



# San Felipe Del Rio C.I.S.D. Student Code of Conduct

THE DISTRICT'S LOCAL STUDENT CODE OF CONDUCT IS MANDATED BY  
CHAPTER 37 OF THE TEXAS EDUCATION CODE

*If you have difficulty accessing the information in this document because of a disability, please contact [web\\_master@sfd-r-cisd.org](mailto:web_master@sfd-r-cisd.org) or call the Offices of Student Services at (830)778-4185*

BOARD ADOPTION – JULY 25, 2022

## Letter to Parents and Students

Welcome to the 2022–2023 school year! As required by state law, the Board of Trustees has officially adopted the 2022-23 **SFDRICISD Student Code of Conduct** in order to promote a safe and orderly learning environment for every student. It is particularly important that you take time to become familiar with this publication and thoroughly discuss it with your children.

The Student Code of Conduct specifically explains legal policies, rules, and regulations that pertain to wrong or inappropriate behaviors, which may, in certain cases, violate state law. The district's Code stands as an authoritative document and, once adopted, has the force of policy.

*Parents*, we believe that students can make responsible decisions regarding their behavior when they understand the rules and the consequences of violating them. We especially ask that you consistently monitor your child's academic, social and emotional well-being. Please keep in touch with us often and reach out to us if either of you or your child needs help. Our campus principals and staff are always available to explain policies and procedures, even if it means making this document easily accessible or translating it in a language that is understood by you.

*Students*, ask for help before a problem arises or worsens. We believe all successes begin with self-discipline. It starts with YOU! By working together, we can keep our energy focused upon our primary goal - *your* learning.

On a final note, both the parent and student should sign and return the acknowledgment form. By doing so, we can confirm that you have reviewed the school rules and expectations, and the authority the school district has to administer disciplinary action whenever the interest of the District is involved, on or off school grounds, in conjunction with or independent of classes and school-sponsored activities.

If you have any questions concerning the SFDRICISD Student Code of Conduct, please contact our Administrative Director at 830-778-4073.

Sincerely,

Carlos H. Rios, Ed. D  
Superintendent of Schools

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2022 - 2023

# San Felipe Del Rio Consolidated Independent School District

## Student Code of Conduct

### **ACCESSIBILITY**

If you have difficulty accessing the information in this document because of disability, please contact [web\\_master@sfdrcisd.org](mailto:web_master@sfdrcisd.org) or call the Offices of Student Services at (830)778-4185.

### **PURPOSE**

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

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

This **Student Code of Conduct** has been adopted by the San Felipe Del Rio Consolidated Independent School District Board of Trustees and developed with the advice of the District-level committee. The Code provides information to parents and students regarding standards of conduct, consequences of misconduct, and procedures for administering discipline. The Code is in effect during the school day, summer school and at all school-related activities and events occurring outside the school day/year, until the board adopts an updated version for the next school year.

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

Because the Student Code of Conduct is adopted by the district's board of trustees, it has the force of policy. In the event of a conflict between the Code and the Student Handbook, the Code shall prevail.

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

### **SCHOOL DISTRICT AUTHORITY AND JURISDICTION**

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

The District has disciplinary authority over a student:

- During the regular school day;
- During lunch periods (all SFDRCISD campuses follow a closed campus policy);

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

### **Campus Behavior Coordinator**

As required by law, a person at each campus must be designated to serve as the campus behavior coordinator. The designated person may be the principal of the campus or any other campus administrator selected by the principal. The campus behavior coordinator is primarily responsible for maintaining student discipline. The district shall post on its website and in the Student Handbook, for each campus, the email address and telephone number of the person serving as campus behavior coordinator. Contact information may be found on each campus webpage at [www.sfdrcisd.org](http://www.sfdrcisd.org) under the "Schools" tab.

### **Threat Assessment and Safe and Supportive School Team**

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

### **Searches**

District officials may conduct searches of students, their belongings, and their vehicles in accordance with state and federal law and district policy. Searches of students shall be conducted in a reasonable and nondiscriminatory manner. Refer to the district's policies at FNF(LEGAL) and FNF(LOCAL) for more information regarding investigations and searches.

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

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

## Reporting Crimes

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

## Security Personnel

To ensure sufficient security and protection of students, staff, and property, the board employs police officers and security personnel. In accordance with law, the board has coordinated with the campus behavior coordinator and other district employees to ensure appropriate law enforcement duties are assigned to security staff. The law enforcement duties of district peace officers are listed in policy CKE(LOCAL). The law enforcement duties of district security personnel are:

- Monitor student behavior and enforce school rules related to student conduct, vehicle operation, and parking;
- Resolve conflict or confrontation between students and report disturbances to principal or assistant principal; and
- Control traffic and parking on campus grounds.

## “Parent” Defined

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

## Participating in Graduation Activities

The district has the right to limit a student’s participation in graduation activities for violating the district’s Code. Participation might include a speaking role, as established by district policy and procedures.

Students eligible to give the opening and closing remarks at graduation shall be notified by the campus principal. Notwithstanding any other eligibility requirements, in order to be considered as an eligible student to give the opening or closing remarks, a student shall not have engaged in any misconduct in violation of the district’s Code resulting in an out-of-school suspension, removal to a DAEP, or expulsion during the semester immediately preceding graduation.

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

## Revoking Transfers

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

## Unauthorized Persons

As allowed by Education Code § 37.105, a school administrator, school resource officer (SRO), or District police officer shall have the authority to refuse entry or eject a person from District property if the person refuses to leave peaceably upon request and:

1. The person poses a substantial risk of harm to any person; or
2. The person behaves in a manner that is inappropriate for a school setting, and the person persists in the behavior after being given

a verbal warning that the behavior is inappropriate and may result in refusal of entry or rejection.

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

See **DAEP—Restrictions During Placement** for information regarding a student assigned to DAEP at the time of graduation.

## DISTRICT EXPECTATIONS

### Standards for Student Conduct

Students are expected to:

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

### Student Responsibility and District Expectations

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

Students are expected to:

1. Develop good habits, such as
  - attending school daily.
  - arriving to classes punctually.
  - working well independently.
  - using appropriate language.
  - maintaining good health habits.
2. Assume responsibility for their actions by
  - keeping their parents informed of school activities, of credits earned and required, of supplies needed, and of communications sent home.
  - being self-disciplined.
  - making their own decisions despite peer pressure.
  - accepting the consequences for their behavior including penalties for inappropriate behavior.
  - using time wisely.
  - completing work on time.
  - having good study habits.
  - practicing neatness.
  - doing all assigned work.
3. Maintain a positive attitude by
  - being proud of personal accomplishments.

- being trustworthy.
  - having academic integrity.
4. Respect the rights of others by
    - allowing others to concentrate on their work.
    - allowing others to assume responsibility for their own actions.
    - learning to resolve differences in appropriate ways.
    - realizing that their behavior will directly affect others.
    - respecting others' property.
  5. Treat others with respect by
    - working and interacting well with others.
    - being courteous.
    - being polite and helpful.
    - caring for others.
    - not bullying.
    - displaying affection appropriately.
    - appreciating others' accomplishments.
    - expressing opinions and ideas in a respectful manner so as not to slander others.
  6. Treat teachers and school staff with respect by
    - being cooperative.
    - being attentive.
    - listening to teachers.
    - being polite.
  7. Respect the authority of teachers and other school staff by
    - listening to them.
    - following their directions.
    - questioning the classroom teacher appropriately.
    - seeking changes in school rules and policies in an appropriate and responsible manner through approved channels.
  8. Obey all school and classroom rules and procedures, such as
    - being in the appropriate seat and ready when the bell rings.
    - being prepared for each class with appropriate materials and assignments.
  9. Participate in assigned academic activities, such as
    - attending all classes.
    - bringing supplies as required for classroom work.
    - talking when it is appropriate.
    - following instructions.
    - doing all assignments.
  10. Assume responsibility for maintaining the learning environment, such as
    - coming to school well-groomed and dressed appropriately.
    - walking quietly in the school hallways.
    - staying in the classroom seat as required.
  11. Take care of the school, such as
    - helping keep it clean.
    - keeping it free from destruction.
    - cooperating with school staff on vandalism cases.
    - helping keep the school a safe place to be.

## Parent and/or Guardian Responsibility

Parents have the responsibility to:

1. Ensure that their child complies with District and school policies, rules and regulations.
2. Assist their child to attend school well-groomed and dressed appropriately.
3. Communicate regularly with the school concerning their child's academic progress and conduct.
4. Provide for the physical needs of the child.
5. Participate in parent-teacher conferences and other activities in which their child is involved.
6. Cooperate with and support teachers and school administrators in their efforts to achieve and maintain a quality school system.
7. Discuss report cards and classroom assignments with their child.
8. Inform the school of any problems or conditions in the home, which affect their child.
9. Provide a work area free of interruption where their child may study and do homework.
10. Maintain up-to-date home, work, and emergency telephone numbers at the school.
11. Prepare the child emotionally and socially to be receptive to learning and discipline.
12. Encourage the child to develop proper study habits at home.
13. Send their child to school daily and on time.
14. Teach their child to respect authority.
15. Insist that the child spend a minimum period of time studying each day.
16. Assist the child to assume responsibility for appropriate behavior and to accept the consequences of inappropriate behavior.
17. Cooperate with the school in assisting their child to grow into a self-disciplined, mature, and responsible individual.

## Teacher Responsibility

Teachers have the responsibility to:

1. Provide an effective program of instruction.
2. Maintain an orderly classroom, conducive to learning.
3. Serve as a model for students by showing respect for themselves, students, parents, and other school personnel.
4. Be in regular attendance.
5. Be punctual.
6. Communicate regularly with parents regarding their child's progress.
7. Maintain a well-groomed appearance and dress appropriately to serve as a role model for students.
8. Indicate a genuine interest and concern for the welfare of students.
9. Assist students to follow the rules of expected behavior.
10. Teach students responsibility for their actions by enforcing the rules of conduct and discipline fairly and appropriately for those students who violate these rules.
11. Recognize the growth, success, and achievement of students.
12. Obey District and school policies and regulations.
13. Teach to the standards of performance required by the District.
14. Establish rapport and an effective working relationship with parents, students, and other staff members.
15. Encourage work habits that will lead to the accomplishment of both short-term and long-term goals.

## Administrator Responsibility

Administrators have the responsibility to:

1. Establish a climate for learning that is conducive to good teacher performance and maximum student growth.
2. Provide appropriate support for teachers in dealing with students who are sent to the office for behaving inappropriately.
3. Implement a flexible curriculum within the limits provided by the District and the state to meet the needs of all students.
4. Promote effective training and discipline based upon fair and impartial treatment of all students using the Student Code of Conduct as a reference point.
5. Encourage parents to keep in regular communication with the school and encourage parental participation in required parent-teacher conferences.
6. Develop a cooperative working relationship among staff and students.
7. Assist students by providing appropriate assistance in learning self-discipline.
8. Assume responsibility and instructional leadership for discipline and for evaluation of the discipline management plan.
9. Ensure student safety and partner with police through maintenance of the school grounds.
10. Work to assure that the physical surroundings are conducive to a learning environment.
11. Manage human and physical resources in a manner that supports the overall goals of the educational program.
12. Appear at school in a well-groomed and appropriately dressed manner.
13. School administrators will report crimes as required by law and will immediately call local law enforcement when an administrator suspects that a crime has been committed on campus.

## GENERAL CONDUCT VIOLATIONS

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

### Disregard for Authority

Students shall not:

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

### Mistreatment of Others

Students shall not:

- Use profanity or vulgar language or make obscene gestures.
- Fight or scuffle. (For assault, see **DAEP—Placement and/or Expulsion for Certain Offenses**.)

- Threaten a district student, employee, or volunteer, including off school property, if the conduct causes a substantial disruption to the educational environment.
- Engage in bullying, cyberbullying, harassment, or making hit lists. (See **glossary** for all four terms.)
- Release or threaten to release intimate visual material of a minor or a student who is 18 years of age or older without the student's consent.
- Engage in sexual or gender-based harassment or sexual abuse, whether by word, gesture, or any other conduct directed toward another person, including a district student, employee, board member, or volunteer.
- Engage in conduct that constitutes dating violence. (See **glossary**.)
- Engage in inappropriate or indecent exposure of private body parts.
- Participate in hazing. (See **glossary**.)
- Coerce an individual to act through the use of or threat of force (coercion).
- Commit extortion or blackmail (obtaining money or an object of value from an unwilling person).
- Engage in inappropriate verbal, physical, or sexual conduct directed toward another person, including a district student, employee, or volunteer.
- Record the voice or image of another without the prior consent of the individual being recorded or in any way that disrupts the educational environment or invades the privacy of others.

### Property Offenses

Students shall not:

- Damage or vandalize property owned by others. (For felony criminal mischief, see **DAEP—Placement and/or Expulsion for Certain Offenses**.)
- Deface or damage school property—including textbooks, technology and electronic resources, lockers, furniture, and other equipment—with graffiti or by other means.
- Steal from students, staff, or the school.
- Commit or assist in a robbery or theft, even if it does not constitute a felony according to the Penal Code. (For felony robbery, aggravated robbery, and theft, see **DAEP— Placement and/or Expulsion for Certain Offenses**.)
- Enter, without authorization, district facilities that are not open for operations.

### Possession of Prohibited Items

Students shall not possess or use:

- Fireworks of any kind, smoke or stink bombs, or any other pyrotechnic device;
- A razor, box cutter, chain, or any other object used in a way that threatens or inflicts bodily injury to another person;
- A “look-alike” weapon that is intended to be used as a weapon or could reasonably be perceived as a weapon;
- An air gun or BB gun;



- Ammunition;
- A hand instrument designed to cut or stab another by being thrown;
- A firearm silencer or suppressor;
- \*A location-restricted knife;
- \*A club;
- \*A firearm;
- A stun gun;
- Knuckles;
- A pocketknife or any other small knife;
- Mace or pepper spray;
- Pornographic material;
- Tobacco products; cigarettes; e-cigarettes; and any component, part, or accessory for an e-cigarette device;
- Matches or a lighter;
- A laser pointer, unless it is for an approved use; or
- Any articles not generally considered to be weapons, including school supplies, when the principal or designee determines that a danger exists.

**Note:** \*For weapons and firearms, see **DAEP—Placement and/or Expulsion for Certain Offenses**. In many circumstances, possession of these items is punishable by mandatory expulsion under federal or state law.

### Possession of Telecommunications or Other Electronic Devices

Students shall not:

- Use a telecommunications device, including a cell phone, or other electronic device in violation of district and campus rules. [See Cell Phone and Electronic Devices Policy in Section B]

### Illegal, Prescription and Over-the-Counter Drugs

Students shall not:

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

### Misuse of Technology Resources and the Internet

Students shall not:

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

### Safety Transgressions

Students shall not:

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

### Miscellaneous Offenses

Students shall not:

- Violate dress and grooming standards as communicated in the Student Handbook.
- Engage in academic dishonesty, which includes cheating or copying the work of another student, plagiarism, and unauthorized communication between students during an examination.
- Gamble.
- Falsify records, passes, or other school-related documents.
- Engage in actions or demonstrations that substantially disrupt or materially interfere with school activities.
- Repeatedly violate other communicated campus or classroom standards of conduct.

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

## **DISCIPLINE MANAGEMENT TECHNIQUES AND PROCEDURES**

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

### **Students with Disabilities**

The discipline of students with disabilities is subject to applicable state and federal law in addition to the Code. To the extent any conflict exists, the district shall comply with federal law. For more information regarding discipline of students with disabilities, see policy FOF(LEGAL).

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

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

### **Techniques**

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

- Verbal correction, oral or written.
- Cooling-off time or a brief "time-out" period, in accordance with law.
- Seating changes within the classroom or vehicles owned or operated by the district.
- Temporary confiscation of items that disrupt the educational process.
- Rewards or demerits.
- Behavioral contracts.
- Counseling by teachers, school counselors, or administrative personnel.
- Parent-teacher conferences.
- Behavior coaching.
- Anger management classes.
- Mediation (victim-offender).
- Classroom circles.
- Family group conferencing.
- Grade reductions for cheating, plagiarism, and as otherwise permitted by policy.
- Detention, including outside regular school hours.
- Sending the student to the office or other assigned area, or to in-school suspension.
- Assignment of school duties, such as cleaning or picking up litter.
- Withdrawal of privileges, such as participation in extracurricular activities, eligibility for seeking and holding honorary offices, or membership in school-sponsored clubs and organizations.
- Penalties identified in individual student organizations' extracurricular standards of behavior.

- Restriction or revocation of district transportation privileges.
- School-assessed and school-administered probation.
- Out-of-school suspension, as specified in **Out-of-School Suspension**.
- Placement in a DAEP, as specified in **DAEP**.
- Placement and/or expulsion in an alternative educational setting, as specified in **Placement and/or Expulsion for Certain Offenses**.
- Expulsion, as specified in Expulsion on page 46.
- Referral to an outside agency or legal authority for criminal prosecution in addition to disciplinary measures imposed by the district.
- Other strategies and consequences as determined by school officials.

### **Prohibited Aversive Techniques**

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

- Using techniques designed or likely to cause physical pain, other than corporal punishment as permitted by district policy. [See policy FO(LOCAL).]
- Using techniques designed or likely to cause physical pain by electric shock or any procedure involving pressure points or joint locks.
- Directed release of noxious, toxic, or unpleasant spray, mist, or substance near a student's face.
- Denying adequate sleep, air, food, water, shelter, bedding, physical comfort, supervision, or access to a restroom facility.
- Ridiculing or demeaning a student in a manner that adversely affects or endangers the learning or mental health of the student or constitutes verbal abuse.
- Employing a device, material, or object that immobilizes all four of a student's extremities, including prone or supine floor restraint.
- Impairing the student's breathing, including applying pressure to the student's torso or neck or placing something in, on, or over the student's mouth or nose or covering the student's face.
- Restricting the student's circulation.
- Securing the student to a stationary object while the student is standing or sitting.
- Inhibiting, reducing, or hindering the student's ability to communicate.
- Using chemical restraints.
- Using time-out in a manner that prevents the student from being able to be involved in and progress appropriately in the required curriculum or any applicable individualized education program (IEP) goals, including isolating the student by the use of physical barriers.
- Depriving the student of one or more of the student's senses, unless the technique does not cause the student discomfort or complies with the student's IEP or behavior intervention plan (BIP).

### **NOTIFICATION OF CODE VIOLATION**

The campus behavior coordinator shall promptly notify a student's parent by phone or in person of any violation that may result in in-school or out-of-school suspension, placement in a DAEP, placement in a JJAEP, or expulsion. The campus behavior coordinator shall also notify a student's

parent if the student is taken into custody by a law enforcement officer under the disciplinary provisions of the Education Code.

A good faith effort shall be made on the day the action was taken to provide to the student for delivery to the student's parent written notification of the disciplinary action. If the parent has not been reached by telephone or in person by 5:00 p.m. of the first business day after the day the disciplinary action was taken, the campus behavior coordinator shall send written notification by U.S. Mail. If the campus behavior coordinator is not able to provide notice to the parent, the principal or designee shall provide the notice.

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

### **APPEALS**

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

[https://pol.tasb.org/Policy/Download/1180?filename=FNG\(LOCAL\).pdf](https://pol.tasb.org/Policy/Download/1180?filename=FNG(LOCAL).pdf)

The district shall not delay a disciplinary consequence while a student or parent pursues a grievance. In the instance of a student who is accused of conduct that meets the definition of sexual harassment as defined by Title IX, the district will comply with applicable federal law, including the Title IX formal complaint process. See policies FFH(LEGAL) and (LOCAL).

### **REMOVAL FROM A SCHOOL BUS**

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

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

### **REMOVAL FROM THE REGULAR EDUCATIONAL SETTING**

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

#### **Routine Referral**

A routine referral occurs when a teacher sends a student to the principal or assistant principal's office as a discipline management technique. The principal or assistant principal shall employ alternative discipline

management techniques, including progressive interventions. A teacher or administrator may remove a student from class for behavior that violates this Code to maintain effective discipline in the classroom.

### **Formal Removal**

A teacher may also initiate a formal removal from class if:

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

Within three (3) school days of the formal removal, the campus behavior coordinator or appropriate administrator shall schedule a conference with the student's parent, the student, the teacher who removed the student from class, and any other appropriate administrator.

At the conference, the campus behavior coordinator shall inform the student of the alleged misconduct and the proposed consequences. The student shall have an opportunity to give his or her version of the incident.

When a student is removed from the regular classroom by a teacher and a conference is pending, the campus behavior coordinator may place the student in:

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

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

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

### **Returning a Student to the Classroom**

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

A student who has been formally removed by a teacher for any other conduct, may be returned to the teacher's class without the teacher's consent if the placement review committee determines that the teacher's class is the best or only alternative available.

Special education students may not be removed in violation of specific IEP provisions or for more than ten cumulative school days during one school year without prior ARD committee approval.

### **OUT-OF-SCHOOL SUSPENSIONS**

#### **Misconduct**

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

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

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

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

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

### **Process**

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

The District shall not impose a grade penalty for make-up work after an absence because of suspension.

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

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

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

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 student's capacity to appreciate the wrongfulness of the student's conduct.
5. A student's status in the conservatorship of the Department of Family and Protective Services (foster care), or
6. A student's status as homeless.

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

### **Coursework During Suspension**

The district shall ensure a student receives access to coursework for foundation curriculum courses while the student is placed in in-school or

out-of-school suspension, including at least one method of receiving this coursework that doesn't require the use of the internet.

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

### **DISCIPLINARY ALTERNATIVE EDUCATION PROGRAM (DAEP) PLACEMENT**

The DAEP (also referred to as the Student Guidance and Learning Center) 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–5th grade and secondary classification shall be grades 6–12.

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

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

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

### **Discretionary Placement: Misconduct That May Result in DAEP Placement**

A student may be placed in a DAEP for the following conduct violations:

#### ***Misconduct Identified in State Law***

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

- Engaging in bullying that encourages a student to commit or attempt to commit suicide.
- Inciting violence against a student through group bullying.
- Releasing or threatening to release intimate visual material of a minor or of a student who is 18 years of age or older without the student's consent.
- Involvement in a public school fraternity, sorority, or secret society, including participating as a member or pledge, or soliciting another person to become a pledge or member of a public school fraternity, sorority, secret society, or gang. (See **glossary**.)
- Involvement in criminal street gang activity. (See **glossary**.)

- Any criminal mischief, including a felony.
- Assault (no bodily injury) with threat of imminent bodily injury.
- Assault by offensive or provocative physical contact.

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

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

### **Mandatory Placement: Misconduct That Requires DAEP Placement**

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

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

- Commits a federal firearms violation and is younger than six years of age.
- Engages in conduct that contains the elements of the offense of retaliation against any school employee or volunteer on or off school property. (Committing retaliation in combination with another expellable offense is addressed in **Expulsion** on page 46.)
- Engages in conduct punishable as aggravated robbery or a felony listed under Title 5 (see **glossary**) of the Penal Code when the conduct occurs off school property and not at a school-sponsored or school-related event 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 designee has a reasonable belief (see **glossary**) that the student engaged in the conduct.

### **Sexual Assault and Campus Assignments**

A student shall be transferred to another campus if:

- The student has been convicted of continuous sexual abuse of a young child or disabled individual or convicted of or placed on deferred adjudication for sexual assault or aggravated sexual assault against another student on the same campus, and
- The victim's parent or another person with the authority to act on behalf of the victim requests that the board transfer the offending student to another campus.

If there is no other campus in the district serving the grade level of the offending student, the offending student shall be transferred to a DAEP.

### **Process for Removals to DAEP**

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

### **Required Conference**

When a student is removed from class for a DAEP offense, the campus behavior coordinator or appropriate administrator shall provide the student:

- Information, orally or in writing, of the reasons for the removal;
- An explanation of the basis for the removal; and
- An opportunity to respond to the reasons for the removal.

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

### **Consideration of Mitigating Factors**

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

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



## **Placement Order**

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

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

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

## **Coursework Notice**

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

## **Length of Placement**

The campus behavior coordinator shall determine the duration of a student's placement in a DAEP.

The duration of a student's placement shall be determined 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 period of DAEP placement shall be one calendar year, except as provided below.

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

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

### **Exceeds One Year**

Placement in 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.

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

### **Exceeds School Year**

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

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

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

### **Exceeds 60 Days**

For placement in a DAEP to extend beyond 60 days or the end of the next grading period, whichever is sooner, a student's parent shall be given notice and the opportunity to participate in a proceeding before the board or the board's designee.

## **Appeals**

Questions from parents regarding disciplinary measures should be addressed to the campus administration.

Student or parent appeals regarding a student's placement in a DAEP should be addressed in accordance with policy FNG(LOCAL). A copy of this policy may be obtained from the principal's office, the campus behavior coordinator's office, the central administration office, or through Policy On Line at:

[https://pol.tasb.org/Policy/Download/1180?filename=FNG\(LOCAL\).pdf](https://pol.tasb.org/Policy/Download/1180?filename=FNG(LOCAL).pdf)

Appeals shall begin at Level 2 with the District Hearing Officer in accordance with policy FOC (LEGAL).

The district shall not delay disciplinary consequences pending the outcome of an appeal. The decision to place a student in a DAEP cannot be appealed beyond the board.

## **Restrictions During Placement**

State law prohibits a student placed in a DAEP, for reasons specified in state law, from attending or participating in school-sponsored or school-related extra-curricular activities.

A student placed in a DAEP shall not be provided transportation unless he or she is a student with a disability who has transportation designated as a related service in the student's IEP.

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

## **Placement Review**

A student placed in a DAEP shall be provided a review of his or her status, including academic status, by the appropriate campus administrator or the board's designee at intervals not to exceed 120 days. In the case of a high school student, the student's progress toward graduation and the student's graduation plan shall also be reviewed. At the review, the student or the student's parent shall be given the opportunity to present arguments for the student's return to the regular classroom or campus. The student may not be returned to the classroom of a teacher who removed the student without that teacher's consent.

## **Additional Misconduct**

If, during the term of placement in a disciplinary alternative education program, 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**

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

1. Prosecution of a student's case was refused for lack of prosecutorial merit of insufficient evidence and no formal proceedings, deferred adjudication, 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.

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

### **Withdrawal During Process**

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

### **Newly Enrolled Students**

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

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

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

### **Emergency Placement Procedure**

When an emergency placement is necessary because the student's behavior is so unruly, disruptive, or abusive that it seriously interferes with classroom or school operations, the student shall be given oral notice of the reason for the action. Not later than the tenth (10<sup>th</sup>) day after the date of the placement, the student shall be given the appropriate conference required for assignment to a DAEP.

### **Transition Services**

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

### **PLACEMENT AND/OR EXPULSION FOR CERTAIN OFFENSES**

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

#### **Registered Sex Offenders**

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

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

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

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

#### **Review Committee**

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

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

### Newly Enrolled Student

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

### Appeal

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

### Certain Felonies

Regardless of whether placement or expulsion is required or permitted by one of the reasons in the "Categories of Offenses" sections, in accordance with Education Code § 37.0081, a student may be expelled and placed in either DAEP or JJAEP if the board or campus behavior coordinator makes certain findings and the following circumstances exist in relation to aggravated robbery or a felony offense under Title 5 of the Texas Penal Code. The student must:

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

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

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

### Hearing and Required Findings

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

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

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

### Length of Placement

The student is subject to the placement until:

1. The student graduates from high school;
2. The charges are dismissed or reduced to a misdemeanor offense; or
3. The student completes the term of the placement or is assigned to another program.

### Placement Review

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

### Newly Enrolled Students

A student who enrolls in the District before completing a placement under this section from another school district must complete the term of the placement.

### EXPULSION

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

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

### Discretionary Expulsion: Misconduct That May Result in Expulsion

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

### Any Location

A student **may** be expelled for:

- Engaging in bullying that encourages a student to commit or attempt to commit suicide.
- Inciting violence against a student through group bullying.
- Releasing or threatening to release intimate visual material of a minor or of a student who is 18 years of age or older without the student's consent.
- Conduct that contains the elements of assault under Penal Code 22.01(a)(1) in retaliation against a school employee or volunteer.
- Criminal mischief, if punishable as a felony.
- Engaging in conduct that contains the elements of one of the following offenses against another student:
  - Aggravated assault.



- Sexual assault.
- Aggravated sexual assault.
- Murder.
- Capital murder.
- Criminal attempt to commit murder or capital murder.
- Aggravated robbery.
- Breach of computer security. (See **glossary**)
- Engaging in conduct relating to a false alarm or report (including a bomb threat) or a terroristic threat involving a public school.

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

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

- Selling, giving, or delivering to another person, or possessing, using, or being under the influence of marijuana, a controlled substance, or a dangerous drug, if the conduct is not punishable as a felony. A student with a valid prescription for low-THC cannabis as authorized by Chapter 487 of the Health and Safety Code does not violate this provision. (See glossary for "under the influence.")
- Selling, giving, or delivering another person, or possessing, using, or being under the influence of alcohol; or committing a serious act or offense while under the influence of alcohol, if the conduct is not punishable as a felony
- Engaging in conduct that contains the elements of an offense relating to abusable volatile chemicals.
- Engaging in conduct that contains the elements of assault under Penal Code 22.01(a)(1) against an employee or a volunteer.
- Engaging in deadly conduct. (See glossary.)

### Within 300 Feet of School

A student may be expelled for engaging in the following conduct while within 300 feet of school property, as measured from any point on the school's real property boundary line:

- Aggravated assault, sexual assault, or aggravated sexual assault.
- Arson. (See glossary.)
- Murder, capital murder, or criminal attempt to commit murder or capital murder.
- Indecency with a child.
- Aggravated kidnapping.
- Manslaughter.
- Criminally negligent homicide.
- Aggravated robbery.
- Continuous sexual abuse of a young child or disabled individual.
- Felony drug- or alcohol-related offense.
- Unlawfully carrying on or about the student's person a handgun or a location-restricted knife, as these terms are defined by state law. (See glossary.)
- Possessing, manufacturing, transporting, repairing, or selling a prohibited weapon, as defined by state law. (See glossary.)
- Possession of a firearm, as defined by federal law. (See glossary.)

### Property of Another District

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

### While in a DAEP

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

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

### Mandatory Expulsion: Misconduct That Requires Expulsion under Texas Education Code § 37.007 and Federal Law

A student **must** be expelled under federal or state law for any of the following offenses that occur on school property or while attending a school-sponsored or school-related activity on or off school property:

#### Under Federal Law

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

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

#### Under the Penal Code

- Unlawfully carrying on or about the student's person the following, in the manner prohibited by Penal Code 46.02:
- A handgun, defined by state law as any firearm designed, made, or adapted to be used with one hand. (See **glossary**.)  
**Note:** A student may not be expelled solely on the basis of the student's use, exhibition, or possession of a firearm that occurs at an approved target range facility that is not located on a school campus, while participating in or preparing for a school-sponsored, shooting sports competition or a shooting sports educational activity that is sponsored or supported by the Parks and Wildlife Department, or a shooting sports sanctioning organization working with the department. [See policy FNCG(LEGAL).]
- A location-restricted knife, as defined by state law. (See **glossary**.)
- Possessing, manufacturing, transporting, repairing, or selling a prohibited weapon, as defined in state law. (See **glossary**.)

- Behaving in a manner that contains elements of the following offenses under the Penal Code:
  - Aggravated assault, sexual assault, or aggravated sexual assault.
  - Arson. (See glossary.)
  - Murder, capital murder, or criminal attempt to commit murder or capital murder.
  - Indecency with a child.
  - Aggravated kidnapping.
  - Aggravated robbery.
  - Manslaughter.
  - Criminally negligent homicide.
  - Continuous sexual abuse of a young child or children.
  - Behavior punishable as a felony that involves selling, giving, or delivering to another person, or possessing, using, or being under the influence of marijuana, a controlled substance, a dangerous drug, or alcohol; or committing a serious act or offense while under the influence of alcohol.
- Engaging in retaliation against a school employee or volunteer combined with one of the above-listed mandatory expulsion offenses.

### Under Age Ten

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

### **EXPULSION PROCESS**

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

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

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

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

### Hearing

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

1. 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,
2. An opportunity to testify and to present evidence and witnesses in the student's defense, and
3. An opportunity to question the witnesses called by the district at the hearing.

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

The Board of Trustees delegates to the Superintendent and/or the Superintendent's designee the authority to conduct hearings and expel students.

### Board Review of Expulsion

After the due process hearing, the expelled student may request that the board review the expulsion decision. The student or parent must submit a written request to the Superintendent within **seven (7)** days after receipt of the written expulsion decision. The Superintendent will provide the parent written notice of the date, time, and place of the review.

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 consider and base its decision on evidence reflected in the record and any statements made by the parties at the review. The board shall make and communicate its decision orally at the conclusion of the presentation. Consequences shall not be deferred pending the outcome of the hearing.

### Expulsion Order

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

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

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

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

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

### Length of Expulsion

The length of an expulsion shall be based on 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 may modify the length of the expulsion on a case-by-case basis.

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

### **Withdrawal During Process**

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

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

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

### **Additional Misconduct**

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

### **Restrictions During Expulsion**

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

No district academic credit shall be earned for work missed during the period of expulsion unless the student is enrolled in a JJAEP or another district-approved program.

### **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 is necessary to protect persons or property from imminent harm, 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.

### **Transition Services**

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

### **GLOSSARY**

**Abuse** is improper or excessive use.

**Aggravated Assault** is defined in part by Texas Penal Code § 22.02(a)(1)-(2) as when a person commits an assault and causes serious bodily injury or uses or exhibits a deadly weapon during the commission of the assault.

**Aggravated Kidnapping** is defined in part by Texas Penal Code § 20.04(a) as when a person intentionally or knowingly abducts another person with the intent to hold that person for ransom or reward or use that person as a shield or hostage, or facilitate the commission of a felony or the flight after the attempt or commission of a felony, or inflict bodily injury on that person, or violate or abuse that person sexually, or terrorize that person or a third person, or interfere with the performance of any governmental or political function.

**Aggravated Robbery** is defined in part by Texas Penal Code § 29.03(a) as when a person commits robbery and (1) causes serious bodily injury to another; (2) uses or exhibits a deadly weapon; or (3) causes bodily injury to another person or threatens or places another person in fear of imminent bodily injury or death, if the other person is 65 years of age or older or a disabled person.

**Aggravated Sexual Assault** is defined as when a person intentionally or knowingly engages in sexual acts that meet the definition of aggravated sexual assault in Texas Penal Code § 22.021.

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

**Arson** is defined in part by Texas Penal Code § 28.02 as:

1. A crime that involves starting a fire or causing an explosion with intent to destroy or damage:
  - a. any vegetation, fence, or structure on open-space land; or
  - b. any building, habitation, or vehicle:

- i. knowing that it is within the limits of an incorporated city or town;
  - ii. knowing that it is insured against damage or destruction;
  - iii. knowing that it is subject to a mortgage or other security interest;
  - iv. knowing that it is located on property belonging to another;
  - v. knowing that it is located within property belonging to another; or
  - vi. 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.
2. A crime that involves recklessly starting a fire or causing an explosion while manufacturing or attempting to manufacture a controlled substance and the fire or explosion damages any building, habitation, or vehicle; or
  3. A crime that involves intentionally starting a fire or explosion and in so doing:
    1. recklessly damages or destroys a building belonging to another; or
    2. recklessly causes another person to suffer bodily injury or death.

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

**Bias Motivated Conduct** is defined as engaging in violations of the Code that are motivated by bias (meaning offenses involving harassment, discrimination, and/or retaliation).

**Bodily Injury** means physical pain, illness, or any other impairment of physical condition.

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

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

1. Has the effect or will have the effect of physically harming a student, damaging a student's property, or placing a student in reasonable fear of harm to the student's person or of damage to the student's property;
2. Is sufficiently severe, persistent, and pervasive enough that the action or threat creates an intimidating, threatening, or abusive educational environment for a student;
3. Materially and substantially disrupts the educational process or the orderly operation of a classroom or school; or
4. Infringes on the rights of the victim at school.

Bullying includes cyberbullying (see below). The state law on bullying prevention applies to:

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

**Capital Murder** is defined in part by Texas Penal Code § 19.03(a) as when a person commits an offense of murder and the person murders a peace officer or fireman engaged in official duty, or the person intentionally commits the murder in the course of committing or attempting to commit kidnapping, burglary, robbery, aggravated sexual assault, or arson, or 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, or in any other circumstance described in Texas Penal Code § 19.03.

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

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

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

**Criminal Attempt** is defined in part by Texas Penal Code § 15.01 as committing an act with specific intent to commit an offense and doing an act amounting to more than mere preparation that tends but fails to effect the commission of the offense intended.

**Criminal Mischief** is defined in part by Texas Penal Code § 28.03 as committing a criminal mischief offense if, without the effective consent of the owner, one intentionally or knowingly damages or destroys the tangible property of the owner; intentionally or knowingly tampering with the tangible property of the owner and causes pecuniary loss or substantial inconvenience to the owner or a third person; or making markings, including inscriptions, slogans, drawings, or paintings, on the tangible property of the owner, including graffiti on a school building.

**Criminal Street Gang** is three or more persons having a common identifying sign or symbol or an identifiable leadership who continuously or regularly associate in the commission of criminal activities.

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

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

**Deadly Conduct** is defined in part by Texas Penal Code § 22.05 as recklessly engaging in conduct that places another in imminent danger of serious bodily injury, such as knowingly discharging a firearm in the direction of an individual, habitation, building, or vehicle.

**Deadly Weapon** means a firearm, knife or anything manifestly designed, made, or adapted for the purpose of inflicting death or serious bodily injury, or anything that in the manner of its use or intended use is capable of causing death or serious bodily injury.

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

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

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

**Deliver** means to transfer, actually or constructively, to another a controlled substance, counterfeit substance, or drug paraphernalia. The term includes offering to sell a controlled substance, counterfeit substance, or drug paraphernalia.

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

**Disruption of Classes** is defined in part by Education Code § 37.124 to include an act by a person (other than a primary or secondary grade student enrolled in the District) who, while on school property or on public property within 500 feet of school property, alone or in concert with others, intentionally disrupts the conduct of classes or other school activities. "Disrupting the conduct of classes or other school activities" includes emitting noise of an intensity that prevents or hinders classroom instruction, or enticing or attempting to entice a student away from a class or other school activity that the student is required to attend, or preventing or attempting to prevent a student from attending a class or other school activity that the student is required to attend, and entering a classroom without the consent of either the principal or the teacher and, through either acts of misconduct or the use of loud or profane language, disrupts class activities. Public property includes a street, highway, alley, public park, or sidewalk. School property includes public school campus or school grounds on which a public school is located, and any grounds or

buildings used by a school for an assembly or other school-sponsored activity.

**Disruptive Activities** is defined in part by Education Code § 37.123 as intentionally engaging, alone or in concert with others, in disruptive activity on the campus or property of any private or public school and includes the following conduct:

1. obstructing or restraining the passage of persons in an exit, entrance, or hallway of a building without the authorization of the administration of the school;
2. seizing control of a building or portion of a building to interfere with an administrative, educational, or other authorized activity;
3. preventing or attempting to prevent by force or violence or the threat of force or violence a lawful assembly authorized by the school administration so that a person attempting to participate in the assembly is unable to participate due to the use of force or violence, or due to a reasonable fear that force or violence is likely to occur;
4. disrupting by force or violence or the threat of force or violence a lawful assembly in progress; or
5. obstructing or restraining the passage of a person at an exit or entrance to the campus or property or preventing or attempting to prevent by force or violence, or by threats of force or violence, the ingress or egress of a person to or from the property or campus without the authorization of the school administration.

**Discrimination** is defined as any conduct directed at another on the basis of race, color, religion, gender, national origin, disability, age, or any other basis prohibited by law that negatively affects the other person.

**Drugs** include controlled substances identified in Chapter 481 of the Texas Health & Safety Code, as well as over-the-counter drugs or prescription drugs.

A student commits an offense by abusing an over-the-counter drug, giving or delivering an over-the-counter drug to another student, or becoming impaired due to abuse of an over-the-counter drug.

A student also commits an offense by abusing one's own prescription drug, giving a prescription drug to another student, or being under the influence of another person's prescription drug; this conduct may result in a mandatory assignment to an alternate education program or expulsion.

In addition to other illegal drugs (such as LSD, cocaine, marijuana, etc.), many prescription drugs are classified as dangerous drugs or controlled substances. Unauthorized possession or distribution of such substances may result in a mandatory expulsion or mandatory assignment to a disciplinary alternative education program. Examples include, but are not limited to: Ritalin, Adderall, Klonopin, Codeine, Xanax, Paxil, Valium, Activan, Concerta, Oxycontin.

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

**Evasion** means attempting to evade questioning by any school official through an act of running away from that official, or seeking to avoid the questioning through any method. Students must, upon request of any school official, produce and show their student identification (ID) cards. If a student refuses to produce and show his/her student identification (ID) card, if applicable, or engages in conduct determined to be evasion, that student is subject to disciplinary action.

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

**Extortion** means the gaining of money or other property by force or threat.

**False Alarm or Report**, as defined in part by Texas Penal Code § 42.06, occurs when a person knowingly initiates, communicates, or circulates a report of a present, past, or future bombing, fire, offense, or other emergency that he or she knows is false or baseless and that would ordinarily:

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

**Fighting** means engaging in a physical struggle or combat, violence, or conflict.

**Fireworks** is defined in part by Texas Occupations Code § 2154.001(5) as a composition or device designed for entertainment to produce a visible or audible effect by combustion, explosion, deflagration, or detonation and as defined by 49 C.F.R. § 173.56(j). Under Texas Occupations Code § 2154.251, it is an offense to explode or ignite fireworks within 600 feet of any public school

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

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

"Firearm" does not include an antique firearm.

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

**Gambling** means playing games of chance for stakes, risking something of value with the hope of making a gain, wagering, or agreeing to win or lose something of value solely or partially by chance. Students who engage in gambling will be subject to school discipline and possibly legal prosecution.

**Gang** means three or more persons having a common identifying sign or symbol or an identifiable leadership who continuously or regularly associate in the commission of criminal or illegal activities.

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

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

**Harassment** includes:

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

**Hazing** is defined by Education Code § 37.151 as an 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, initiation into, affiliation with, holding office in, or maintaining membership in a student organization if the act meets the elements in Education Code 37.151, including:

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

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

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

**Indecency with a Child** means engaging in conduct with a child younger than seventeen years of age, whether of the same or opposite sex and regardless of whether the person knows the age of the child at the time of the conduct, and that includes the conduct described in Texas Penal Code § 21.11

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

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

**Intoxication** means not having the normal use of mental or physical faculties due to abusing a substance.

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

**Location-Restricted Knife** is defined by Texas Penal Code § 46.01 as a knife with a blade over five and one-half inches.

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

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

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

**Minor Offense** is a behavior disruptive to the educational process or environment without rising to the level of placement to SGLC or expulsion. (e.g., chewing gum, talking without permission, tardies etc.).

**Murder** is defined in part by Texas Penal Code § 19.02 as intentionally or knowingly causing the death of an individual; intending to cause serious bodily injury and committing an act clearly dangerous to human life that causes the death of an individual; or committing or attempting to commit a felony, other than manslaughter, and in the course of and in furtherance of the commission or attempt, committing or attempting to commit an act clearly dangerous to human life that causes the death of an individual.

**Obscene** means material or a performance that the average person, applying contemporary community standards, would find that, taken as a whole, appeals to the prurient interest in sex; or that depicts or describes patently offensive representations as described in Texas Penal Code § 43.21(a)(1).

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

**Pornography** means the depiction of erotic behavior (as in pictures or writing) intended to cause sexual excitement or material (such as books or a photograph) that depicts erotic behavior and is intended to cause sexual excitement.

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

**Prohibited Weapon** under Texas Penal Code § 46.05(a) means:

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

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

**Public School Fraternity, Sorority, Secret Society, or Gang** means an organization composed wholly or in part of students that seeks to perpetuate itself by taking additional members from the students enrolled in school based on a decision of its membership rather than on the free choice of a qualified student. Educational organizations listed in Education Code § 37.121(d) are excepted from this definition.

**Reasonable Belief** is a determination made by the Superintendent or designee using all available information, including the information furnished under Code of Criminal Procedure article 15.27.

**Retaliation** means intentionally or knowingly harming or threatening 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 a person who has reported the occurrence of a crime.

**School Property** includes a public school campus or school grounds on which a public school is located, and any grounds or buildings used by a

school for an assembly or other school-sponsored or school-related activity.

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

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

**Serious Bodily Injury** is defined in part by Texas Penal Code § 1.07(46) as bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

**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 Texas Penal Code § 1.07; or
4. conduct that constitutes the offense of
  - a. public lewdness under Texas Penal Code § 21.07;
  - b. indecent exposure under Texas Penal Code § 21.08;
  - c. criminal mischief under Texas Penal Code § 28.03;
  - d. personal hazing under Education Code § 37.152; or
  - e. harassment under Texas Penal Code § 42.07, of a student or District employee.

**Serious or Persistent Misbehavior** includes, but is not limited to:

1. Behavior that is grounds for permissible expulsion or mandatory DAEP placement.
2. Behavior identified by the district as grounds for discretionary DAEP placement.
3. Actions or demonstrations that substantially disrupt or materially interfere with school activities.
4. Refusal to attempt or complete school work as assigned.
5. Insubordination.
6. Profanity, vulgar language, or obscene gestures.
7. Leaving school grounds without permission.
8. Falsification of records, passes, or other school-related documents.
9. Refusal to accept discipline assigned by the teacher or principal.

**Sexual Assault** means engaging in sexual acts that meet the definition of sexual assault in Texas Penal Code § 22.011.

**Sexual Harassment** includes unwanted and unwelcome verbal or physical conduct of a sexual nature, whether by word, gesture, or any other sexual conduct, including requests for sexual favors. Sexual harassment does not include necessary or permissible physical contact not reasonably construed as sexual in nature.

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

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

1. cause a reaction of any type to the person's 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).

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

**Theft** means the unlawful appropriation of property with intent to deprive the owner of property, or as otherwise identified in Texas Penal Code § 31.03.

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

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



- Tampering with a consumer product under Section 22.09.
- [See FOC(EXHIBIT).]

**Trespassing** is defined in part by Texas Penal Code § 30.05 as entering or remaining on or in property of another without effective consent and while having notice the entry was forbidden or after receiving notice to depart but failing to do so.

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

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

**Weapons** not permitted by SFDRCSISD policy include, but are not limited to:

1. BB guns
2. Pellet guns
3. CO2 and air powered guns
4. Guns using gunpowder to expel a projectile.
5. Explosives
6. Razors
7. Fixed blade or lock blade knives
8. Tasers
9. Chemical dispensers sold commercially for personal protection which are not covered by the Texas Penal Code (example: Mace, pepper spray, etc.)
10. Sling shots
11. Pen/pocket knives
12. Tranquilizer guns
13. Laser guns
14. Laser pens or pointers
15. Chains
16. Fireworks of any kind.
17. Any other object used in a way that threatens or inflicts bodily injury on another person.

**NOTE:** Involvement with weapons (handmade or commercial) is prohibited by SFDRCSISD. This includes any type of weapon possessed for any purpose. It is not a justification to this offense that the person claims that the weapon was for his or her self-defense. Any student violating this policy concerning weapons will be disciplined.

**Zip Gun** is defined by Texas Penal Code § 4601 as a device or combination of devices, not originally a firearm, but adapted to expel a projectile through a smooth-bore or rifled-bore barrel by using the energy generated by an explosion or burning substance.



## **2022-2023 SFDR CISD STUDENT CODE OF CONDUCT ACKNOWLEDGEMENT**

Dear Student and Parent:

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

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

Sincerely,

Dr. Carlos Rios  
Superintendent of Schools

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We acknowledge that we have been offered the option to access and read the 2022-2023 SFDR CISD Student Code of Conduct online or request to receive a paper copy, and understand that all students will be held accountable for their behavior and will be subject to the disciplinary consequences outlined in the Student Code of Conduct.

I choose to access and read the electronic copy of the 2022-2023 SFDR CISD Student Code of Conduct online on the District's website at <https://www.sfdr-cisd.org/>

I request to receive a printed hard copy of the 2022-2023 SFDR CISD Student Code of Conduct. I understand that the campus will forward a copy to me as quickly as possible upon receipt of this request.

Failure to sign and return this form does not exempt me/us from compliance of with the laws, policies, rules and regulations of the State of Texas or of the San Felipe Del Rio Consolidated Independent School District.

Date: \_\_\_\_\_

Printed name of student: \_\_\_\_\_

Signature of student: \_\_\_\_\_

Campus: \_\_\_\_\_ Grade: \_\_\_\_\_ Student ID#: \_\_\_\_\_

Signature of parent: \_\_\_\_\_

***Note: Parents or persons in lawful control of the student must return this signature page to his or her child's respective campus no later than the first day of instruction for this school year.***