

2018 - 2019



DUNCANVILLE
Independent School District

CODE OF CONDUCT

*Writing success stories,
one student at a time.*

DUNCANVILLE ISD MISSION

The mission of the Duncanville Independent School District is to provide each individual student with the necessary skills to achieve lifelong success and contribute to a global society.



A MESSAGE FROM THE SUPERINTENDENT

Dear Student and Parent:

As required by state law, the Duncanville ISD Board of Trustees has officially adopted the 2018 – 19 Student Code of Conduct in order to promote a safe and orderly learning environment for every student.

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

Thank you,

Dr. Marc Smith

Superintendent

TABLE OF CONTENTS

STUDENT CODE OF CONDUCT	8
PURPOSE	8
NON-DISCRIMINATION PROVISION	9
ARRIVAL AND DISMISSAL GUIDELINES	10
VISITOR GUIDELINES	10
UNAUTHORIZED VISITORS	11
COMPULSORY ATTENDANCE POLICY	11
TRUANCY – PARENT LIABILITY	12
TRUANCY WARNING NOTICE	12
SCHOOL DISTRICT AUTHORITY AND JURISDICTION	13
REPORTING CRIMES	14
“PARENT” DEFINED	14
PARTICIPATING IN GRADUATION ACTIVITIES	14
STANDARDS FOR STUDENT CONDUCT	15
DRESS CODE	16
DRESS CODE STANDARDS	16
GROOMING CODE FOR ALL GRADES	18
GENERAL CONDUCT VIOLATIONS	18
DISREGARD FOR AUTHORITY	18
MISTREATMENT OF OTHERS	18
PROPERTY OFFENSES	19
POSSESSION OF PROHIBITED ITEMS	19
POSSESSION OF TELECOMMUNICATIONS OR OTHER ELECTRONIC DEVICES	20
ILLEGAL, PRESCRIPTION, AND OVER-THE-COUNTER DRUGS	20
DRUG POLICY	21
DRUG, ALCOHOL, INHALANTS, AND TOBACCO POLICY	21
DRUG, ALCOHOL, INHALANTS, DELIVERY AND SALE	21
DRUG, ALCOHOL, LOOK-A-LIKE DRUGS, USE AND/OR POSSESSION	21
DRUG, ALCOHOL, INHALANTS, USE AND/OR POSSESSION, FELONY AMOUNT	21

OVER-THE-COUNTER MEDICATION AND PRESCRIPTION MEDICATION ABUSE	22
TOBACCO PRODUCTS, USE AND/OR POSSESSION	22
ELECTRONIC CIGARETTES... VAPOR DELIVERY SYSTEMS, USE AND/OR POSSESSION	22
SAFETY AND SECURITY	22
POLICE QUESTIONING OF STUDENTS	22
SEARCHES AND INTERROGATIONS	23
USE OF TRAINED DOGS	23
STUDENT BEHAVIOR AT EXTRACURRICULAR ACTIVITIES	23
MISUSE OF TECHNOLOGY RESOURCES AND THE INTERNET	24
APPROPRIATE USE OF DISTRICT TECHNOLOGY	24
PARENT AND GUARDIAN RESPONSIBILITY	25
POSSESSION AND USE OF PERSONAL TELECOMMUNICATION DEVICES	25
APPROPRIATE USES OF PERSONAL DEVICES	25
ELECTRONIC COMMUNICATIONS	26
ONLINE COMMUNICATION	26
CONSEQUENCES FOR INAPPROPRIATE USE	26
SAFETY TRANSGRESSIONS	26
MISCELLANEOUS OFFENSES	27
MISCONDUCT INFRACTIONS AND CONSEQUENCES, LEVEL 1	28
MISCONDUCT INFRACTIONS AND CONSEQUENCES, LEVEL 2	29
MISCONDUCT INFRACTIONS AND CONSEQUENCES, LEVEL 3	30
DISCIPLINE MANAGEMENT TECHNIQUES	31
STUDENTS WITH DISABILITIES	31
DISCIPLINE OF SPECIAL EDUCATION STUDENTS UNDER INDIVIDUALS WITH DISABILITY EDUCATION ACT	31
DISCIPLINE OF STUDENTS UNDER SECTION 504 OF THE REHABILITATION ACT	32
INTERVENTIONS	32
TECHNIQUES	33
PHYSICAL RESTRAINT	33
NOTIFICATION OF DISCIPLINARY ACTION/ARREST	34
APPEALS	34
REMOVAL FROM THE SCHOOL BUS	34
REMOVAL FROM THE REGULAR EDUCATIONAL SETTING	35
ROUTINE REFERRAL	35

FORMAL REMOVAL	35
RETURNING A STUDENT TO THE CLASSROOM	36
IN-SCHOOL SUSPENSION (ISS)	36
OUT-OF-SCHOOL SUSPENSION (OSS)	36
MISCONDUCT	36
PROCESS	37
DISCIPLINARY ALTERNATIVE EDUCATION PROGRAM (DAEP) PLACEMENT	37
DISCRETIONARY PLACEMENT: MISCONDUCT THAT MAY RESULT IN DAEP PLACEMENT	38
MISCONDUCT IDENTIFIED IN STATE LAW	39
MANDATORY PLACEMENT: MISCONDUCT THAT REQUIRES DAEP PLACEMENT	39
SEXUAL ASSAULT AND CAMPUS ASSIGNMENTS	40
EMERGENCIES	40
PROCESS	40
DUE PROCESS - GENERAL PROCEDURES	41
PLACEMENT IN IN-SCHOOL SUSPENSION OR SUSPENSION-AT-HOME	41
PLACEMENT IN THE SUMMIT EDUCATION CENTER	41
EXPULSION	42
CONFERENCE	42
CONSIDERATION OF MITIGATING FACTORS	43
PLACEMENT ORDER	43
COURSEWORK NOTICE	43
LENGTH OF DAEP PLACEMENT	43
EXCEEDS ONE YEAR	44
EXCEEDS SCHOOL YEAR	44
EXCEEDS 60 DAYS	44
APPEALS OF DAEP PLACEMENT	44
RESTRICTIONS DURING PLACEMENT	45
PLACEMENT REVIEW	45
ADDITIONAL MISCONDUCT DURING DAEP PROCESS	45
NOTICE OF CRIMINAL PROCEEDINGS	45
WITHDRAWAL DURING DAEP PROCESS	46
NEWLY ENROLLED STUDENTS	46
EMERGENCY DAEP PLACEMENT PROCEDURE	46

PLACEMENT AND/OR EXPULSION FOR CERTAIN OFFENSES	47
REGISTERED SEX OFFENDERS	47
REVIEW COMMITTEE	47
NEWLY ENROLLED STUDENT	47
APPEAL	47
CERTAIN FELONIES	48
DAEP HEARING AND REQUIRED FINDINGS	48
LENGTH OF DAEP PLACEMENT	48
NEWLY ENROLLED STUDENTS	49
EXPULSION	49
DISCRETIONARY EXPULSION: MISCONDUCT THAT MAY RESULT IN EXPULSION	49
ANY LOCATION	49
AT SCHOOL, WITHIN 300 FEET, OR AT A SCHOOL EVENT	50
WITHIN 300 FEET OF SCHOOL	50
PROPERTY OF ANOTHER DISTRICT	51
WHILE IN DAEP	51
MANDATORY EXPULSION: MISCONDUCT THAT REQUIRES EXPULSION	51
UNDER FEDERAL LAW	51
UNDER THE TEXAS PENAL CODE	52
UNDER AGE TEN	52
EXPULSION PROCESS	53
HEARING	53
BOARD REVIEW OF EXPULSION	53
EXPULSION ORDER	54
LENGTH OF EXPULSION	54
WITHDRAWAL DURING EXPULSION PROCESS	54
ADDITIONAL MISCONDUCT DURING EXPULSION PROCESS	55
RESTRICTIONS DURING AND FOLLOWING EXPULSION	55
NEWLY ENROLLED STUDENTS	55
EMERGENCY EXPULSION PROCEDURES	55
DAEP PLACEMENT OF EXPELLED STUDENTS	55
GLOSSARY	56

Welcome to Duncanville ISD

STUDENT CODE OF CONDUCT

PURPOSE

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

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

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

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

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

This publication is updated annually, while policy adoptions and revisions are ongoing throughout the year. Changes in policy that affect provisions in this publication will be communicated to students and parents when the Board of Trustees adopts new policies. The contents of this publication are not contractual, and do not give rise to a claim of breach of contract against the school district. Further, the contents of this handbook apply to all students of the district.

Duncanville ISD Board policies, as well as state and federal law, are the legal guidelines that bind the district, its employees, and students. Such policies and laws take precedence over the information in this student code of conduct, and any conflicts between such shall be interpreted and resolved in compliance with, and in favor of, Board policy and/or applicable laws.

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

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

NON-DISCRIMINATION PROVISION

It is the policy of the Duncanville ISD to comply fully with the nondiscrimination provisions of all federal and state laws and regulations by assuring that no persons shall be excluded from consideration for recruitment, selection, appointment, training, promotion, retention, or any other personnel action, or be denied any benefits or participation in any programs on the grounds of race, religion, color, national origin, sex, handicapped disadvantages, limited English proficiency, age, or veteran status (except where age, sex, or handicap constitute a bona fide occupational qualification necessary to proper and efficient administration) . Duncanville ISD offers career and technology education programs in agricultural sciences, family and consumer sciences, health occupations, business education, marketing, trades and industrial, and industrial technology. Admission to these programs is based on interest and aptitude, age appropriateness, course prerequisites, class space availability, and/ or counselor approval.

This provision is required by Title VI of the Civil Rights Act of 1964, as amended; Title IX of the Education amendment of 1971; and section 504 of the Rehabilitation Act of 1973, as amended. For information about your rights or grievance procedures, contact the Chief of Schools at 710 S. Cedar Ridge Dr., Duncanville, Texas 75137, 972-708-2000. The Duncanville Independent School District makes positive efforts to employ and advance in employment all protected groups.

GENERAL INFORMATION

PARENT ELECTRONIC SIGNATURE AGREEMENT

By submitting a document or answering a question through the Duncanville ISD Online Registration portal or through the district website, I agree that my electronic signature is the legally binding equivalent to my handwritten signature. Whenever I execute an electronic signature, it has the same validity and meaning as my handwritten signature. I will not, at any time in the future, repudiate the meaning of my electronic signature or claim that my electronic signature is not legally binding. The District shall attempt, to the extent practicable or necessary, to authenticate a digital signature or any electronic communication sent to the District. A parent also has the option to provide a handwritten signature. A written, dated, and signed request to provide a handwritten signature must be submitted to the campus principal.

ARRIVAL AND DISMISSAL GUIDELINES

Parents are expected to arrange to have their children at school no earlier than thirty (30) minutes before the start of the first class. Parents are also expected to arrange to have their children off campus at the end of the school day no later than thirty (30) minutes after the last class of the day. If a student is still waiting to be picked up when school staff leaves the building, all persons listed on the student's contact list will be contacted. In the event that the parent/guardian does not respond to the notification efforts of school staff, school staff will assume that an emergency situation exists. The police department will then be contacted to provide the child with a safe environment to wait until the parent or guardian is able to pick up the child.

VISITOR GUIDELINES

Support of parents and the community plays a vital role in the success of students. We believe that quality schools encourage and sustain quality of life and economic growth within a community; therefore, the entire community benefits from quality schools and is responsible for supporting them. With this belief in mind, Duncanville ISD encourages and welcomes visitors to our schools. Parents are invited to visit their children's school as educational partners.

As part of the district's commitment to the safety and security of our schools for all students, staff, and visitors, Duncanville ISD uses a school security product called *Raptor*. This visitor management system enhances campus safety by producing uniform badges and by tracking the number of campus visits. Visitors should be aware of the following district-wide Visitor Guidelines:

- All visitors must report to the school office, sign in, provide a valid government issued photo ID, state their reason for being on campus, and obtain approval from the principal or designee. Visitors without a valid ID will be escorted during the visit.
- All visitors shall wear a visitor name badge provided by the school office during the visit.
- All visitors are requested to wear appropriate attire, as determined by the principal or designee, when visiting district schools.
- A request for a parent and/or others to visit a classroom must be approved by the teacher and the principal. Such visits shall not be permitted if the duration or frequency interferes with the delivery of instruction or disrupts the normal school environment.
- Due to privacy issues, videotaping and tape recording in the classroom by parents are not permitted. Parents will be allowed to photograph only their child.
- If school administration has concerns about a visitor's criminal record, the campus can request that the Duncanville ISD Human Resources Department conduct a background check.

UNAUTHORIZED PERSONS

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

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 regarding refusal of entry or ejection from district property may be filed in accordance with FNG(LOCAL) or GF(LOCAL), as appropriate.

ATTENDANCE POLICY

EXPECTATIONS

The first and most basic factor necessary for a student to be successful in school is good attendance. Outstanding teachers, new schools, a strong curriculum, and modern technology will not help a student be successful if the student doesn't come to school. Because attendance is vital to a student's success, the Duncanville ISD places a very high priority on encouraging good attendance habits. It is in the best interest of our students to attend school every day and to arrive on time.

According to the Texas Education Code, a child between the ages of six and nineteen, depending on the child's birthday, is subject to the compulsory attendance laws unless the child is otherwise exempted by law. The Texas Education Code states that it is the responsibility of parents to monitor their child's attendance and to ensure that their child attends school and arrives on time. The Duncanville ISD expects students to come to school every day and to arrive on time; and, if absent, to present all notes and excuses in accordance with district policy. Students, as well as their parents, will be subject to prosecution for violation of compulsory attendance laws.

School attendance is a very important matter with serious consequences for the student and parent. With the home and school working together for the welfare of the child, we can all achieve our goal – a responsible, well-adjusted, and educated young person.

COMPULSORY ATTENDANCE POLICY

Students who are at least six years of age or who have been previously enrolled in first grade, and who have not yet reached their nineteenth birthday, shall attend school for the entire period the program is offered, unless exempted. Students enrolled in prekindergarten and kindergarten shall attend school. A person who voluntarily enrolls in school or voluntarily attends school after the person's nineteenth birthday shall attend school each day for the entire period the program of

instruction is offered. Such a person is subject to the compulsory attendance laws and is liable for prosecution under Chapter 25 .085 (f) of the Texas Education Code. The district may revoke such a person's enrollment if the person has more than five (5) unexcused absences in a semester. A person whose enrollment is revoked for exceeding this limit may be considered an unauthorized person on school grounds for the purpose of Texas Education Code 37.107 regarding trespassing.

ATTENDANCE FOR CREDIT/DENIAL OF CREDIT OR RETENTION

In accordance with section 25.092 of the Texas Education Code, a student may not be given credit for a class if he or she has been in attendance less than 90 percent of the days the class is offered, unless the Campus Attendance Committee, appointed by the Principal, gives credit because there were extenuating circumstances for the absences. The Campus Attendance Committee may also require alternative ways for students to make up work or regain credit lost because of absences or excessive tardies. For the purpose of retention and/or denial of credit, a total of three (3) unexcused tardies in grades K-8 constitutes one (1) unexcused absence. In grades 9-12 every two (2) unexcused tardies constitute one (1) unexcused absence.

TRUANCY – PARENT LIABILITY

If any parent or person standing in parental relation to a child who is required to attend school fails to require the child to attend school, the attendance officer shall warn the parent in writing that attendance is immediately required. If, after this warning, a parent or person standing in parental relation fails to comply, and if the child has unexcused voluntary absences for the amount of time specified under Family Code 51.03 (b)(2), the attendance officer shall file a complaint against him or her in the appropriate court, as permitted under Texas Education Code 25.093 .

TRUANCY WARNING NOTICE

This section serves as notice required by TEC Ch. 25 to inform parents or legal guardians that a Warning Letter of Compulsory Attendance will be sent to the parent and student when the student has accumulated enough unexcused absences to be in violation of Duncanville ISD board policy FEA (Legal), the Duncanville ISD Student Code of Conduct, and the Compulsory Attendance laws contained in Chapter 25 of the Texas Education Code. If a student has been absent without an excuse for three days or parts of days in a four week period, the student and the student's parent(s)/legal guardian will be notified that the student and parent are in violation of TEC 25.094 and 25.093, respectively, and are subject to Truancy Prevention Measures and, if the student continues to accrue unexcused absences, prosecution under TEC 25.094 and 25 .093. Under the TEC Ch. 25.0951 (a), a mandatory referral to truancy court must be made by the Duncanville ISD if the student accumulates ten unexcused absences within a six month period. For a student who goes to multiple class periods, an unexcused absence in a single class period constitutes a violation; therefore, three unexcused absences in three class periods on three separate days will trigger a Warning Letter and the implementation of Truancy Prevention Measures.

When a Warning Letter is received by the parent, both the student and parent are required to participate in the Duncanville ISD Truancy Prevention Measures as implemented at the student's campus. The parent is asked to schedule a conference with school officials to discuss their student's absences so that the parent and student can understand the requirements of compulsory attendance law, work cooperatively to develop an attendance improvement plan through Truancy Prevention Measures, work to prevent possible prosecution in a court of law, and assist with maintaining parent and school communication.

When the Warning Letter is received by the parent, immediate and timely attendance is required of the student. Continued unexcused absences in excess of allowable limits will be a violation of the Compulsory Attendance laws and referred to the judiciary for action. According to the TEC 25.095(b), it is the parent's duty to monitor their student's school attendance and require their student to attend school. Failure to do so will subject both parent and student to legal consequences under TEC 25.095. Parents are urged to monitor their student's attendance to avoid truancy prosecution.

Attendance at school and truancy are important matters with serious consequences. If you, the parent, have questions about your student's attendance record or you would like to schedule a conference to review your student's attendance record, please contact the attendance clerk at your student's school.

SCHOOL DISTRICT AUTHORITY AND JURISDICTION

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 maintains a current list of the persons serving as a campus behavior coordinator in the Student Handbook or on the district's website at duncanvilleisd.org/CampusBehaviorCoordinators. School rules and the authority of the district to administer discipline apply whenever the interest of the district is involved, on or off school grounds, in conjunction with or independent of classes and school-sponsored activities.

The district has disciplinary authority over a student:

1. During the regular school day and while the student is going to and from school or a school-sponsored or school-related activity on district transportation;
2. While the student is in attendance at any school-related activity, regardless of time or location;
3. While on another district campus before, during, or after school;
4. For any school-related misconduct, regardless of time or location;
5. When retaliation against a school employee, board member, or volunteer occurs or is

threatened, regardless of time or location;

6. When a student engages in cyberbullying, as provided by Education Code 37.0832;
7. When criminal mischief is committed on or off school property or at a school-related event;
8. For expulsion purposes, while a Duncanville student is on another district's campus and commits an expellable offense;
9. While the student is at the school district-assigned bus stop and the bus driver is at that area;
10. For certain offenses committed within 300 feet of school property as measured from any point on the school's real property boundary line;
11. For certain offenses committed while on school property or while attending a school-sponsored or school-related activity of another district in Texas;
12. When the student commits a felony, as provided by Education Code 37.006 or 37.0081; and
13. When the student is required to register as a sex offender.

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

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.

"PARENT" DEFINED

Throughout the Code of Conduct and related discipline policies, the term "parent" includes a parent, legal guardian under a court order, 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.

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

See **DAEP—Restrictions During Placement** on page 45, for information regarding a student

assigned to DAEP at the time of graduation.

See **Expulsion—Restrictions During Placement** on page 55, for information regarding a student assigned to the JJAEP at the time of graduation

STANDARDS FOR STUDENT CONDUCT

Each student is expected to:

- Demonstrate courtesy and respect for others, even when others do not.
- Behave in a responsible manner, always exercising self-discipline.
- Attend all classes, regularly and on time.
- Prepare for each class; take appropriate materials and assignments to class.
- Meet district and campus standards of grooming and dress.
- Obey all campus and classroom rules.
- Respect the rights and privileges of students, teachers, and other district staff and volunteers.
- Respect the property of others, including district property and facilities.
- Cooperate with and assist the school staff in maintaining safety, order, and discipline.
- Adhere to the requirements of the Student Code of Conduct.
- Follow the dress code, be well-groomed, and dress appropriately.
- Avoid violations of the Student Code of Conduct.
- Complete homework assignments and return them to the appropriate teacher.
- Strive to build meaningful relationships with their teachers.

DRESS CODE

The District maintains dress and grooming standards because it believes that students who dress and groom themselves in a manner considered acceptable and appropriate by the community will become more responsible citizens of the community.

The District believes that the business of school is student learning and that school dress and grooming standards should support that purpose, as well as promote a safe, orderly learning environment.

Further, the District believes that one worthwhile goal of a comprehensive education is learning that different situations require different modes of dress and behavior. School is a place of business, not a social club. Therefore, the dress and grooming of a student should reflect the serious intent of one who is going to work with an important job to do.

Accordingly, dress and grooming standards should promote a businesslike atmosphere that is comfortable but not too casual, free from disruption, easily enforced by teachers and administrators so as to not take away time from instruction, and easily self-monitored so that students and parents can ensure that the standards are met prior to the student coming to school.

Each student and parent shall be responsible for ensuring compliance with all aspects of this Code when the student enters the school premises, and during the time the student is on school premises during the regular school hours. Before making final clothing purchase decisions, parents and students are responsible for reviewing the Dress Code in its entirety. The policy can be viewed online at www.duncanvilleisd.org. Parents and students will be held accountable for all information listed in the policy. Items worn in violation of this Code will be taken up by a school official and returned to the parent in person at the campus.

The Board of Trustees delegates to the principal the authority to make final determinations as to whether clothing or grooming is or is not within this Code. The ruling of the building principal regarding compliance/non-compliance with this Dress & Grooming Code and corresponding consequences assigned for violation of the Code is final and may not be appealed to the Superintendent, his/her designee, or the Board.

DRESS CODE STANDARDS

APPLICABLE TO ALL GRADES

1. The District prohibits pictures, emblems, or writings on clothing that are lewd, offensive, vulgar or obscene, or that depict or advertise tobacco products, cult or gang-related, alcoholic beverages of any kind, drugs, or any other controlled substances, and prohibits any dress or grooming that in the principal's judgment is startling, unusual, or immodest.
2. Suitable footwear shall be worn at all times. All footwear are soled and closed toe. Flip Flops, shower shoes, beach thongs, etc., heelys, and heels higher than 2 inches and house shoes are not acceptable for school.
3. All articles of clothing are to be hemmed.

4. All shirts must have sleeves that cover the shoulders and be constructed of a solid material. Shirts must be long enough to reach below the top of the pant/skirt.
5. All shirts/blouses must cover cleavage, the entire back, and midriff.
6. Tops (shirts, blouses, sweaters and outerwear) – There is no restriction of colors. Tops without collars must be of a solid color and may not contain logos, emblems, or designs. Bottom of garment (top) must reach below the top of the pant/skirt. Logos and designs on collared tops are restricted to content that is not lewd, offensive, vulgar, or obscene and cannot depict or advertise tobacco products, cult or gang-related, alcoholic beverages, drugs, or other controlled substances. Spirit shirts, with prior approval of the campus principal, may be worn at any time.
7. Pants/Capri pants, skirts, dresses, and jumpers must reach the bend of the knee. Pants must be constructed of substantial solid material. Denim is allowed. Students in grades PK – 4 are allowed to wear shorts and skorts.
8. Shorts and skorts are allowed in Grades PK – 4 only, and are not allowed in Grades 5 - 12.
9. Warm up suits and sweatpants are not allowed.
10. Sagging of pants or any similar associated style is not allowed.
11. Dresses, skirts, and jumpers are allowed, but may not be shorter than the bend of the knee and must be hemmed.
12. Garments with hoods may not be worn with the hood over the head inside the building during the school day.
13. Hats, caps, bandanas, headscarves, or other headwear are not allowed on campus during school hours. The principal, for religious or medical reasons, may grant an exception.
14. For safety reasons, all students shall refrain from exhibiting eyebrow, lip piercings, nose, or other facial piercings. Facial/Body piercings or body piercing spacers, gauges, cones, and similar items are not allowed.
15. Students' hair shall be clean, neat, and well-groomed. Hair styles or color shall not, in the opinion of administration, cause a health or safety hazard or cause a disruption of the educational process. Facial hair should be neat, clean, closely trimmed, and not be a distraction to the learning environment.
16. Dark glasses (sunglasses) worn in the building are to be worn only upon the written request of a physician and with permission from the principal.
17. Yoga pants, stretch pants, spandex leggings, Spanx or similar clothing items are not permitted unless overlaid with a shirt/blouse that covers the student's legs to the bend of the knee.

**A DRESS CODE VIOLATION IS A LEVEL I OFFENSE AND CONSEQUENCES FOR ALL
GRADES WILL BE DETERMINED BY THE CAMPUS BEHAVIOR COORDINATOR IN
ACCORDANCE WITH THE CODE OF CONDUCT.**

GROOMING CODE FOR ALL GRADES

Hair: A clean, natural-looking, and neatly-groomed hairstyle is expected. Startling and unusual hairstyles are not permitted.

Facial Hair: Must be neat, clean, closely trimmed, and not a distraction.

Earrings: Girls and boys may wear appropriate earrings.

Body Piercing and other items: For boys and girls, visible body piercing of any type (other than appropriate earrings), including face nose, tongue piercings, body piercing spacers, gauges, cones, and similar items are not permitted on campus or at any school-sponsored activity.

GENERAL CONDUCT VIOLATIONS

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

DISREGARD FOR AUTHORITY

Students shall not:

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

MISTREATMENT OF OTHERS

Students shall not:

- Use profanity or vulgar language or make obscene gestures.
- Fight or scuffle. (For assault, see DAEP Placement and Expulsion.)
- Threaten a district student, employee, or volunteer, including off school property, if the conduct causes a substantial disruption to the educational environment.
- Engage in bullying, cyberbullying, harassment, or making hit lists. (See glossary for all four terms.)
- Release or threaten to release intimate visual material of a minor or a student who is 18

years of age or older without the student’s consent.

- Engage in conduct that constitutes sexual or gender-based harassment or sexual abuse, whether by word, gesture, or any other conduct, directed toward another person, including a district student, employee, board member, or volunteer.
- Engage in conduct that constitutes dating violence. (See glossary.)
- Engage in inappropriate or indecent exposure of private body parts.
- Participate in hazing. (See glossary.)
- Cause an individual to act through the use of or threat of force (coercion).
- Commit extortion or blackmail (obtaining money or an object of value from an unwilling person).
- Engage in inappropriate verbal, physical, or sexual conduct directed toward another person, including a district student, employee, or volunteer.
- Record the voice or image of another without the prior consent of the individual being recorded or in any way that disrupts the educational environment or invades the privacy of others.

PROPERTY OFFENSES

Students shall not:

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

POSSESSION OF PROHIBITED ITEMS

Students shall not possess or use:

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

- A stun gun;
- A pocketknife or any other small knife, of any length;
- 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 for other than an approved use; or
- Any articles not generally considered to be weapons, including school supplies, when the principal or designee determines that a danger exists. (For weapons and firearms, see DAEP Placement and Expulsion. In most circumstances, possession of these items is punishable by mandatory expulsion under federal or state law.)

POSSESSION OF TELECOMMUNICATIONS OR OTHER ELECTRONIC DEVICES

Students shall not:

- Use a telecommunications device, including a cellular telephone, or other electronic device in violation of district and campus rules.
- Possess a telecommunications device, including a cellular telephone, or other electronic device in violation of district and campus rules.

ILLEGAL, PRESCRIPTION, AND OVER-THE-COUNTER DRUGS

Students shall not:

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

DRUG POLICY

DRUG, ALCOHOL, INHALANTS, AND TOBACCO POLICY: No student shall, during any school term and while on school premises or off school premises at a school-sponsored activity, function, or event, sell, give, deliver, use, possess, or be under the influence of marijuana, a controlled substance, a dangerous drug, or alcohol. In addition to the above prohibitions, no student shall inhale, ingest, apply, use, or possess any abusable glue, aerosol paint, or substance containing a volatile chemical with intent to inhale, ingest, apply, or use any of these in any manner. In addition to the statutory ban on the possession, use, or transmittal of controlled substances, dangerous drugs, and alcohol, the district prohibits the possession, use, or transmittal of paraphernalia related to any prohibited substance, and the possession, transmittal, sale, or attempted sale of what is represented to be any prohibited substance.

DRUG, ALCOHOL, INHALANTS... DELIVERY AND/OR SALE OF ANY AMOUNT (FELONY OR MISDEMEANOR): All infractions will result in an expulsion and assignment to the Dallas County Juvenile Justice Alternative Education Program (JJAEP) for a period of not less than 90 school days. Students under the age of 10 will not be expelled to the JJAEP. Those students will be assigned to the Summit Education Center for a period of not less than 90 school days

DRUG, ALCOHOL, INHALANTS & LOOK-A-LIKE DRUGS. USE AND/OR POSSESSION (NON-FELONY AMOUNT): Students in grades 5-12 will be assigned to the Summit Education Center for a period of not less than 90 school days for the first infraction. Students in grades 2-4 who are at least six (6) years of age will be assigned to the Summit Education Center for a period of 30 days, with a second infraction warranting a 90-day placement. Students who are under the age of six (6) will not be assigned to the Summit Education Center. Those students will receive an appropriate disciplinary action. The second infraction involving a controlled substance at any time during the student's 5 - 12 grade years may result in an expulsion for at least 90 school days. All drug expulsions will be served in the Dallas County Juvenile Justice Alternative Education Program (JJAEP). Students under the age of 10 with a second infraction will not be expelled to the JJAEP. Those students will be assigned to the Summit Education Center for a period of not less than 90 school days.

DRUG, ALCOHOL, INHALANTS... USE AND/OR POSSESSION (FELONY AMOUNT): All infractions will result in an expulsion and assignment to the Dallas County Juvenile Justice Alternative Education Program (JJAEP) for a period of not less than 90 school days. Students under the age of 10 will not be assigned to the JJAEP. Those students will be assigned to the Summit Education Center for a period of not less than 90 school days.

OVER-THE-COUNTER MEDICATION & PRESCRIPTION MEDICATION ABUSE:

The District also prohibits the misuse and abuse of over-the-counter medications that are consumed in quantities in excess of package directions, and prescription medicines that are consumed either without a prescription or not in accordance with prescription directions. The District also prohibits students from selling or distributing any prescription medications, and from selling or distributing over-the-counter medications in amounts which exceed package dosage directions. Such medications include, but are not limited to, pain medication, dextromethorphan, diet pills, sleep aids, motion sickness medication, psychoactives, disassociatives, and other medications or plants with mind altering or mood-altering properties. Students found in violation of this policy shall receive a discipline consequence, up to and including assignment to the Summit Education Center for a period of not less than 90 days.

TOBACCO PRODUCTS: USE AND/OR POSSESSION:

Students are prohibited from smoking, using, or possessing tobacco products at school, within 300 feet of school property, and/or at school-related activities on or off school property. Students found in violation of this policy shall receive a disciplinary consequence and a citation.

ELECTRONIC CIGARETTES, E-CIGARETTES, AND PERSONAL VAPORIZER OR SIMILAR NICOTINE OR VAPOR DELIVERY SYSTEMS:

Students are prohibited from possessing an electronic cigarette, e-cigarette, personal vaporizer, or any other type of nicotine or vapor delivery system on or within 300 feet of school property, and/or at school-related activities on or off school property. Students found in violation of this policy shall receive a disciplinary consequence, and the device will be confiscated by district police and not returned to the parent or student. Refusal to surrender the device is a Level II violation of the Code of Conduct.

SAFETY AND SECURITY

POLICE QUESTIONING OF STUDENTS: The following guidelines shall apply when law enforcement authorities and Child Protective Services desire to question/interview a student at school or remove a student from the campus: (1) The school administrator shall verify and record the identity of the law enforcement authority and request an explanation of the need to question/interview the student or remove the student from the campus. The administrator shall make a reasonable effort to notify the student's parent/guardian or other person having lawful control of the student. (2) If the law enforcement authority raises what the administrator considers to be a valid objection to the notification, the parent/guardian or other person having lawful control of the student will not be notified. (3) The administrator may be present during the questioning/interview or the removal of the student. If the law enforcement authority raises what the administrator considers to be a valid objection to the administrator being present during the questioning, the interview will be conducted without the administrator. (4) These limitations do not apply to the School Resource Officers employed by the district.

SEARCHES AND INTERROGATIONS:

School officials may search a student's outer clothing, pockets, or property by establishing reasonable cause or securing the student's voluntary consent. Consent obtained through threat of contacting the parents or the police is not considered to be voluntarily given. Searches will be conducted out of view of other students. A person of the same gender will conduct the search, with a witness present in the room at all times. Vehicles on school grounds are also subject to a search when reasonable cause is established or voluntary consent is given. Areas such as school lockers, locker rooms, and athletic lockers, which are owned by the district and jointly controlled by the district and the student, may be searched. Students shall not place, keep, or maintain any article or material in lockers or vehicles parked on school property that is prohibited by district policy. If a campus administrator feels that he/she may be in danger while conducting any search, whether searching a student, locker, or vehicle, the administrator may contact a School Resource Officer to conduct the search. Administrators have the right to question students regarding their conduct and the conduct of others. Walk-through metal detectors and hand-held detector wands will be used periodically to ensure building safety.

USE OF TRAINED DOGS:

In order to respond to drug, alcohol, and contraband situations in schools and maintain a safe school environment conducive to education, the district shall use specially-trained dogs to detect drugs, alcohol, medication, and gunpowder on school property. Visits to the schools will be random and unannounced. The dogs shall be used to sniff the air in vacant rooms, other commons areas, and around student lockers and vehicles parked on school property. If the dog alerts to the air around a particular locker, vehicle, or article in a classroom, it shall be searched. If the dog alerts to a vehicle, the student shall be asked, if necessary, to unlock the car doors and trunk for an internal inspection. If the student refuses the inspection, the parent shall be notified. If the parent does not allow the search, an officer or the handler may obtain and execute a search warrant, if necessary.

STUDENT BEHAVIOR AT EXTRACURRICULAR ACTIVITIES:

Students who attend any extracurricular activity are under the guidelines of the Student Code of Conduct. Students are in attendance to support the participants in the given activity and are not in attendance to be involved in any type of negative behavior. Students who are removed from the activity area will not be allowed entry into any extracurricular activity for a period of one year. All secondary students must present a valid student identification badge in order to gain admittance to any extracurricular activity.

The following will be strictly enforced: (1) no loitering (students are to be in transit to/from/in the line to the concession stand, in transit to/from the restroom, or in their seat); (2) no running at any time; (3) no standing on or at any guardrail; (4) no standing in the aisles; (5) no throwing of any articles; (6) no breaking in line at the concession stand; (7) students are not allowed to bring any food or drink into the activity area; (8) no air horns or loud noise makers will be allowed in the activity area; and (9) students are not allowed to bring a book bag, backpack, or other similar types of articles into the area; and (10) student dress should be appropriate and modest. Program advisors may set appropriate dress expectations and requirements.

MISUSE OF TECHNOLOGY RESOURCES AND THE INTERNET

Students shall not:

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

APPROPRIATE USE OF DISTRICT TECHNOLOGY

Students must comply with all district policies, guidelines, and Federal and State law.

- Students will be assigned an individual account and are responsible for not sharing the password for that account with others.
- The account is to be used only for identified educational purposes.
- Students are responsible at all times for their use of the district's electronic communications system and must assume personal responsibility to behave ethically and responsibly.
- Students must immediately report threatening messages or discomforting Internet files/sites to a teacher. [See policy FFI]
- Students must immediately report any known violation of the District's applicable policies, Internet safety plan, or acceptable use guidelines to a teacher or administrator.

- When using a device for instructional purposes while on campus, students must use the District's wireless Internet services for filtering purposes and are prohibited from using a personal wireless service. [See policy CQ]

APPROPRIATE USES OF PERSONAL DEVICES

As with any device that is used on campus, there is an appropriate time and place. Below are the grade levels and permissible situations for use. Campus administrators and teachers have the final say on the procedures in the classroom. If he or she asks you not to use your device, then you should follow those directions. Access is available but not guaranteed for each classroom situation. Teachers reserve the right to collect cell phones and other personal electronic devices for a specific classroom assignment or test, in addition to state and district testing.

K-8 Appropriate Use

Before/After school - Yes
 In class when my teacher designates use for learning - Yes
 During Passing Period - No
 During lunch - No

9-12 Appropriate Use

Before/After school - Yes
 In class when my teacher designates use for learning - Yes
 During Passing Period - No
 During lunch – Yes

PARENT AND GUARDIAN RESPONSIBILITY:

- Discuss with your children the importance of practicing responsible digital behavior with mobile devices.
- Talk to your children about values and standards that your children should follow on the use of the Internet just as you do on the use of all media information sources such as television, telephones, movies, and radio.
- Reinforce to your children that they are responsible if the devices is lost, stolen, and/or damaged.

POSSESSION AND USE OF PERSONAL TELECOMMUNICATIONS DEVICES, INCLUDING CELL-PHONES: For safety purposes, the district permits students to possess personal mobile telephones; however, these devices must remain turned off during the instructional day, including during all testing, unless they are being used for approved instructional purposes. A student must have approval to possess other telecommunications devices such as netbooks, laptops, tablets, or other portable computers. The use of mobile telephones or any device capable of capturing images is strictly prohibited in locker rooms or restroom areas while at school or at a school-related or a school-sponsored event. If a student uses a telecommunications device without authorization during the school day, the device will be confiscated. The telecommunications may be picked up by the parent from the campuses designated area for a fee of \$15. Confiscated telecommunications devices that are not retrieved by the student or the student's parents will be disposed of after the notice required by law. [See policy FNCE.]

- It is the student's responsibility to troubleshoot individual devices during the school day. Students must check their owner's manual for issues concerning connectivity. DISD does not guarantee connectivity or quality of connection.

ELECTRONIC DEVICES:

Except as described below, students are not permitted to possess or use personal electronic devices such as but not limited to MP3 players, video or audio recorders, DVD players, cameras, games, e-readers, or other electronic devices at school, unless prior permission has been obtained. Without such permission, teachers will collect the items and turn them into the principal's office. The principal or principal's designee will determine whether to return items to students at the end of the day or to contact parents to pick up the items.

In limited circumstances and in accordance with law, a student's personal electronic device may be searched by authorized personnel. [See Searches and policy FNF.]

Any disciplinary action will be in accordance with the Student Code of Conduct. The district is not responsible for any damaged, lost, or stolen electronic device.

ONLINE COMMUNICATIONS

Students communicating online using social networking sites, chat rooms, or other websites should assume that all content shared, including pictures, is public. Students should not respond to requests for personally identifying information or contact from unknown individuals. Students should never make appointments to meet people whom they meet online and should report to a teacher or administrator if they receive any requests for such a meeting.

CONSEQUENCES FOR INAPPROPRIATE USE

- Suspension of access to the District's technology resources;
- Revocation of permission to use personal electronic devices for instructional purposes while on campus;
- Revocation of the account; or
- Other disciplinary or legal action, in accordance with the Student Code of Conduct, District policies, and applicable laws.

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.
- Cheat or copy the work of another.
- 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.



Misconduct Infractions and Consequences

LEVEL I INFRACTIONS (ON OR WITHIN 300 FEET OF CAMPUS)* This list includes but is not limited to:		LEVEL I CONSEQUENCES This list includes but is not limited to:	
<ul style="list-style-type: none"> • Academic Dishonesty • Altering/destroying school records • Assault-simple, student • Bus conduct • Campus disruption • Classroom disruption • Campus insubordination • Classroom insubordination • Defacing school property; damaging textbooks < \$50 • Dress code • e-cigarette or similar device, possession/use • Drug paraphernalia-possession • Fighting • Fireworks-possession • Identification badge infraction • Gambling • Inappropriate behavior • Inappropriate display of affection 	<ul style="list-style-type: none"> • Knife possession (any bladed object) • Laser pointer possession • Leaving school grounds • Loitering • Non-attendance/tardy/truant • Obscene material/Pornography possession • Electronic device, inappropriate possession/use • Profanity - not to an employee • Prohibited articles' possession • Reckless conduct • Theft < \$25 • Threat to a student • Tobacco - First infraction • Trespassing on other district campuses • Walk-out/protest • Vandalism of student's property <\$50 	<ul style="list-style-type: none"> • Assigned school duties • Behavior contract • Citation/fine • Student Assistance Team • Confiscation of article • Corporal punishment • Discretionary classroom removal • Detention • Formal classroom removal • ISS - up to 10 days • Loss of privileges • Mediation • Parent/student/teacher conference • Restitution 	<ul style="list-style-type: none"> • Restricted dress code • Saturday school • Shadowing • Suspension at home-up to 3 days • Warning • Emergency removal • Any combination of Level 1 Consequences

LEVEL II INFRACTIONS (ON OR WITHIN 300 FEET OF CAMPUS)* This list includes but is not limited to:		LEVEL II CONSEQUENCES This list includes but is not limited to:	
<ul style="list-style-type: none"> • Altering/destroying school records • Abusive language • Assault-simple, employee/volunteer • Assault with bodily injury, student • Bullying/Cyberbullying • Calling 911 • Defacing school property >\$50 • Drug/alcohol possession or influence. • Drug possession, look-a-like, first infraction • Extortion, coercion, blackmail • False claim against student/employee • Fighting, Serious • Fire alarm pulled/no evacuation • Fireworks' ignition • Felony - on or within 300 feet of campus • Felony - not within 300 feet, but a danger) • Gang activity • Harassment of personnel • Hazing Indecent exposure • Inappropriate display of body parts • Illegal access to technology, on or off campus • Improper photography/video or audio recording • Look-alike weapon • Major campus disruption • Persistent campus misbehavior 	<ul style="list-style-type: none"> • Persistent classroom misbehavior • Profanity to an employee • Public lewdness • Racial slurs • Retaliation • Serious campus misbehavior • Serious classroom misbehavior • Sexual harassment • Tampering with an Automatic External Defibrillator • Technology abuse/ destruction/ threat • Technology - possession of materials to destruct • Theft > \$25 • Threat to a student • Threat to an employee • Title 5 felony-off campus • Tobacco - Second infraction-see Tobacco Policy • Vandalism of student's property >\$50 • Violation of Behavior Intervention Plan • Weapon-possession • Continuation of other district's AEP placement • Over-the-counter medication abuse/ misuse • Prescription medication abuse/ misuse • Mind-altering or mood-altering substance abuse • Selling/distributing prescription medications • Selling/distributing over-the-counter medications, amounts exceeding package directions • Obscene material/pornography possession and distribution by any means 	<p>Summit placement:</p> <p>(1) Elementary/ Intermediate schools - 5 to 90 days or longer; (2) Secondary schools - 20 to 90 days or longer</p> <ul style="list-style-type: none"> • Citation • Restitution • Emergency removal • Any combination of the above listed Level II Consequences. 	

LEVEL III INFRACTIONS (ON OR WITHIN 300 FEET OF CAMPUS)* This list includes but is not limited to:		LEVEL III CONSEQUENCES This list includes but is not limited to:	
<ul style="list-style-type: none"> • Aggravated assault • Aggravated kidnapping • Aggravated sexual assault • Arson • Assault of a district employee or volunteer, on or off school property • Bomb threat/hoax • Fire alarm pulled - building evacuated • Criminal mischief –over \$1,500 • Club-weapon possession • Deadly conduct • Firearm (1 calendar year expulsion) • Hit list • Indecency with a child • Knife possession - illegal length or type • Prohibited weapon possession (Penal code 46.05) • Drug/alcohol infraction - use/influence/possession-felony • Drug/alcohol infraction-sell/give/deliver - felony/misdemeanor 	<ul style="list-style-type: none"> • Manslaughter • Murder • Retaliation against a school employee • Serious misbehavior at the Summit • Sexual assault • Criminally negligent homicide • Expellable offense committed on another district’s campus • Terrorist threat • Aggravated robbery of a student on or off school property • §37 .007 (a) Penal Code retaliation against an employee on or off school property • Destruction/theft of an Automatic External Defibrillator • Title 5 felony on or within 300 feet of campus 	<ul style="list-style-type: none"> • Expulsion - 90 days or longer to the Dallas County Juvenile Justice Alternative Education Program • Citation • Restitution • Any combination of the above listed Level III Consequences 	

***For a definition and explanation of “on or within 300 feet of campus” see the paragraph entitled Jurisdiction on page 14 of this booklet.**

DISCIPLINE MANAGEMENT TECHNIQUES

Discipline shall be designed to improve conduct and to encourage students to adhere to their responsibilities as members of the school community. Disciplinary action shall draw on the professional judgment of teachers and administrators and on a range of discipline management techniques, including restorative discipline practices. Discipline shall be correlated to 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.

Because of these factors, discipline for a particular offense, including misconduct in a district vehicle owned or operated by the district, unless otherwise specified by law, may bring into consideration varying techniques and responses.

STUDENTS WITH DISABILITIES

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

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

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

DISCIPLINE OF SPECIAL EDUCATION STUDENTS UNDER THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT (IDEA): Students with disabilities are disciplined in accordance with state and federal laws. Students who are eligible for special education services are entitled to special protections related to discipline. In addition, if the school had knowledge (defined by IDEA) that the student had a disability before the behavior that resulted in the disciplinary action, the student is entitled to the protections. Decisions about placement and programming of Special Education students are made by an Admission, Review and Dismissal (ARD) Committee and are subject to the parent's rights to request a due process hearing. The ARD Committee decides whether or not a student is expected to follow the Student Code of Conduct. If the student is not expected to follow the Student Code of Conduct, only the consequences specified in the student's individualized behavior intervention plan may be applied to the student.

DISCIPLINE OF STUDENTS UNDER SECTION 504 OF THE REHABILITATION ACT:

Under Section 504 of the Rehabilitation Act of 1973, students who have physical or mental impairment that substantially limits a major life activity, such as learning, may receive accommodations to ensure that they are not excluded from any program or activity solely because of their impairment. Students with disabilities served pursuant to Section 504 will be disciplined in accordance with state and federal laws.

INTERVENTIONS

- Anger Management
- Conflict Resolution
- Peer Mediation
- Behavioral Support Interventions
- Social Skills
- Coping Skills
- Student Assistance Team
- Behavior Intervention Plans

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:

- Assigned school duties
- Peer Mediation
- Citation/fine
- Restorative discipline practices
- Confiscation of articles
- Saturday school
- Formal classroom removal
- Verbal correction, oral or written.
- Cooling-off time or “time-out.”
- 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.
- Corporal punishment, unless the student's parent or guardian has provided a signed statement prohibiting its use.
- Out-of-school suspension, as specified in the Out-of-School Suspension section of this Code.
- Placement in a DAEP, as specified in the DAEP section of this Code.
- Placement and/or expulsion in an alternative educational setting, as specified in the Placement and/or Expulsion for Certain Offenses section of this Code.
- Expulsion, as specified in the Expulsion section of this Code.
- 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.

PHYSICAL RESTRAINT

Any district employee may, within the scope of the employee's duties, use and apply physical restraint to a student that the employee reasonably believes is necessary in order to: (1) protect a person, including the person using physical restraint, from physical injury; (2) obtain possession of a weapon or other dangerous object; (3) protect property from serious damage; and/or (4) remove a student refusing a lawful command of a school employee from a specific location, including a classroom or other school property, for the purpose of restoring order or to impose disciplinary measures.

NOTIFICATION OF DISCIPLINARY ACTION OR ARREST:

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 of discipline consequences should be addressed in accordance with policy FOC (LOCAL) OR FOD (LOCAL), or, as appropriate, FNG (LOCAL). A copy of the policy these policies may be obtained from the principal's office, the campus behavior coordinator's office, or the central administration office or through *Policy Online* at the following address: <http://pol.tasb.org/Home/Index/363>. See DUE PROCESS-GENERAL PROCEDURES on page 47 for further information regarding an appeal of a disciplinary consequence. Consequences shall not be deferred pending the outcome of a grievance or appeal.

REMOVAL FROM THE SCHOOL BUS

A bus driver may refer a student to the principal's office, the campus behavior coordinator's office, or the Transportation Discipline Coordinator 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. The Transportation Discipline Coordinator may employ discipline management techniques that do not require a change of educational placement, which may include, as appropriate, restricting or revoking a student's bus riding privileges.

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

REMOVAL FROM THE REGULAR EDUCATIONAL SETTING

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

ROUTINE REFERRAL

A routine referral occurs when a teacher sends a student to the campus behavior coordinator's office as a discipline management technique. The campus behavior coordinator shall employ alternative discipline management techniques, including progressive interventions. A teacher or administrator may remove a student from class for a behavior that violates this Code to maintain effective discipline in the classroom. The administrator shall, no later than seventy two hours after receipt of a report from a teacher, send a copy of the report to the student's parent or guardian.

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 her 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 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, in the case of removal by a teacher; and any other administrator.

At the conference, the campus behavior coordinator or appropriate administrator shall inform the student of the misconduct for which he or she is charged and the 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 or other administrator 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.

RETURNING A STUDENT TO THE CLASSROOM

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

When a student has been formally removed by a teacher for any other conduct, the student 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.

IN-SCHOOL SUSPENSION (ISS)

The in-school suspension (ISS) class is an on-campus placement designed to isolate students who have made poor behavioral choices. Placements can be made from one class period up to ten school days, per infraction. Students assigned to the class will not be allowed to participate or attend any extracurricular, school, or district-related activities while they are assigned to ISS.

OUT-OF-SCHOOL SUSPENSION:

From time to time, it is necessary to suspend a student from the campus due to certain negative behaviors. Students may be suspended for conduct that violates the Student Code of Conduct, whether or not such conduct requires placement in the Summit Education Center. If the administrator determines a suspension at home is the most appropriate alternative, no other disciplinary action need precede the suspension. The district shall not use out-of-school suspension for students

The state allows a student to be suspended for up to three days per infraction, with no limit to the number of times a student may be suspended in a semester or a school year. During the term of suspension, the student is prohibited from participating in or being in attendance at any school or district sponsored or related activity. Any student who is found on school property while on suspension may be ticketed for trespassing. Before suspending the student, the administrator shall conduct an informal hearing at which the student is advised of the conduct with which he/she is charged and the consequence associated with the charge, and is given the opportunity to explain his/her version of the incident. The administrator will make a good faith effort to contact the parent in the event their child is suspended. Students suspended at home are not allowed on any district property at any time for any reason.

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 in grade 2 or below 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 Section 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 in grade 2 or below who commit general conduct violations instead of suspension or placement in a DAEP. The program shall meet the requirements of law.

PROCESS:

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

Before being suspended a student shall have an informal conference with the campus behavior coordinator or appropriate administrator, who shall advise the student of the conduct of which he or she is accused. The student shall be given the opportunity to explain his or her version of the incident before the administrator's decision is made.

The number of days of a student's suspension shall be determined by the campus behavior coordinator, but shall not exceed three school days.

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

1. Self-defense (see glossary),
2. Intent or lack of intent at the time the student engaged in the conduct,
3. The student's disciplinary history, or
4. A disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct.

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

DISCIPLINARY ALTERNATIVE EDUCATION PROGRAM (DAEP) PLACEMENT

THE SUMMIT EDUCATION CENTER (DAEP):

The Summit Education Center is a disciplinary alternative education program (DAEP) for students who require off-campus placement as a consequence for their negative actions. Limited bus transportation is provided for students assigned to the Summit. Students assigned to the Summit are not allowed on any other district campus, or within 300 feet of another district campus, twenty-four hours a day. The parent and student must attend an in-take session before the student will be allowed to attend the program. In-take sessions are on Monday, Tuesday, Wednesday, and Thursday at 3:30 p.m. The home campus administrator will establish the in-take date for each student, following an informal hearing with the parent and student. Failure of the student to participate in the in-take session on the assigned date will result in the student being given an unexcused absence

for that day and each subsequent day where enrollment has not occurred. Students assigned to the Summit who continue to violate the Student Code of Conduct and the rules of the Summit could be recommended for expulsion from the district. Those students who are expelled will be placed in the Dallas County Juvenile Justice Alternative Education Program for a period of not less than 90 school days. Students who withdraw from the district still owing time at the Summit must complete the remaining days of the assignment if they re-enroll in the district at a later date, even if the re-enrollment is in a different school year. These students are also not allowed on any district property at any time until this time is served. Students who withdraw from the district and serve their time in another alternative school for another district are still not allowed on district property until all days initially assigned have been served. A student assigned to a DAEP in an open-enrollment charter school or another district, including a district in another state (if the behavior committed is a reason for DAEP placement in the receiving district), at the time he or she enrolls in the district will be placed into the district's DAEP. Students below the age of six (6) will not be assigned to the Summit. For seniors assigned to a DAEP who are eligible to graduate, the placement in the program will continue through graduation, and the student will not be allowed to participate in the graduation ceremony or related graduation exercises.

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

For purposes of DAEP, elementary classification shall be kindergarten-grade 6 and secondary classification shall be grades 7-12.

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

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

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

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, or
4. A disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct.

DISCRETIONARY PLACEMENT: MISCONDUCT THAT MAY RESULT IN DAEP PLACEMENT

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

MISCONDUCT IDENTIFIED IN STATE LAW

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

- Engaging in bullying that encourages a student to 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 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 Texas 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 or within 300 feet of school property as measured from any point on the school’s real property boundary line, or while attending a school-sponsored or school-related activity on or off school property:
 - Engages in conduct punishable as a felony.
 - Commits an assault (see glossary) under Texas 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 the Expulsion section.) (See glossary for “under the influence.”)

- Sells, gives, or delivers to another person an alcoholic beverage; commits a serious act or offense while under the influence of alcohol; or possesses, uses, or is under the influence of alcohol, if the conduct is not punishable as a felony offense. (School-related felony alcohol offenses are addressed in the Expulsion section.)
- Behaves in a manner that contains the elements of an offense relating to abusable volatile chemicals.
- Behaves in a manner that contains the elements of the offense of public lewdness or indecent exposure.
- 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 the Expulsion section of this Code.)
- Engages in conduct punishable as aggravated robbery or a felony listed under Title 5 (see glossary) of the Texas 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

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

PROCESS:

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

DUE PROCESS:

Only assignments to the Summit or JJAEP may be appealed beyond the campus. All other applied disciplinary consequences rest with the campus principal. Only assignments to JJAEP may be appealed to the Board of Trustees. All Summit assignments may be appealed to a district committee of administrators who hear such appeals.

DUE PROCESS – GENERAL PROCEDURES:

The student has the right to state his/her version of the incident, and the administration must tell the student what the actual infraction is and what consequence will be assigned to that infraction. All appeals of out-of-school suspension, ISS placement, and any other campus-based consequence or Summit placement must be made within forty-eight hours of the parent receiving written notification about the infraction and consequence. General reasons for the appeal are: (1) belief that a policy or procedure was not followed in administering the consequence; and/or (2) belief that the consequence does not fit the infraction according to the Student Code of Conduct. Appeals must first be made at the campus level prior to requesting a district Hearing Committee review. Such appeals must be made in writing to the Director of Student Services, Office of Student Services, 710 South Cedar Ridge Road, Duncanville, 75137, and must be written on a standard appeal form issued by the Office of Student Services; the office phone is 972-708-2066. The district Hearing Committee convenes every Thursday, unless there is a scheduling problem. To have an appeal on Thursday of the current week, the appeal must be in the Office of Student Services no later than noon on Wednesday of that week. If the parent desires to be represented by their legal counsel, the Office of Student Services must be notified before the scheduled hearing. If the reason for the appeal is directed toward school personnel, the parent may desire to resolve the issue through Board Policy FNG (LOCAL)-Student and Parent Complaint

PLACEMENT IN IN-SCHOOL SUSPENSION OR SUSPENSION AT HOME:

Upon placement either in the ISS class or suspension at home, or any other campus based consequence, the parent may appeal the placement. The first step in the appeal process is to the principal of the school if the assignment was made by the assistant principal. If the principal made the decision for the consequence, then the appeal stops with the principal. All appeals that deal with campus-based consequences stop at the principal level. The decision of the principal is final and shall not be appealed to a higher level. During the appeal process, the student must serve the days in question, whether it is in the ISS class or suspension at home. The student will not be allowed to return to his/her regular class during the process.

PLACEMENT IN THE SUMMIT EDUCATION CENTER:

Placement in the Summit Center for Periods Not to Exceed the Earlier of 60 days or the End of the Next Grading Period. Upon placement in the Summit Center, the parent may appeal the placement. The first step in the appeal process is to the principal of the school, if the assignment was made by the assistant principal. If the assignment was made by the principal, or if the principal has already heard the appeal of the parent, the next step in the process is to appeal the placement to the district Hearing Committee. The decision of the district Hearing Committee is final and shall not be appealed. If the student does not enroll at the Summit on the designated day, any days past the designated day and the enrollment date will be classified as “unexcused.”

PLACEMENT IN THE SUMMIT CENTER BEYOND THE END OF THE NEXT GRADING PERIOD OR MORE THAN 60 DAYS:

Upon placement in the Summit Center, the parent may appeal the placement. The first step in the process is to the principal if the assignment was made by the assistant principal. If the assignment

was made by the principal, or if the principal has already heard the appeal of the parent, the next step in the process is to appeal the placement to the district Hearing Committee. The decision of the district Hearing Committee may be appealed to the appropriate Assistant Superintendent or a designee of the Board of Trustees. The decision of the Board's designee is final and shall not be appealed.

DALLAS COUNTY JUVENILE JUSTICE ALTERNATIVE EDUCATION PROGRAM (JJAEP):

The Dallas County JJAEP was established to allow students expelled from local school districts to continue their education. The program is under the jurisdiction of the Juvenile Court System of Dallas County. Students are assigned for a period of not less than 90 school days and as long as one calendar year. Bus transportation is available for all students. Students assigned to the JJAEP are not allowed on any district property or at any district function for any reason at any time until the assigned days are completed in full. Students below the age of ten (10) shall not be expelled to the JJAEP. Students expelled from the Summit will attend JJAEP, unless the student is under the age of ten

EXPULSION FROM THE DISTRICT:

Upon receipt or creation of a discipline referral, the campus administrator may recommend a student for expulsion from the district. Upon receipt of the recommendation, the student shall be placed in the Summit or suspended at home, pending a formal hearing by the district Hearing Committee. The formal hearing shall be held within seven days of the date of the offense, or deferred beyond seven days by mutual consent of both parties. The parent/guardian shall be invited, in writing, to the formal hearing. Date, time, and place will be included in the notification. The parent/guardian shall be given written notice of the charge(s) against the student. The student shall have the right to adult and legal representation. The district must know within three days of the hearing if the student will be represented by legal counsel. If the district makes a good faith effort to inform the parent/guardian of the time and place of the hearing, the district may hold the hearing regardless of whether the parent, student, or representative attends. After the parent receives the decision of the Hearing Committee, the parent may request an appeal to the Board of Trustees. This appeal must be made to the Superintendent within ten days of receipt of the Hearing Committee's decision. Time, date, and place will be supplied by the Superintendent. The student must enroll in the Dallas County JJAEP pending Board appeal. If the decision for expulsion is upheld by the Board of Trustees, the decision of the Board may be appealed by trial de novo to a district court of Dallas County. The parent shall provide adequate supervision of the student during the period of expulsion. Students who are involved in the expulsion appeal process or who have been expelled from the district are not allowed on school property or at any school-related activity at any time, for any reason. The district will continue the expulsion of a newly-enrolled student expelled from another district or an open enrollment charter school until the period of the expulsion is completed.

CONFERENCE:

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

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

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

CONSIDERATION OF MITIGATING FACTORS:

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

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, or
4. A disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct.

DAEP PLACEMENT ORDER:

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

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

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

COURSEWORK NOTICE:

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

LENGTH OF DAEP PLACEMENT:

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

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 or the board's designee must determine that:

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

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.

DAEP 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 FOC (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 the following address: <http://pol.tasb.org/Home/Index/363>.

Appeals shall begin with the Level One appeal to the campus principal. The Level Two appeal will shall be made with the District Hearing Committee.

Disciplinary consequences shall not be deferred pending the outcome of an appeal. The decision

to place a student in a DAEP cannot be appealed beyond the board.

RESTRICTIONS DURING DAEP 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 extracurricular activities.

A student placed in a DAEP shall not be provided transportation to school in the morning, 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 AT DAEP:

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

ADDITIONAL MISCONDUCT DURING DAEP PROCESS:

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

NOTICE OF CRIMINAL PROCEEDINGS:

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

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

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

from the prosecutor. The student may not be returned to the regular classroom pending the review.

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

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

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 DAEP PROCESS:

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

NEWLY ENROLLED STUDENTS:

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

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

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

EMERGENCY DAEP PLACEMENT PROCEDURE:

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

ment, the student shall be given the appropriate conference required for assignment to a DAEP.

PLACEMENT AND/OR EXPULSION FOR CERTAIN OFFENSES:

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

REGISTERED SEX OFFENDERS:

Upon receiving notification in accordance with state law that a student is currently required to register as a sex offender, the 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 DAEP Placement or Expulsion sections, in accordance with Education Code 37.0081, a student may be expelled and placed in either DAEP or JJAEP if the board or campus behavior coordinator makes certain findings and the following circumstances exist in relation to aggravated robbery or a felony offense under Title 5 (see glossary) 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.

DAEP HEARING AND REQUIRED FINDINGS:

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

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

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

LENGTH OF DAEP 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.

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:

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, or
4. A disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct.

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 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 terror-istic threat involving a public school.

AT SCHOOL, WITHIN 300 FEET, OR AT A SCHOOL EVENT

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

- 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 to 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 Section 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, or aggravated robbery.
- Continuous sexual abuse of a young child or children.
- Felony drug- or alcohol-related offense.
- Carrying on or about the student’s person a handgun, location restricted knife, or a club, as these terms are defined by state law. (See glossary.)
- Possessing, manufacturing, transporting, repairing, or selling a prohibited weapon, as de-

fined 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.

EXPULSION WHILE IN DAEP

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

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 Section 21.07, Penal Code;
 - b. Indecent exposure under Section 21.08, Penal Code;
 - c. Criminal mischief under Section 28.03, Penal Code;
 - d. Personal hazing under Section 37.152; or
 - e. Harassment under Section 42.07(a)(1), Penal Code, of a student or district employee.

MANDATORY EXPULSION – MISCONDUCT THAT REQUIRES EXPULSION:

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 TEXAS PENAL CODE

- Carrying on or about the student's person the following, as defined by the Texas Penal Code:
 - 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 knife, as defined by state law. (See glossary.)
 - A club, as defined in 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 Texas Penal Code:
 - Aggravated assault, sexual assault, or aggravated sexual assault.
 - Arson. (See glossary.)
 - Murder, capital murder, or criminal attempt to commit murder or capital murder.
 - Indecency with a child.
 - 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.

EXPULSION 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 Director of Student Services 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 decisions. The student or parent must submit a written request to the superintendent within ten days after receipt of the written decision. The superintendent must provide the student or parent written notice of the date, time, and place of the meeting at which the board will review the decision.

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

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

EXPULSION ORDER:

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

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, or
4. A disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct.

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 Director of Student Services 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 Student Code of Conduct, the expulsion order shall give notice of the inconsistency.

LENGTH OF EXPULSION:

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

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

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

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 EXPULSION PROCESS:

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

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

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

ADDITIONAL MISCONDUCT DURING EXPULSION PROCESS:

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 AND FOLLOWING 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.

Students who complete graduation requirements while enrolled in the JJAEP may not participate in graduation activities, including the graduation ceremony.

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.

GLOSSARY

Abuse is improper or excessive use.

Abusive Language – Any language used to attack the social, religious, racial, or ethnic well-being of a person.

Academic Dishonesty - is any type of cheating that occurs in relation to an academic exercise. Academic dishonesty includes, but is not limited to: plagiarism, cheating, copying, and collusion.

Aggravated Assault - Causing serious bodily injury to another or using or exhibiting a deadly weapon during the commission of an assault.

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:
 - a. 65 years of age or older, or
 - b. A disabled person.

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:

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:
 - 1) Knowing that it is within the limits of an incorporated city or town,
 - 2) Knowing that it is insured against damage or destruction,
 - 3) Knowing that it is subject to a mortgage or other security interest,
 - 4) Knowing that it is located on property belonging to another,
 - 5) Knowing that it has located within it property belonging to another, or
 - 6) When the person starting the fire is reckless about whether the burning or explosion will endanger the life of some individual or the safety of the property of another.
2. 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 causing an explosion and in so doing:

- a. Recklessly damages or destroys a building belonging to another, or
- b. Recklessly causes another person to suffer bodily injury or death.

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

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

Blackmail is the obtaining money or other objects of value from an unwilling person or forcing the person to act through the use of force or threat of force.

Bodily Injury occurs when physical pain, illness, or any impairment of physical condition is inflicted on the victim.

Bomb Threat/Hoax is the expression of intention to use an explosive device to hurt, destroy, intimidate, or act in retaliation.

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

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

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

1. Bullying that occurs on or is delivered to school property or to the site of a school sponsored;
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.

Cheating is any attempt to represent someone else's work as one's own or aiding another student in such deception. To obtain assistance in an academic assignment or exercise without proper attribution.

Chemical dispensing device is defined by Texas Penal Cod 46.01 as a device designed, made, or adapted for the purpose 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.

Class Disruption is any activity which violates the rules of a particular classroom and interferes with the teacher's opportunity to present material or the other student's opportunity to concentrate on the material or their assignment. Any action that disrupts the educational process.

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

Coercion is to force another person to act or think in a given way by pressure, threats, or intimidation.

Collusion is to allow another person to edit or modify your work in any substantive form or fashion.

Contraband is property whose possession is prohibited by law, district policy, or campus policy.

Copying is the direct use of another person's work in one's own assignment without proper attribution or to allow another to copy your work.

Criminal Mischief is when a person, without the effective consent of the owner, intentionally or knowingly damage or destroys the tangible property of the owner; intentionally or knowingly tampering with the tangible property of the owner and causing a pecuniary loss or substantial inconvenience to the owner; or intentionally or knowingly making markings, including inscriptions, slogans, drawings, or painting on the tangible property of the owner. Any loss in excess of \$1,500 .00 is considered a felony.

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

Days, unless otherwise noted, mean school days.

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

Deadly conduct occurs when a person recklessly engages in conduct that places another in imminent danger of serious bodily injury, such as knowingly discharging a firearm in the direction of an

individual, habitation, building, or vehicle.

Defacing School Property means destroying or damaging school property, including school buses, either during school hours, out of school hours, or during vacation times.

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.

Detention is the time of day a student is detained during the school day or after school by a teacher or administrator.

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

Due Process is the hearing process that may include prior notice of the charges and proposed sanctions, right to an adult representative or legal counsel, opportunity to testify and present evidence and witnesses, and the opportunity to examine evidence.

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

Emergency Removal is the removal of a student from regular classes or from district premises for non-disciplinary, health, safety, or welfare reasons.

Explosive weapon is defined by Texas Penal Cod 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 is the act or instance of obtaining money or other object(s) of value by coercive means, such as threats or intimidation.

False alarm or report 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.

False Claim occurs when a student intentionally makes a false claim, offers false statements, or refuses to cooperate with a District investigation regarding discrimination or harassment, including dating violence.

Fighting is mutual combat that results in physical contact and/or bodily injury. Mutual aggression. Injury to combatants is minimal and ends when directed to do so by school staff.

Fighting, serious is defined as a fight where the student(s) refuse to disengage when directed to do so by campus staff and requires direct intervention by a campus staff member or a fight that creates a campus or classroom disruption that could, in the opinion of the responsible campus administrator, result in a dangerous or unsafe environment for students and staff.

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

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

Such term does not include an antique firearm.

Firearm silencer means any device designed, made, or adapted to muffle the report of a firearm.

Forgery is imitating an original piece of writing with the intent to deceive.

Gambling is betting money or any other item of value on the outcome of an event, game, or contest.

Gang is defined as two or more persons who have a common identifying sign, symbol, or identifiable leadership and/or are involved in any activity or behaviors that are illegal or in violation of the Code of Conduct.

Gang Activity is the (1) Wearing, possessing, using, distributing, displaying, or selling any clothing, jewelry, emblems, badges, symbols, signs, graffiti, or other items that are evidence of membership or affiliation in a gang; (2) Committing any act or using any speech, either verbal or nonverbal, such as gestures, handshakes, and the like, that indicate membership or affiliation in a gang; (3) Promoting interest in any gang or gang activity, including, but not limited to: (a) soliciting others for membership; (b) requesting any person to pay protection, or otherwise intimidating or threatening any other person; (c) committing any other illegal act or violation of district policies.

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(5) as any firearm that is designed, made, or adapted to be fired with one hand.

Harassment is:

1. Conduct that meets the definition established in district policies DIA(LOCAL) and FF-H(LOCAL); or
2. Conduct that threatens to cause harm or bodily injury to another person, including a district

Fighting is mutual combat that results in physical contact and/or bodily injury. Mutual aggression. Injury to combatants is minimal and ends when directed to do so by school staff. Fighting, serious is defined as a fight where the student(s) refuse to disengage when directed to do so by campus staff and requires direct intervention by a campus staff member or a fight that creates a campus or classroom disruption that could, in the opinion of the responsible campus administrator, result in a dangerous or unsafe environment for students and staff.

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

1. Any weapon (including a starter gun) that will, is designed to, or may readily be converted to expel a projectile by the action of an explosive;
2. the frame or receiver of any such weapon;
3. Any firearm muffler or firearm weapon; or
4. Any destructive device, such as any explosive, incendiary or poison gas bomb, or grenade. Such term does not include an antique firearm.
- 5.

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

Forgery is imitating an original piece of writing with the intent to deceive.

Gambling is betting money or any other item of value on the outcome of an event, game, or contest.

Gang is defined as two or more persons who have a common identifying sign, symbol, or identifiable leadership and/or are involved in any activity or behaviors that are illegal or in violation of the Code of Conduct.

Gang Activity is the (1) Wearing, possessing, using, distributing, displaying, or selling any clothing, jewelry, emblems, badges, symbols, signs, graffiti, or other items that are evidence of membership or affiliation in a gang; (2) Committing any act or using any speech, either verbal or nonverbal, such as gestures, handshakes, and the like, that indicate membership or affiliation in a gang; (3) Promoting interest in any gang or gang activity, including, but not limited to: (a) soliciting others for membership; (b) requesting any person to pay protection, or otherwise intimidating or threatening any other person; (c) committing any other illegal act or violation of district policies.

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(5) as any firearm that is designed, made, or adapted to be fired with one hand.

Harassment is:

1. Conduct that meets the definition established in district policies DIA(LOCAL) and FF-H(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.

Hazing is defined by Section 37.151 of the Education Code as an intentional, knowing, or reckless act, on or off campus, by one person alone or acting with others, 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 an organization.

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

Improvised explosive device is defined by 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.

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 and 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.

Location-restricted knife is defined by Texas Penal Code 46.01(6) as a knife with a blade over five and one-half inches.

Knuckles as defined by Texas Penal Code 46.01 are any instrument consisting of finger rings or guards made of a hard substance and designed or adapted for inflicting serious bodily injury or death by striking a person with a fist enclosed in the knuckles.

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

Machine gun as defined by 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.

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

Persistent Misbehavior – Misbehavior that, on at least six occasions, violates specific, published standards of student conduct; may be the same or different types of misconduct, but does not include dress code, ID badge, tardy, or skipping infractions.

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 other 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,
 - a. An explosive weapon;
 - b. A machine gun;
 - c. A short-barrel firearm;
 - d. Knuckles;
2. Armor-piercing ammunition;
3. A chemical dispensing device;
4. A zip gun; or
5. A tire deflation device
6. An improvised explosive device; or.
7. A firearm silencer, unless classified as a curio or relic by the U.S. Department of Justice or the actor otherwise possesses, manufactures, transports, repairs, or sells the firearm silencer in compliance with federal law.

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

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

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

Retaliation – Intentionally or knowingly harming or threatening to harm another by an unlawful act based upon revenge.

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. The use of self-defense as a defense to prosecution is limited. Self-defense is only an excuse when the student reasonably believes that the use of force is immediately necessary to protect him/herself because the other individual is causing or attempting to cause him/her bodily harm and there is no other means of escape. A student's use of physical force will typically not be excused if (1) the student had the opportunity to escape or other- wise avoid the confrontation or to inform school officials of another's threat to use force or use of force; (2) the student uses force in response to verbal threats and/or provocation alone; (3) the student provokes, invites, or encourages the use of physical force by another; (4) the force is being used against a teacher or administrator; (5) the student uses force after the other party abandons or attempts to abandon a fight or confrontation; (6) the student uses a greater force than necessary to protect him/herself . Engaging in a fight in which both parties assault each other will be considered mutual assault and will result in the discipline of both students.

Serious misbehavior at DAEP 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, Texas Penal Code; or
4. Conduct that constitutes the offense of:
 - a. Public lewdness under Section 21.07, Texas Penal Code;
 - b. Indecent exposure under Section 21.08; Texas Penal Code;
 - c. Criminal mischief under Section 28.03, Texas Penal Code;
 - d. Personal hazing under Section 37.152, Education Code; or
 - e. Harassment under Section 42.07(a)(1), Texas Penal Code, of a student or district employee.

Sexual Harassment – Sexual harassment of a student, including harassment committed by another student, includes unwelcome sexual advances; requests for sexual favors; or sexually motivated physical, verbal, or nonverbal conduct when the conduct is so severe, persistent, or pervasive that it: 1 . Affects a student's ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening, hostile, or offensive educational environment; 2. Has the purpose or effect of substantially or unreasonably interfering with the student's academic performance; or 3. Otherwise adversely affects the student's educational opportunities.

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

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

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

Theft - The unauthorized possession and/or sale of the property of another without the consent of the owner.

Threat - The expression of intent to inflict bodily injury upon another person or to create a reasonable belief that bodily injury will occur.

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

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

- Murder, manslaughter, or homicide under Sections 19.02, – .05, Texas Penal Code;
- Kidnapping under Section 20.03, Texas Penal Code;
- Trafficking of persons under Section 20A.02, Texas Penal Code;

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

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

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

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

