

Rochelle ISD



Student Code of Conduct

2025–2026 School Year

If you have difficulty accessing the information in this document because of disability, please contact Rochelle ISD at 325-243-5224.

Rochelle Independent School District

Student Code of Conduct Notification Letter

Dear Parent:

This booklet contains the Discipline Management Plan and the Student Code of Conduct for our school district. The information shared with the Rochelle ISD community serves to inform you and your student of the type of conduct expected in the Rochelle ISD. **It is important that you and your child review this information together so that both student and parent will clearly understand the rules of acceptable conduct and the consequences put in place to curtail misbehavior.** With your support and encouragement, we are confident that your child will meet and exceed the behavioral and academic expectations established by the Rochelle ISD community. Those who fail to follow the established rules and regulations should expect to experience normal discipline management techniques, suspension, removal to an alternative education placement, or expulsion depending on the type, nature, and extent of the offense.

We have requested that parents sign a document at enrollment and/or registration; this document states that students and parents understand that access to electronic copies of this document will be made via the school website and that the document will be read annually by students and parents. Physical copies of this document are available from the school by request. **We have also found this an opportune time to share with students and parents that the Rochelle ISD participates in a Guardian program.** With the Guardian Program, we have several employees that serve as guardians and carry a concealed firearm. Our Guardians undergo special training twice annually as a member of this team. Their primary objective is to ensure the safety of all members of the learning community.

If a signed copy is not provided at the point of enrollment or registration, we shall assume that you agree with and accept the policies stated within this document. If you have any questions relating to this discipline management plan and Student Code of Conduct please call or visit with the Principal or Superintendent.

Sincerely,

Matthew Fields
Superintendent – Rochelle ISD

Amy Wilson
Principal – Rochelle ISD

Acknowledgment of Receipt of the Student Code of Conduct

To be completed by the parent/guardian for each individual student.

I have received notification regarding the posting of the Rochelle ISD Discipline Management Plan and Student Code of Conduct on the website. I will read the plan and to become more knowledgeable of the contents of the plan.

School: ROCHELLE ISD

Student's Grade Level:

Student's Name (PLEASE PRINT): _____

Student's Signature: _____

Parent's Signature: _____

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Student Code of Conduct

Accessibility

If you have difficulty accessing the information in this document because of disability, please contact Amy Wilson, Principal, awilson@rochelleisd.net, (325)243-5224.

Purpose

The Student Code of Conduct (“Code of Conduct”) 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 Code of Conduct has been adopted by the Rochelle ISD Board of Trustees and developed with the advice of the district-level committee. This Code of Conduct 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 of Conduct shall be posted at each school campus or shall be available for review at the office of the campus principal. Additionally, the Code of Conduct shall be available at the office of the campus behavior coordinator and posted on the district’s website at www.rochelleisd.net. 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.

Not later than the first day of the 2025-2026 school year, the Texas Education Agency (TEA) shall prepare and provide to each school district a report identifying each law relating to school discipline that was amended or added by the 89th Legislature, Regular Session, 2025. A school district shall provide each student and the parent of or person standing in parental relation to the student with the prepared report.

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

The Student Code of Conduct for the Rochelle Independent School District (referred to as the district in this document), has been developed by administrators, teachers, parents, and community members of the district. It is based on the premise that one's education begins with discipline and ends in self-discipline. Basic to this premise is the belief that effective learning situations can best be provided and positive behavioral patterns enforced when unacceptable

behavioral patterns and their consequences are outlined, communicated and understood by students, parents, and school personnel. When discord does arise, adherence to this code will assure that all parties are treated with courtesy, respect, and fairness, yet with a firmness that will direct students to conduct themselves in an acceptable manner.

Implementation of the Code of Conduct

Responsibility of Administration & Enforcement of the Code of Conduct

- The building Principal and/or other appropriate administrator shall have the responsibility of implementing the code of conduct.
- Assignment of a student to an alternative education program, in accordance with the code, may be made by the principal or other appropriate administrator.
- Suspension of a student from school (not to exceed three days) who engages in conduct for which one may be placed in the alternative education program may be imposed by the principal or other appropriate administrator.
- The Superintendent shall have the authority to expel a student for disciplinary infractions and/or violations of the law in accordance with this code and state and federal law.
- The Superintendent, Principal, or appropriate administrator may order the immediate suspension, expulsion, or placement in an alternative education program of a student whose behavior is so unruly, disruptive, or abusive that it seriously interferes with school operations or activities, and/or the administrator reasonably believes that such action is necessary to protect persons or property from imminent harm.
- The school administration shall provide each certified employee with a copy of subchapter A of Chapter 37 on alternative settings for behavior management and a copy of the local discipline policies.
- Administrators will inform each teacher of a student who has committed an expellable offense.

The district has disciplinary authority over a student:

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

The Role of Teachers and Other Certified Personnel

Administrators have the responsibility to:

- Assure a safe and orderly climate for teaching and learning.
- Enforce the Rochelle ISD Board approved Student Code of Conduct.
- Provide appropriate support for teachers who seek help in discipline management.
- Notify parents within 24 hours of receipt of a report of violation of the Student Code of Conduct.
- Provide campus in-service related to the code of conduct.
- Ensuring that teachers communicate with parents when their child becomes a discipline problem.
- Communicate with parents when their child presents a consistent discipline problem.
- Secure a signed statement from parents acknowledging the posting of an electronic copy or receipt of a physical copy of the code of conduct.
- Report firearm offenses to TEA in accordance with 37.001(e).
- Schedule hearings within 3 days after a formal teacher removal of a student.
- Provide parents with notice of and an opportunity to participate in a proceeding before the board or board of designee when student placement in an alternative education program (AEP) extends beyond the end of the next grading period.
- Provide minimal due process for suspensions and AEP placements.
- Provide 120 calendar day review of academic status of students in AEP.
- If the student is in high school, the parent and school official shall review progress toward graduation and establish a specific graduation plan. The district is not required to provide a course necessary to fulfill a student's graduation requirement while the student is in AEP beyond that required by law.
- Make appropriate reports to law enforcement.
- Admit a student to school after the student has successfully completed any court disposition requirements if the student meets requirements for public school admission.

Teachers and other certified personnel have the responsibility to:

- Be knowledgeable of the code of conduct.
- Develop, maintain, and communicate classroom rules and discipline management procedures.
- Create a supportive classroom that works to prevent instances of misbehavior.
- Communicate with parents and guardians if disciplinary issues arise and establish rapport and an effective working relationship with parents.
- Remove a student who commits certain offenses from class.
- Maintain an orderly classroom and atmosphere.
- Report (using the provided office referral) to the principal or other appropriate administrator for any known violation of the Student Code of Conduct that requires administrative action.

- Maintain confidentiality upon receipt of information that a student has committed an expellable offense.

Responsibilities of Parents

Parents, which includes single parents, legal guardians, or person(s) having lawful control of the student, have the responsibility to:

- Make every effort to provide for the physical needs of the student.
- Teach the child to pay attention and obey the rules.
- Assure their child attends school regularly and report (in writing) and explain absences and tardiness to school personnel.
- Be sure the child is appropriately dressed at school and school-related activities.
- Support school personnel in the enforcement of discipline imposed in accordance with school policy and the Student Code of Conduct.
- Participate in meaningful conferences with school personnel regarding the child's progress, behavior, or general welfare.
- Discuss report cards and school assignments with their child.
- Bring to the attention of school personnel any problem or condition that may relate to the child's education or well-being.
- Supply all records required for enrollment.
- Submit a signed statement that they have physically received or have electronic access to and will review the Student Code of Conduct and that they will become knowledgeable of the responsibilities outlined in the code.

Parent Teacher Conferences

It is recognized that a close and cordial relationship between parents and school personnel will enhance student achievement. District personnel will communicate and work closely with parents in an effort to improve academic performance and/or establish workable solutions to student behavior problems. All schools will schedule at least one general conference for parents to provide an overview of district and classroom behavior expectations. This conference may be accomplished through open house, meeting of the parent teacher organization, or through a general meeting of parents and district or campus personnel. Other conferences may be held at the request of the parent or school personnel when problems arise relating to a student's academic achievement, when the student behavior results in assignment to in-school suspension or an alternative education program, or when there are excessive absences or tardies.

Rights and Responsibilities of Students

All students are entitled to enjoy the basic rights of citizenship recognized and protected by law for persons of their age and maturity. The school will foster a climate of mutual respect for the rights of others. Students are expected to respect the rights and privileges of other students, teachers, and District staff. The district's rules of conduct and discipline are established to

achieve and maintain order in the school. Students who violate the rights of others or who violate District or school rules will be subject to disciplinary measures designed to correct the misconduct and to promote adherence by all students to their responsibilities as citizens in the school community. Student responsibilities for achieving a positive learning environment at school or school-related activities include:

- Attending all classes daily and on time.
- Being prepared for each class with appropriate materials and assignments.
- Being properly dressed.
- Exhibiting respect toward others.
- Behaving in a responsible manner.
- Paying required fees and fines unless they are waived.
- Refraining from violations of the code of conduct.
- Obeying all school rules and safety rules.
- Exhibiting responsible conduct at school, on school buses, and at all school functions on or off campus.
- Cooperating with staff in investigation of disciplinary cases and volunteering information relating to a serious offense.
- Students are responsible and may face disciplinary action for the contents of their lockers, automobiles, and/or backpacks.

Prohibited Activities at School and at School Events

- Cheating or copying the work of another student.
- Throwing objects outside supervised school activities, that can cause bodily injury or damage to property.
- Leaving school and school-sponsored events without permission.
- Directing profanity, vulgar language, or obscene gestures toward others.
- Insubordination, such as disobeying directives from school personnel or school policies, rules, and regulations.
- Being disrespectful or directing profanity, vulgar language, or obscene gestures toward teachers or other school employees.
- Playing with matches, fire, or committing arson.
- Committing robbery or theft.
- Damaging or vandalizing property owned by the district, other students, or District employees.
- Disobeying school rules about conduct on school buses.
- Fighting, committing physical abuse, or threatening physical abuse.
- Committing extortion, coercion, or blackmail; that is obtaining money or other objects of value from an unwilling person or forcing an individual to act with force or threat of force.
- Engaging in verbal abuse; this includes name-calling, using ethnic or racial slurs, or derogatory statements that may substantially disrupt the school program or incite violence.

- Engaging in inappropriate physical or sexual contact is disruptive to the school environment or disturbing to other students.
- Engaging in any other conduct that disrupts the school environment or educational process.
- Committing indecent exposure.
- Being tardy or leaving school grounds when not permitted to do so.
- Engaging in any conduct constituting felony criminal mischief as defined by law.
- Engaging in any unruly, disruptive, or abusive behavior that seriously interferes with teacher's communications, with students, with students' ability to learn, or with the educational process. This disruptive behavior can manifest through many avenues including the use of cell phones, smart watches, etc. Cell phone use is prohibited during the instructional day.

Dress Code

The Rochelle ISD dress code is established to teach hygiene, instill discipline, prevent disruption, and avoid safety hazards. Students shall come to school looking clean and neat and exhibiting grooming that will not pose a health or a safety risk to themselves or to others. Students must follow the dress code when at school. The following is a list of rules and regulations regarding dress code and grooming.

- Students' hair must be clean and groomed.
- Hair is not to fall below the eyebrows.
- Jeans with holes may be worn, provided that the holes are covered above the student's fingerprints at arm length.
- Shorts that are hemmed, dresses, skirts or skorts may be worn provided they are not above the student's fingertips at arm's length.
- Spandex shorts and PE type clothing may be worn for PE or athletic purposes only during the designated athletic and PE periods only.
- See through shirts, muscle shirts, and/or shirts that do not cover the waist are not permitted. Boys are not allowed to wear sleeveless shirts.
- Tights/Leggings may be worn provided they are worn with tunics or long blouses that are fingertip length.
- Hats may not be worn in the building. Hats worn outside must be worn with the bill facing forward.
- Inappropriate tattoos are not permitted.
- Boys are not permitted to wear earrings or body piercings.
- Boys are not permitted to wear earrings.
- Boys are not permitted to wear fingernail polish.
- Garments that are designed to be worn as undergarments will remain concealed at all times. Tank tops are not allowed to be worn as primary tops.
- Pajama bottoms are not permitted.
- The district prohibits pictures, emblems, or writings on clothing that are lewd, offensive, vulgar, obscene, depict sexual over-tones, that advertise or depict tobacco products, alcoholic beverages, drugs, or any other substance prohibited under policy. This policy

extends to any clothing or grooming that, in the eyes of the administration, may cause a disruption or interfere with normal school operations.

Attendance

To receive credit in a class, a student must be in attendance for at least 90% of the days the class is offered during a semester. A student who is in attendance less than 90% of the days the class is offered in a semester shall not be given credit for the class unless the attendance committee finds that the absence(s) are the result of extenuating circumstances. The Attendance Committee will continually monitor attendance. When returning to school after an absence, a student must bring a note signed by the parent that describes the reason for the absence. Verification of any illness may be required if the student's absences are more than 3 to 5 consecutive days, or if the reason given is suspect. The district considers the following as extenuating circumstances for the purpose of granting credit for a class:

- An excused absence based on personal sickness, sickness or death in the family, quarantine, weather or road conditions making travel dangerous, or any other unusual cause acceptable to the principal.
- Days of suspension.
- Participation in court proceedings or child abuse/neglect investigation.
- A migrant student's late enrollment or early withdrawal.
- Days missed as a runaway.
- Completion of a competence-based program for at-risk students.
- Late enrollment or early withdrawal of a student under the Texas Youth Commission.
- Teen parent absences to care for his or her child.
- Participation in a substance abuse rehabilitation program.
- Homelessness as defined in federal law.

An attendance committee will be appointed by each school to hear appeals from students who are in attendance less than 90% of the days the class is offered. The committee will consist of the student's teacher(s), counselor, and the principal or his or her representative. The attendance committee will have the authority to:

- Grant credit if excessive absences are caused by extenuating circumstances.
- Offer alternative ways for students to make up time and school work missed.
- Deny credit as is allowable by the above code.
- Derive student contracts with the student and parents/guardians to curtail additional absences.
- Report cases of truancy to the proper judicial authority.

Compulsory Attendance

Students will be required to attend school if they are 6 years old or before September 1st and until the student has completed the school year in which their 17th birthday occurs. Upon enrollment in school, pre-kindergarten and kindergarten students will be required to attend school.

OFFICIAL NOTICE PURSUANT TO EDUCATION CODE 25.095, TO THE CHILD AND PERSON(S) STANDING IN PARENTAL RELATION TO THE CHILD. Failure to comply with the laws and rules governing compulsory attendance may result in legal action or other consequences.

Rochelle ISD has adopted the following graduated sanctions, in effect September 1, 2015, to address 90% compulsory attendance and truancy pursuant to the passage of HB 2398. Parents or students will have two (2) days in which to produce appropriate documentation for excusal of absences prior to truancy sanctions being enacted.

- 1st Unexcused absence - Notification Letter and 1 day of detention
- 2nd Unexcused absence - Notification Letter and 1 day of detention
- 3rd Unexcused absence - Notification Letter and 1 day of detention
- 4th Unexcused absence - Notification Letter and 1 day of detention
- 5th Unexcused absence - Compulsory Attendance Letter and ISS or Friday School
- 6th Unexcused absence - ISS or Friday School
- 7th Unexcused absence - ISS or Friday School
- 8th Unexcused absence - Friday School
- 9th Unexcused absence - Friday School
- 10th Unexcused absence - Truancy filed with court

If the student does not attend the Friday School assigned, they will not be eligible to participate nor attend any school extra-curricular activity or event until the assignment has been successfully completed. Additional Saturday Schools may be required at the discretion of an administrator.

As mentioned previously, all absences with a parent note will be excused at the discretion of Rochelle ISD, and the excused absence will not count toward the above 10-day outline. It is important to note that school officials will only accept a note from parent/guardian 3 times before the student is required to bring a doctor's note in order to be excused. Two partial days on which the student is absent will equal 1 full day of absence.

Vandalism/Damage to School Property

Students shall not vandalize or otherwise damage or deface any property, including furniture and other equipment, belonging to or used by the District or District schools. Parents or guardians of students guilty of damaging school property shall be liable for damages in accordance with law. Students shall be responsible for the care and return of state-owned textbooks and may be charged for the replacement of lost textbooks. This responsibility extends to other devices (such as iPads, laptops, calculators, etc.) belonging to the district; if these items are damaged by or because of a student, the student and the student's family will be responsible for replacing the

item. Students that do not replace or pay for school materials if they are lost or damaged must submit a deposit before receiving other school materials.

Hazing

By definition, hazing includes any willful act done by a student, either individually or with others, to another student for the purpose of subjecting the other student to indignity, humiliation, intimidation, physical abuse or threats of abuse, social or other ostracism, shame, or disgrace. Students shall have prior approval from the principal or designee for any type of "initiation rites" of a school club or organization; the principal will have final say regarding such "initiation rites". No student shall engage in any form of hazing, nor shall any student encourage or assist any other person in hazing.

Tobacco Use

The use or possession of tobacco products by students is prohibited on all campuses. Students shall not possess or use tobacco products, including but not limited to cigarettes, e-cigarettes, cigars, pipes, snuff, or chewing tobacco on school premises or at school-related activities whether they be on-campus or off-campus.

Drug-Alcohol Use

No student shall possess, use, transmit, or attempt to possess, use, or transmit, or be under the influence of any of the following substances on school premises during any school term or off school premises at a school-related activity, function, or event:

- Any controlled substance or dangerous drug as defined by law, without regard to amount, including but not limited to marijuana, any narcotic drug, hallucinogen, stimulant, depressant, amphetamine, or barbiturate. Medications that are controlled must be kept and dispensed by the school nurse.
- Alcohol or any alcoholic beverage.
- Any abusable glue, aerosol paint, or any other chemical substance for inhalation.
- Any other intoxicant, or mood-changing, mind-altering, or behavior-altering drugs prohibited under the Texas Controlled Substance Act or Federal Drug Abuse Prevention Control Act.

Please note that the term "use" means a student has smoked, ingested, injected, imbibed, inhaled, drank, or otherwise taken internally a prohibited substance recently enough that it is detectable by the student's physical appearance, actions, or speech. Additionally, the phrasing "under the influence" means a student's faculties are noticeably impaired; however, the student need not be legally intoxicated.

The transmittal, sale, or attempted sale of what is represented to be any of the above-listed substances is also prohibited under this rule.

School District Authority and Jurisdiction

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

The district has disciplinary authority over a student:

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

Campus Behavior Coordinator

As required by law, a single person at each campus must be designated to serve as the campus behavior coordinator (CBC). The designated person may be the principal of the campus, or any other campus administrator selected by the principal. Additional staff members may assist the CBC in the performance of the CBC's duties, provided that the CBC personally verifies that all aspects of Chapter 37, Subchapter A are appropriately implemented. Mrs. Wilson, the Principal at Rochelle ISD, will serve as the CBC at Rochelle ISD. The CBC is primarily responsible for maintaining student discipline. The CBC shall monitor disciplinary referrals and report the following behavior to the campus's threat assessment and safe and supportive school team:

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

The district shall post on its website and in the Student Handbook, for each campus, the email address and telephone number of the person serving as CBC. Contact information may be found at www.rochelleisd.net and at <https://www.rochelleisd.net/page/student-code-of-conduct>.

Threat Assessment and Safe and Supportive School Team

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

Searches

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

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

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

Reporting Crimes

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

Security Personnel

In accordance with law, the board has coordinated with the CBC and other district employees to ensure appropriate law enforcement duties are assigned to security staff. The law enforcement duties of district peace officers are listed in policy CKE(LOCAL). The law enforcement duties of school resource officers are within the scope of their allowable duties.

"Parent" Defined

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

Participating in Graduation Activities

The district has the right to limit a student's participation in graduation activities for violating the district's Code of Conduct.

Participation might include a speaking role, as established by district policy and procedures.

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

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

Unauthorized Persons

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

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 ejection.

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

See **DAEP—Restrictions During Placement** on page 42, for information regarding a student assigned to DAEP at the time of graduation.

Cooperation with Law Enforcement Officials

The district and district personnel will cooperate with law enforcement agencies within reason. Law enforcement officials may be summoned to keep or restore order at school or school related activities. They may also be summoned to conduct an investigation of alleged criminal conduct on school premises or at school sponsored activities. Administrators shall have the responsibility and authority to determine when law enforcement assistance is needed within their respective jurisdiction. However, district administrators shall at all times act in a manner that protects and guarantees the rights of students and parents.

Police Questioning of Students

For police questioning of a student in school, the following guidelines shall apply:

- The officer shall provide his/her name and title for district records.
- The officer shall state the necessity for questioning the student during school hours at school.
- After consultation, the principal or officer shall make a reasonable effort to contact the student's parents.
- Effort shall be made for questioning to be out of the view of other students.

Arrested Students

If a student at school is subject to arrest or apprehension by law enforcement officer(s), the principal or appropriate administrator, after consultation, shall deliver the student into the officer's custody. The principal shall immediately make reasonable efforts to notify the student's parents and the Superintendent.

School District and Juvenile Justice Relations

The district has entered a memorandum of understanding between the board of trustees and the county juvenile board concerning the establishment and operation of the Juvenile Justice Alternative Education Program (JJAEP). Their agreement provides for the following:

- The responsibilities of the juvenile board concerning the establishment and operation of the JJAEP.
- The payment of services from the district to the juvenile board.
- Liability issues.
- The transportation of students.
- The exchange of other services between the District and the JJAEP.
- The juvenile probation department's role in supervising the provision of other services for students in the school district AEP.
- Whether or not the court can order a student to attend a school district AEP as a part of probation.
- A memorandum of understanding of the process by which the Code of Conduct can be amended at a later date.
- Other issues the district and the juvenile board feel should be addressed in a written agreement.

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:

- Protect a person, including the employee, from physical injury.
- Obtain possession of a weapon or dangerous object.
- Protect property from serious damage.
- Restrain an irrational student.

Remove from a specific location a student refusing a lawful command of a school employee, including from a classroom or other school property, in order to restore order or impose disciplinary measures.

Distribution of Materials

Distribution of written materials may be restricted and is subject to the following guidelines:

- Distribution may be limited in order to prevent material and substantial interference with normal school operations in circumstances where there is evidence that reasonably supports forecast that disruption will likely result directly from the distribution.
- Reasonable administrative regulations as to the time, place, and manner of distribution may be prescribed to promote orderly administration of school activities by preventing disruption but shall not be designed to stifle expression.
- Content of the materials to be distributed shall conform to the following standards:

- Materials that are sexually inappropriate for the age and maturity of the audience or that endorse actions endangering the health and safety of students shall not be distributed.
- Material may not be forbidden if the portions or specific language objected to may also be found in material that is made available to students through school facilities, i.e., the school library or reading assigned by teachers.
- Libelous material may be prohibited from distribution.
- Publications that criticize board members or school officials or advocate violation of school rules may be prohibited when there is evidence that reasonably supports a forecast that material and substantial disruption of normal school operations will result from the publication. Advocacy directed toward inciting or producing imminent lawless or disruptive action and that is likely to incite or produce such action shall be restricted.
- Hate literature that scrupulously attacks ethnic, religious, or racial groups, and similar irresponsible publications aimed at creating hostility and violence may be banned. Only material that could reasonably support a forecast of material and substantial disruption of normal school operations is affected by this restriction.

Prior Review

All student publications and other written material intended for distribution to students shall be submitted for prior review according to the following procedures:

- Material shall be submitted to the building Principal or a designee for review.
- The principal or a designee shall approve or disapprove of submitted material within twenty-four hours of the time the material is received. Failure to act within the twenty-four-hour period shall be interpreted as disapproval.
- The student may appeal disapproval to the Superintendent who shall decide on the appeal within three days of its receipt. Failure of the Superintendent to act within the three-day period shall be interpreted as disapproval.
- The student may appeal disapproval by the Superintendent to the Board. The student shall notify the Superintendent of the appeal and request the matter be placed on the agenda for the next Board meeting. At that Board meeting, the student shall be given a reasonable period of time to present his or her viewpoint.

Standards for Student Conduct

Each student is expected to:

- Demonstrate courtesy, even when others do not.
- Behave in a responsible manner.
- Exercise self-discipline.
- Attend all classes regularly and on time.
- Bring 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

Closed Campus

Rochelle Independent School District is a closed campus.

Lunch Time

All students are to remain on campus during the allotted lunch time unless permitted to leave by an administrator and with the permission of parents.

Other Times

Students shall not leave campus at any other time other than at the regular release time without permission of the principal and their parents. Parents, legal guardians, or other individuals listed on the emergency contact list are the only individuals that can sign out a student under the age of 18. A student that is 18 or older can sign out with parent and/or guardian permission. Students that leave campus are coded accordingly based on the nature of the absence. All students leaving campus must sign out without exception; school employees will verify that the appropriate steps have been taken for signing out. A student that leaves campus without permission is in violation of policy and is subject to disciplinary action; this situation requires law enforcement to be notified of a runaway student.

Secret or Self-Perpetuating Societies

Students shall not become members or promise to become members of any organization composed wholly, or in part, of students in public schools which seeks to perpetuate itself by taking in additional members from the students enrolled in such school on the basis of the

decision of its members rather than upon the free choice of any student in the school who is qualified under the rules of the school in order to fill the special aims of the organization.

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 **In-School Suspension**, **Out-of-School Suspension** on page 32, **DAEP Placement** on page 34, **Placement and/or Expulsion for Certain Offenses** on page 44, and **Expulsion** on page 45, 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 on page 30.

Disregard for Authority

Students shall not:

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

Mistreatment of Others

Students shall not:

- Use profanity or vulgar language or make obscene gestures.
- Fight or scuffle. (For assault, see **DAEP—Placement and/or Expulsion for Certain Offenses** on page 44.)
- Threaten a district student, employee, or volunteer, including off school property, if the conduct causes a substantial disruption to the educational environment.
- Engage in any behavior that violates the Student Code of Conduct and is motivated by antisemitism. [see Glossary]
- 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 and/or Expulsion for Certain Offenses** on page 44.)
- Deface or damage school property—including textbooks, technology and electronic resources, lockers, furniture, and other equipment—with graffiti or by other means.
- Steal from students, staff, or the school.
- Commit or assist in a robbery or theft, even if it does not constitute a felony according to the Penal Code. (For felony robbery, aggravated robbery, and theft, see **DAEP—Placement and/or Expulsion for Certain Offenses** on page 44.)
- Enter, without authorization, district facilities that are not open for operations.

Possession of Prohibited Items

Students shall not possess or use:

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

- Pornographic material;
- Tobacco products; (including nicotine pouches), cigarettes; e-cigarettes; and any component, part, or accessory for an e-cigarette device;
- Matches or a lighter;
- A laser pointer for other than an approved use; or
- Any articles not generally considered to be weapons, including school supplies, when the principal or designee determines that a danger exists.

*For weapons and firearms, see **DAEP—Placement and/or Expulsion for Certain Offenses** on page 44. In many circumstances, possession of these items is punishable by mandatory expulsion under federal or state law.

Possession of Personal Communication

Students shall not:

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

- The district may authorize the use of a personal communication device for the following reasons:
 - To implement an individualized education program (IEP) or for a plan created under Section 504, Rehabilitation Act of 1973 (29 U.S.C Section 794) or a similar program or plan;
 - With documented need based on a directive from a qualified physician; or
 - To comply with a health or safety requirement imposed by law or as part of the district's safety protocols.

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

Students are not permitted to utilize such items as pagers, radios, CD players, tape recorders, camcorders, DVD players, cameras, electronic devices or games, smart watches, or cellphones/smartphones or other similar device with text messaging capabilities during the instructional day with the exception of lunch for grades 6-12. The usage of these devices at any other time outside of lunch is not permitted.

Students should not bring any of the following devices to school for use during the instructional day: CD Players, camcorders, DVD players, cameras, cell phones, smart-watches, electronic devices of any kind, or game. If students bring these devices, they bring them at their own risk. If devices are stolen while students have them at school, Rochelle ISD is not responsible for the theft of these items. Cell phones and smart watches should remain out of sight for the duration of the instructional day regardless of whether or not the devices are being used. Students that have these devices out in view of a teacher, aide, or administrator must forfeit the device to the school employee. Cell phones and smart watches are to be stored in a car, locker, or backpack throughout the course of the entire instructional day. Students that violate this policy will be

provided a consequence. Parents can retrieve devices at the end of the school day from the front office. Cell phones or smart watches not picked up at the end of an instructional day may be picked up at the end of the following instructional day. Students that refuse to give up the device will be placed in ISS for an entire day for every day they do not submit the device. Such students will not be allowed to participate in extracurricular activities during that time.

Illegal, Prescription, and Over-the-Counter Drugs

Students shall not:

- Possess, use, give, or sell alcohol or an illegal drug. (Also see **DAEP Placement** on page 34 and **Expulsion** on page 45 for mandatory and permissive consequences under state law.)
- Possess or sell seeds or pieces of marijuana in less than a usable amount.
- Possess, use, give, or sell paraphernalia related to any prohibited substance. (See **glossary** for “paraphernalia.”)
- Possess, use, abuse, or sell look-alike drugs or attempt to pass items off as drugs or contraband.
- Abuse the student’s own prescription drug, give a prescription drug to another student, or possess or be under the influence of another person’s prescription drug on school property or at a school-related event. (See **glossary** for “abuse.”)
- Abuse over-the-counter drugs. (See **glossary** for “abuse.”)
- Be under the influence of prescription or over-the-counter drugs that cause impairment of the physical or mental faculties. (See **glossary** for “under the influence.”)
- Have or take prescription drugs or over-the-counter drugs at school other than as provided by district policy.

Misuse of Technology Resources and the Internet

Students shall not:

- Violate policies, rules, or agreements signed by the student or the student’s parent regarding the use of technology resources.
- Attempt to access or circumvent passwords or other security-related information of the district, students, or employees or upload or create computer viruses, including off school property if the conduct causes a substantial disruption to the educational environment.
- Attempt to alter, destroy, or disable district technology resources including, but not limited to, computers and related equipment, district data, the data of others, or other networks connected to the district’s system, including off school property if the conduct causes a substantial disruption to the educational environment.
- Use the internet or other electronic communications to threaten or harass district students, employees, board members, or volunteers, including off school property if the conduct causes a substantial disruption to the educational environment or infringes on the rights of another student at school.

- Utilize artificial intelligence in a way that would constitute academic dishonesty or as a means of engaging in any other prohibited conduct.
- Send, post, deliver, or possess electronic messages that are abusive, obscene, sexually oriented, threatening, harassing, damaging to another's reputation, or illegal, including cyberbullying and "sexting," either on or off school property, if the conduct causes a substantial disruption to the educational environment or infringes on the rights of another student at school.
- Use the internet or other electronic communication to engage in or encourage illegal behavior or threaten school safety, including off school property if the conduct causes a substantial disruption to the educational environment or infringes on the rights of another student at school.
- • Utilize artificial intelligence in a way that would constitute academic dishonesty or as a means of engaging in any other prohibited conduct.

Safety Transgressions

Students shall not:

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

Miscellaneous Offenses

Students shall not:

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

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

Disturbing School or Classes

For purpose of this rule, the term “school property” includes the public-school campus and school grounds upon which any public school is located and any grounds or buildings used by District schools for assemblies or other school-related activities. This definition extends to “public property” and, as such, includes any street, highway, alley, public park, or sidewalk.

No student shall be permitted, on school property or on public property within 500 feet of school property, to willfully disrupt (whether alone or in concert with others) the instructional program or other school activities. Conduct that disrupts the educational activities of a school includes:

- Emitting noise of an intensity that prevents or hinders classroom instruction.
- Enticement or attempted enticement of students away from classes or other school activities that students are required to attend.
- Prevention or attempted prevention of students from attending classes or other school activities that students are required to attend.
- Entrance into a classroom without consent of either the principal or teacher and either through acts of misconduct and/or use of loud or profane language causing disruption of class activities.

Disruption of Lawful Assembly

No student or group of students acting in concert may willfully engage in disruptive activity or disrupt a lawful assembly on the campus or property of any school in the district. Disruptive activity means:

- Obstructing or restraining the passage of people in an exit, entrance, or hallway of any building without the authorization of the administration of the school.
- Seizing control of any building or portion of a building for the purpose of interfering with any administrative, educational, research, or other authorized activity.
- Preventing or attempting to prevent by force, violence, or the threat of violence any lawful assembly authorized by the school administration.
- Disrupting by force, violence, or the threat of force or violence a lawful assembly in progress.
- Obstructing or restraining the passage of any person at an exit or entrance to said campus or property or preventing or attempting to prevent by force or violence or by threats thereof the entrance or exit of any person to or from said property or campus without the authorization of the administration of the school.

A lawful assembly is disrupted when any person in attendance is rendered incapable of participating in the assembly due to the use of force or violence or due to a reasonable fear that force, or violence is likely to occur. Conduct by students, either in or out of class, that for any reason - whether because of time, place, or manner of behavior - materially disrupts class work or involves substantial disorder or invasion of the rights of other students or employees at school or school-related activities is prohibited.

Student demonstrations and similar activities shall be prohibited when there is evidence that may reasonably lead school authorities to forecast substantial disruption of, or material interference with, normal school operations or approved school activities.

Discipline Management Techniques

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

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

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

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

Students with Disabilities

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

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

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

Techniques

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

- Verbal correction, oral or written.
- Cooling-off time or a brief "time-out" period, in accordance with law.
- Seating changes within the classroom or vehicles owned or operated by the district.
- Temporary confiscation of items that disrupt the educational process.

- Rewards or demerits.
- Behavioral contracts.
- Counseling by teachers, school counselors, or administrative personnel.
- Parent-teacher conferences.
- Behavior coaching.
- Anger management classes.
- Mediation (victim-offender).
- Classroom circles.
- Family group conferencing.
- Grade reductions for cheating, plagiarism, and as otherwise permitted by policy.
- Detention, including outside regular school hours.
- Sending the student to the office 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.
- In-school suspension, as specified in In-School Suspension.
- Out-of-school suspension, as specified in **Out-of-School Suspension** on page 32.
- Placement in a DAEP, as specified in **DAEP** on page 34.
- Placement and/or expulsion in an alternative educational setting, as specified in **Placement and/or Expulsion for Certain Offenses** on page 44.
- Expulsion, as specified in **Expulsion** on page 45.
- Referral to an outside agency or legal authority for criminal prosecution in addition to disciplinary measures imposed by the district.
- Other strategies and consequences as determined by school officials.

Prohibited Aversive Techniques

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

- Using techniques designed or likely to cause physical pain, other than corporal punishment as permitted by district policy. [See policy FO(LOCAL).]

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

Notification

The CBC 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 CBC 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 CBC shall send written notification by U.S. Mail. If the CBC is not able to provide notice to the parent, the principal or designee shall provide the notice.

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

Parental Involvement

The principal, campus behavior coordinator, or other appropriate administrator shall notify the parent of or person standing in parental relation to a student who has been placed in a disciplinary alternative education program (DAEP) or expelled of the parent's or person's right to request a behavioral agreement that specifies the responsibilities of the parent or person and student.

The behavioral agreement must specify the responsibilities of the student and parent/guardian. If followed, the agreement may result in a reduced disciplinary placement period, as outlined in the agreement. Reduction in the disciplinary placement period does not entitle the student to different disciplinary placement. The decision to reduce, revoke, or amend the disciplinary placement period is at the sole discretion of the school administration. Compliance with the agreement is required for the reduction to remain valid.

Appeals

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

<https://policyonline.tasb.org/Home/Index/856>.

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

Detention

For minor infractions of the code of conduct or other policies or regulations (as outlined in the Code of Conduct), teachers or administrators may detain students after school hours in detention. Detention will be offered each day in the cafeteria or other designated space. Before assigning a student to detention, the teacher or administrator shall inform the student of the conduct that constitutes a violation.

Once the detention is issued, a student will call his/her parent(s). A student is to call his or her parents and must share the reason(s) for being assigned detention. Students will serve detention the day of the offense or the following day if there is a conflict; any change of dates beyond this must be approved by the office or teacher giving the detention. A member of the front office team, administrator, or teacher can move the date of detention depending on the circumstances. The front office will keep a running detention log and share this log with the faculty.

Students that miss or skip a detention may receive additional consequences at the discretion and determination of an administrator.

Corporal Punishment

Corporal punishment is permitted as a corrective action to certain rule infractions in order to preserve an effective and orderly educational environment. Factors of student size, age, and the physical, mental and emotional conditions of the student shall be considered before the administration of any corporal punishment.

Corporal punishment shall be limited to spanking or paddling and shall be administered only in accordance with the following guidelines:

- The student will be informed of the reason(s) for corporal punishment.
- The parent will be notified of the offense and must agree to the use of corporal punishment.
- Corporal punishment may be administered by the teacher, school Principal, or other school administrator.
- The instrument to be used in administering corporal punishment shall be approved by the principal.
- The administration of corporal punishment shall be performed in the presence of one other professional employee of the district, and in a designated place out of view of other students.
- A record shall be maintained on each administration of corporal punishment.

Parents may opt out of corporal punishment by submitting a written letter to Rochelle ISD.

Saturday/Friday School

Students may be assigned to Friday or Saturday School by an attendance committee for excessive absences. In other words, Friday School will be required for students who are deemed as being truant. As was mentioned previously, if the student does not attend the Friday School assigned, they will not be eligible to participate nor attend any school extra-curricular activity or event until the assignment has been successfully completed. Additional days of Friday School may be required at the discretion of an administrator. Friday school may be used as a disciplinary technique; attendance requirements for Friday School are consistent regardless of the reason why a student serves Friday School.

Removal from the School Bus

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

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

School buses shall be considered an extension of the classroom, and students are expected to conduct themselves accordingly. Students transported in school-owned vehicles shall comply with the Code of Conduct. Behavior that is not permitted includes but is not limited to the following:

- Being disobedient or disrespectful to the driver.
- Standing or moving around while the bus is in motion
- Sticking the head or hands out of a window.
- Throwing an object or objects out of a window.
- Excessively loud talking or laughing.
- Using tobacco, alcohol, or any other prohibited substance.
- Scuffling or fighting.
- Hitting or slapping other students.
- Using obscene and/or unacceptable language.
- Littering the bus.
- Disturbing others.
- Eating or drinking on the bus.
- Tampering with the bus and/or bus equipment.
- Possessing or being under the influence of marijuana, alcohol, a controlled substance, a dangerous drug, or an item that mimics a prohibited substance.

Should the rules be broken, the following consequences will be invoked:

First Bus Report: The student will have a conference with the Principal, Transportation Director or designee; disciplinary action may be taken. The student may retain bus privileges depending on the nature of the report and the specific rule broken; serious offenses will be treated like a fourth bus report at the discretion of the principal. The parent will be notified of the offense, the conference, and any disciplinary action.

Second Bus Report: If the student receives a second bus report within the same semester or soon after the first bus report, the student will lose bus privileges for five days. The parent will again be notified of the offense and consequence. Again, serious offenses will be treated like a fourth bus report (again at the discretion of the principal).

Third Bus Report: The student will lose bus privileges for ten days. The parent will again be notified of the offense and consequence. Serious offenses (as outlined above) may be treated like a fourth bus report at the discretion of the principal.

Fourth Bus Report: The student may lose bus privileges for the remainder of the semester. If the student receives another bus report in the following semester, he/she will lose bus privileges for the remainder of the school year. The parents will be notified.

In the event of initiation and/or participation in a major offense, a student may lose bus privileges for an undetermined length of time. Such offense is deemed as a major offense at the district of district administration.

Interrogations and Searches

Searches of a student and/or property of the student may be conducted based on a reasonable suspicion of the presence of an item violating Board policy, the Student Code of Conduct, or criminal laws, and only if the search could reasonably be expected to produce evidence of that violation. School officials may search a student or a student's property upon reasonable suspicion or with the student's free and voluntary consent. Consent obtained through threat of contacting law enforcement agents is not considered to be free and voluntarily given. Vehicles on school property are subject to search under the same standards. Certified school personnel have the authority to question students regarding their conduct or the conduct of others.

Lockers are property of the school and remain under school jurisdiction when assigned to an individual student. The school reserves the right to inspect all lockers at any time. A student has full responsibility for security of his or her locker. Searches of lockers may be conducted at any time there is reasonable suspicion to do so whether or not the student is present. Searches of a student's outer clothing and pockets may be conducted if reasonable suspicion exists. The district has the right to search a vehicle driven to school by a student and parked on school property whenever there is reasonable suspicion to believe it contains articles or materials prohibited by the district.

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

Reasonable suspicion for search exists if there is reasonable suspicion that the student is currently possessing, ingesting, or under the influence of alcohol or other controlled substances. The following are a few, but not all of the examples of circumstances supporting reasonable suspicion:

- Smell of alcohol on breath.
- Present inability to communicate coherently.
- Dilated pupils.
- Odor of marijuana.
- Habitually sleeping in class.
- Bloodshot eyes.
- Canine alert on one's locker, books, car, etc.

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 CBC's office as a discipline management technique. The CBC 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 of Conduct to maintain effective discipline in the classroom.

Formal Teacher Removal

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

3. The student's behavior repeatedly interferes with the teacher's ability to teach his or her class or with the student's classmates' ability to learn; or
4. A student demonstrates behavior that is so unruly, disruptive, or abusive toward the teacher, another adult, or another student in the classroom.
5. 3. A student engages in conduct that constitutes bullying, as defined by Education Code 37.0832.

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

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

At the conference, the CBC or appropriate administrator shall inform the student of the alleged misconduct and the proposed consequences. The student shall have an opportunity to respond to the allegations.

When a student is removed from the regular classroom by a teacher and a conference is pending, the CBC or other administrator may place the student in:

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

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

Returning a Student to the Classroom

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 written consent.

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

Appeals of Formal Teacher Removals

A student may appeal the teacher's removal of the student from class to the school's placement review committee or the campus's threat assessment and safe and supportive school team, in accordance with a district policy providing for such an appeal to be made to this team.

In-School Suspension

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

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

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

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

Process

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

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

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

1. Self-defense [see Glossary];

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

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

Out-of-School Suspension

Misconduct

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

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

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

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

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

Process

State law allows a student to be assigned to out-of-school suspension 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 CBC or appropriate administrator, who shall advise the student of the alleged misconduct. The student

shall have the opportunity to respond to the allegation before the administrator makes a decision.

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

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

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

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

Alternative Assignment

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

Coursework During Suspension

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

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

Disciplinary Alternative Education Program (DAEP) Placement

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

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

Summer programs provided by the district shall serve students assigned to a DAEP separately from those students who are not assigned to the program.

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.

The objectives of the DAEP are:

- A. To provide an additional alternative by which students may remain in the school program under close supervision in lieu of expulsion.
- B. To provide for removal of disruptive students from regular classes, thus improving the learning atmosphere in those classes.
- C. To promote positive changes in attitude and behavior toward the school and society in general, while emphasizing that one must be responsible for one's actions.
- D. To assist parents by allowing their children to remain under school supervision overcoming discipline problems.

To be released from AEP and return to the home campus, the student must complete the assigned number of successful days and complete all assignments. A successful day is one in which the student is present and follows all guidelines and rules for assignments and behavior.

Students earning an unsuccessful day will be subject to disciplinary action. The following sequence may be used as a consequence for an unsuccessful day.

- 1st Unsuccessful Day Conference and warning
- 2nd Unsuccessful Day Conference and warning
- 3rd Unsuccessful Day Out of school suspension — up to 3 days
- 4th Unsuccessful Day Out of school suspension — up to 3 days
- 5th Unsuccessful Day Out of school suspension — up to 3 days
- 6th Unsuccessful Day Consideration of Administration for Expulsion

After the 6th unsuccessful day, a meeting may be scheduled to discuss the next steps and how to better assist the student.

A student assigned to DAEP (Disciplinary Alternative Education Program) will have his or her attendance reported to the regular campus. Students in DAEP must meet the legal requirements for attendance to satisfy compulsory attendance laws. Students that fail to meet the compulsory attendance laws minimum requirements will Under Section 25.083 of the Texas

Education Code, a child is required to attend school each day for the entire period the program instruction is provided. The instructional day for the student begins when they arrive until the time the student leaves. Students should arrive no later than 7:50 A.M. and be picked up at 3:00 P.M. Parents should notify the home campus of absence as per normal school day. Students may enter the building beginning at 7:30 A.M. unless other arrangements have been made with the supervisor. For a day of absence to be considered excused, a note is required within 2 days of the absence. A doctor's note is required for absences of over 3 days.

If a student is tardy to DAEP, the DAEP administrator will notify the Home Campus which will then determine if it is a Tardy or absence. Secondary students will be examined on a class period basis. Students are considered truant if they leave campus without permission after arriving at DAEP. Campus administrator, parent(s), will be notified.

The student will receive assignments via Edgenuity for all long-term placements. Google classroom may be provided for all classes in lieu of Edgenuity at teacher discretion. In that case, the teacher will be responsible for posting the assignments daily. The teacher will invite the DAEP teacher to that class so they can see what the student should and is working on. If a student does not work on assignments throughout the day, he/she will receive an unsuccessful day rating. If the student was unsuccessful, it will be recorded, and a consequence may occur. Students will work in class periods as if they were in normal classes. This will allow students to be able to stay caught up and be on the same page as other classmates upon return from DAEP.

Students are responsible for conducting themselves properly and contributing to a positive learning environment. They will be expected to follow student conduct as outlined for DAEP as well as that which is in the Student Handbook:

- Cell phones, earbuds, smart watches, and other personal devices are not allowed.
- Stay on task. Work always. Students are expected to work from the time they arrive until the time they leave. Failure to work on an assignment will result in an unsuccessful day rating.
- Profanity or abusive language will not be allowed.
- Do not sleep: Student will be given the opportunity to correct. If not corrected, the student will be sent home.
- Follow the instructions of the staff.
- Remain seated unless permission to stand.
- Students may only speak when given permission.
- Students are not to communicate with each other by speaking, writing, gesturing, signaling, or making eye contact. The district has the right to check chat rooms on laptops.
- Be responsible in the use of the property of others, including district property. • Follow the Dress Code.
- Keep the station organized during the day.
- Stay seated with feet on the floor, hands on the desk, facing forward, all four chair feet on the floor, eyes visible and seated upright.

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

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

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 of Conduct.

Misconduct Identified in State Law

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

- Engaging in bullying that encourages a student to die by suicide.
- Inciting violence against a student through group bullying.
- Releasing or threatening to release intimate visual material of a minor or of a student who is 18 years of age or older without the student's consent.
- Involvement in a public-school fraternity, sorority, or secret society, including participating as a member or pledge, or soliciting another person to become a pledge or member of a public-school fraternity, sorority, secret society, or gang. (See **glossary**.)
- Involvement in criminal street gang activity. (See **glossary**.)
- Any criminal mischief, including a felony.
- Assault (no bodily injury) with threat of imminent bodily injury.
- Assault by offensive or provocative physical contact.
- Engages in conduct that contains the elements of the offense of disruptive activities under Education Code 37.123.
- Engages in conduct that contains the elements of the offense of disruption of classes under Education Code 37.124.
- Possesses or uses an e-cigarette, as defined by Section 161.081, Health and Safety Code, except that if a student who possesses or uses an e-cigarette is not placed in a disciplinary alternative education program for the first-time offense under Education Code 37.008, the

student shall be placed in in-school suspension for a period of at least 10 school days. See First-Time Offense of Possession or Use of Nicotine Delivery Product or E-Cigarette for additional information.

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

The CBC **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 Penal Code 22.01(a)(1).
 - Except as provided by Education Code 37.007(a)(3), sells, gives, or delivers to another person, or possesses, uses, or is under the influence of a controlled substance or dangerous drug in an amount not constituting a felony offense. (School-related felony drug offenses are addressed in Expulsion. (See glossary for "under the influence", "controlled substance," and "dangerous drug.")
 - Sells, gives, or delivers to another person or possesses, uses, or is under the influence of marijuana or THC. 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.
 - 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.
 - Behaves in a manner that contains the elements of an offense relating to abusable volatile chemicals.
 - Sells, gives, or delivers to another person an e-cigarette, as defined by Section 161.081, Health and Safety Code.
 - Behaves in a manner that contains the elements of the offense of public lewdness or indecent exposure. (See **glossary**.)
 - Engages in conduct that contains the elements of an offense of harassment against an employee under Penal Code 42.07(a)(1), (2), (3), or (7).
- Engages in expellable conduct and is six to 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 under Penal Code 36.06 against any school employee or volunteer on or off school property.
- Engages in conduct that contains the elements of harassment under Penal Code 42.07 against any school employee or volunteer on or off of school property.
- The student receives deferred prosecution (see **glossary**), or a court or jury finds that the student has engaged in delinquent conduct [see Glossary], or the superintendent or designee has a reasonable belief [see Glossary] under Section 53.03, Family Code, for conduct defined as any of the following offenses under the Penal Code:
 1. A felony offense under Title 5;
 2. The offense of deadly conduct under Section 22.05;
 3. The felony offense of aggravated robbery under Section 29.03;
 4. The offense of disorderly conduct involving a firearm under Section 42.01(a)(7) or (8);
or
 5. The offense of unlawfully carrying weapons under Section 46.02, except for an offense punishable as a Class C misdemeanor under that section.

Sexual Assault and Campus Assignments

If a student has been convicted of continuous sexual abuse of a young child or disabled individual or convicted of or placed on deferred adjudication for sexual assault or aggravated sexual assault against another student on the same campus, and 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.

The District believes that every student has the right to attend school and school-related activities free from all forms of discrimination on the basis of sex, including sexual harassment. The District considers sexual harassment of students to be serious and will consider the full range of disciplinary options, up to and including expulsion, depending on the nature of the offense.

All students are expected to treat one another courteously and to respect the feelings of others. Students are to avoid any behaviors known to be offensive and are to stop these behaviors when directed to stop. All students are prohibited from engaging in offensive verbal or physical conduct of a sexual nature directed toward another student. This prohibition applies whether the conduct is by word, gesture, or any other intimidating conduct (this includes requests for sexual favors and any other requests or statements that the other student regards as offensive or provocative).

Students and parents are encouraged to discuss their questions or concerns about the expectations in regard to harassment with a teacher, the principal or his designee, or the administrator that serves as the District's Title IX coordinator for students.

A complaint alleging sexual harassment by another student or sexual harassment or sexual abuse by a staff member may be presented by a student and/or parent in a conference with the

principal (or designee) or with the Title IX coordinator. The first conference with the student ordinarily will be held by a person who is the same gender as the student. The conference will be scheduled and held as soon as possible. The Principal or Title IX coordinator will coordinate an appropriate investigation, which ordinarily will be completed within 10 days. The student or parent will be informed if extenuating circumstances delay completion of the investigation. The student will not be required to present a complaint to the person who is the subject of the complaint.

If the resolution of the complaint is not satisfactory to the student or parent, the student or parent within 10 days may request a conference with the Superintendent or designee by following the procedure set out in Board Policy FNCJ (LOCAL). If the resolution by the Superintendent or designee is not satisfactory, the student or parent may present the complaint to the Board as provided by policy.

Process

Removals to a DAEP shall be made by the CBC.

Conference

When a student is removed from class for a DAEP offense, the CBC 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 CBC 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 CBC shall take into consideration:

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

Placement Order

After the conference, if the student is placed in the DAEP, the CBC shall write a placement order and information for the parent or person standing in parental relation to the student regarding the process for requesting a full individual and initial evaluation of the student for purposes of special education services. A copy of the DAEP placement order and information for the parent or person standing in parental relation to the student regarding the process for requesting a full individual and initial evaluation of the student for purposes of special education services 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 of Conduct, the placement order shall give notice of the inconsistency.

DAEP at Capacity

If a DAEP is at capacity at the time the CBC is deciding placement for conduct related to marijuana, THC, an e-cigarette, alcohol, or an abusable volatile chemical, the student shall be placed in ISS then transferred to a DAEP for the remainder of the period if space becomes available before the expiration of the period of the placement.

If a DAEP is at capacity at the time the CBC is deciding placement for a student who engaged in violent conduct, a student placed in a DAEP for conduct related to marijuana, THC, an e-cigarette, alcohol, or an abusable volatile chemical may be placed in ISS to make a position in the DAEP available for the student who engaged in violent conduct. If a position becomes available in a DAEP before the expiration of the period of the placement for the student removed, the student shall be returned to a DAEP for the remainder of the period.

Coursework Notice

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

Length of Placement

The CBC shall determine the duration of a student's placement in a DAEP.

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

The 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 CBC 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 of Conduct.

Exceeds 60 Days

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

Appeals

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

Student or parent appeals regarding a student's placement in a DAEP should be addressed in accordance with policy FNG(LOCAL). A copy of this policy may be obtained from the principal's office, the CBC's office, the central administration office, or through the district's online policy: <https://policyonline.tasb.org/PolicyOnline/PolicyDetails?key=856&code=FNG#legalTabContent>.

Appeals shall begin with a level one filing with the principal.

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

Restrictions During Placement

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

A student placed in a DAEP shall not be provided transportation unless he or she is a student with a disability who is entitled to transportation in accordance with the student's individualized education program (IEP) or Section 504 plan.

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

Placement Review

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

Additional Misconduct

If during the term of placement in a DAEP the student engages in additional misconduct for which placement in a DAEP or expulsion is required or permitted, additional proceedings may be conducted, and the CBC 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 review.

After reviewing the notice and receiving information from the student's parent, the superintendent or designee may continue the student's placement if there is reason to believe

that the presence of the student in the regular classroom threatens the safety of other students or teachers.

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

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

Withdrawal During Process

When a student violates the district's Code of Conduct 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 CBC 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 CBC 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 decide on a case-by-case basis whether to continue the placement of a student who enrolls in the district and was assigned to a DAEP in an open-enrollment charter school or another district. The district may place the student in the district's DAEP or a regular classroom setting.

When a student enrolls in the district with a DAEP placement from a district in another state, the district has the right to place the student in DAEP to the same extent as any other newly enrolled student if the behavior committed is a reason for DAEP placement in the receiving district.

State law requires the district to reduce a placement imposed by a district in another state that exceeds one year so that the total placement does not exceed one year. After a review, however, the placement may be extended beyond a year if the district determines that the student is a threat to the safety of other students or employees, or the extended placement is in the best interest of the student.

Emergency Placement Procedure

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

the date of the placement, the student shall be given the appropriate conference required for assignment to a DAEP.

Transition Services

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

Placement and/or Expulsion for Certain Offenses

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

Registered Sex Offenders

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

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

Appeal

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

Expulsion

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

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

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** on page 34)

Any Location

A student **may** be expelled for:

- Engaging in bullying that encourages a student to die by suicide.
- Inciting violence against a student through group bullying.
- Releasing or threatening to release intimate visual material of a minor or of a student who is 18 years of age or older without the student's consent.
- Criminal mischief, if punishable as a felony.
- Breach of computer security. (See **glossary**)
- Engaging in conduct relating to a false alarm or report (including a bomb threat) or a terroristic threat involving a public school.

At School, Within 300 Feet, 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 any amount of marijuana, a controlled substance, or a dangerous drug, unless the conduct is 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.
- Engaging in conduct that contains the elements of an offense relating to abusable volatile chemicals.
- Engaging in deadly conduct. (See **glossary**.)

Within 300 Feet of School

A student may be expelled for possession of a firearm, as defined by federal law, while within 300 feet of school property, as measured from any point on the school's real property boundary line.

Property of Another District

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

While in DAEP

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

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

Mandatory Expulsion: Misconduct That Requires Expulsion

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

Under Federal Law

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

Note: Mandatory expulsion under the federal Gun Free Schools Act does not apply to a firearm that is lawfully stored inside a locked vehicle, or to firearms used in activities approved and

authorized by the district when the district has adopted appropriate safeguards to ensure student safety.

Under the Penal Code

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

Under Age 10

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

Virtual Expulsion Program

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

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

Consideration of Virtual Education as Alternative to Expulsion

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

Process

If a student is believed to have committed an expellable offense, the CBC 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 CBC or other administrator may place the student in:

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

Hearing

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

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

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

The board of trustees delegates to the Superintendent or his/her designee authority to conduct hearings and expel students.

Board Review of Expulsion

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

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

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

Expulsion Order

Before ordering the expulsion, the board or CBC shall take into consideration:

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

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 superintendent or his/her designee shall deliver to the juvenile court a copy of the expulsion order and the information required by Section 52.04 of the Family Code.

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

Length of Expulsion

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

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

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

1. The student is a threat to the safety of other students or to district employees, or

2. Extended expulsion is in the best interest of the student.

State and federal law require a student to be expelled from the regular classroom for a period of at least one calendar year for bringing a firearm, as defined by federal law, to school.

However, the superintendent may modify the length of the expulsion on a case-by-case basis.

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

Withdrawal During Process

When a student has violated the 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 CBC or the board fails to issue an expulsion order after the student withdraws, the next district in which the student enrolls may complete the proceedings.

Additional Misconduct

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

Restrictions During Expulsion

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

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

Newly Enrolled Students

The district shall decide on a case-by-case basis the placement of a student who is subject to an expulsion order from another district or an open-enrollment charter school upon enrollment in the district.

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. Emergency expulsion may be ordered based on a single incident of behavior by the student. Within 10 days after the date of the emergency expulsion, the student shall be given appropriate due process required for a student facing expulsion.

DAEP Placement of Expelled Students

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

Transition Services

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

Certain Felonies

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

Received deferred prosecution for conduct defined as aggravated robbery or a Title 5 felony offense;

- Been found by a court or jury to have engaged in delinquent conduct for conduct defined as aggravated robbery or a Title 5 felony offense;
- Been charged with engaging in conduct defined as aggravated robbery or a Title 5 felony offense;
- Been referred to a juvenile court for allegedly engaging in delinquent conduct for conduct defined as aggravated robbery or a Title 5 felony offense; or
- Received probation or deferred adjudication or have been arrested for, charged with, or convicted of aggravated robbery or a Title 5 felony offense. The district may expel the student and order placement under these circumstances regardless of:

1. The date on which the student's conduct occurred;
2. The location at which the conduct occurred;

3. Whether the conduct occurred while the student was enrolled in the district; or
4. Whether the student has successfully completed any court disposition requirements imposed in connection with the conduct.

Hearing and Required Findings

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

1. Threatens the safety of other students or teachers;
2. Will be detrimental to the educational process; or
3. Is not in the best interest of the district's students. Any decision of the board or the board's designee under this section is final and may not be appealed.

Length of Placement

The student is subject to the placement until:

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

Placement Review

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

Newly Enrolled Students

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

Listing of Offenses and Consequences by Level

Level I Offenses

Level I acts of misconduct include repeated infractions of classroom management procedures and rules or misconduct that disrupts the educational process to the extent that the classroom teacher needs administrative support to correct the problem. The following is a non-inclusive list of behavior infractions:

- Being tardy to class on more than one instance.
- Refusing to follow classroom rules after redirection by the teacher.
- Refusing to participate in assigned activities or fulfill assignments.

- Failure to bring appropriate material(s) to class.
- Possessing and/or using nuisance items.
- Using the vending machines while class is in session or between academic classes; the vending machines are only usable during before or after school. These devices may also be used by students in Grades 6-12 during lunch.
- Eating, drinking, or gum chewing in an undesignated area.
- Disruption of the orderly classroom process.
- Running, making excessive noise, or other disruptions in halls, buildings, classrooms, or other supervised settings.
- Skipping class or any other scheduled activity.
- Violation of the dress code.

Level I Disciplinary Options

Any one or combination of following consequences may be used for a Level I offense.

- Teacher/student or administrator/student conference.
- Parent conference or call.
- In-class disciplinary action or assignment.
- Withdrawal of student privileges.
- Detention or In School Suspension (ISS) for the remainder of the day.
- Counselor/student conference.
- Confiscation of nuisance items or materials.
- Supervised campus service assignment.

Level II Offenses

When a student's behavior does not change as a result of action taken on Level I and the student is being seen for a second time in the principal's office for repeated Level I infractions, the student is moved to Level II for discipline purposes.

Level II Disciplinary Options

Any one or any combination of the following consequences may be applied in the event of a Level II offense.

- Any combination of teacher, Principal or appropriate administrator, parent and student conference.
- Any discipline technique outlined in Level I
- Corporal punishment at the request of and with the permission of the parent.
- In-school suspension for one or two days.

Level III Offenses

Level III acts of misconduct include those student infractions which are somewhat more serious than those in Levels I and II in their effect on the orderly process of the school program. Examples of misconduct include but are not limited to the following:

- Cheating or copying the work of another student.
- Leaving the classroom, building, grounds, or assigned activity without permission.
- Using profane, obscene, indecent, or racially or ethnically offensive language and/or physical gestures to other students.
- Failure to comply with lawful directives issued by school personnel.
- Truancy.
- Altering school records or documents, or forgery of a name on school documents.
- Vandalism to or defacing school property.
- Excessive absences or tardies.
- Inappropriately engaging in acts of familiarity with other students.
- The throwing or the irresponsible use of objects that can cause bodily injury or damage to property.
- Exhibiting any unacceptable or unwanted physical contact that could, but does not, result in injury.
- Recklessness in an automobile.

Level III Disciplinary Options

Any one or any combination of the following may be applied for a Level III offense.

- Any combination of teacher, Principal or appropriate administrator, student and parent conference.
- Grade penalty (including receiving a 0 for an assignment) for copying or cheating.
- Detention.
- Exclusion from athletic and/or academic extracurricular activities.
- In-school suspension.
- Corporal punishment at the request of and with the permission of the parent.
- Restoration and/or restitution as applicable.
- Withdrawal of selected student privileges.
- Supervised campus service assignment.
- Saturday school.
- Involvement of law enforcement personnel as is needed or warranted.

Level IV Serious Offenses

Level IV offenses include those acts of misconduct that seriously disrupt the educational process, endanger or seriously affect other students. Such actions may perhaps violate the law. Examples of Level IV offenses include but are not limited to the following:

- Any repeated offense of Level III or a new violation while being disciplined for a Level III offense.
- Repeated acts of disobedience or disorderly behavior which may prove to be detrimental to the school, harmful to health and safety, or inhibiting to the rights of others.
- Being disrespectful toward school personnel or refusing to comply with lawful requests or directions of school personnel.

- Threats (oral or written) that suggest a desire or intention to do bodily harm to another individual or to the property of another individual.
- Interfering with school authorities or school programs through boycotts, sit-ins, or trespassing.
- Fighting - which is defined as physical conflict between two or more individuals. A fight has occurred if a student who is attacked strikes back. To avoid penalty, a student under attack should seek to detach himself/herself from the situation and get school personnel or adult help.
- Theft, robbery, extortion, gambling, or arson.
- Using profane, obscene, indecent, immoral, or offensive language and/or gestures directed toward school personnel.
- Failure to comply with assigned disciplinary consequences.
- Possessing a device, object, or substance that could cause bodily harm to individuals in any school setting.
- Failure to report to school personnel the knowledge of an event, device, object, or substance that could cause bodily harm to individuals in any school setting.
- Possession, use, or distribution of any substance represented to be a drug or alcohol.
- Possession or use of tobacco products.
- Indecent exposure, sexual misconduct, and/or sexual harassment.
- Hazing.
- Gang-related behavior or activity; this includes gang membership.
- Possession of drug paraphernalia.
- Burglary of a school facility or major vandalism to District property.
- Posting or distributing unauthorized communicative materials on school premises.
- Assault.
- Placing or discharging fireworks.
- Pledges to join, solicit membership in a public-school fraternity, sorority, secret society, or gang as defined in TEC 37.121.

Level IV Disciplinary Options

Any one or any combination of the following may be applied for a Level IV offense.

- Any discipline technique outlined in Level III.
- Suspension from school not to exceed three days at a time.
- Citation by law enforcement personnel.
- Alternative education placement.
- Reassignment of classes.
- A student 10 years of age or older may be expelled if the student:
 - Continues to engage in serious or persistent misbehavior that violates the code of conduct or AEP classroom rules while placed in an alternative education program for disciplinary reasons.
 - Engages in criminal mischief under Penal Code 28.03, if the conduct is punishable as a felony, whether committed on or off of school property or at a school-related activity,

(intentional or knowing damage to school property resulting in a loss of \$1,500 or more).

- Sells, gives, delivers to another person, uses, or is under the influence of any amount of marijuana, a controlled substance, a dangerous drug or alcohol at school or a school sponsored event.
- Engages in conduct that contains the elements of an offense relating to abusable glue or aerosol paint or volatile chemical while at school or a school sponsored event.

Level V - Mandatory Removal

A student who is younger than 10 years of age shall be removed from class and placed in an alternative education program if the student engages in expellable conduct. Students removed to AEP or expelled from class for a drug, alcohol, or related violation of the Student Code of Conduct shall be required to pass a routine drug and alcohol screening at the adult probation office before being returned to the regular classroom setting. The parents and student shall be responsible for the cost of this screening. Failure to complete or pass this drug and alcohol screening shall result in the student being placed in or returned to AEP until the screening is successfully completed.

Level V - Permissible Removal

A student may be removed from class and placed in an alternative education program based on conduct occurring off campus even while the student is not in attendance at a school-sponsored or school-related activity if the Superintendent or Superintendent's designee has a reasonable belief that the student engaged in a felony offense.

If a student commits any of the following acts while on school property, or while attending a school-sponsored or school-related activity on or off the property, he or she will be removed to an alternative education program.

- Commits assault as defined by Penal Code 22.01(a)(1).
- Makes a terroristic threat as defined by Penal Code 22.07, or commits the offense of false alarm under section 42.06 of the Penal Code (from anywhere, not just within 300 ft of school property)
- Sells, gives, delivers, uses, or possesses marijuana, a controlled substance as defined by Chapter 481, Health and Safety Code, or by 21 U.S.C. 801 et seq., a dangerous drug as defined by Chapter 483, Health and Safety Code, or an alcoholic beverage as defined by 1.04 of the Alcoholic Beverage Code.
- Commits a serious offense under the influence of alcohol.
- Commits an offense relating to abusable glue or aerosol paint under 485.031 through 483.035, Health and Safety Code, or other volatile chemicals under Chapter 484, Health and Safety Code.
- Engages in public lewdness under Penal Code 21.07.
- Engages in indecent exposure under Penal Code 21.08
- Engages in retaliation against a school employee under Penal Code 36.06 except, if the student commits a mandatory expellable offense against any employee in retaliation for

or as a result of the employee's employment with the school district, the student must be expelled under 37.007(c).

- Receives deferred prosecution under Family Code 35.03 for conduct defined as a felony under Title 5 of the Penal Code.
- A court or jury finding delinquent conduct under Family Code 54.03 for conduct defined in Title 5 of the Penal Code.
- A finding by the Superintendent or designee that he or she has reasonable belief that the student has engaged in conduct defined as a felony offense in Title 5 of the Penal Code.
- Engagement in any conduct punishable as a felony.

A student shall also be removed from the regular classroom and placed in an alternative education program if the student engages in any conduct that would be punishable as a felony if prosecuted regardless of the time or place of the conduct.

Additionally, the terms of removal will prohibit the student from attending or participating in school-sponsored or school-related activities.

A student 10 years of age or older shall be expelled from school for a period of time determined by the Board if the student, on school property or while attending a school-sponsored or school related activity on or off school property, uses, exhibits, or possesses:

- A firearm.
- An illegal knife, as defined in Penal Code 46.01(6). A pocketknife shall not be considered a bladed instrument if not opened or exhibited in a threatening manner, and not otherwise illegal under the penal code.
- A club as defined by Penal Code 46.01(1).
- A weapon listed as a prohibited weapon under Penal Code 46.05, including (but not limited to):
 - explosive weapons
 - a machine gun
 - a short-barreled firearm
 - a switchblade knife
 - knuckles
 - armor-piercing ammunition
 - a chemical dispensing device
 - a zip gun

A student 10 years of age or older shall be expelled from school for a period of time determined by the Board if the student, on school property or while attending a school-related activity on or off of school property commits:

- Aggravated assault under Penal Code 22.02.
- Sexual assault under Penal Code 22.011.
- Aggravated sexual assault under Penal Code 22.021.
- Arson under Penal Code 28.02.
- Murder under Penal Code 19.02.
- Capital murder under Penal Code 19.03.

- Criminal attempt to commit murder or capital murder under Penal Code 15.01.
- Indecency with a child under Penal Code 21.11.
- Aggravated kidnapping under Penal Code 20.04.
- The offense of selling, giving, delivering, using, or possessing marijuana and/or a controlled substance as defined by Chapter 481, Health and Safety Code, or by 21 U.S.C. 801 et seq., a dangerous drug as defined by Chapter 483, Health and Safety Code, or an alcoholic beverage as defined by 1.04 of the Alcoholic Beverage Code if the conduct is punishable as a felony.
- An offense relating to abusable glue, aerosol paint under 485.031 through 485.035, Health and Safety Code, or other volatile chemicals under Chapter 484, Health and Safety Code if the conduct is punishable as a felony.
- Any of the above offenses against any school employee or volunteer in retaliation for or as a result of the employee's employment with a school district, without regard to whether the conduct occurs on or off school property or while attending a school-sponsored or school related activity on or off school property.

It is important to note that United State federal law requires that a student expelled for a firearms violation must be expelled from the student's regular campus for a period of at least one year, subject to individual modifications made by the Superintendent.

Level V - Discretionary Expulsion

A student may be expelled if the student, while on school property or while attending a school-sponsored or school related activity on or off school property.

- Sells, gives or delivers to another person, or possesses, uses or is under the influence of any amount of:
 - Marijuana or a controlled substance, as defined by chapter 481, Health and Safety Code, or by 21 U.S.C. section 801 A dangerous drug, as defined by Chapter 483, Health and Safety Code
 - An alcoholic beverage, as defined by section 1.04, Alcoholic Beverage Code.
- Engages in conduct that the elements of an offense relating to abusable glue or aerosol paint under Health and Safety Code, 485.031-485.035 or relating to violate chemicals under Health and Safety Code chapter 484.
- Engages in conduct that contains the elements of an offense under Penal Code 22.01 (a) (1) against a school district employee or volunteer as defined by Education Code 22.053, in retaliation for or as a result of the person's employment or association with the District, without regard to whether the conduct occurs on or off school property or while attending a school-sponsored or school-related activity on or off school property.
- Engages in conduct involving a public school that contains the offense of false alarm under Section 42.06, Penal Code, or terroristic threat under section 22.07, Penal Code anywhere the offense is committed.

It is vital to remember that in every instance the terms of expulsion shall deny the student access to all District activities and school property.

Glossary

Abuse is improper or excessive use.

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

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

Antisemitism is defined by Government Code section 448.001 as a certain perception of Jews that may be expressed as hatred toward Jews. The term includes rhetorical and physical acts of antisemitism directed toward Jewish or non-Jewish individuals or their property or toward Jewish community institutions and religious facilities. Examples of antisemitism are included with the International Holocaust Remembrance Alliance's "Working Definition of Antisemitism" adopted on May 26, 2016.

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

Arson is defined in part by Penal Code 28.02 as:

1. A crime that involves starting a fire or causing an explosion with intent to destroy or damage:
 - a) Any vegetation, fence, or structure on open-space land; or
 - b) Any building, habitation, or vehicle:
 - 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 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 Penal Code 33.02, if the conduct involves accessing a computer, computer network, or computer system owned by or operated on behalf of a school district; and the student knowingly alters, damages, or deletes school district property or information; or commits a breach of any other computer, computer network, or computer system.

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

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

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

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

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

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

Controlled substance means a substance, including a drug, an adulterant, and a dilutant, listed in Schedules I through V or Penalty Group 1, 1-A, 1-B, 2, 2-A, 3, or 4 of the Texas Controlled Substances Act. The term includes the aggregate weight of any mixture, solution, or other

substance containing a controlled substance. The term does not include hemp, as defined by Agriculture Code 121.001, or the tetrahydrocannabinols (THC) in hemp.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Such term does not include an antique firearm.

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

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

Harassment includes:

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

- c) Conveying, in a manner reasonably likely to alarm the person receiving the report, a false report, which is known by the conveyor to be false, that another person has suffered death or serious bodily injury;
- d) Causing the telephone of another to ring repeatedly or making repeated telephone communications anonymously or in a manner reasonably likely to harass, annoy, alarm, abuse, torment, embarrass, or offend another;
- e) Making a telephone call and intentionally failing to hang up or disengage the connection;
- f) Knowingly permitting a telephone under the person's control to be used by another to commit an offense under this section;
- g) Sending repeated electronic communications in a manner reasonably likely to harass, annoy, alarm, abuse, torment, embarrass, or offend another;
- h) Publishing on an internet website, including a social media platform, repeated electronic communications in a manner reasonably likely to cause emotional distress, abuse, or torment to another person, unless the communications are made in connection with a matter of public concern, as defined by law; or
- i) Making obscene, intimidating, or threatening telephone calls or other electronic communications from a temporary or disposable telephone number provided by an internet application or other technological means.

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

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

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

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

Indecent exposure is defined by Penal Code 21.08 as an offense that occurs when a person exposes the person's anus or any part of the person's genitals with intent to arouse or gratify

the sexual desire of any person, and is reckless about whether another is present who will be offended or alarmed by the act.

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

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

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

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

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

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

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

Personal Communication Device means a telephone, cell phone such as a smartphone or flip phone, tablet, smartwatch, radio device, paging device, or any other electronic device capable of telecommunication or digital communication.

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

Prohibited weapon under Penal Code 46.05(a) means:

1. The following items unless registered with the U.S. Bureau of Alcohol, Tobacco, Firearms, and Explosives or otherwise not subject to that registration requirement or unless the item is classified as a curio or relic by the U.S. Department of Justice:

- a) An explosive weapon;
- b) A machine gun;

- 2. Armor-piercing ammunition;
- 3. A chemical dispensing device;
- 4. A zip gun;
- 5. A tire deflation device;
- 6. An improvised explosive device; or

Public Lewdness is defined by Penal Code 21.07 as an offense that occurs when a person knowingly engages in an act of sexual intercourse, deviate sexual intercourse, or sexual contact in a public place or, if not in a public place, 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 that which an ordinary person of average intelligence and sound mind would believe. Chapter 37 requires certain disciplinary decisions when the superintendent or designee has a reasonable belief that a student engaged in conduct punishable as a felony offense. In forming such a reasonable belief, the superintendent or designee may use all available information and must consider the information furnished in the notice of a student's arrest under Article 15.27 of the Code of Criminal Procedure.

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

Serious misbehavior means:

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

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

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

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

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

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

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

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

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

- Abandoning or endangering a child under Section 22.041;
- Deadly conduct under Section 22.05;
- Terroristic threat under Section 22.07;
- Aiding a person to die by suicide under Section 22.08; and
- Tampering with a consumer product under Section 22.09.

[See FOC(EXHIBIT).]

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

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

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

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