the elements of the offense of retaliation under Section 36.06, Penal Code against any school employee. [Texas Education Code 37.006 (b)]
- II. While on campus 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:
 1. Engage in conduct punishable as a felony.
 2. Sell, give, deliver to another person, possess, use, or is under the influence of:
 - a. Marijuana or a controlled substance as defined by Chapter 481, Health and Safety Code.
 - b. A dangerous drug as defined by Chapter 483, Health and Safety Code in an amount not constituting a felony offense.
 - c. An alcoholic beverage, as defined by Section 1.04, Alcoholic Beverage Code or commits a serious act or offense while under the influence of alcohol.
 3. Engage in conduct that contains the elements of an offense relating to an abusable volatile chemical under Sections 485.031 through 485.034, Health and Safety Code.
 4. Engage in conduct that contains the elements of assault under Section 22.01 Penal Code.
 5. Engage in conduct that contains the elements of the offense of public lewdness under Section 21.07, Penal Code, or indecent exposure under Section 21.08, Penal Code.
 6. Engage in conduct that contains the elements of the offense of harassment under Section 42.07, Penal Code, against an employee of the school district.
- III. While off campus and not in attendance at a school-sponsored or school-related activity (Texas Education Code, Sections 37.006, 37.008, and 37.0081):

1. Receive deferred prosecution under Section 53.03, Family Code, for conduct defined as a felony offense in Title 5, Penal Code or the felony offense of aggravated robbery under Section 29.03, Penal Code;
2. A court or jury find that the student has engaged in delinquent conduct under Section 54.03, Family Code, for conduct defined as a felony offense in Title 5, Penal Code or the felony offense of aggravated robbery under Section 29.03, Penal Code;
3. Is charged with engaging in conduct defined as a felony offense in Title 5, Penal Code or the felony offense of aggravated robbery under Section 29.03, Penal Code;
4. Has been referred to a juvenile court for allegedly engaging in delinquent conduct under section 54.03, Family Code, for conduct defined as a felony offense in Title 5, Penal Code or the felony offense of aggravated robbery under Section 29.03, Penal Code;
5. Has received probation or deferred adjudication for a felony offense under Title 5, Penal Code or the felony offense of aggravated robbery under Section 29.03, Penal Code;
6. Has been convicted of a felony offense under Title 5, Penal Code or the felony offense of aggravated robbery under Section 29.03, Penal Code; or
7. Has been arrested for or charged with a felony offense under Title 5, Penal Code or the felony offense of aggravated robbery under Section 29.03, Penal Code; and
8. The board or the board's designee determines that the student's presence in the regular classroom:
 - a. Threatens the safety of other students; or
 - b. Will be detrimental to the educational process; or
 - c. Is not in the best interest of the district's students.

Any DAEP decision of the Board of Trustees or the Board's designee under this section is final and may not be appealed and the District will not engage in any further discussion regarding the DAEP placement.

Students assigned to a DAEP for a Category III offense will be placed for a period not to exceed 90 school days. The length of an assignment may be extended based upon factors which may include, but are not limited to, the seriousness of the incident and/or the number of repeated offenses, etc. Days absent do not count towards the assigned days.

STUDENTS ARE PROHIBITED FROM ATTENDING OR PARTICIPATING IN A SCHOOL-SPONSORED OR SCHOOL-RELATED ACTIVITY ON OR OFF SCHOOL PROPERTY. STUDENTS WHO VIOLATE THIS WARNING WILL BE SUBJECT TO ARREST FOR CRIMINAL TRESPASS (TEXAS PENAL CODE, SECTION 30.05).

CATEGORY IV OFFENSES

Students **MAY BE** placed in a DAEP for offenses while on school property, at any school facility, at any school sponsored or school-related activity, or on a school bus, if students:

1. Make threatening statements regarding another person, their property or District property.
2. Possess any weapon not classified in the Texas Penal Code including, but not limited to, knuckles, tasers, stun guns, any bladed instrument including butterfly knives, switchblades, throwing knives, throwing stars or the like and pocket knives.
3. In addition, chemical dispensing devices, razors, chains, air guns, pellet/BB guns, or other object used as a weapon and/or threaten or inflict bodily injury on another person or that the principal determines the object is a danger to any student, District employee, or District property by virtue of possession or use of the object.
4. Possess, distribute or are under the influence of a drug or the like, natural or man-made, that has not been identified as an illegal substance.
5. Possess drug paraphernalia.
6. Engage in bullying; or engage in bullying that encourages suicide; incites violence through group bullying; or promotes, releases, or threatens to release intimate visual material of a minor or an adult student without consent.
7. Engage in harassment.
8. Engage in and/or incite others to engage in any form of retaliation toward another student.
9. Engage in vandalism, including but not limited to, tagging, graffiti, and/or property destruction.
10. Engage in criminal mischief not punishable as a felony.
11. Participate in gangs or gang activities including, but not limited to, exhibiting gang graffiti, clothing, or gang insignias.
12. Participate in fraternities, sororities, or secret societies.
13. Engage in burglary, robbery, or theft not punishable as a felony.
14. Engage in extortion, coercion, or blackmail.
15. Engage in fighting and/or habitual fighting, or repeated commission of physical abuse or threat of physical abuse.
16. Display flagrant or extreme insubordination.

17. Participate in aggressive, and/or disruptive action or group demonstration that substantially disrupts or materially interferes with school activities.
18. Engage in verbal abuse including, but not limited to name-calling, racial/ethnic slurs, or derogatory statements that may disrupt the school environment or incite violence.
19. Exhibit disrespect, display pornography, or use profanity, vulgar language, or obscene gestures.
20. Inappropriately display private body parts through such acts as, but not limited to, "mooning," or "flashing," or "pantsing."
21. Possess or distribute sexual materials.
22. Engage in offensive verbal or physical behavior of a sexual nature, which may include, but is not limited to, requests for sexual favors, or similar intimidation directed toward another student, or sexual harassment.
23. Engage in sexual contact/conduct while on campus or at a school-sponsored or school-related activity on or off campus.
24. Engage in distribution of non-school materials.
25. Engage in any action or behavior that is, or could be, dangerous or harmful to the person or another.
26. Participate in or commit hazing.
27. Possess/use prohibited items.
28. Engage in any conduct that disrupts the instructional and/or school environment.
29. Commit persistent misbehavior.
30. Engage in gambling.
31. Possess, use, sell, gift, or deliver on campus, any product, including but not limited to, over-the-counter products, homeopathic remedies, herbs, vitamins, dietary supplements, weight loss products, pills, etc. and/or are under the influence if taken in amounts exceeding the recommended dosage of over the counter products, such as, but not limited to, those stated above.
32. Possess, use, or delivery of simulated controlled substances and/or representation of an item as a prohibited substance.
33. Commit a cell phone violation/misuse of a wireless communication device, including, but not limited to, text messaging texts or sharing schoolwork information with others, taking pictures, or cyber bullying.

34. Use any device that permits the recording of a voice or image of another in any way that invades the privacy of others, is made without the prior consent of the individual(s) being recorded, or disrupts the education environment.
35. Commit any infraction of a bus rule, general school rules, and other behavior identified in the Student/Parent Handbook not listed in this category.
36. Participate in creating or possessing a "hit list" that targets specific individuals to be physically or psychologically harmed.
37. Provide false information or falsely accusing other students, teachers, school administrators, and/or other school employees of misconduct.
38. Possess or use fireworks, explosives, "poppers," or other such devices.
39. Misuse school documents and/or forge notes/documents.
40. Place offensive photos, obscene material, derogatory statements, threatening or other similar content on an internet site that disrupts the school environment.
41. Bring to school or possess any de-militarized or replica rifle. Special circumstances such as the JROTC program shall have the approval of the principal and appropriate supervision of the JROTC instructor.
42. Engage in conduct that contains the elements of the offense of breach of computer security under Section 33.02, Penal Code.
43. Possess or use electronic cigarettes/electronic devices, including but not limited to, nicotine products, cartridges, oils or the like.
44. Take pictures and/or video in any area where there is a reasonable expectation of privacy, such as a bathroom and/ or locker room.
45. Commit any other conduct that constitutes a violation of state, local, or federal law or local policy that is not listed above.

Secondary students involved in a Category IV offense may be assigned to a DAEP for a time period not to exceed 90 school days. Length of assignment may be extended based upon, but not limited to, the seriousness of the incident and/or the number of repeated offenses, etc. Days absent do not count towards the assigned days.

Any DAEP decision of the Board of Trustees or the Board's designee under this section is final and may not be appealed and the District will not engage in any further discussion regarding the DAEP placement.

STUDENTS ARE PROHIBITED FROM ATTENDING OR PARTICIPATING IN A SCHOOL-SPONSORED OR SCHOOL-RELATED ACTIVITY ON OR OFF SCHOOL PROPERTY. STUDENTS WHO VIOLATE THIS WARNING WILL BE SUBJECT TO ARREST FOR CRIMINAL TRESPASS (TEXAS PENAL CODE, SECTION 30.05).

Student Withdrawal Prior to Discipline

Withdrawing a student from school does not prevent the District from investigating any alleged violation and obtaining any necessary information or evidence from an outside agency to support a disciplinary recommendation whether that recommendation occurs in the same or subsequent school year. Consequences may include a referral for a DAEP or expulsion placement. Withdrawing a student also does not affect the District's authority to schedule and conduct a discipline conference or hearing on the student's conduct and enter an order for a removal to a DAEP or to the JJAEP; regardless of whether the student or parent/guardian is present to participate. The order for removal will be included with records sent to a transferring school district. The District reserves the right to enforce the disciplinary consequence should the student re-enroll in the District and the assigned consequence has not been served in completion at another school district within the current or subsequent school year.

CRIMINAL TRESPASS WARNING (CTW) [Section 37.105, TEC]

A principal/CBC or his/her designee or school district police officer may refuse to allow a person to enter on or may eject a person from property under the district's control if:

- the person refuses to leave peaceably on request
- the person poses a substantial risk of harm to any person
- the person behaves in a manner that is inappropriate for a school setting and the administrator or officer issues a verbal warning to the person but the person persists in that behavior

DAEP (Disciplinary Alternative Education Placement) students are NOT permitted to return to any other South San Antonio ISD campus/property for the time of their assignment to DAEP. This includes their home campus as well as all other elementary, middle school, and high school campuses, and any other school facilities.

A CTW under this section may not exceed two years.

Identification may be required of any person on school property or property under district control.

Any parent/guardian who has been issued a CTW will be provided the opportunity to participate in their child's admission, review, and dismissal committee or in the child's team established under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794), in accordance with federal law. Accommodations can be made by contacting the campus principal. A CTW appeal may be made by following the District's grievance procedure outlined in Board Policy FNG (Local) and submitting a complaint form.

Additional Disciplinary Information/Procedures

ALCOHOL AND OTHER DRUGS

No student shall possess, consume, use, transmit or be under the influence of illicit drugs or alcohol, such as, but not limited to, any narcotic drug, hallucinogenic, tetrahydrocannabinol (THC), amphetamine, barbiturate, marijuana, cannabidiol (CBD), alcoholic beverage, toxicant inhalant, marijuana like substances that are commonly found in K2, Spice, and other synthetic marijuana products, or any substance with hallucinogenic or mind-altering properties or other intoxicant (as those items are defined by law), or over-the-counter drugs medications/ remedies, such as but not limited to, homeopathic products, vitamins, herbs, dietary supplements, etc.:

- On school grounds during any school term
- Off school grounds at a school activity, function, or event
- Within 300 feet of District property

This policy shall apply in the event pills or other substances are simulated or represented as any of the previously mentioned controlled substances or over-the-counter drugs and shall apply to any type of drug paraphernalia.

Students who use a drug as authorized by a licensed physician through a prescription specifically issued for the student's use shall not be considered to have violated this rule as long as they follow the guidelines set forth by South San Antonio ISD Health Services.

Cars and lockers may be searched for any contraband including alcohol and drugs in accordance with Board Policy FNF (Local). Students are held responsible for any prohibited item(s) found in their locker, car, or on their person and are subject to disciplinary action.

Students who violate this policy on alcohol and drug use shall be subject to disciplinary action as deemed appropriate by the Superintendent or his designee, which may include, but is not limited to, removal to alternative education placement and/or expulsion.

DRUG FREE SCHOOLS

South San Antonio ISD believes that student use of alcohol and illicit drugs is both wrong and harmful. Consequently, the District has established a Student Code of Conduct that prohibits using, giving, selling, possessing, being under the influence of, and/or distributing alcohol and/or illicit drugs or prescription drugs by students on school premises or within 300 feet of District property or as part of any school activity, regardless of its location.

Compliance with this Student Code of Conduct is mandatory, and students shall be disciplined if they are found to have violated this Student Code of Conduct. Students found to be involved in alcohol and/or drug violations are subject to removal to a DAEP of not fewer than 45 school days and/or a possible expulsion from the District. [Safety Code 481.134 and 483.001]

NOTE: A student with a valid prescription for low-THC cannabis as authorized by Chapter 487 of the Texas Health and Safety Code does not violate this provision.

BULLYING

South San Antonio ISD prohibits bullying or cyberbullying as defined by David's Law and Board Policy FFI (Local). Effective communication between parents/guardians, students, and the principal/CBC or his/her designee is a key component in handling bullying allegations. Retaliation against anyone reporting bullying is prohibited. [See Definitions and Terminology Section]

The District prohibits the bullying of any student:

1. during any educational program or activity conducted by the District; during any school-related or school-sponsored program or activity or on a school bus;
2. through the use of any electronic device or data while on school grounds; on a school bus; or through the use of computer software that is accessed through a computer, computer system, or computer network of the District. The physical location or time of access of a computer-related incident cannot be raised as a defense in any disciplinary action initiated under this section; or
3. through threats, using any of the above methods, to be carried out on school grounds. This includes threats made outside of school hours that are intended to be carried out during any school-related or school-sponsored program or activity or on a school bus; or
4. through the use of any electronic device or data that is made outside of school hours on or off campus if a student's ability to receive an education or the school's ability to provide an education is significantly impaired as determined by the District administration.

It is further prohibited to bully in a manner reasonably perceived to be motivated either by any actual or perceived characteristics, such as race; ethnicity, color; religion; ancestry, national origin; gender; sex; sexual orientation; gender identity and expression; marital status; socio-economic background; social/family background; linguistic preference; political beliefs; or a mental, physical, or sensory disability, or impairment; or by any other distinguishing characteristic or because of one's association with a particular person or group of persons.

Any student who believes that he/she has experienced bullying or believes that another student is being bullied should obtain help by immediately reporting the alleged act(s)

orally or in writing, to a teacher, counselor, principal/CBC, or parent/guardian. Other options of reporting include reporting anonymously online through the school or District website and/or by contacting the campus police officer.

Any report given orally will be reduced by the principal or designee to a written form. A failure to immediately report may impair the District's ability to investigate and address the alleged conduct. A student who intentionally makes a false claim, offers false statements, or refuses to cooperate with a District investigation regarding bullying shall be subject to appropriate disciplinary action.

When a bully allegation is made the principal/CBC or his/her designee will conduct an investigation based on the allegations reported. Absent extenuating circumstances, the investigation will begin within 24 hours and be completed within ten (10) school business days from the date of the initial report alleging bullying; however, the principal/CBC or his/her designee shall take additional time if necessary to complete a thorough investigation. To the greatest extent possible, the district shall respect the privacy of the complainant, persons against whom a report is filed, and witnesses. The limited disclosures may be necessary in order to conduct a thorough investigation. The principal/CBC shall take interim action calculated to prevent bullying during the course of an investigation, if appropriate. The principal/CBC or his/her designee shall determine whether the allegations reported constitute bullying and respond by taking appropriate disciplinary actions in accordance with the District's Student Code of Conduct. Disciplinary or other action may be taken even if the conduct did not rise to the level of bullying. Consequences for a student who commits an act of harassment or bullying shall be unique to the individual incident and shall vary in method and severity according to the nature of the behavior, the developmental age of the student and the student's history of problem behaviors and performance.

Be advised that Chapter 37 of the Texas Education Code has been amended to allow for an expulsion or placement in a DAEP for a student who

1. Engages in bullying that encourages suicide;
2. Incites violence through group bullying; or
3. Releases or threatens to release intimate visual material of a minor or an adult student without consent.

If an incident of bullying is reported, the principal/CBC or his/her designee shall notify the parent/guardian of the victim(s) on or before the third business day after the incident is reported and within a reasonable time, notice will be given to the parent/guardian of the student who engaged in bullying. Follow up contact with parents/guardians will be made if bullying is confirmed. Available school counseling options will be provided to these individuals. After an investigation is completed, the principal/CBC may report to law enforcement if the principal/CBC or his/her designee has reasonable grounds to believe that the student has engaged in assault or harassment.

If a student is found repeating bullying behavior after the school has imposed disciplinary actions or the bullying behavior is extreme or significant, the principal/CBC in consultation with the board designee may transfer the student to another campus in the district. The parent/guardian of a student who has been determined by the district to be a victim of bullying may request that his/her child be transferred to another classroom or campus within the district.

There are many internet resources on bullying. The US Department of Education website, www.stopbullying.gov , provides information and multiple resources regarding bullying.

It is important that the school and parents/guardians work together to reinforce a culture of tolerance and respect. Visit your campus website, the District website and/or call your school administrator and/or counselor to acquire information regarding the various programs that reinforce positive behavior to promote tolerance and respect and their specific reporting procedures. [TEC 37.0832]

DISTRIBUTION OF NON-SCHOOL MATERIALS

Any attempt to avoid the established procedure for administrative approval of activities such as the production for distribution and/or the distribution of petitions or printed documents of any kind, sort, or type on school grounds, without the specific approval of the principal, shall be cause for disciplinary action. This may include suspension and/or assignment to a DAEP.

FALSELY ACCUSING OTHERS OF MISCONDUCT

Students who falsely accuse other students, teachers, school administrators, and/or other school employees of misconduct may be subject to disciplinary procedures including, but not limited to, suspension and/or placement in an alternative education program.

FIGHTING (Mutual Combat)

Individual or group fights at school, school sponsored events, school related activities, or while on District transportation will not be tolerated. Students found to be encouraging others to fight is prohibited. Parents/guardians of students involved will be notified. The seriousness and determination of self-defense of each case will determine the disciplinary action taken. Self-defense is not an acceptable reason for misconduct that seriously disrupts the educational environment, or endangers or seriously affects others. Students who engage in fighting will be subject to disciplinary consequences such as, but not limited to, suspensions and removal to an alternative education placement.

GANG/CREW ACTIVITY

A "gang" is defined as any group of two or more individuals whose purposes may include the commission of illegal acts.

In addition, for purposes of this policy, a "gang" is a prohibited fraternity or society as defined by Texas Education Code, Section 37.121. By this policy, the Board of Trustees acts to prohibit the existence of gangs and gang activity. (FNCC Legal)

Students are prohibited from gang involvement or gang activities while at school, at any school facility, at any school-sponsored activity, or on a school bus. Gang activities and gang involvement include but are not limited to the following:

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

GANG-FREE ZONES

Certain criminal offenses, including those involving organized activity such as gang-related crimes, will be enhanced to the next highest category of offense if they are committed in a gang-free zone. For purposes of the District, a gang-free zone includes a school bus and a location in, on, or within 1000 feet of any District-owned or leased property or campus playground.

GANG LAW VIOLATIONS

1. A person commits an offense if the person:
 - a. Is a member of, pledges to become a member of, joins, or solicits another person to join or pledge to become a member of a public school fraternity, sorority, secret society, or gang; or

b. Is not enrolled in a public school and solicits or coerces another person to attend a meeting of a public school fraternity, sorority, secret society, or gang or a meeting at which membership in one of those groups is encouraged.

2. The District will place in a DAEP or expel any student who violates section 1 above.

HAZING: SECTION TEC 37.151

The Texas Education Code provides criminal penalties for students and organizations that engage in or have association with acts of hazing “occurring on or off the campus of an educational institution.” Hazing is defined as, “any intentional, knowing, or reckless act...by one person alone or acting with others, directed against a student, for the purpose of pledging, being initiated into, affiliating with, or holding office in an organization or maintaining membership in an organization.”

Students who violate the District hazing policies or state law [FNCC (Legal)], Texas Education Code Chapter 37, Subchapter F, South San Antonio ISD Student Code of Conduct shall be subject to disciplinary action as deemed appropriate by the Superintendent or his designee which may include, but is not limited to, suspension, removal to alternative educational placements and/or expulsion if criteria for expulsion are met (Texas Education Code 37.007). Students may also face probation or removal from extra-curricular activities.

THREATS

Bullying behavior that goes beyond harassment may amount to a threat. Most threats of violence are illegal, and all are prohibited on school campuses regardless of whether the threat is directed at a person or facility or whether it meets the elements of a criminal offense. Disciplinary consequences will apply even if the student states he/she does not intend to carry out the threat. The act of making the threat is itself the basis for the imposition of the applicable disciplinary consequence.

Terroristic Threats

A person commits an offense if he/she threatens to commit any offense involving violence to any person or property with intent to:

- Cause a reaction of any type to his/her threat by an official or volunteer agency organized to deal with emergencies;
- Place any person in fear of imminent serious bodily injury;
- Prevent or interrupt the occupation or use of a building, room, place of assembly, place to which the public has access, place of employment or occupation, aircraft, automobile or other form of conveyance, or other public place;
- Cause impairment or interruption of public communications, public transportation, public water, gas or power supply, or other public service;

- Place the public or a substantial group of the public in fear of serious bodily injury; or
- Influence the conduct or activities of a branch or agency of the federal government, the state or a political subdivision of the state, such as a school district.

False Alarm or Bomb Threat

A false alarm is a terroristic threat that is false. A person commits an offense if he or she 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:

- Cause action by an official or volunteer agency organized to deal with emergencies;
- Place a person in fear of imminent serious bodily injury; or
- Prevent or interrupt the occupation of a building, room, place of assembly, place to which the public has access, or aircraft, automobile or other mode of conveyance.

A false alarm or report that involves a school is a higher degree offense.

General Threats to Students, Staff and/or Schools

For those instances where the threat does not meet the elements of a terroristic threat or false alarm, such that no criminal charge is filed, the District retains the discretion to assign a student to the DAEP when a student makes any kind of threat to harm a person, group, or the school in general. This would include instances where the threat is made on social media outside of school. This is again, regardless of whether the student actually intends to carry out the threat. Instead, the act of making the threat is the basis for the imposition of the discipline consequence.

TITLE IX – DATING VIOLENCE, SEXUAL AND GENDER-BASED HARASSMENT

South San Antonio ISD believes that all students have the right to participate in District educational programs and school-related activities free from all forms of retaliation, harassment and discrimination on the basis of sex or gender. This District considers harassment of students and discrimination on the basis of sex or gender to be serious and, if confirmed after an investigation, will consider the full range of disciplinary options and/or remedies, up to and including expulsion, according to the nature of the offense.

The board has established policies and procedures to prohibit and promptly address inappropriate and offensive behaviors that are prohibited by Title IX [see FFH (Local)].

All students are expected to treat one another courteously, with respect for the other person's feelings; to avoid any behaviors known to be offensive; and to stop these

behaviors when asked or told to stop. All students are prohibited from engaging in offensive verbal or physical conduct of a harassing nature directed toward another.

Dating violence occurs when a person in a current or past relationship uses physical, sexual, verbal, or emotional abuse to harm, threaten, intimidate, or control the other person in the relationship or any of the person's past or subsequent partners.

Sexual harassment of a student by an employee occurs when a school employee causes the student to believe that the student must submit to the conduct in order to participate in a school educational program or activity, or that the employee will make an educational decision based on whether or not the student submits to the conduct.

Sexual harassment by a student includes unwelcome sexual advances; requests for sexual favors; or sexually motivated physical, verbal, or nonverbal conduct.

Gender-based harassment includes, but is not limited to harassment based on a student's gender, expression by the student of stereotypical characteristics associated with the student's gender, or the student's failure to conform to stereotypical behavior related to gender.

Dating violence, sexual and gender-based conduct as defined above are considered harassment if the conduct is so severe, persistent, or pervasive that the conduct:

1. Affects a student's ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening, hostile, or offensive educational environment;
2. Has the purpose or effect of substantially or unreasonably interfering with the student's academic performance; or
3. Otherwise adversely affects the student's educational opportunities.

Anyone who believes they have been harassed or have witnessed a person be harassed, should contact the principal/CBC, other administrators, teachers, or counselors immediately to report the incident. Staff members who receive a complaint alleging sexual harassment shall report the incident to the campus Title IX Coordinator immediately. On the campus, the principal/CBC serves their respective campus as the Title IX Coordinator.

A complaint may also be reported to the District Title IX Coordinator:

Elizabeth Martinez
Director of Federal and State Programs
esmartinez@southsanisd.net
210-977-7000 ext. 3568

An individual may make a report alleging sexual discrimination or sexual harassment at any time, including non-business hours, in person, by mail, by telephone, by email using the contact information provided.

Upon receiving any complaint of alleged sexual harassment, the Title IX Coordinator will comply with the process to investigate established by South San Antonio ISD policy (FFH).

Retaliation against any individual involved in the complaint process is a violation of the District policy and is prohibited.

TOBACCO/VAPE PRODUCTS ON SCHOOL PROPERTY

South San Antonio ISD prohibits the following in accordance with Texas Education Code Section 38.006 and Texas Health and Safety Code Section 161.081:

1. Any adult and/or student from smoking cigarettes, tobacco, tobacco products, electronic, vapor, smokeless or any other substitute form of cigarettes, tobacco or tobacco-like products, as well as the use of any devices which are used for the purpose of ingesting or transmitting any type of tobacco or tobacco-like products at a school-related or school-sanctioned activity on or off school property.
2. Students from possessing or using cigarettes, tobacco, tobacco products, electronic, vapor, smokeless or any other substitute form of cigarettes, tobacco or tobacco-like products, as well as the use of any devices which are used for the purpose of ingesting or transmitting any type of tobacco, or tobacco-like products at a school-related or school-sanctioned activity on or off school property.

Use of e-cigarettes or vapor products is prohibited at school, and before/after-school programs, including the premises, playground, transportation vehicles, and during field trips. 40 TAC § 744.2603(d) (2022)

South San Antonio ISD will ensure that school personnel will enforce the tobacco/vapor rules. State law prohibits the possession, purchase, consumption or acceptance of an electronic cigarette, cigarette or tobacco product by an individual who is younger than 21 years of age. An offense under state law is punishable by a fine. Additionally, students will face disciplinary consequences which could include a DAEP placement or an expulsion for a THC or CBD related violation.

UNACCEPTABLE AND INAPPROPRIATE USE OF TECHNOLOGY RESOURCES

Students are prohibited from possessing, sending, forwarding, posting, accessing, flashing or displaying electronic messages that are abusive, obscene, sexually oriented, threatening, harassing, damaging to another's reputation, or illegal. This prohibition also applies to conduct off school property, or during participation of virtual or distance learning whether the equipment used to send such messages is district-owned or personally owned, if it results in a substantial disruption to the educational environment.

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

In addition, any student who engages in conduct that results in a breach of the district’s computer security will be disciplined in accordance with the Student Code of Conduct, and, in some cases, the consequence may rise to the level of expulsion.

UNAUTHORIZED ORGANIZATIONS

South San Antonio ISD Policy FNCC (Legal) specifically prohibits the existence of organizations on a public school campus which have not been authorized by the principal.

Under district policy, a person commits an offense if the person is a member of, pledges to become a member, or joins, or solicits another person to join or pledge to become a member of a public school fraternity, sorority, secret society, or gang. In this section, "public school fraternity, sorority, secret society, or gang" means an organization composed wholly or in part of students of public primary or secondary schools that seeks to perpetuate itself by taking in additional members from the students enrolled in school on the basis of the decision of its membership rather than on the free choice of a student in the school who is qualified by the rules of the school to fill the special aims of the organization. The term does not include an agency for public welfare, including Boy Scouts, Hi-Y, Girls Reserves, DeMolay, Rainbow Girls, Pan-American Clubs, scholarship societies, or other similar educational organizations sponsored by state or national education authorities. [TEC 37.121 (d)]

The Board of Trustees or an educator shall recommend placing in an alternative education program any student under the person's control who violates this provision.

WEAPONS/EXPLOSIVES

In addition to weapons prohibited by state and federal law, students shall not post, possess, handle, use, display, and/or transport any object that can be considered a weapon, including, but not limited to:

1. Explosives, including fireworks of any kind, poppers, stink bombs, etc.
2. Razors.
3. Any bladed instrument.

4. Stun guns, tasers, BB guns, pellet guns, air guns, laser guns, tranquilizer guns, etc.
5. Chemical dispensers sold commercially for personal protection that is not covered by the Texas Penal Code (e.g., mace, pepper spray, or other irritants).
6. Bows, arrows, nunchucks, boomerangs, crossbows.
7. Clubs.
8. Ammunition.
9. Acid.
10. Metal pipes.
11. Sharpened sticks.
12. Pyrotechnics.
13. Chains.
14. Any other object used in a way that threatens or inflicts bodily injury on another person, or that the principal or designee determines presents a danger to any student, District employee, or District property by virtue of possession or use of the object.

Students who violate this policy shall be subject to disciplinary action as deemed appropriate by the Superintendent or his designee which may include, but not be limited to, suspension, removal to a DAEP, and/or expulsion.

Students who have reasonable grounds to suspect a violation of the school district's policy relating to the possession of weapons/explosives are required to report such suspicion immediately to a school administrator or police officer. Students can also call the South San Antonio ISD Police Department's 24-hour number (210) 977-7500 to report any suspicious activities or behaviors.

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.

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 a crime that involves:

1. Starting a fire or causing an explosion with intent to destroy or damage:
 - a. Any vegetation, fence, or structure on open-space land; or
 - b. Any building, habitation, or vehicle:
 - (1) Knowing that it is within the limits of an incorporated city or town,
 - (2) Knowing that it is insured against damage or destruction,
 - (3) Knowing that it is subject to a mortgage or other security interest,
 - (4) Knowing that it is located on property belonging to another,
 - (5) Knowing that it has located within it property belonging to another, or

(6) When the person starting the fire is reckless about whether the burning or explosion will endanger the life of some individual or the safety of the property of another.

2. Recklessly starting a fire or causing an explosion while manufacturing or attempting to manufacture a controlled substance if the fire or explosion damages any building, habitation, or vehicle; or

3. Intentionally starting a fire or causing an explosion and in so doing:

a. Recklessly damaging or destroying a building belonging to another, or

b. Recklessly causing another person to suffer bodily injury or death.

Assault is defined in part by Penal Code 22.01 as intentionally, knowingly, or recklessly causing bodily injury to another; intentionally or knowingly threatening another with imminent bodily injury; or 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 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 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 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 by striking a person with the instrument, and includes but is not limited to a blackjack, nightstick, mace, and tomahawk

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

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 Education Code 37.0832 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 or Penalty Groups 1 through 4 of the Texas Controlled Substances Act. The term includes a device or drug that federal law prohibits dispensing without prescription or restricts to use by or on the order of a licensed veterinarian.

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

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

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

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

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

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

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

Explosive weapon is 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 silencer, defined as any device for silencing, muffling, or diminishing the report of a portable [firearm](#); or
4. Any destructive device, such as any explosive, incendiary or poison gas bomb, or grenade.

Such term does not include an antique firearm.

Graffiti includes markings with 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 Education Code 37.001(b)(2); 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:0.

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;

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

e. Publishing on an internet website, including a social media platform, repeated electronic communications in a manner reasonably likely to cause emotional distress, abuse, or torment to another person, unless the communications are made in connection with a matter of public concern, as defined by law.

Hazing is defined by Education Code 37.151 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; or
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. 0.

Hit list is defined in Education Code 37.001(b)(3) 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 the person's anus or any part of the person's genitals with intent to arouse or gratify the sexual desire of any person, and is reckless about whether another is present who will be offended or alarmed by the act.

Intimate visual material is defined by 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.

Possession means to have an item on one's person or in one's personal property, including, but not limited to:

1. Clothing, purse, or backpack;
2. A private vehicle used for transportation to or from school or school-related activities, including, but not limited to, an automobile, truck, motorcycle, or bicycle;
3. Telecommunications or electronic devices; or
4. 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: An explosive weapon;
 - a. A machine gun;
 - b. A short-barrel firearm;
2. Armor-piercing ammunition;
3. A chemical dispensing device;
4. A zip gun;
5. A tire deflation device; or
6. An improvised explosive device.

Public Lewdness is defined by 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, when the person 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 Education Code 37.121(d) are excepted 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 Code of Criminal Procedure Article 15.27.

Self-defense is the use of force against another to the degree a person reasonably believes 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. 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 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 disabled individual 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 commit suicide under Section 22.08; and
- Tampering with a consumer product under Section 22.09.

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 in-fluence” 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 that was not originally a firearm and is adapted to expel a projectile through a smooth-bore or rifled-bore barrel by using the energy generated by an explosion or burning substance.