

Bandera ISD

2015-2016 STUDENT CODE OF CONDUCT



www.banderaisd.net

IMPORTANT

Bandera Independent School District has made the decision to distribute the 2015-2016 Student Code of Conduct primarily in an on-line format. A PDF version of the student Code of Conduct can be downloaded or viewed from the Bandera ISD web site under Handbooks and Forms of the Family & Students Section. Printed copies of the student handbook are available for checkout at each Bandera ISD campus.

CAMPUS PHONE NUMBERS	
ALKEK ELEMENTARY SCHOOL	830-796-6223
HILL COUNTRY ELEMENTARY SCHOOL	830-535-6151
BANDERA MIDDLE SCHOOL	830-796-6270
BANDERA HIGH SCHOOL	830-796-6254
DISTRICT PHONE NUMBERS	
AT-RISK	830-796-6209
BUSINESS OFFICE	830-796-6201
CENTRAL OFFICE	830-796-3313
COMMUNICATIONS	830-796-6300
CURRICULUM AND INSTRUCTION	830-796-6204
DISCIPLINARY ALTERNATIVE EDUCATION PROGRAM (DAEP)	830-796-6242
FEDERAL PROGRAMS	830-796-6300
HUMAN RESOURCES	830-796-3313

MAINTENANCE	830-796-6212
SCHOOL NUTRITION SERVICES	830-796-6294
SPECIAL EDUCATION	830-796-6210
SUPERINTENDENT	830-786-3313
TECHNOLOGY	830-796-6296
TESTING	830-796-6209
TRANSPORTATION	830-796-6217

Our Mission Statement

The mission of the Bandera ISD is to provide ALL students with the opportunity to succeed at their highest levels; academically, ethically, and socially, allowing students to advance successfully throughout their lifetimes.

Non-Discrimination Statement

1. Bandera ISD offers career and technology education programs in Information Technology, Agriculture, Business, Consumer Science and Industrial Education. Admission to these programs is based on interest and aptitude, age appropriateness, and class space available.
2. It is the policy of Bandera ISD not to discriminate on the basis of race, color, national origin, sex or handicap in its vocational programs, services or activities as required by Title VI of the Civil Rights Act of 1964, as amended; Title IX of the Education Amendments of 1972; and Section 504 of the Rehabilitation Act of 1973, as amended.
3. It is the policy of Bandera ISD not to discriminate on the basis of race, color, national origin, sex, handicap, or age in its employment practices as required by Title VI of the Civil Rights Act of 1964, as amended; Title IX of the Education Amendments of 1972; the Age Discrimination Act of 1975, as amended; and Section 504 of the Rehabilitation Act of 1973, as amended.
4. Bandera ISD will take steps to assure that lack of English language skills will not be a barrier to admission and participation in all educational and vocational programs.
5. For information about your rights or grievance procedures contact the Title IX Coordinator, Regina Howell, at 815 Pecan Street, POB 727, 830-796-3313 and/or the Section 504 Coordinator, Bonnie Hale, at 815 Pecan Street, POB 727, 830-796-6309.

Notificacion publica de no discriminar en

1. Bandera ISD ofrece programas vocacionales en actividades técnicas aplicadas, agriculture, actividades industrial, actividades derecho, y actividades. La admisión a estos programas se basa e interés y abilidad, su edad apropiada, y los numeros de los estudiantes en il clase.
2. Es norma de Bandera ISD no discriminar por motivos de raza, color, origen nacional, sexo o impedimento, en sus programas, servicios o actividades vocacionales, tal como lo requieren el Título VI de la Ley de Derechos Civiles de 1964, según enmienda; el Título IX de las Enmiendas en la Educación, de 1972, y la Sección 504 de la Ley de Rehabilitación de 1973, según enmienda.
3. Es norma de Bandera ISD no discriminar por motivos de raza, color, origen nacional, sexo, impedimento o edad, en sus procedimientos de empleo, tal como lo requieren el Título VI de la Ley de Derechos Civiles de 1964, según enmienda; el Título IX de las Enmiendas en la Educación, de 1972, la ley de Discriminación por Edad, de 1975, según enmienda, y la Sección 504 de la Ley de Rehabilitación de 1973, según enmienda.
4. Bandera ISD tomará las medidas necesarias para asegurar que la falta de habilidad en el uso de la lengua inglés no sea un obstaculo para la admisión y participación en todos los programas educativos y vocacionales.
5. Para información sobre sus derechos o procedimientos para quejas, comuníquese con el Coordinador del Título IX, Regina Howell, en 815 Pecan POB 727, 830.796.3313, y/o el Coordinador de la Sección 504, Bonnie Hale en 815 Pecan POB 727, 830.796.6309.

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Bandera ISD 2015-2016 Student Code of Conduct

PURPOSE

The purpose of the Student Code of Conduct (SCC) is the response to the requirements of Chapter 37 of the Texas Education Code (TEC) and to communicate the expectations of the Bandera ISD Board of Trustees, administration and staff regarding student conduct. The SCC is an effort to fully inform students and parents of behavior expectations and the consequences for students who violate or attempt to violate the rights of others or who violate District or school rules. In addition, a student who knowingly assists, aids or helps another student to commit a violation of district or school rules will also be subject to appropriate disciplinary consequences. Parents will be notified of every violation of the SCC.

This Student Code of Conduct is policy approved by the BanderaISD Board of Trustees; any change or amendment to the policy must be approved by the BanderaISD Board of Trustees. Revisions to the SCC during the school year shall, in accordance with Board policy FO (Local), be communicated promptly to students, parents, teachers and administrators. The SCC shall also be posted at each school campus and shall be available for review at the office of the campus principal. Additionally, the SCC will be posted on the district's web site.

If there is a conflict between the SCC and the Student Handbook, the terms of the SCC will prevail. References to the Texas Penal Code made in this SCC are to define offenses only; in order to be punished under the SCC, it is not necessary for the student to be charged or convicted under the Texas Penal Code or the Texas Family Code.

Statement Concerning Extra-Curricular Activities:

Any student who represents Bandera ISD through participation in UIL or non-UIL extracurricular activities, membership in any school/district sponsored club/organization, or by receiving any school/district award or honor may be suspended or removed from participation in the activity, membership in the club/organization, and may have the award or honor withdrawn, if the student is found to have violated the SCC, violated the law, or engaged in illegal activity. Illegal activity will include but not be limited to alcohol, drugs, or tobacco use regardless of whether such violation, engagement or presence, occurs on school property, at school-sponsored or school related events, and regardless of whether such violation, engagement or presence, occurs during the school year. The consequences are outlined in the Extra-Curricular Code of Conduct and are in addition consequences defined by law, outlined in the Student Code of Conduct, and outlined in a club/organizations constitution, charter or bylaw. These consequences will be determined by appropriate school officials on a case-by-case basis.

Please Note: The discipline of students enrolled in a special education program under IDEA and Section 504 of the Rehabilitation Act of 1973 is subject to those laws.

The Student Code of Conduct for Bandera Independent School District:

1. promotes behavior that projects a positive environment of learning for all students;
2. outlines, for parents and students, standards of conduct expected of all students;

3. defines specific examples of student behavior;
4. clearly defines consequences that may or must be imposed for student misconduct that include removal from the regular classroom or campus, out of school suspension; placement in a district alternative education program (DAEP) or expulsion from school.
5. provides for consistent procedures for administering student discipline;
6. communicates the policies of the Board of Trustees pertaining to appropriate and acceptable student behavior.

SCHOOL DISTRICT AUTHORITY AND JURISDICTION

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

The District has disciplinary authority over a student:

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

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

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

Pursuant to Board Policy FNF (Local), the District may use specially trained non-aggressive dogs to sniff out and alert school officials to the presence of concealed prohibited items, illicit drugs and substances and alcohol. Parents and students are hereby put on notice that:

1. Lockers may be sniffed by trained dogs at any time;
2. Vehicles parked on school property may be sniffed by trained dogs at any time;

3. Classrooms and other common areas may be sniffed by trained dogs at any time when students are not present; and
4. If any contraband of any kind is found, the possessing student shall be subject to appropriate disciplinary action in accordance with the Student Code of Conduct.

REPORTING CRIMES

School administrators 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.

REVOKING TRANSFERS

The District has the right to revoke the transfer of a nonresident student for violating the District's Student Code of Conduct.

PARTICIPATING IN GRADUATION ACTIVITIES

The district has the right to limit a students' participation in graduation activities for violating the district's SCC.

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

STANDARDS FOR STUDENT CONDUCT AND EXPECTATIONS

Student Responsibilities: All students are entitled to enjoy the basic rights of citizenship recognized and protected by law for persons of their age and maturity. District schools shall foster a climate of mutual respect for the rights of others. Each student is expected to respect the rights and privileges of other students, teachers, and District staff. Students shall exercise their rights responsibly, in compliance with rules established for the orderly conduct of the District's educational mission.

Students are expected to:

1. develop self discipline by:
 - attending all classes daily and arriving on time;
 - working independently with peers;
 - using appropriate language at all times;
 - maintaining good grooming habits and proper dress as outlined in the student handbook;
 - exhibiting proper respect toward others; and
 - prepare for each class by having all appropriate materials and assignments.

2. assume responsibility for one's actions by:
 - keeping parents informed of materials needed and of school activities, and providing them with all communications sent home;
 - making appropriate decisions regardless of peer pressure;
 - refraining from violations of the code of student conduct;
 - obeying all school rules, including safety rules;
 - seeking changes in school policies and regulations in an orderly and responsible manner, through appropriate channels; and
 - cooperating with staff in the investigation of disciplinary cases, and volunteering information when the student has knowledge relating to an offense.

3. maintain a positive attitude by:
 - being proud of personal accomplishments;
 - being proud of school and community accomplishments; and
 - setting and striving to attain high academic goals.

4. show respect for others by:
 - allowing peers to concentrate on assigned work;
 - demonstrating courtesy even when others do not;
 - helping to resolve differences in appropriate ways;
 - respecting the opinions and ideas of others;
 - respecting the property of others; and
 - refraining from engaging in acts of bullying or prohibited harassment against race, disability or gender, and refraining from making a "hit list";
 - refraining from retaliation against others.

5. show respect for school staff by:
 - being cooperative and attentive, and
 - being polite and practicing good manners.

6. be a leader by maintaining a positive learning environment by:
 - helping keep campuses clean;
 - keeping campuses free from destruction (vandalism, graffiti, etc.); and
 - helping to maintain the campus as a safe place.

Please take note: nearly every year there is an incident involving a student whose vehicle is found to contain some prohibited item, and the student claims that he or she had no knowledge it was in the vehicle. Students are held responsible for making sure that whatever vehicle they drive to and park on any school property does not contain any prohibited items. Therefore, it is important that the vehicle be checked by the student before the student comes onto school property.

Responsibilities of Parents Throughout this Student Code of Conduct, the term "parent" or "parents" includes single parent, legal guardian or person having lawful control of the student.

DISCIPLINE MANAGEMENT TECHNIQUES

The Superintendent of Schools, the chief executive officer of the Board of Trustees, is delegated the responsibility of enforcing Board policy, local and state laws and school policies, rules and regulations concerning student behavior and discipline. The District administrative staff assists the Superintendent in this endeavor. The Superintendent or the Superintendent's designee is authorized to expel students.

The principal for each campus is delegated the responsibility of establishing and maintaining the appropriate climate for successful learning. To successfully maintain a positive school climate, the principal, assistant principal, and faculty must develop and enforce effective discipline management techniques that include positive behavior supports and intervention strategies to help reduce behavior issues. The entire campus staff is responsible for communicating with students and parents about their roles in appropriate student behavior. The methods or techniques used to discipline students should reflect the District's philosophy, which is "always doing what is best for our students." This requires taking into account the impact of the particular act of misconduct, the need to protect other students and the need to deter other students from engaging in similar acts of misconduct.

Discipline management techniques may be used alone or in combination for behavior prohibited by the SCC or classroom rules and shall include:

- Positive Behavior Supports that include campus wide expectations and classroom expectations;
- Prevention and Intervention Strategies including discipline that involves bullying, harassment and making hit lists;
- Student lessons for bullying, including cyber-bullying, and harassment that include actions students should take for assistance;
- Counseling by teachers, counselors, or administrative personnel;
- Rewards or demerits;
- Behavioral contracts;
- Parent-teacher conferences;
- Verbal correction, oral or written;
- Cooling-off time or time-out;
- Seating changes within the classroom;
- Temporary confiscation of items that disrupt the educational process;
- Grade penalties for cheating, plagiarism, and others permitted by policy;
- Detention, including outside regular hours;
- Sending the student to the office or other assigned areas;
- Assigned school duties other than class tasks;
- Penalties identified in individual student organizations' charters, constitutions, by-laws or extracurricular code of standards of behavior;
- Withdrawal or restriction of bus privileges;

- School assessed and school administered probation;
- Corporal punishment (*see glossary*) unless the student's parent or guardian has provided a signed statement prohibiting its use;
- In School Suspension (ISS);
- Out-of School Suspension;
- Mandatory and Discretionary Placement in DAEP;
- Mandatory and Discretionary Expulsion;
- Referral to outside agency or legal authority for criminal prosecution in addition to disciplinary measures imposed by the district;
- Other strategies and consequences as determined by school officials.

When imposing discipline, District personnel shall adhere to the following general guidelines:

1. Discipline shall be administered when necessary to protect students, school employees, or property and to maintain essential order and discipline.
2. Students shall be treated fairly and equitably. Discipline shall be based on a careful assessment of the circumstances of each case and the thorough investigation of any reports of bullying or prohibited harassment. Factors that could be taken into account include the following:
 - the seriousness of the offense;
 - the student's age;
 - the outcome of the investigation of reported bullying or prohibited conduct;
 - the students' disability (if applicable);
 - the student's intent or lack of intent;
 - the actual as well as the potential effect of the misconduct on the educational process;
 - the student's disciplinary history;
 - whether the student acted in self-defense (*see glossary*).
3. Generally, the duration of disciplinary placements will adhere to the following guidelines:
 - In-School Suspension (ISS): One (1) period/hour minimum to a maximum of ten (10) school days.
 - Out-of-School Suspension (OSS): One (1) day minimum to a maximum of 3 school days.
 - Mandatory DAEP Placements: Minimum of 30 successful school days to a maximum of 180 successful school days.
 - Discretionary DAEP Placements: Minimum of 15 successful school days to a maximum of 120 successful school days.
 - Mandatory Expulsions: Minimum of 90 calendar days to a maximum of 365 calendar days.
 - Discretionary Expulsions: Minimum of 45 calendar days to a maximum of 220 calendar days.

In extenuating circumstances, the Superintendent or the Superintendent's designee may exercise his or her professional judgment and discretion and shorten the length of DAEP placements or expulsions.

STUDENTS WITH DISABILITIES

The discipline of students with disabilities who are eligible for services under Federal legislation (the Individuals with Disabilities Education Act [IDEA] and Section 504 of the Rehabilitation Act of 1973 [Section 504]) is subject to the provisions of those laws. (See also Board Policy FOE (Legal).) A student who is enrolled in special education program may not be disciplined for conduct meeting the definition of bullying, harassment or making hit lists, until an ARD committee meeting has been held to review the conduct. The placement of a student with a disability who receives special education services is made only after a duly constituted Admission, Review, and Dismissal Committee (ARD Committee) or a Section 504 Committee reviews the circumstances and makes the required manifestation determination, with a few exceptions set out in the laws and regulations applicable to students with disabilities.

REMOVAL OF A STUDENT FROM THE REGULAR EDUCATIONAL SETTING

In addition to other discipline management techniques, misconduct may result in a removal from the regular education setting in the form of a routine referral or a formal removal, TEC 37.002 and District policy FOA (Legal). Removals will be documented with a written discipline report.

Notification

The Principal or the Principal's designee shall attempt to notify a student's parent by phone of a written discipline report that results in a detention outside of regular school hours, in school or out of school suspension, placement in a DAEP or expulsion. In all cases, a copy of the written report will be sent to the parent or guardian within twenty-four (24) hours of the receipt of the report by the Principal or the Principal's designee. (The failure to prepare the report or send the notice within the time periods noted above will not preclude disciplining a student involved in a violation of the Student Code of Conduct.)

ROUTINE Referral

A teacher **may** send a student to the principal's office in an effort to maintain effective discipline in the classroom. The Principal or the Principal's designee will investigate the written circumstances and employ appropriate discipline management techniques consistent with this Student Code of Conduct.

FORMAL Referral

A teacher or administrator **may** remove a student from the regular classroom for a behavior that violates this SCC to maintain effective discipline in the classroom or on the campus in a classroom setting if:

1. the student's behavior has been documented by the teacher as repeatedly interfering with the teacher's ability to teach his or her class or with the ability of the student's classmates to learn; or
2. the teacher determines that the student's behavior is so unruly, disruptive or abusive that the teacher cannot teach and the students in the classroom setting cannot learn.

A teacher **must** remove a student from the regular classroom if the student engages in behavior that under the Education Code requires or permits the student to be placed in a DAEP or expelled. When removing for those reasons, the procedures in the subsequent sections on DAEP or expulsions will be followed. Otherwise, the Principal or the Principal's designee shall schedule a conference within three (3) class days of the formal removal with the student, the student's parent and when appropriate, the teacher who removed the student. At the conference, the student shall be advised of the reasons for the removal (either orally or in writing), given an explanation of the basis for the removal, and given an opportunity to respond to the reasons for the removal and explain his or her version of the events.

When a teacher or administrator removes a student from the regular classroom under this provision of the SCC, the Principal or Principal's designee may:

1. place the student into another appropriate classroom;
2. place the student into in-school suspension;
3. place the student into out-of-school suspension; or
4. place the student into a DAEP.

Terms of removal under this provision of the SCC may prohibit the student from attending or participating in school-sponsored or school-related activities.

Returning Student to the Classroom

When a student has been formally removed from a classroom by a teacher, for conduct against a teacher containing the elements of assault, aggravated assault, sexual assault, aggravated sexual assault, murder, capital murder, or criminal attempt to commit murder or capital murder, conduct punishable as a felony, the student may not be returned to the teacher's class without the teacher's consent.

When a student has been formally removed from a classroom by a teacher for any other reason, the student may be returned to the teacher's classroom without the teacher's consent, if the Placement Review Committee, TEC Section 37.003, determines that the teacher's class is the best or only alternative available.

Placement Review Committee TEC 37.003

Each school shall establish a three-member committee to determine placement of a student when a teacher refuses the return of a student to the teacher's class and make recommendations to the district regarding readmission of expelled students. Members shall be appointed as follows:

- (1) the campus faculty shall choose two teachers to serve as members and one teacher to serve as an alternate member; and
- (2) the principal shall choose one member from the professional staff of a campus.

(b) The teacher refusing to readmit the student may not serve on the committee.

(c) The committee's placement determination regarding a student with a disability who receives special education services under Subchapter A, Chapter 29, is subject to the requirements of the Individuals with Disabilities Education Act (20 U.S.C. Section 1400 et seq.) and federal regulations, state statutes, and agency requirements necessary to carry out federal law or regulations or state law relating to special education.

APPEALS

Questions from parents regarding disciplinary measures should be addressed to the teacher or campus administration, 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 or the central administration office or through Board Policy on line at www.banderaisd.net. Consequences shall not be deferred pending the outcome of a grievance.

Removal from the School Bus/School Operated Vehicle

A bus/school operated vehicle driver may refer a student to the principal's office to maintain effective discipline on the bus/school operated vehicle. The principal must employ additional discipline management techniques, as described in the Bandera ISD Bus Rider Safety Handbook, which can include restricting or revoking a student's bus/school operated vehicle riding privileges.

CATEGORIES OF OFFENSES AND CONSEQUENCES

SPECIAL CONSIDERATIONS (TEC CH 37.001 4(A-D): Consideration will be given, as a factor in each decision concerning suspension, removal to a DAEP, expulsion, or placement in a juvenile justice alternative education program (JJAEP), regardless of whether the decision concerns a mandatory or discretionary action, to:

- 1. Self Defense;**
- 2. Intent or lack of intent at the time the student engaged in the conduct;**
- 3. The student's disciplinary history; or**
- 4. A disability that substantially impairs the students capacity to appreciate the wrongfulness of the student's conduct**

LEVEL I: GENERAL CONDUCT VIOLATIONS

The lists of offenses are prohibited at school and all school-related activities, but the list does not include the most severe offenses. In the subsequent Level sections, certain offenses that require or permit specific consequences are listed. Any offense however may be severe enough to result in removal from the Regular Educational setting as detailed in the next section. Persistent or repeated Level I violations may result in increased disciplinary consequences

Disregard for Authority

- Expressing disrespect of a school employee;
- Parking illegally and/or driving recklessly or over posted speed limits;
- Failing to return school-related documents on time;
- Leaving school without signing out;
- Being absent from scheduled detention;
- Engaging in evasion, (*see glossary*);
- Disobeying bus transportation safety rules concerning conduct on a school bus or vehicle owned or operated by the District.

Mistreatment of Others

- Using profanity, vulgar language or obscene gestures, or drawing and/or displaying obscene illustrations or materials;
- Engaging in horseplay or scuffling;
- Engaging in any inappropriate verbal, physical or sexual contact. This item includes but is not limited to inappropriate public display of affection;
- Record the voice or image of another without the prior consent of the individuals being recorded or in any way that disrupts the educational environment or invades the privacy of others.

Property Offenses

- Littering school property;
- Trespassing.

Possession and Misuse of Telecommunications or Other devices

- Display, turn on or use a telecommunication or imaging device or other electronic device during instructional time, except as expressly permitted in connection with a class assignment.

Misuse of Technology Resources and the Internet:

- Students shall not violate policies, rules or usage agreements signed by the student and students' parent regarding the use of technology resources.

Safety Transgressions

- Throwing objects that could cause bodily harm or property damage. This item includes but is not limited to throwing objects out of school buses or other types of motor vehicles;
- Failing to secure locker/sharing locker;
- Loitering in unauthorized areas.

Miscellaneous Offenses

- Engaging in class disruption or disruption of school activities;
- Being tardy or truant;

- Violating dress and/or grooming standards as communicated in the Student/Parent Handbooks or other District or campus publications. (The District’s dress and/or grooming standards have been developed to encourage good grooming and hygiene, instill discipline, prevent disruption, avoid safety hazards, and teach respect for authority.);
- Cheating or copying the work of another;
- Violating the standards of behavior outlined in any UIL or non-UIL extracurricular/co-curricular organization, or student club;
- Engaging in any misbehavior or inappropriate conduct as defined by campus administrators or that give school officials reasonable cause to believe that the behavior or conduct will disrupt the school program or incite violence.

LEVEL II: REMOVAL FROM THE CLASSROOM, IN-SCHOOL SUSPENSION, OUT-OF-SCHOOL SUSPENSION, and/or DISCRETIONARY DAEP PLACEMENT OFFENSES

The lists of offenses are prohibited at school and on or off campus at school-related activities. If additional locations or location restrictions are listed in the offense, the administration must consider those when applying consequences. Students who commit a Level II offense may be removed to in-school suspension (ISS), out of school suspension for up to three days, or to a district’s DAEP for an appropriate period of successful school days.

Disregard for Authority

- Engaging in insubordination, and/or failing to comply with directives given by school personnel;
- Leaving the classroom, school grounds or school-sponsored events without permission;
- Disobeying bus transportation safety rules concerning conduct on school buses or other means of transportation.

Mistreatment of Others

- Fighting or threatening to fight (not assault);
- Engaging in hazing (*see glossary*) or a careless act causing harm or injury;
- Using profanity, vulgar language, or obscene gestures;
- Committing extortion or blackmail (obtaining money or another object of value from an unwilling person);
- Committing coercion, (cause an individual to act through the use of or threat of force);
- Engaging in verbal or written exchanges that threaten the safety of another student, an employee, a volunteer or school property;
- Engaging in bullying, harassment, or making a hit list; (*see glossary*);
- Engaging in any inappropriate verbal, physical or sexual conduct directed toward another person, including a district student, employee or volunteer;
- Engaging in inappropriate exposure of private body parts;
- Engage in conduct that constitutes sexual or gender-based harassment or sexual abuse, whether by word, gesture or any other conduct directed toward another person, including a district student, employee or volunteer;

- Engage in conduct that constitutes dating violence (*see glossary*);
- Threaten a district student, employee, or volunteer, **including off school property if the conduct causes a substantial disruption to the educational environment.**

Property Offenses

- Committing or assisting in theft, robbery or burglary, or attempting to commit such act if it does not constitute a felony according to the Texas Penal Code (see robbery, aggravated robbery and theft under the next levels);
- Deface or damage school property--including textbooks, furniture, building and other equipment—with graffiti or by any other means such as but not limited to cutting, scratching, marking, painting;
- Deface damage or vandalize property owned by others (see criminal mischief under next levels for value > \$1500);
- Stealing from other students, employees, visitors, volunteers or the District.

Prohibited Items

- Students shall not possess or use the following items:
 - fireworks of any kind, any pyrotechnic device, smoke or stink bombs;
 - pornographic material
 - matches or lighters
 - laser pens or pointers
 - a cigarette or tobacco product as defined in Sec.3.01 Ch.161.252 of the Health and Safety Code
 - Electronic Cigarettes or Vaporizers of any kind

Students shall not possess or use the following weapons

- chemical dispensers sold commercially for personal protection (ex. mace, pepper spray. etc.)
- Razors, box cutter, chain, or any object or device that might reasonably threaten or cause bodily harm;
- a “look-alike” weapon;
- pellet gun, BB gun, CO2 or air powered guns;
- explosives
- ammunition;
- stun gun;
- pen/pocket knives
- stun gun
- sling shots
- switchblade/butterfly knives
- guns or weapons using or not using gunpowder of expel a projectile
- Non-illegal pocketknife or any other small knife;

- ;
-
-

- instruments used in martial arts that are not listed in the next level of offenses;
- Students shall not use any instrument, article, device, or object not generally considered to be a weapon or not already referred to or identified elsewhere in the SCC, to injure or threaten to injure another person or when the campus administration determines that a danger exists;
- .

Misuse of Technology Resources and the Internet and Possession and Misuse of Telecommunications or Other devices

- Students shall not violate policies, rules or usage agreements signed by the student and students' parent regarding the use of technology resources;
- Attempt to damage, destroy or alter any district technology resource or attempt to circumvent passwords, **including off school property if the conduct causes a substantial disruption to the educational environment;**
- Attempt to access 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;**
- Use “e-mail” or a website that is designed to promote or encourage illegal behavior or that could threaten school safety;
- Display, turn on or use a telecommunication or imaging device or other electronic device during instructional time, except as expressly permitted in connection with a class assignment;
- Send, post or possess electronic **messages** that are abusive, threatening, obscene, sexually oriented, harassing, damaging to another’s reputation or illegal, including “cyber bullying” and “sexting”(see glossary), **including off school property if the conduct causes a substantial disruption to the educational environment;**
- Using the Internet or other electronic **communication** to threaten district students, employees or volunteers, **including off school property if the conduct causes a substantial disruption to the educational environment;**
- Record the voice or image of another without the prior consent of the individuals being recorded. While students are permitted to possess select devices during the school day, they are prohibited from using them in any manner that interferes with or is disruptive of the educational process or invades the privacy of students, employees, volunteers or visitors.

Illegal, Prescription and Over-the-Counter Drugs or Products

- Possess, use, distribute or sell any prescription drug, over-the-counter drug/medication, a look-a-like drug, herbal substance or dietary supplement or pass off items as drugs or contraband other than as provided by district policy;
- Inhaling or using any substance, whether or not intrinsically harmful and whether or not prohibited by any law, that impairs a student’s faculties and is detectable by the student’s physical appearance, actions, breath or speech;

- Using, possessing, distributing or selling seed(s) or pieces of marijuana in less than a usable amount;
- Possess, use, give, or sell paraphernalia (*see glossary*) related to any prohibited substance.

Safety Transgressions

- Engaging in any conduct which disrupts or threatens to disrupt the school environment or incite violence;
- Starting or setting a fire on or in any property owned, used or controlled by the District that does not reach the level of the criminal offense of either arson or criminal mischief;
- Adding any substance, whether harmful or not, to any food or beverage belonging to, in the possession of or meant to be consumed by any District employee, volunteer student or visitor, without the express permission of the person who is consuming or intends to consume the food or beverage;
- Discharge a fire-extinguisher without valid cause.

Miscellaneous Offenses

- Engaging in conduct that violates the Student Code of Conduct;
- Lying about or falsifying records, passes, notes or other school-related documents;
- Making false accusations of or providing false statements concerning wrongful, unlawful, inappropriate or illegal conduct alleged to have been committed by any District officer, official, employee, student or volunteer;
- Being involved in a public school fraternity, sorority, or secret society, including participating as a member or pledge, or soliciting another person to become a member or pledge, in a public school fraternity, sorority, or secret society, or **gang** (*see glossary*);
- Students are prohibited from school related gang violence, involvement or activities. (*see glossary for gang, gang graffiti, gang involvement*);
- Engaged in Gambling;
- Engage in conduct punishable as a felony while--**off campus, not at a school related/sponsored activity OR on school property of another school district' at a school related/sponsored activity.**

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

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

OUT-OF-SCHOOL SUSPENSIONS TEC 37.005

State law allows a student to be suspended from school for up to three (3) school days per offense, with no limit on the number of times a student may be suspended in a semester or school year.

A student who may be suspended shall have an informal hearing with the appropriate administrator, advising the student of the conduct with which he or she is charged and giving the student the opportunity to explain his or her version of the incident.

The appropriate administrator will determine the duration of a student's suspension, and any restrictions on participation in school-sponsored or school-related extracurricular and co-curricular activities. The student's parent or guardian will be notified of the suspension; after such notification, it is the responsibility of the parent or guardian to provide adequate supervision during the time period of the suspension. Students may be suspended for any violation of this SCC. If a student is suspended, the student's absence shall be considered to be an excused absence if the student satisfactorily completes school assignments missed as a result of the suspension within a reasonable time determined by the District. The student shall be responsible for obtaining the assignments and completing the assignments within the allotted time.

DAEP or EXPULSION-

The procedures for DAEP Placements or Expulsions will be outlined after the subsequent levels.

LEVEL III: DISCRETIONARY DAEP OR DISCRETIONARY EXPULSION:

A student **MAY** be placed in a Disciplinary Alternative Education Program (DAEP), for one semester, TEC 37.008, **regardless of where the offense occurred**, if the student:

- Is required to register as a **SEX OFFENDER** in accordance with the law and is NOT under any court ordered supervision.

The administration **MUST** remove the student from the regular education classroom and place in a DAEP, for one semester, if the Board or its designee determines the student's presence:

1. Threatens the safety of other students or the teacher;
2. Will be detrimental to the educational process;
3. Is not in the best interests of the district's students.

A student **MAY** be placed in a Disciplinary Alternative Education Program (DAEP) TEC 37.008 or **MAY** be Expelled TEC 37.0081, **regardless of where the offense occurred**, if:

- The Campus Principal or the Campus Principal's designee orders **EMERGENCY DAEP PLACEMENT**, Texas Education Code Section 37.019(a), when the Campus Principal or the Campus Principal's designee reasonably believes that a student's behavior is so unruly, disruptive or abusive that it seriously interferes with a teacher's ability to communicate effectively with the students in a class, with the ability of the student's classmates to learn, or with the operation of school or a school-sponsored activity. The Campus Principal or the Campus Principal's designee orders

EMERGENCY EXPULSION, Texas Education Code Section 37.019(b), when the Campus Principal or the Campus Principal's designee reasonably believes that action is necessary to protect persons or property from imminent harm. Emergency DAEP placements and emergency expulsions must be for a reason that would permit a DAEP placement or expulsion in non-emergency situations.

A student **MAY** be placed in a Disciplinary Alternative Education Program (DAEP) TEC 37.008 or **MAY** be Expelled TEC 37.0081 if the student commits or engages in any of the following behaviors while:

On-Campus;

Off Campus within 300 feet of school property as measured from any point on the schools real property line;

Off Campus at a School Related/Sponsored Activity;

On School Property of another School District at a School Related/Sponsored Activity:

- Use, exhibit, or possess a Non-Illegal Knife (blade less than 5.5 inches)

On-Campus;

Off Campus within 300 feet of school property;

Off Campus at a School Related/Sponsored Activity:

- Engages in Deadly conduct (see glossary)-TEC 37.007(b)(2)(D)

Off Campus not at a School Related/Sponsored Activity:

- Engage in conduct punishable as a felony, NOT including aggravated robbery or offenses involving Title 5, Penal Code, if:
 1. the Superintendent or the Superintendent's designee has a reasonable belief (*see glossary*) that a student has engaged in conduct punishable as a felony, other than aggravated robbery or offenses involving Title 5, Penal Code **and**
 2. the student's presence in the regular classroom threatens the safety of other students or teachers, or will be detrimental to the educational process.

LEVEL IV: MANDATORY DAEP PLACEMENT OFFENSES OR DISCRETIONARY EXPULSIONS

A student **SHALL** be placed in a Disciplinary Alternative Education Program (DAEP) TEC 37.008, if the student commits or engages in an Expellable offense and:

- the student is at least six (6) years of age but less than ten (10) years of age;

- the student commits a federal firearms violation and is younger than six years of age.

A student **SHALL** be placed in a Disciplinary Alternative Education Program (DAEP) TEC 37.008, if the student commits or engages in any of the following behaviors while:

On-Campus;

Off Campus within 300 feet of school property;

Off Campus at a School Related/Sponsored Activity:

- Engaging in conduct punishable as a felony TEC 37.006(a)(2)(A);
- Engaging in conduct that contains the elements of assault (*see glossary*), Texas Penal Code Section 22.01(a) (1) against someone **other than** a school district employee or volunteer TEC 36.006(a)(2)(B)

A student **SHALL** be placed in a Disciplinary Alternative Education Program (DAEP) TEC 37.008, or **MAY** be Expelled TEC 37.0081, **regardless of the location**, if the student:

- Is required to register as a **SEX OFFENDER** in accordance with the law and IS under court ordered supervision including probation, community supervision, or parole.

A student **SHALL** be placed in a Disciplinary Alternative Education Program (DAEP) TEC 37.008, or **MAY** be Expelled TEC 37.0081 if the student commits or engages in any of the following behaviors while:

On-Campus;

Off Campus within 300 feet of school property;

Off Campus at a School Related/Sponsored Activity;

Off Campus not at a School Related/Sponsored Activity;

On School Property of another School District at a School Related/Sponsored Activity:

- Engaging in conduct relating to a false alarm or report (including a bomb threat) or a terroristic threat involving a public school (*see glossary*)TEC 37.006 (a)(1) and 37.007(b)& (b)(1);

On-Campus;

Off Campus within 300 feet of school property;

Off Campus at a School Related/Sponsored Activity;

Off Campus not at a School Related/Sponsored Activity:

- Engaging in retaliation(*see glossary*), Texas Penal Code Section 36.06, against a school employee or volunteer;

On-Campus;

Off Campus within 300 feet of school property;

Off Campus at a School Related/Sponsored Activity:

- Engaging in conduct that contains the elements of assault (*see glossary*) as defined by Texas Penal Code Sections 22.01(a) (1) against a school district employee TEC 37.007(b)(2)(C);
- Engaging in conduct that contains the elements of an offense relating to the abuse of a volatile chemical under TEC 37.006(a)(2)(E) and Section 485.031 through 485.034, Texas Health and Safety Code;
- Engaging in conduct that contains the elements of public lewdness or indecent exposure under TEC 37.006(a)(2)(E,F) and Section 21.07,21.08 Texas Penal Code.
- Selling, giving, or delivering to another person or possessing or using or being under the influence of:
 1. marijuana, or a controlled substance as defined by Chapter 481, Texas Health and Safety Code, or by 21. U.S.C. Section 801, et seq.;
 2. a dangerous drug as defined by Chapter 483, Texas Health and Safety Code; in an amount NOT constituting a felony offense TEC 37.006(a)(2)(C) and 37.007(b).
- Selling, giving, or delivering to another person an alcoholic beverage, as defined by Section 1.04, Texas Alcoholic Beverage Code; committing a serious act or offense while under the influence of alcohol; or possessing, using or being under the influence of an alcoholic beverage in an amount NOT constituting a felony offense TEC 37.006(a)(2)(D) and 37.007(b).

Off Campus not at a School Related/Sponsored Activity:

- Engaging in conduct punishable as aggravated robbery or a felony **listed under** Title 5 (*see glossary*)of the Texas Penal Code when the conduct and:
 1. The student receives deferred prosecution (*see glossary*);
 2. A court or jury finds that the student has engaged in delinquent conduct (*see glossary*); or
 3. The Superintendent or the Superintendent’s designee has a reasonable belief (*see glossary*) that a student has engaged in conduct.

LEVEL V: MANDATORY EXPULSION OR DISCRETIONARY EXPULSIONS

A student **MAY** be Expelled TEC 37.0081, **regardless of the location** of the offense, if the student:

- Engages in conduct that contains the elements of the offense of Criminal Mischief, Texas Penal Code Section 28.03, if punishable as a felony. The student who commits this offense shall be referred to the authorized officer of the Juvenile Court regardless of whether the student is expelled.

A student **MAY** be Expelled TEC 37.0081, if the student commits or engages in any of the following behaviors while:

On-Campus;

Off Campus within 300 feet of school property;

Off Campus at a School Related/Sponsored Activity;

Off Campus not at a School Related/Sponsored Activity;

On School Property of another School District at a School Related/Sponsored Activity:

- Breach of Computer Security, Texas Penal Code Section 33.02;

Off Campus within 300 feet of school property;

Off Campus not at a School Related/Sponsored Activity;

On School Property of another School District at a School Related/Sponsored Activity:

- Engages in conduct that contains the elements of the offense of Aggravated Robbery, Texas Penal Code Section 29.03;
- Engages in conduct that contains the elements of the offense of Manslaughter, Texas Penal Code Section 19.04; or
- Engages in conduct that contains the elements of the offense of Criminally Negligent Homicide Texas Penal Code Section 19.05.

Off Campus within 300 feet of school property;

On School Property of another School District at a School Related/Sponsored Activity:

- Use, exhibit, or possess a firearm as defined by Section 46.01(3), Texas Penal Code (possession under this provision includes storing such a firearm in a vehicle on school property or while attending a school-related or school-sponsored activity on or off school property) unless the use, exhibition, or possession of a firearm occurs at an off-campus approved target range facility while participating in or preparing for a school-sponsored shooting sports competition or a shooting sports educational activity that is sponsored or supported by the Parks and Wildlife Department or a shooting sports sanctioning organization working with the department;
- Use, exhibit, or possess any Illegal Knife, Texas Penal Code Section 46.01(6);
- Use, exhibit, or possess an Illegal Club, Texas Penal Code Section 46.01(1);
- Use, exhibit, or possess a Prohibited Weapon listed as a prohibited weapon, Texas Penal Code Section 46.05;
- Engages in conduct that contains the elements of the offense of Arson, Texas Penal Code Section 28.02;
- Engages in conduct that contains the elements of the offense of Murder, Texas Penal Code Section 19.02, Capital Murder, Texas Penal Code Section 19.03, or Criminal Attempt, Texas Penal Code Section 15.01, to Commit Murder or Capital Murder;
- Engages in conduct that contains the elements of the offense of Indecency with a Child under section, Texas Penal Code 21.11;

- Engages in conduct that contains the elements of the offense of Aggravated Kidnapping, Texas Penal Code Section 20.04;
- Engages in conduct that contains the elements of the offense of Aggravated Assault, Texas Penal Code Section 22.02, against someone other than a school district employee or volunteer;
- Engages in conduct that contains the elements of the offense of Sexual Assault, Texas Penal Code Section 22.011, or Aggravated Sexual Assault, Texas Penal Code Section 22.021 against a school district employee, volunteer or someone other than an employee or volunteer; or
- Engages in conduct that contains the elements of the offense of Continuous **Sexual Abuse against a Child or Children**, Texas Penal Code Section 21.02.

On School Property of another School District at a School Related/Sponsored Activity:

- Engages in the following conduct, TEC Section 37.006 (a) (2) (C) or (D), punishable as a **felony** if the student:
 1. Sells, gives, or delivers to another person or possesses or uses or is under the influence of:
 - a. marijuana, or a controlled substance as defined by Chapter 481, Texas Health and Safety Code, or by 21. U.S.C. Section 801, et seq.;
 - b. a dangerous drug as defined by Chapter 483, Texas Health and Safety Code;
 - c. an alcoholic beverage as defined by Section 1.04, Alcoholic Beverage Code
 2. Commits a serious act or offense while under the influence of alcohol.

On-Campus:

- Engaging in defined serious misbehavior (*see glossary*) while expelled/placed in DAEP;

A student **SHALL** be Expelled TEC 37.0081 if the student commits or engages in any of the following behaviors while:

On-Campus;

Off Campus within 300 feet of school property;

Off Campus at a School Related/Sponsored Activity;

Off Campus not at a School Related/Sponsored Activity;

On School Property of another School District at a School Related/Sponsored Activity:

- Engages in conduct that contains the elements of the offense of Aggravated Assault, Texas Penal Code Section 22.02, against a school district employee or volunteer;

On-Campus;

Off Campus at a School Related/Sponsored Activity:

- Use, exhibit, or possess a Firearm as defined by Texas Penal Code Section 46.01(3) or bring to school a Firearm defined under federal law, (possession under this provision includes storing such a firearm in a vehicle on school property or while attending a school-related or school-sponsored activity on or off school property) unless the use, exhibition, or possession of a firearm occurs at an off-campus approved target range facility while participating in or preparing for a school-sponsored shooting sports competition or a shooting sports educational activity that is sponsored or supported by the Parks and Wildlife Department or a shooting sports sanctioning organization working with the department;
- Use, exhibit, or possess any Illegal Knife, Texas Penal Code Section 46.01(6);
- Use, exhibit, or possess an Illegal Club, Texas Penal Code Section 46.01(1);
- Use, exhibit, or possess a Prohibited Weapon listed as a prohibited weapon, Texas Penal Code Section 46.05;
- Engages in conduct that contains the elements of the offense of Arson, Texas Penal Code Section 28.02;
- Engages in conduct that contains the elements of the offense of Murder, Texas Penal Code Section 19.02, Capital Murder, Texas Penal Code Section 19.03, or Criminal Attempt, Texas Penal Code Section 15.01, to Commit Murder or Capital Murder;
- Engages in conduct that contains the elements of the offense of Indecency with a Child under section, Texas Penal Code 21.11;
- Engages in conduct that contains the elements of the offense of Aggravated Kidnapping, Texas Penal Code Section 20.04;
- Engages in conduct that contains the elements of the offense of Aggravated Assault, Texas Penal Code Section 22.02, against someone other than a school district employee or volunteer;
- Engages in conduct that contains the elements of the offense of Sexual Assault, Texas Penal Code Section 22.011, or Aggravated Sexual Assault, Texas Penal Code Section 22.021, against a school district employee, volunteer or someone other than a school district employee or volunteer; or
- Engages in conduct that contains the elements of the offense of Aggravated Robbery, Texas Penal Code Section 29.03;
- Engages in conduct that contains the elements of the offense of Manslaughter, Texas Penal Code Section 19.04; or
- Engages in conduct that contains the elements of the offense of Criminally Negligent Homicide Texas Penal Code Section 19.05.
- Engages in conduct that contains the elements of the offense of **Continuous Sexual Abuse against a Child or Children**, Texas Penal Code Section 21.02.
- Engages in the following conduct, TEC Section 37.006 (a) (2) (C) or (D), punishable as a **felony** if the student:

1. Sells, gives, or delivers to another person or possesses or uses or is under the influence of:
 - d. marijuana, or a controlled substance as defined by Chapter 481, Texas Health and Safety Code, or by 21. U.S.C. Section 801, et seq.;
 - e. a dangerous drug as defined by Chapter 483, Texas Health and Safety Code;
 - f. an alcoholic beverage as defined by Section 1.04, Alcoholic Beverage Code
2. Commits a serious act or offense while under the influence of alcohol.

DISCIPLINARY ALTERNATIVE EDUCATION PROGRAM (DAEP)

DAEP Process:

Removals to DAEP shall be made by the Campus Principal or the Campus Principal's designee.

The DAEP shall be provided in a setting other than the student's regular classroom. An Elementary school student may not be placed in a DAEP with a student who is not an elementary school student. For purposes of DAEP, elementary classification shall be kindergarten-grade 5 and secondary classification shall be grades 6-12. Summer programs provided by the district shall serve students assigned to a DAEP separately from those students who are not assigned to the program.

Conference

Not later than the third class day after the Campus Principal or the Campus Principal's designee has removed a student from class under Texas Education Code 37.006 or under the provisions of this SCC, a conference SHALL be scheduled with the student's parent, the student, and the teacher removing the student (if any, and as appropriate). (The failure to schedule the conference within the time period noted above will not preclude disciplining a student involved in a violation of the Student Code of Conduct.)

At the conference, the student shall be advised of the reasons for the removal (either orally or in writing), given an explanation of the basis for the removal, informed of the disciplinary consequence being considered, and given an opportunity to respond to the reasons for the removal.

Following valid attempts to require attendance, the conference may proceed without the attendance of the student's parent or the student and a placement decision may be made upon the review of information presented.

Placement

Following the conference, if it is determined that the student will be placed in DAEP, the appropriate administrator shall write the placement order for a period consistent with the Student Code of Conduct.

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

If the length of placement is inconsistent with the SCC, the placement orders shall give notice of the inconsistency.

Coursework Notice

A school district shall provide the parents of a student removed to a disciplinary alternative education program with written notice of the district's obligation under Subsection (I) to provide the student with an opportunity to complete coursework required for graduation. The notice must include information regarding all methods available for completing the coursework; and state that the methods are available at no cost to the student.

Length of Placement

The duration of a student's placement in DAEP shall be made by the Campus Principal or the Campus Principal's designee.

The duration of a student's placement shall be determined on a case-by-case basis. DAEP placement shall be correlated to the seriousness of the offense, the student's age and grade level, the frequency of misconduct, the student's attitude, and statutory requirements.

The maximum time in DAEP shall be one calendar year except as provided below:

Exceeds one year-

Placement in a DAEP may exceed one year when a review by the district determines that

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

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

Placement beyond the End of the School Year

If a DAEP placement decision made by a Campus Principal or the Campus Principal's designee calls for a placement extending beyond the end of the school year, there must be a determination made that:

1. The student's presence in the regular classroom or campus presents a danger or physical harm to students or others; or
2. The student has engaged in serious or persistent misbehavior that violates the Student Code of Conduct.

Placement beyond the Next Grading Period or Sixty (60) Days

When the decision of the Campus Principal or the Campus Principal's designee is to remove a student for a period extending beyond the end of the next grading period or 60 days (whichever is earlier), the student's parents or guardian must be given notice of and an opportunity to participate in a proceeding before the board or the board's designee to review the placement decision.

(In general, placement into DAEP will not extend beyond the end of the semester in which violation occurred. However, if the violation occurred during the last grading period of a semester, the term of removal may extend to end of the following semester.)

Appeals

Questions from parents regarding disciplinary measures should be addressed to the campus administration. Appeals regarding the decision to place a student in DAEP should be addressed to the board or the board's designee accordance with policy FOC (Legal) and any other appeal regarding the placement in DAEP should be addressed in accordance with policy FNG (Local). A copy of the policy may be obtained from the principal's office or the central administration office or through Board Policy on line at www.banderaisd.net.

Consequences shall not be deferred pending the outcome of a grievance.

Restrictions during Placement

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

The District does provide transportation to the DAEP; however, the privilege of this transportation may be taken away if the student does not cooperate at all times with the bus driver and other District personnel, or if the student commits a violation of the SCC while on the bus.

For seniors who are eligible to graduate and are assigned to a DAEP at the time of graduation, the placement in the program shall continue through graduation, and the student shall not be allowed to participate in the graduation ceremony and related graduation activities.

Placement into the DAEP under this section of the SCC of a student with a disability who receives special education services shall be made in compliance with the Federal law governing special education. For such students, the review process set out above must be conducted by the student's duly constituted Admission, Review and Dismissal (ARD) committee; however, that ARD committee may request that the committee described above convene to assist in conducting the ARD committee's review and making the placement decision.

Placement Review

The Campus Principal or the Campus Principal's designee must review the status, including the academic status, of each student in a DAEP at least every 120 calendar days. In the case of a high school student, the Campus Principal or the Campus Principal's designee and the student's parent/guardian must review the student's progress towards meeting high school graduation requirements and must establish a specific graduation plan for the student. At the review, the student or student's parent/guardian must be permitted to argue for the student's return to the regular classroom. A removed student may not be returned to the removing teacher's class without the teacher's consent, and the teacher may not be coerced to consent.

Additional Misconduct

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

Notice of Criminal Proceedings

The office of the prosecuting attorney shall notify the district if a student was placed in a DAEP for certain offenses including any felony, unlawful restraint, indecent exposure, assault, deadly conduct, terroristic threats, organized crime, certain drug offenses, or possession of a weapon, and:

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

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

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

Withdrawals During Process

Withdrawal from school after a student has been accused of or charged with a violation of the SCC will not prevent the District from investigating the alleged violation. If it is determined that a violation did occur, and the appropriate disciplinary consequence is expulsion or placement into DAEP, the appropriate campus administration will issue the disciplinary order and enforce the disciplinary consequence should the student re-enroll in the District. If the student re-enrolls in the District during the same or subsequent school year, the District may enforce the disciplinary consequence at that time, less any period of the placement or expulsion that has been served by the student during enrollment in another district.

Students Enrolling from Other Districts

If a student has been assigned to a DAEP in another Texas school district or Texas open-enrollment charter school at the time the student enrolls in the District as a resident, that student will be placed directly into the District's DAEP for the amount of successful days remaining in the other school's placement assignment.

If a student enrolling in the District as a resident was placed in a DAEP or its equivalent by a school district in another state for behavior that is also a reason for DAEP placement in the District, and if the out-of-state district provides to this District a copy of the placement order, that student will be placed directly into this District's DAEP.

If the out-of-state placement exceeds one year, this District will, as required by state law, reduce the period of the placement so that the total placement does not exceed one year unless, after a review by the Superintendent or the Superintendent's designee, the District determines that the student is a threat to the safety of other students or employees, or that an extended placement is in the best interest of the student.

EXPULSION HEARINGS - NOTICE/REPRESENTATION

Process

If a student is believed to have committed an expellable offense, the principal or other appropriate administrator shall schedule a hearing within a reasonable time. The student's parent shall be notified in writing of the date, time, and place of the expulsion hearing at least five days prior to the hearing. The notice must include the names of the witnesses against the student who will be providing testimony at the hearing, and the nature of the evidence against the student. Until a hearing can be held, the principal may place the student in:

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

Hearing-Due Process

The hearing shall be conducted by the board of trustee's designee, **the Superintendent**, and the board of trustees gives the authority to expel students.

A student shall be expelled by written order setting the term of the expulsion. Before the expulsion, the administrator shall provide the student an opportunity for a hearing at which the student is afforded due process, the student is entitled to:

1. Prior notice of the charges and the proposed sanctions so as to afford a reasonable opportunity for preparation;
2. Representation by the student's parent or another adult who can provide guidance to the student and who is not an employee of the district,
3. An opportunity to testify and to present evidence and witnesses in the student's defense, and
4. An opportunity to question the district's witnesses.

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

Board Review of Expulsion

After the due process hearing, the expelled student may request that the board review the expulsion decisions. The student or parent must submit a written request to the superintendent within seven days after receipt of the written decision. The superintendent must provide the student or parent written notice of the date, time, and place of the meeting at which the board will review the decision. The board shall review the record of the expulsion hearing in a closed meeting unless the parent requests in writing that the matter be held in an open meeting. The board may also hear a statement from the student or parent and from the board's designee. The board shall hear statements made by the parties at the review and will base its decision on evidence reflected in the record and any statements made by the parties at the review. The board shall make and communicate its decision orally at the conclusion of the presentation. Consequences shall not be deferred pending the outcome of the hearing

Expulsion Order

After the due process hearing, if the student is expelled, the Superintendent or Superintendent's designee shall deliver to the student and the student's parent a copy of the order expelling the student.

Notice to Authorities. Not later than the second business day after the hearing, the Superintendent or Superintendent's designee shall deliver to the juvenile court a copy of the expulsion order and the information required by Section 52.04 of the Family Code.

Length of Expulsion

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

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

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

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

State and federal law require a student to be expelled from the regular classroom for a period of at least one calendar year for bringing a firearm, as defined by federal law, to school. However, the superintendent or other appropriate administrator may modify the length of the expulsion on a case-by-case basis. Students who commit offenses that require expulsion at the end of one school year may be expelled into the next school year to complete the term of expulsion.

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

Withdrawal during Process

When a student has violated the district's Code in a way that requires or permits expulsion from the district and the student withdraws from the district before the expulsion hearing takes place, the district may conduct the hearing after sending written notice to the parent and student. If the student then reenrolls in the district during the same or subsequent school year, the district may enforce the expulsion order at that time, less any expulsion period that has been served by the student during enrollment in another district. If the appropriate administrator or the board fails to issue an expulsion order after the student withdraws, the next district in which the student enrolls may complete the proceedings.

Additional Misconduct

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

Restrictions during Expulsion

Expelled students are prohibited from being on school grounds or attending school-sponsored or school-related activities during the period of expulsion. No district academic credit shall be earned for work missed during the period of expulsion unless the student is enrolled in a JJAEP or another district-approved program. If a court orders a student who has been expelled to attend school as a condition of probation, the District shall re-admit the student, but the student is not immune from suspension, removal to a DAEP or expulsion during the term of the probation.

Newly Enrolled Students

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

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

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

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

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

Emergency Expulsion Procedures

When an emergency expulsion occurs, the student shall be given verbal notice of the reason for the action. Within ten days after the date of the emergency expulsion, the student shall be given appropriate due process required for a student facing expulsion.

DAEP Placement of Expelled Students

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

Additional Possible Placement for Students Who Engage in Sexual Assaults Under Sections 25.0341 and 37.0051 of the Texas Education Code, when the victim of the crime is another student, a student who has been convicted of continual sexual abuse of a child or children under Section 21.02 of the Texas Penal Code, or has been convicted of or placed on deferred adjudication for the offense of sexual assault under Sec. 22.011 of the Texas Penal Code, or aggravated sexual assault under Sec. 22.021 of the Texas Penal Code, or has been adjudicated under the Texas Family Code as having engaged in conduct described in the above-referenced provisions of the Texas Penal Code, or whose prosecution for engaging in the conduct described in those provisions has been deferred, or who has been placed on probation under the Texas Family Code for engaging in conduct described in those provisions, and who has been returned to class, shall, at the request of the victim of the conduct who does not wish to be transferred to another campus or district, be transferred to a District campus other than the campus to which the student who is the victim of the conduct is assigned. If there is only one campus in the District serving the grade level in which the student who engaged in the conduct is enrolled, then the student subject to this provision of the SCC shall be removed from class and placed into the District's DAEP. Any time limitation otherwise applicable to DAEP placements by either state law or this Student Code of Conduct is NOT applicable to a DAEP placement under this provision of the Student Code of Conduct.

DEFINITIONS AND TERMINOLOGY

Aggravated Kidnapping A person commits an offense if he intentionally or knowingly abducts another person with the intent to:

1. hold him for ransom or reward;
2. use him as a shield or hostage;
3. facilitate the commission of a felony or the flight after the attempt or commission of a felony;
4. inflict bodily injury on him or violate or abuse him sexually;
5. terrorize him or a third person; or
6. interfere with the performance of any governmental or political function.

Arson Texas Penal Code 28.02 A person commits an arson offense if he starts a fire or causes an explosion with intent to destroy or damage:

1. any vegetation, fence, or structure on open-space land;
2. any building, habitation, or vehicle;
3. knowing that it is within the limits of an incorporated city or town;
4. knowing that it is injured against damage or destruction;
5. knowing that it is subject to a mortgage or other security interest;
6. knowing that it is located on property belonging to another;
7. knowing that it is within property belonging to another; or
8. when the person is reckless about whether the burning or explosion will endanger the life of some individual or the safety of the property of another, recklessly damaging or destroying a building or recklessly causing another person to suffer bodily injury or death.

Assault Texas Penal Code 28.01(a)(1) Assault is defined as intentionally, knowingly, or recklessly causing bodily injury to another;

Bullying Occurs when a student or group of students engages in written or verbal expression, expression through electronic means, or physical conduct against another student on school property, at a school-sponsored or related activity, or in a district operated vehicle and a school district's board of trustees or the board's designee determines that the behavior:

- Has the effect or will have the effect of physically harming a student, damaging a student's property or placing a student in reasonable fear of harm to the student's person or of damage to the student's property; or
- Is sufficiently severe, persistent, and pervasive enough that the reaction or threat creates an intimidating, threatening, or abusive educational environment for a student.

This conduct is considered bullying if it:

1. exploits the imbalance of power between the student perpetrator(s) who is engaging in bullying and the student victim through written or verbal expression or physical conduct; and
2. it interferes with a student's education or substantially disrupts the operation of the school

If a student believes that he or she has experienced bullying or has witnessed bullying of another student, it is important for the student or parent to **notify a teacher, counselor, principal, or another district employee as soon as** possible to obtain assistance and intervention. The administration will investigate any allegations of bullying or other related misconduct.

Capital Murder A person commits capital murder if he commits an offense of murder and:

1. the person murders a peace officer or fireman engaged in official duty;
2. the person intentionally commits the murder in the course of committing or attempting to commit kidnapping, burglary, robbery, aggravated sexual assault, arson or obstruction or retaliation; or
3. the person commits the murder for remuneration or the promise of remuneration or employs another to commit the murder for remuneration or the promise of remuneration.

Continuous Sexual Abuse This offense consists of a person 17 years of age or older committing two or more acts of sexual abuse (regardless of whether against one or more victims) during a period of time that is 30 or more days in duration against a child younger than 14 years of age.

Corporal Punishment Corporal Punishment must be carried out in accordance with Board policy FO (Local). Corporal punishment, limited to spanking or paddling the student, shall be reasonable and may not be administered maliciously or for the purpose of revenge. Such factors as the size, age, and physical, mental, and emotional condition of the student; the type of instrument to be used; the amount of force to be used; and the part of the body to be struck shall be considered before administering any corporal punishment. The District shall honor a parent's request that corporal punishment not be administered to his or her child; however, the District shall impose other disciplinary measures consistent with the offense.

Criminal Attempt A person commits an offense if, with specific intent to commit an offense, he does an act amounting to more than mere preparation that tends but fails to effect the commission of the offense intended.

Criminal Mischief Penal Code 28.03 A person commits a criminal mischief offense if, without the effective consent of the owner:

1. one intentionally or knowingly damages or destroys the tangible property of the owner;
2. one intentionally or knowingly tampers with the tangible property of the owner and causes pecuniary loss or substantial inconvenience to the owner or a third person; or
3. one intentionally or knowingly makes markings, including inscriptions, slogans, drawings, or paintings on the tangible property of the owner.

An offense under this section is a felony if:

1. the amount of the pecuniary loss is \$1500.00 or more; or
2. the damage or destruction is inflicted on a place of worship or human burial, a public monument, or a community center that provides medical, social, or educational programs and there is any amount of pecuniary loss to real or to tangible personal property.

Students committing criminal mischief will be subject to disciplinary action.

Cyber bullying The use of an electronic communication device to engage in bullying or intimidation.

Deadly Conduct Penal Code 22.05 Recklessly engaging in conduct that places another in imminent danger of serious bodily injury or by knowingly discharging or pointing a firearm at or in the direction of an individual, habitation, building, or vehicle whether occupied or not..

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

Evasion Students must, upon request of any school official, produce and show some type of identification. If a student refuses to produce and show his identification, that student is subject to disciplinary action for evasion.

If a student attempts to evade questioning by any school official through an act of running away from that official, or seeks to avoid the questioning through any method, that student, by his or her conduct, is subject to disciplinary action by the District for evasion.

False Alarm or Report Texas Penal Code 42.06 A person commits an offense if he knowingly initiates, communicates or circulates a report of a present, past or future bombing, fire, offense or other emergency that he 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, place of assembly, place to which the public has access, or aircraft, automobile or other mode of convenience.
4. Firearm silencer means any device designed, made, or adapted to muffle the report of a firearm.

An offense under this provision of the Texas Penal Code is a state jail felony if the false alarm or report is of an emergency involving, among other things, a public primary or secondary school.

Fighting Any student who engages in a physical struggle or combat will be subject to disciplinary action.

Firework is a device for producing a striking display by the combustion of explosive or flammable compositions.

Gambling is defined as the playing of games of chance for stakes or the risking of something of value with the hope of making a gain; wagering. Gambling of any form will not be permitted on the school campus or in any place at which a school contest or activity is taking place. Gambling is controlled by state law. The law will be enforced by District administrators.

Gang For purposes of this Student Code of Conduct, a “gang” means an organization, combination or association 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 the 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, or that seeks to advance its interests by illegal and/or violent means. In determining the identity of gangs and associated gang attire, the District will consult with law enforcement authorities.

Gang Graffiti Gang graffiti is any inscription or drawing on a wall, sidewalk, or other surface traditionally used by gangs to mark their territory. Graffiti is used to declare a member's pride in his gang and advertises its presence in the neighborhood. Essentially it marks the gang's territory; it challenges rivals to fight and leads to violence. Gang graffiti is any inscription or drawing on a wall, sidewalk with paint, an indelible pen or marker, or an etching or engraving device on tangible property without the effective consent of the owner.

Gang Involvement 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 are described as, but not limited to, the following:

1. being a member of, pledging to become a member of, joining, or soliciting another person to join or pledge to become a member of a gang;
2. wearing, possessing, using, distributing, displaying, or selling any clothing, jewelry, emblems, badges, symbols, signs, graffiti, or other things which are evidence of membership or affiliation in any gang;
3. committing any act or omission, or using any speech, either verbal or nonverbal (gestures, handshakes, etc.) showing membership or affiliation in a gang; or
4. 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:
5. requesting any person to pay protection or otherwise intimidating or threatening any person;
6. committing any other illegal act or other violation of District policies;
7. inciting other students to act with physical violence upon any other person; or
8. engaging in concert with others, intimidating, fighting, assaulting, or threatening to assault others.

Gives is defined as the process of turning over the possession or control of an item to someone without cost or exchange.

Harassment is:

1. Conduct that meets the definition established in district policies DIA (LOCAL) and FFH(LOCAL); or
2. Conduct that threatens to cause harm or bodily injury to another student, 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 students' physical or emotional health or safety.

Hazing means any intentional, knowing, or reckless act, on or off campus, by one person alone or acting with others, that endangers the mental or physical health or safety of a student for the

purpose of pledging, being initiated into, affiliating with, holding office in, or maintaining membership in an organization.

Hit List means a list of people targeted to be harmed using a firearm (as defined by Sec. 46.01(3) of the Texas Penal Code), a knife (as defined by Sec. 46.01(7) of the Texas Penal Code) or any other object to be used with intent to cause bodily harm.

Indecency with a Child A person commits indecency with a child when he engages in conduct described in Section 21.11 of the Texas Penal Code.

Indecent Exposure A person commits an act of indecent exposure if he engages in conduct described in Section 21.08 of the Texas Penal Code.

Loitering the act of idly or aimlessly lingering about a place; wasting time or dawdling.

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

Murder A person commits murder if he:

1. intentionally or knowingly causes the death of an individual;
2. intends to cause serious bodily injury and commits an act clearly dangerous to human life that causes the death of an individual; or
3. in the course of committing or attempting to commit a felony, the actor commits an act that is clearly dangerous to human life that causes the death of an individual.

Obscenity is defined as the character or quality of being obscene; that is, conduct tending to corrupt the public morals by its indecency or lewdness. Materials or acts are obscene if, considered as a whole, their predominant appeal is to prurient interest; that is, a shameful or morbid interest in nudity, sex or excrement. (A more detailed definition of this term can be found in Section 43.21 of the Texas Penal Code.)

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

Pornography consists of any materials meeting the definition of obscenity.

Possession means actual care, custody, control, or management. Possession does not require that the person have the object being possessed on his/her person; having an object in one's automobile, locker, book bag, or other area where one exercises care, custody, control or management over the item is possession.

Public Lewdness A person commits a public lewdness offense if he knowingly engages in sexual contact or any type of sexual intercourse in a public place or, if not in a public place, he is

reckless about whether another is present who will be offended or alarmed by his act. This definition also includes any act prohibited by Section 21.07 of the Texas Penal Code.

Public school fraternity, sorority, or secret society 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 TEC 37.12(d) are excepted from this definition.

Reasonable Belief A determination made by the superintendent or designee using all available information, including information furnished under Article 15.27 of the Code of Criminal Procedure.

Reckless A person acts recklessly or is reckless when, with respect to the circumstances surrounding the person's conduct or the result of the person's conduct, the person is aware of but consciously disregards a substantial and unjustifiable risk that the circumstances exist or the result will occur.

Retaliation Penal Code 36.06 A person commits an offense if he intentionally or knowingly harms or threatens to harm another by an unlawful act in retaliation for or on account of the service of another as a public servant, witness, prospective witness, informant, or as a person who has reported the occurrence of a crime.

Search is defined as looking through, inspecting or exploring carefully and thoroughly in order to find something.

When principals or their designated administrative representatives have reliable information that a student, school locker, vehicle, or other repository contains illegal and/or dangerous items or controlled substances, the principals/designees have the right to search that student, desk, locker, vehicle, or repository. Such searches may include any book bag, gym basket, vehicle, purse, supply packet, or anything that contains the student's personal effects.

Self-Defense is the use of force against another to the degree a person reasonably believes the force is immediately necessary to protect him or herself. Actions that escalate or continue the encounter will not be considered self-defense.

Sells is defined as the process of giving up, delivering, or exchanging (property, goods, services, etc.) for money or its equivalent.

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 Penal Code Section 1.07;
4. Conduct that constitutes the offense of:
 - a. public lewdness under Section 21.07 Penal Code,
 - b. indecent exposure under Section 21.08, Penal Code,
 - c. criminal mischief under Section 28.03, Penal Code,

- d. personal hazing under Section 37.152, or
- e. harassment under Section 42.07(a)(1), Penal Code, 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 school work 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 the discipline assigned by the teacher or administrator.

Sexual Assault A person commits a sexual assault offense if he engages in sexual acts that meet the definition of sexual assault in Section 22.011 of the Texas Penal Code.

Sexual Harassment Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, or other inappropriate verbal, written, or physical conduct of a sexual nature directed toward any other individual. [For information concerning the topics of sexual harassment and sexual abuse, please see Board policies FNCJ (Legal) and FNCJ (Local).]

Steroids Anabolic steroids are for medical use only. State law prohibits possessing, dispensing, delivering, or administering an anabolic steroid in any manner not allowed by state law. State law provides that body building, muscle enhancement, or the increase of muscle bulk or strength through the use of an anabolic steroid or human growth hormone by a person who is in good health is not a valid medical purpose. Only a medical doctor may prescribe an anabolic steroid or human growth hormone for a person. A violation of state law concerning anabolic steroids or human growth hormones is a criminal offense punishable by confinement in jail or imprisonment in the Texas Department of Corrections. A violation of this prohibition will result in disciplinary action.

Telecommunications Device Any type of device that: (1) emits an audible signal, vibrates, displays a message, or otherwise summons or delivers a communication to the possessor, or (2) permits the recording, transmission, and/or receipt of messages, voices, images or information in any format or media, electronic or otherwise.

Terroristic Threat is a threat involving violence to any person or property with intent to:

1. cause any type of reaction to his threat by an official or volunteer agency organized to deal with emergencies;
2. place any person in fear of imminent serious bodily injury;

3. prevent or interrupt the occupation or use of a building; room; place of assembly; place to which the public has access; place of employment or occupation; aircraft, automobile, or other form of conveyance; or other public place;
4. cause impairment or interruption of public communications, public transportation, public water, gas, or power supply, or other public service;
5. Place the public or a substantial group of the public in fear of serious bodily injury; or
6. Influence the conduct or activities of a branch or agency of the federal government, the state, or a political subdivision of the state (including the district).

Theft This offense, set out in Section 31.03 of the Texas Penal Code, includes, but is not limited to, the willful taking or possession of any article of value which belongs to another person is strictly prohibited. The parents of any student guilty of theft will be notified. The seriousness of the incident will determine the type of disciplinary action to be taken.

Title 5 Felony Offenses Are those that involve injury to a person and include murder; kidnapping; assault; aggravated assault; sexual assault; aggravated sexual assault; unlawful restraint; indecency with a child; injury to a child, an elderly person, or a disabled person; abandoning or endangering a child; deadly conduct; terroristic threat; aiding a person to commit suicide; and tampering with a consumer product.

Under the Influence means lacking the use of mental or physical faculties likely attributable to the student's use of a prohibited substance. Such impairment may be evidenced by the symptoms typically associated with drug or alcohol use or other abnormal or erratic behavior. The student need not be legally intoxicated.

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

Vandalism (Destruction of or Damage to Property) Willful vandalism on the part of student who damages or destroys buildings, grounds, vehicles, and/or equipment owned or contracted for the District will be investigated, and, if the student is found guilty of such vandalism, the student and his parents will be held financially accountable. A student found guilty of an act of vandalism will be subject to disciplinary action and prosecution under the law. This accountability includes damage to buses used to transport students to and from school and school-sponsored activities.

Vehicles on Campus Vehicles parked on school property are under the jurisdiction of the school. The school reserves the right to search any vehicle if reasonable cause exists to do so. Students have full responsibility for the security of their vehicles and will make certain they are locked and that the keys are not given to others. Students will be held responsible for any prohibited objects or substances, such as alcohol, drugs, and weapons that are found in their cars and will be subject to disciplinary action. Searches of vehicles may be conducted at any time there is reasonable cause to do so, with or without the presence of the student.

Weapons Weapons shall include, but are not limited to, the following weapons that are illegal or prohibited under the Texas Penal Code 46.01:

1. Armor-piercing ammunition means handgun ammunition that is designed primarily for the purpose of penetrating metal or body armor and to be used principally in pistols and revolvers.
2. Chemical dispensing device means a device, other than a small chemical dispenser sold commercially for personal protection that is designed, made, or adapted for the purpose of causing an adverse psychological or physiological effect on a human being.
3. Chinese Star or Chinese Throwing Star means a hand instrument, typically in a star shape with sharp points, designed to cut or stab another by being thrown.
4. Club means an instrument that is specifically 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, the following:
 - blackjack;
 - nightstick;
 - mace; or
 - tomahawk.
5. Explosive weapon means any explosive or incendiary bomb, grenade, rocket, or mine that is designed, made, or adapted for the purpose of inflicting serious bodily injury, death, or substantial property damage, or for the principal purpose of causing such a loud report as to cause undue public alarm or terror, and includes a device designed, made, or adapted for delivery or shooting an explosive weapon.
6. Firearms means any device designed, made, or adapted to expel a projectile through a barrel by using the energy generated by an explosion or burning substance or any device readily convertible to that use.
7. Firearm silencer means any device designed, made, or adapted to muffle the report of a firearm.
8. Handgun means any firearm that is designed, made, or adapted to be fired with one hand.
9. Hoax bomb means a device that:
 - reasonably appears to be an explosive or incendiary device; or
 - by its design causes alarm or reaction of any type by an official of a public safety agency or a volunteer agency organized to deal with emergencies.
10. Illegal knife means a:
 - knife with a blade over five and one-half inches;
 - hand instrument designed to cut or stab another by being thrown;
 - dagger, including, but not limited to, a dirk, stiletto, and poniard;
 - bowie knife;
 - sword; or
 - spear;

Switchblade knife means any knife that has a blade that folds, closes, or retracts into the handle or sheath, and that opens automatically by pressure applied to a button or other device located on the handle or opens or releases a blade from the handle or sheath by the force of gravity or by the application of centrifugal force.

The term does not include a knife that has a spring, detent, or other mechanism designed to create a bias toward closure and that requires exertion applied to the blade by hand, wrist, or arm to overcome the bias toward closure and open the knife.

11. Knife means any bladed hand instrument that is capable of inflicting serious bodily injury or death by cutting or stabbing a person with the instrument.
12. Knuckles means any instrument that consists of finger rings or guards made of a hard substance and that is designed, made, or adapted for the purpose of inflicting serious bodily injury or death by striking a person with a fist enclosed in the knuckles.
13. Machine gun means any firearm that is capable of shooting more than two shots automatically, without manual reloading by a single function of the trigger.
14. Short-barrel firearm means 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 shotgun or rifle if, as altered, it has an overall length of less than 26 inches.
15. Zip gun means a device or combination of devices that was not originally a firearm and is adapted to expel a projectile through a smooth-bore or rifle-bore barrel by using the energy generated by an explosion or burning substance.
16. Tire deflation device means 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.

Copies of the provisions of the Texas Penal Code, the Texas Education Code and other statutes that are referred to in the Student Code of Conduct are available from any campus principal or from the central office. These include: Sections 15.01, 19.02, 19.03, 19.04, 19.05, 20.04, 21.02, 21.07, 21.08, 21.11, 22.05, 22.01, 22.02, 22.07, 22.011, 22.21, 29.02, 29.03, 46.01 and 46.05 of the Texas Penal Code; Chapters 481 and 484 and Sections 485.031 through 485.034 of the Texas Health and Safety Code; 21 U.S.C. Section 801 *et seq.*; Section 1.04 of the Texas Alcoholic Beverage Code; and 18 U.S.C. Section 921

MISCELLANEOUS

Reports to Local Law Enforcement The principal of a public or private primary or secondary school, or a person designated by the principal, shall notify any police department of the municipality in which the school is located or if that school is not in a municipality, the sheriff of the county in which the school is located if the principal has reasonable grounds to believe that any of the following activities occur in school, on school property, or at school-sponsored or school-related activities or off school property, whether or not the activity is investigated by school officials:

1. conduct that may constitute an offense listed in Texas Government Code Section 508.149;
2. deadly conduct under Section 22.05 Texas Penal Code;
3. a terroristic threat under Section 22.077, Texas Penal Code;
4. use, sale, or possession of a controlled substance, drug paraphernalia, or marijuana under Chapter 481, Health and Safety Code; or
5. possession of any of the weapons or devices listed under Section 46.01 (1-14) or Section 46.01 (16) Texas Penal Code; or

6. conduct that may constitute a criminal offense under Texas Penal Code Section 71.02 (Engaging in Organized Criminal Activity);
7. Conduct that might constitute a criminal offense for which a student may be expelled under Texas Education Code Section 37.007(a), (d), or (e).

Law Enforcement Questioning of Students For law enforcement officers or other lawful authorities questioning of a student in school, the following guidelines shall apply:

1. Before the principal permits the questioning of a student by a law enforcement officer or other authority, the principal or the principal's designee shall verify and record the identity of the officer or other authority and request the officer to state the necessity of questioning the student while in school.
2. The principal or the principal's designee shall make reasonable efforts to contact the student's parents or other person having lawful control of the student. If the officer or other authority raises what the principal or the principal's designee considers being a valid objection to the notification, parents shall not be notified.
3. The principal or the principal's designee shall ordinarily be present during the questioning or interview. If the office or other authority rises what the principal or the principal's designee considers a valid objection to a third party's presence, the interview shall be conducted without the presence of the principal or a designee.
4. When the event is part of a child abuse investigation conducted by the Texas Department of Protective and Regulatory Services or other lawful authority, the principal or the principal's designee shall cooperate fully with the investigators' requests regarding the conditions of the interview or questioning.

Arrested Students If a District student at school is subject to arrest or apprehension by a law enforcement officer or other legally authorized person, the principal or the principal's designee shall verify the official's identity and, to the best of the ability of the principal or the principal's designee shall verify the official's authority to take custody of the student, including requesting to see any summons or warrant, and shall then deliver the student into the official's custody. The principal or the principal's designee shall immediately notify the parents and the Superintendent. If the office or authority taking the student into custody raises what the principal or the principal's designee considers being a valid objection to notifying the parents at that time, the principal or the principal's designee shall not notify the parents.

Physical Restraint With respect to students with disabilities, physical restraint shall be used only in accordance with the provisions of Section 37.0021 of the Texas Education Code and the rules adopted by the Commissioner in compliance with that statute. With respect to students who are not receiving special education services, any District employee may, within the scope of the employee's duties, use and apply physical restraint to a student that the employee reasonably believes is necessary in order to:

1. protect a person, including the person using the physical restraint, from physical injury;
2. obtain possession of a weapon or other dangerous object;
3. protect property from serious damage;

4. remove from a specific location a student refusing a lawful command of a school employee, including from a classroom or other school property, in order to maintain or restore order or impose disciplinary measures; or
5. restrain an irrational student.

The use of force, but not deadly force, against a student is justified if the teacher, administrator or other person is entrusted with the care, supervision or administration of the student, and when and to the degree the teacher, administrator or person reasonably believes the force is necessary to further the purpose of education or to maintain discipline in a group.