

**Morgan Independent School District**

# **Student Code of Conduct**

**2021-22 School Year**



*If you have difficulty accessing the information in this document because of disability, please contact [janel.morris@morganisd.org](mailto:janel.morris@morganisd.org) or at (254)635-2311.*



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## **Student Code of Conduct**

### **Accessibility**

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### **Purpose**

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

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

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

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

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

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

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

## **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 person at each campus must be designated to serve as the campus behavior coordinator. The designated person may be the principal of the campus or any other campus administrator selected by the principal. The campus behavior coordinator is primarily responsible for maintaining student discipline. The district shall post on its website and in the Student Handbook, for each campus, the email address and telephone number of the person serving as campus behavior coordinator. Contact information may be found at <https://www.morganisd.org/>

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

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

## **Searches**

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

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

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

### **Reporting Crimes**

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

### **Security Personnel**

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

### **“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 School Activities or School-Sponsored Events**

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

**Privilege of Leadership Positions:** Officers and captains are generally elected by members of the organization or team and are expected to conduct themselves in an exemplary manner both inside and outside of school. Students suspended for offenses related to drugs, alcohol, weapons, or criminal conduct will lose the privilege to serve in a leadership position for any school-sponsored group or team for the period of one calendar year. Students suspended for other reasons may lose the privilege to serve in a leadership position, depending on the severity and number of offense(s).

**End Of Year/Class Events:** A student who commits a serious act against the school, the faculty or a fellow student, may be suspended from school and excluded from the remaining school events, including, but not limited to: class activities, awards assembly, prom, senior trip, and graduation. Students who fail to meet the academic, behavioral, voluntary service, and attendance requirements, in addition to other applicable criteria set forth by campus administration and class sponsors will not be permitted to attend prom or the senior class trip.

**Extracurricular Activities, Events & Athletics:** Students who miss school due to a disciplinary consequence (suspension) cannot participate in extracurricular activities, such as club meetings or rehearsals; school-sponsored events, such as dances or class trips; and athletics, including

practices and games. Additional consequences may apply based on the policies of the organization.

On any school day in which a school activity or school-sponsored event, a student who has an unexcused absence that exceeds ½ of the instructional day (4 or more hours total, whether continuous or interrupted) shall not be permitted to attend.

### **Participating in Graduation Activities**

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

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

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

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

### **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:

12. The person poses a substantial risk of harm to any person; or
13. 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 , for information regarding a student assigned to DAEP at the time of graduation.

## Standards for Student Conduct

Each student is expected to:

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

## 2021-2022 Morgan ISD Student Grading Policy

- All graded assignments will be classified as either a daily grade, quiz, or test grade and accounted for accordingly.
- Students will receive a minimum of two daily grade assignments, two quiz grades, and two tests each grading period.
- Students will receive a minimum of two grades each school week, unless the school week comprises 3 (or fewer) school days, during which students will receive one grade for the week. These grades may be any combination of daily, quiz, and test assignments.

Daily Grades – 30%

Quizzes - 30%

Tests – 40%

Late 1 school day = minus 10 points

Late 2 school days = minus 20 points

Late 3 school days = minus 30 points

- Late work is not accepted 3 school days after the due date

### Absences

When absent, students are expected to complete the work they missed, and may need to attend tutorials to receive instruction. The deadline for missing work is based on the student absence length. For example, if a student is absent Monday and Tuesday (two school days), he/she has two school days to complete the work (all missing work must be submitted by

Thursday). Students who are present when an assignment is given, but absent when the assignment is due, must submit the completed assignment immediately upon their return. Additional time to complete the work will not be granted.

Students who are absent due to a school-sponsored event (i.e. athletic competition), or who participate in a school activity outside of normal school hours on the day of their return to class, will receive one additional day to complete the assignment(s), without penalty.

### **Corrections**

Students who score less than a 70 on any given assignment may make corrections in order to raise their grade to a maximum score of 70. Students must follow each teacher's instructions on how to submit corrected work.

Students should be provided one re-take opportunity, or be permitted to submit test corrections, for partial credit on a failed test grade, for a maximum score of 70. Students have 1 school day from the date they receive their failing test score, to attempt and submit all corrections for partial credit, or to schedule the re-take with their teacher. It is the student's responsibility to pursue either course of credit recovery. Teachers will not pursue students to take advantage of the opportunity.

### **Reporting**

Students will receive progress reports on the fourth week of each grading cycle. This will include all grades for the first three weeks of the grading cycle. Students are responsible for showing progress reports to parents and guardians and returning the report, with a signature, if they have a failing average in any class, or if requested by the teacher.

Students will receive report cards on the week immediately following the end of a grading cycle. This will include all grades for the grading cycle and grades are final unless deemed otherwise by administration. Students are responsible for showing report cards to parents and guardians and returning the report card with a signature if they have a failing average in any class, or if requested by the teacher.

## **2021-22 Morgan ISD Student Dress and Grooming (All Grade Levels)**

The Morgan ISD dress code is established to prevent disruption and minimize safety hazards. All students are expected to dress in a respectful manner within the acceptable standards of the community and in such a manner as to contribute to the academic atmosphere, not detract from it. Morgan ISD expects that all students will dress in a way that is appropriate for the school day and for any school sponsored event.

***Our Student Dress Code is designed to accomplish several goals:***

- Maintain a safe learning environment in classes where protective or supportive clothing is needed, such as chemistry/biology, dance, or PE.
- Prevent students from wearing clothing or accessories that denote, suggest, display or reference alcohol, drugs or related paraphernalia or other illegal conduct or activities.
- Prevent students from wearing clothing or accessories that will interfere with the operation of the school, disrupt the educational process, invade the rights of others, or create a reasonably foreseeable risk of such interference or invasion of rights.
- Prevent students from wearing clothing or accessories that reasonably can be construed as being or including content that is profane, racist, lewd, vulgar or obscene, or that reasonably can be construed as containing fighting words, speech that incites others to imminent lawless action, defamatory speech, or threats to others.

The district's dress code is established to teach grooming and hygiene, prevent disruption, and minimize safety hazards. Students must comply with the following:

- No student shall wear caps, hats, flags, or bandanas inside the building. This includes blankets. Blankets are not clothing and are not allowed. Hooded jackets and sweatshirts are permitted, but hoods are to not be worn in the building at any time.
- Leggings with holes or tears above the knee are not allowed. Holes above the knee will require that a student wear tights underneath to cover exposed flesh.
- Form-fitting leggings (i.e. yoga pants) may only be worn with a top that is long enough to completely cover the rear end, when arms are fully extended overhead.
- Shorts or skirts must be worn at a length no higher than 6 inches above the knee when worn at the natural waistline and may not have rips.
- Shirts must be hemmed and may not expose any under garments or skin on the torso, when arms are fully extended overhead (no bare midriffs).
- Shirts that display paraphernalia (alcohol, drugs, cursing, explicit messages, etc.) are not permitted.
- Males may have facial hair, but it must be groomed at all times.

***In the event of a temporary closure due to a widespread illness or epidemic, such as COVID-19, all dress and grooming policies will apply to virtual learning on remote platforms as they would during classroom instruction.***

***\*\*Students are not allowed to wear: jewelry that may be distracting, lewd, or can present a safety hazard, visible body piercing except ears, or any item lewd/offensive in nature, including gang-related items***

***over>>>***

Trends related to clothing are subject to frequent change, and it is ultimately at the discretion of school administration what is appropriate to wear in the learning environment. The following list is meant to serve as a guideline for appropriate dress while at school.

	<b>ALLOWED</b>	<b>NOT ALLOWED</b>
<b>TOPS/SHIRTS</b>	All students (PK-12) can wear any color top/shirt; OR a college, military, or school spirit shirt. Shirts must fit the individual properly. Shirts can be long- or short-sleeved, or straps at least 3 fingers wide.	<ul style="list-style-type: none"> <li>• Spaghetti straps/camis, tube or halter tops</li> <li>• Crop tops or low-cut shirts</li> <li>• Lewd or inappropriate text/graphics</li> <li>• Tops or shirts with holes in them</li> </ul>
<b>BOTTOMS</b>	All Students (PK-12) can wear bottoms that fit the individual properly. Material (athletic attire is also included) and colors do not matter; however, clothing cannot be too big or too tight. Shorts or skirts must be no shorter than six (6) inches above the knee.	<ul style="list-style-type: none"> <li>• Leggings or tights without an appropriate-length top to cover the rear end</li> <li>• “Sagging:” Pants that are unnaturally fitting at the waist and crotch area.</li> <li>• Pants with holes/tears/rips</li> <li>• Pajama Pants</li> </ul>
<b>SKIRTS OR DRESSES</b>	Dresses must have sleeves, or straps at least 3 fingers wide. Dresses (and skirts) must fit appropriately and must not be too tight or no shorter than six (6) inches above the knee.	<ul style="list-style-type: none"> <li>• Mini dresses/skirts</li> <li>• Halter dresses or spaghetti straps</li> </ul>
<b>SHOES</b>	Shoes must be worn at all times. Slippers are <b>not</b> shoes.	<ul style="list-style-type: none"> <li>• House shoes</li> <li>• Stiletto heels</li> <li>• Shoes with wheels</li> </ul>
<b>OUTERWEAR</b>	All students (PK-12) can wear any color outerwear. Outwear must be appropriately sized.	<ul style="list-style-type: none"> <li>• Lewd/inappropriate text or graphics</li> <li>• Hoods on the student’s head</li> </ul>
<b>HEAD COVERINGS</b>	Religious head wraps are permitted Caps and headwraps worn for medical reasons are permitted	<ul style="list-style-type: none"> <li>• Hats</li> <li>• Baseball Caps</li> <li>• Bonnets/Durags/Headwraps</li> </ul>

For specific dress attire not outlined in bullet points above the principal will be the determining factor on what is considered appropriate for school dress attire. If there is a consistent dress code issue with the student body, the district will amend the handbook to outline a specific dress code. If this change occurs, parents/guardians and students will be notified following the dress code amendment.

If the principal determines that a student’s grooming or clothing violates the school’s dress code, the student will be given an opportunity to correct the problem at school. If not

corrected, the student may be assigned to in-school suspension for the remainder of the day, until the problem is corrected, or until a parent or designee brings an acceptable change of clothing to the school. Repeated offenses may result in more serious disciplinary action in accordance with the Student Code of Conduct.

### **Academic Dishonesty**

A core value of Morgan ISD is the intolerance of Academic Dishonesty in any form. Academic Dishonesty undermines both the integrity of the perpetrator(s) as well as that of the school as a whole. We recognize that students are often under immense pressure to complete school work and achieve high grades, and as a result, students may resort to cheating in various ways.

Morgan ISD strives to promote and emphasize the importance of individual integrity and ethics with the goal of reducing the level of stress and unhealthy competition in the school by shifting peer pressure away from cheating and the temptation to get top grades through any means possible and towards honest, ethical behavior in the pursuit of learning.

Without exception, Morgan ISD students are expected to understand that dishonesty on tests, quizzes, papers, projects, assignments, and homework constitutes cheating and is an extremely serious matter.

- Academic Dishonesty is unfair to the students who earn their marks through their own hard work and effort, and undermines the integrity of grades.
- Academic Dishonesty destroys the trust between teachers and students.
- Academic Dishonesty is unacceptable at Morgan ISD.

At Morgan ISD, we believe that students learn best by doing their own reading, writing, test taking, projects, research, and assignments. Accordingly, it is imperative at Morgan ISD that we educate students and make our rules regarding Academic Dishonesty perfectly clear.

In plain and simple terms, Academic Dishonesty is cheating. Cheating, including plagiarism, is the act of taking someone else's work and presenting it as your own, as well as the provision of unauthorized assistance to another student. Morgan ISD recognizes that there is a difference between being honest when confronted and bringing oneself forward, voluntarily subjecting oneself to consequences. We acknowledge that the latter involves a higher degree of personal responsibility and integrity. Truthfulness, even in the face of social pressure, is one of the values Morgan ISD most wishes to establish.

**Academic Dishonesty** consists of offering and/or receiving information under circumstances when such offering and/or receiving such information is prohibited, and includes, *but is not limited to*, the following:

- ◆ Copying and/or offering homework verbally, in written form, or by electronic means or obtaining homework answers from answer guides in texts.
- ◆ Copying and/or offering answers on tests, quizzes or other assignments verbally, in written form, or by electronic means.
- ◆ Pressuring other students to cheat.
- ◆ Paying someone else money or any other form of payment to do work for you and/or accepting such payment to do work for another student.

- ◆ Bringing in and/or using unauthorized information during class time, including information stored in a phone, watch, calculator or other electronic device.
- ◆ Having anyone, including parents/guardians or tutors, complete assignments and submitting the work as one's own.
- ◆ Presenting collaborative work as independent work.
- ◆ Fabricating data, information, or sources; attempting to pass off fabricated material as original work.
- ◆ Submitting images and/or documents in whole or in part from the Internet or other sources without citation of the source(s), effectively claiming the work of another as one's own.
- ◆ Using another's ideas without proper citations.
- ◆ Using an individual's personal statements without citations.
- ◆ Consulting Spark Notes, Cliffs Notes, or other similar summaries or book guides without a teacher's specific authorization, whether in print or electronic form, may be considered Academic Dishonesty.

A student's name on a paper is regarded as an assurance that the paper is original and is the student's own work. Therefore, the submission of any work copied from another student or outside source will be considered Academic Dishonesty. Students are reminded that their teachers are here to help students overcome reading and writing challenges, and that there are no shortcuts to becoming better readers and writers.

To be clear, it is emphasized that Academic Dishonesty includes the facilitation of Academic Dishonesty – in other words, a student who helps or attempts to help another student engage in Academic Dishonesty will be deemed to have engaged in Academic Dishonesty themselves, as well. Examples of this include but are not limited to the following: Student A gives Student B a specific answer to a homework assignment when Student A knows that such assistance is prohibited; Student A shares their lab report with Student B for Student B to submit when Student A knows that such sharing is prohibited; Student A shares one of their papers or essays with Student B and Student B submits it as their own when Student A knows that such sharing is prohibited – in each of these circumstances, both Student A and Student B will be deemed to have engaged in Academic Dishonesty.

Academic Dishonesty may be accomplished by any means whatsoever, including, but not limited to, the following: fraud, duress, deception, theft, talking signs, gestures, copying from another student, unauthorized collaboration, and the unauthorized use of study aids, memoranda, books, electronic programs, data, or other information.

**Plagiarism** is cheating and constitutes a form of Academic Dishonesty. Plagiarism involves copying another's work and submitting it as if it were the original work of the student. Presenting as one's own, the words, the work, the ideas or the opinions of someone else without proper citation and acknowledgement constitutes plagiarism, as does borrowing the sequence of ideas, the arrangement of material, or the pattern of thought of someone else without proper citation and acknowledgement. Plagiarism is commonly defined as the use of another person's thoughts and ideas – whether taken from a paper, speech, article, film, music,

image, or online source – whether intentionally or accidentally, in whole or in part, and presenting it as your own work. Whether a source is copyrighted or not, printed or recorded, or a paper prepared by another student, if it is used without citing and recognizing the source, plagiarism has been committed. Simply put, plagiarism is the act of using another person’s words or ideas without giving credit to that person.

In order to be found to have committed an act of Academic Dishonesty, it is not necessary for the school to prove that the student **intended** to commit the act. In this regard, Academic Dishonesty can occur accidentally when, for example, a student cites information incorrectly or forgets to cite it at all – this will still be considered plagiarism. A student’s intent or lack thereof to cheat and/or commit plagiarism is not a defense to a claim of cheating and/or plagiarism.

**Test Dishonesty** is cheating and constitutes a form of Academic Dishonesty. Test Dishonesty is the use of any means not specifically accepted by the teacher to obtain answers to a test or quiz. Test Dishonesty includes giving, receiving, passing or using in any way information about a test or quiz, whether in oral, written, gesture, or electronic form. The unauthorized use of cell phones, watches and/or other electronic devices which store information during tests or quizzes will be considered cheating.

The rules regarding Academic Dishonesty apply to all work, including drafts and outlines that are submitted prior to a final submission. Academic Dishonesty consequences, include, but are not limited to, the following:

First Offense:

- ◆ The student will be notified of the violation.
- ◆ The parents/guardians will be notified of the violation.
- ◆ The student’s guidance counselor and principal will be notified of the violation.
- ◆ Honor societies will be notified of the violation.
- ◆ The student will receive a zero (0) on the assignment involved. Each teacher will have the autonomy whether to offer the student an opportunity to submit an alternate assignment, with a **minimum** academic penalty of 30 points deducted from the grade earned.
- ◆ Additional consequences may be considered – e.g., loss of student leadership positions, and loss of candidacy for or membership in Honor Societies.

→ Second Offense:

- ◆ The student will be notified of the violation.
- ◆ The parents/guardians will be notified of the violation.
- ◆ The student’s guidance counselor and principal will be notified of the violation.
- ◆ Honor societies will be notified of the violation.
- ◆ The student will receive a zero (0) on the assignment involved, and may not be allowed an opportunity to make-up the assignment.
- ◆ If the second offense occurs in the same course as the first offense, additional consequences in that course may be imposed.

- ◆ The student may be ineligible for awards.
- ◆ The student may be ineligible for scholarships.
- ◆ Additional consequences may be considered – e.g., loss of the privilege to participate in school activities, loss of student leadership positions, and loss of candidacy for or membership in Honor Societies.

→ Third & Subsequent Offenses:

- ◆ The student will be notified of the violation.
- ◆ The parents/guardians will be notified of the violation.
- ◆ The student's guidance counselor and assistant principal will be notified of the violation.
- ◆ Honor societies will be notified of the violation.
- ◆ The student will receive a zero (0) on the assignment involved, and will not be allowed an opportunity to make-up the assignment.
- ◆ If the third offense occurs in the same course as one of the prior two offenses, the student's grade for the quarter will be lowered by one full letter grade.
- ◆ If the third offense occurs in the same course as both of the prior two offenses, the student will receive an F in the course for the semester, potentially impacting graduation and athletic eligibility.
- ◆ The student will be ineligible for awards.
- ◆ The student may be ineligible for scholarships.
- ◆ The student will lose **all** student leadership positions held.
- ◆ The student will not be considered as a candidate for Honor Societies.
- ◆ The student will have membership in Honor Societies rescinded.

Morgan ISD recognizes that there are different forms and degrees of Academic Dishonesty – e.g., a student who submits as their own a paper that the student has copied and pasted verbatim in its entirety from an online source vs. a student who copied and/or paraphrased two (2) sentences from an online source without proper quotation or citation. Consequently, each alleged offense will be determined on its own merits and facts and on an individual case by case basis, fully respecting the professionalism and discretion of the teacher(s) and administrator(s) involved.

In order to prevent misunderstandings, at the beginning of each course, each teacher will clarify what constitutes an act of Academic Dishonesty in their class. This should include an explanation of:

- ◆ The extent to which collaboration or group participation is permissible in preparing term papers, laboratory exhibits or notebooks, reports of any kind, tests, quizzes, examination, homework or any other work.
- ◆ The extent to which the use of study aids, memoranda, books, data, or other information is permissible to fulfill course requirements.
- ◆ Guidelines on what constitutes Test Dishonesty.
- ◆ Guidelines for what constitutes Plagiarism, including requirements or citing sources.

Academic Dishonesty Process:

Findings of Academic Dishonesty are taken seriously at Morgan ISD. They will be made with all due process protections on a case-by-case basis with full consideration of all relevant facts and circumstances.

If a student disputes a teacher's finding of academic dishonesty, the following process applies:

- ◆ The student, with a parent/guardian if so desired, shall meet with the teacher, and, if requested, the principal.
- ◆ If the student wishes to appeal the decision reached as a result of this meeting, the student must submit the appeal in writing to the principal.

## Athlete Misconduct

Morgan ISD believes that being an athlete in this District is an honor demanding many responsibilities. Being an athlete is a PRIVILEGE, not a right. The following are expectations for our athletes:

- Compete at the highest level during the contest while exhibiting good sportsmanship and courteous behavior
- Display positive leadership
- Aspire to the highest in moral and ethical values
- Conduct themselves in a courteous manner
- Show respect for others (coaches, parents, faculty, students, opponents, and officials)
- Strive to obtain a quality education, keeping this as the primary reason for attending school
- Develop and exhibit school pride

As athletes in Morgan ISD, students present an image that reflects the District to both opponents and our school community. This image should be one of sportsmanship, competitiveness and pride through positive action.

Participation in athletics sponsored by Morgan ISD and the University Interscholastic League (UIL) is a privilege, not a right. Therefore, all students taking part in the program shall conform to all rules contained within the Morgan ISD policies, the Student Code of Conduct, the Athletic Handbook, and the UIL rules and regulations. When any rules are violated, on or off premises, before, during, or after school hours, the administration and/or coaches, at their discretion, shall have the right to deny the privilege of participation.

Coaches are responsible for decisions affecting the teams they coach. Such decisions include, but are not limited to the following:

- Composition of the team
- Schedules
- Playing time for individual students
- Practice time (within UIL guidelines)
- Athletic disciplinary action (which is supplemental to, and does not substitute for, disciplinary action issued by campus administration for violating the Student Code of Conduct)
- Awarding letters to athletes
- Selection of individuals to be recognized for outstanding performance
- Other rules not contradictory to the Athletic Handbook

**On the field or court of play.** Athletes shall not resort to illegal tactics, including violation of game rules and regulations, or cheating. They should understand that both winning and losing are part of the game. Exhibitions of temper, flagrant rule violations, taunting, use of profanity, and unsportsmanlike actions shall not be tolerated. Game officials shall be respected and treated with courtesy. Any discussion of decisions made by officials shall be left to the coaches. Any behavior that is contrary to that specified in the Student Code of Conduct or Athletic Handbook, or any other act considered to be poor sportsmanship, may result in removal from one or more contests and possible removal from the team.

**SUSPENSION OR REMOVAL FROM THE REGULAR SCHOOL SETTING** An athlete who is suspended or removed from the regular school setting for any disciplinary reason under the Student Code of Conduct or Athletic Handbook shall be ineligible to participate in all practice or competition activities during the periods of suspension or removal.

A third suspension or removal during the same school year may result in removal from athletics for the remainder of the school year from the date of the offense.

**DISRESPECT TO AN ADULT** Any act of disrespect by an athlete to a teacher, coach, administrator, referee, or community member shall be addressed on an individual basis. Violations may result in disciplinary action, including, but not limited to, suspension of one game/event or more, and/or removal for the remainder of the school year.

**DISRESPECT TO A TEAMMATE** Any act of disrespect, hazing, or bullying, including cyberbullying, by an athlete to a teammate, shall be addressed on an individual basis. Violations may result in disciplinary action, including, but not limited to, suspension of one game/event or more, and/or removal from athletics for the remainder of the school year.

**TRAINING RULES** The training rules apply to all athletes at all times throughout their school athletic careers. Violations may result in disciplinary action, including without limitation, suspension of one game/event or more and/or removal from athletics for the remainder of the school year. A second violation may result in removal from athletics for one calendar year from the date of the incident.

It is the responsibility of each head coach to convey to his/her team the expectations and need for adherence to team and training rules.

- The Athletic Director must be notified when the following violations occur:
- Use of tobacco by an athlete
- Use of an illegal drug or inhalant
- Use of alcoholic beverage
- Use of any type of anabolic steroid or any derivative
- Any other such violations of which the head coach deems necessary to inform the Athletic Director

All infractions including use of tobacco, alcohol, drugs, or criminal activity, shall be referred to the Campus Behavioral Coordinator for review. Consequences will be assessed and administered according to Morgan ISD board policy, the Student Code of Conduct, the Athletic Handbook, and the University Interscholastic League rules and regulations. Violations of training rules may result in removal from all athletic activities for up to one year. At the end of one calendar year from the date of the violation, the case may be reviewed for readmission to athletics by all parties concerned.

**PRACTICE** Practice is an essential part of athletics and students are expected to participate except when injured or sick. During practice situations, athletes shall:

1. Consult the team coach as far in advance as possible when absence is necessary.
2. Avoid using profanity, it will not be tolerated.
3. Make every attempt to be a team member, not an individual.

- An injured or sick athlete will be given an alternative assignment during the athletic period and/or after school practice.
- All athletes will be required to make up missed conditioning if absent from practice.

**THEFT** Theft from other players, students, opponents, schools, or Morgan ISD school equipment shall not be tolerated. School equipment is purchased for student use during athletic activities. The taking or wearing of athletic equipment, which is the property of Morgan ISD, on or off school premises at any time other than specified by the coach shall be considered a manifestation of theft of such equipment and punished as provided in the Student Code of Conduct and Athletic Handbook. Consequences will be decided on an individual basis and may result in disciplinary action including, but not limited to, suspension and/or removal from all athletic activities for up to one calendar year from the date of the incident.

**LOCKER ROOM** Safety is of primary concern in locker rooms. The following rules shall be observed:

1. No horseplay (hitting, wrestling, throwing items, popping towels, etc.)
2. Maintain school equipment as directed by coaches.
3. Keep all school equipment and personal belongings locked in the locker at all times.
4. Keep school facilities clean and help ensure their continued good maintenance.

**TRAVEL** Because athletes represent the community, parents, school, and coaches, as well as themselves, proper conduct is expected on athletic trips. Athletes shall dress in accordance with student code of conduct dress and grooming policies, and athletic handbook requirements. Specific travel details are:

1. Be on time for all trips.
2. Dress neatly and in accordance to policy.
3. Be mannerly and courteous in restaurants and other public places.
4. Be quiet and orderly on the bus to avoid distractions to the driver.
5. Show respect for the opponent's facilities.
6. Travel with the team when leaving and returning. In emergency situations and/or when prior permission has been given by the coach, the athlete may return with parents. Athletes will only be released to their parents or legal guardian. A "Student Travel Release Form" must be filled out with a parent signature prior to the athletic trip.

**QUITTING** Athletics involves hard work, time, and dedication. Think hard before deciding to go out for a sport. Any participant who quits a sport after they have begun will not be allowed to participate in that sport again or in any other sport until the regular season has ended in the sport that he/she quit, and forfeits the right to an award for the sport, or participation in post-season activities (sports banquets, post season ceremonies, all star games, etc.). The student will be required to return all school equipment associated with the sport, and may be required to reimburse the school for any fees or costs incurred by the athletic department to provide the equipment. ***Any participant who quits a sport after beginning MUST first confer***

***with the head coach, athletic director, and parent so that all affected parties are informed, and aware of the consequences, before reaching a final decision.***

**TOBACCO VIOLATIONS** Morgan ISD is a tobacco-free district. Student athletes are not permitted to use tobacco products on or off school premises, including but not limited to, cigarettes, cigars, pipes, snuff, or chewing tobacco. Violations may result in disciplinary action, including, but not limited to, suspension or removal from athletics.

**DRUG OR ALCOHOL VIOLATIONS** Student athletes shall not possess, use, transmit or attempt to possess, use, or transmit, or be under the influence of any of the following substances on or off school premises:

1. Any controlled substance or dangerous drug as defined by the Texas Controlled Substance Act, without regard to amount, including, but not limited to: marijuana, any narcotic drug, hallucinogen, stimulant, depressant, amphetamine, or barbiturate.
2. Alcohol or any alcoholic beverage.
3. Any abusable glue, aerosol, paint, or any chemical substance for inhalation.
4. Any other intoxicant or mood-changing, mind-altering, or behavior-altering drug.

If the administration, after a thorough investigation, has good reason to believe the student athlete has participated in selling, giving, possessing, or being under the influence of abusive drugs (marijuana, alcohol, narcotics, steroids, crack, cocaine, etc.), he/she shall be suspended from the athletic program until guilt or innocence is determined. If a student athlete is arrested and charged with selling, giving, possession of or under the influence of drugs, he/she will be automatically suspended from the athletic program until guilt or innocence is determined. If the student athlete is found guilty, he/she will be suspended from all athletic participation of any kind for a period of one calendar year from the date of the first incident. Level IV or Level V disciplinary consequences will be assessed, notwithstanding any prosecution under the juvenile/criminal justice systems.

**ALLEGATION OR INDICTMENT FOR FELONY CRIMES** No athlete, while under indictment for having committed a felony crime, will be allowed to participate in any capacity in the athletic program. (This is to include practice and/or games.) When guilt or innocence is established, the re-admission to the athletic program or the penalty phase will be developed. Any athlete who has been referred for prosecution to the juvenile justice system based on alleged felony level delinquent conduct or charged with a felony in the criminal justice system shall not be allowed to participate in any practices or games/events. If the prosecution is unconditionally dismissed or the athlete is found not guilty, then the athlete shall be readmitted to the athletic program. If the prosecution results in a disposition other than an unconditional dismissal or a finding of not guilty, then the athlete shall be removed from all athletic activities for a minimum of one calendar year from the date of the offense.

**ATHLETIC ADVISORY COUNCIL** The Athletic Advisory Council will be composed of the District Athletic Director, campus administrator, and head coach of the sport in which the student infraction occurred. Its function will be to gather facts, interpret facts, and render a fair and just decision in matters of athletic discipline. The Athletic Director may convene the Athletic

Advisory Council whenever he/she feels it is warranted or when the potential action taken could result in suspension or removal of a student from athletics.

**APPEALS** Any athlete may appeal the penalty phase for their violation of the Morgan ISD Athletic Handbook through the Student and Parent Complaints/Grievances process (FNG LOCAL). An appeal of an Athletic Director's decision or a ruling made by an Athletic Advisory Council shall be entered at Level Two of the complaint procedure.

## General Conduct Violations

The categories of conduct below are prohibited at school, in vehicles owned or operated by the district, and at all school-related activities, but the list does not include the most severe offenses. In the subsequent sections on **Out-of-School Suspension** on page , **DAEP Placement** on page , **Placement and/or Expulsion for Certain Offenses** on page , and **Expulsion** on page , 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 .

### 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 .)
- Threaten a district student, employee, or volunteer, including off school property, if the conduct causes a substantial disruption to the educational environment.
- Engage in bullying, cyberbullying, harassment, or making hit lists. (See **glossary** for all four terms.)
- Release or threaten to release intimate visual material of a minor or a student who is 18 years of age or older without the student's consent.
- Engage in conduct that constitutes sexual or gender-based harassment or sexual abuse, whether by word, gesture, or any other conduct, directed toward another person, including a district student, employee, board member, or volunteer.
- Engage in conduct that constitutes dating violence. (See **glossary**.)
- Engage in inappropriate or indecent exposure of private body parts.
- Participate in hazing. (See **glossary**.)

- Cause an individual to act through the use of or threat of force (coercion).
- Commit extortion or blackmail (obtaining money or an object of value from an unwilling person).
- Engage in inappropriate verbal, physical, or sexual conduct directed toward another person, including a district student, employee, or volunteer.
- Record the voice or image of another without the prior consent of the individual being recorded or in any way that disrupts the educational environment or invades the privacy of others.

### Property Offenses

Students shall not:

- Damage or vandalize property owned by others. (For felony criminal mischief, see **DAEP—Placement and/or Expulsion for Certain Offenses** on page .)
- 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 .)

### Possession of Prohibited Items

Students shall not possess or use:

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

- A laser pointer 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 . In many circumstances, possession of these items is punishable by mandatory expulsion under federal or state law.

### **Possession and Use of Personal Telecommunications Devices, Including Cell Phones**

For safety purposes, the district permits students to possess personal mobile telephones; however, these devices must remain turned off during the instructional day, including during all testing, unless they are being used for approved instructional purposes.

The use of cell phones or any device capable of capturing images is strictly prohibited in locker rooms or restroom areas while at school or at a school-related or school-sponsored event.

If a student uses a telecommunications device without authorization during the school day, the device will be confiscated. ***Repeated violation of this rule may result in the student losing phone privileges for the remainder of the school year.***

Students are not allowed to contact parents about leaving school due to illness; parents will be contacted by the school nurse or school secretary if the student is ill.

**Confiscated devices will not be returned to the student; a parent may schedule a conference with the principal to discuss the reasons the device was confiscated, and arrange parent or guardian retrieval of the device.**

Confiscated telecommunications devices that are not retrieved by the student or the student's parent will be disposed of after the notice required by law. [See policy FNCE.]

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

A student must have approval to possess other electronic devices such as netbooks, laptops, tablets, or other portable computers. Misuse of personal devices (performing non-instructional tasks during class time, viewing or showing others material that violates the student code of conduct, etc.) will result in temporary, or permanent, loss of any privileges associated with permission to use personal devices.

Any disciplinary action, including consequences for students who refuse to turn in their device to a staff member who requests it, will be in accordance with the Student Code of Conduct. ***The district is not responsible for damaged, lost, or stolen electronic devices.***

### **Possession and Use of District-Issued Devices**

Students who use district-issued devices inappropriately will forfeit access to their school device for a period determined by the principal. Duration will be determined using multiple factors, including the severity of the infraction; extent of the impact on the school community; and repeat offenses of the same violation. During suspension of electronic device privileges, students will be required to complete all assignments on paper. A district device will be loaned

to the student in the event district, state, or national testing occurs during the electronics use suspension.

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

Students shall not:

- Possess, use, give, or sell alcohol or an illegal drug. (Also see **DAEP Placement** and **Expulsion** for mandatory and permissive consequences under state law.)
- Possess or sell seeds or pieces of marijuana in less than a usable amount.
- Possess, use, give, or sell paraphernalia related to any prohibited substance. (See **glossary** for “paraphernalia.”)
- Possess, use, abuse, or sell look-alike drugs or attempt to pass items off as drugs or contraband.
- Abuse the student’s own prescription drug, give a prescription drug to another student, or possess or be under the influence of another person’s prescription drug on school property or at a school-related event. (See **glossary** for “abuse.”)
- Abuse over-the-counter drugs. (See **glossary** for “abuse.”)
- Be under the influence of prescription or over-the-counter drugs that cause impairment 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.
- Send, post, deliver, or possess electronic messages that are abusive, obscene, sexually oriented, threatening, harassing, damaging to another’s reputation, or illegal, including cyberbullying and “sexting,” either on or off school property, if the conduct causes a substantial disruption to the educational environment or infringes on the rights of another student at school.

- Use the internet or other electronic communication to engage in or encourage illegal behavior or threaten school safety, including off school property if the conduct causes a substantial disruption to the educational environment or infringes on the rights of another student at school.

### **Safety Transgressions**

Students shall not:

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

### **Miscellaneous Offenses**

Students shall not:

- Violate dress and grooming standards as communicated in the Student Code of Conduct.
- Cheat or copy the work of another.
- Gamble.
- Falsify records, passes, or other school-related documents.
- Engage in actions or demonstrations that substantially disrupt or materially interfere with school activities.
- Repeatedly violate other communicated campus or classroom standards of conduct.

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

### **Levels of Violations in the Student Code of Conduct**

The Student Code of Conduct classifies student violations according to their significance. There are five levels of increasingly serious violations. Minor offenses are classified as Level I violations. The most serious offenses are classified as Level V. Each level carries a range of consequences and learning experiences that are appropriate for the particular violation. Due to the nature of some infractions, they may be listed under more than one level. In these cases, the principal will decide upon the appropriate level consequence according to the specific circumstances of the violation. Repeated violations in one level may result in disciplinary consequences at the next level.

For some disciplinary incidences, that can result in a Disciplinary Alternative Education Placement (DAEP), an in-school or out-of-school suspension for up to three days may occur in order to allow time for an investigation to take place.

**LEVEL I Minor Infractions**

Minor infractions usually are not of a severe nature but may indicate a specific need.

The goal of Level I discipline is to identify student needs and provide support so students are able to behave in ways that positively contribute to academic achievement, social-emotional well-being, and school success. It should foster a school environment that maintains safe and orderly learning communities and balances the needs of the student, the needs of those directly affected by behaviors, and the needs of the overall school community. The loss of student privileges may be part of a disciplinary consequence in some cases. Privileges include, but are not limited to, unstructured lunch with other peers, unstructured recess with other peers, unstructured time, additional positive school-wide events created to promote positive culture and environment. Recess may not be removed as a disciplinary response; however, a structured recess with choice may be provided to students.

<p><b>Level I incidents may include, but are not limited to:</b></p>	<ul style="list-style-type: none"> <li>• Disruption of school activities</li> <li>• Giving false information either verbally or in writing to a school staff member</li> <li>• Failure to follow the directions of a teacher, principal, bus driver, supervisor, or other school staff member (does not compromise safety of self or others)</li> <li>• Directing profanity, vulgar language or obscene gestures toward other students</li> <li>• Tardiness or truancy</li> <li>• Littering of school grounds (classrooms, restrooms, hallways, cafeteria, open areas, outside areas)</li> <li>• Trespassing</li> <li>• Dress code violations</li> <li>• Violations of the “Possession and Use of Personal Telecommunications Devices, Including Cell Phones” policy</li> </ul>
<p><b>For Level I incidents, behaviors should be supported using one or more of the management techniques appropriate for the student, the school environment, and the situation. It is up to the discretion of the</b></p>	<ul style="list-style-type: none"> <li>• Parent/family conference with the student;</li> <li>• In-class redirection/warning or consequence;</li> <li>• Mediation/conflict resolution;</li> </ul>

<p><b>principal or principal designee to determine how the behaviors will be supported:</b></p>	<ul style="list-style-type: none"> <li>• Change of seat assignment;</li> <li>• Confiscation of inappropriate item(s)</li> <li>• Loss of privilege(s)</li> <li>• Structured recess (limiting student involvement during recess time) or structured lunch</li> <li>• Parent conference with teacher and administrator</li> <li>• Parent phone call or note</li> <li>• Teacher or designated staff counsels with the student;</li> <li>• Special education students – refer to IEP; and 504 students – refer to 504 accommodations</li> </ul>
<p><b>For persistent Level I incidents, the following corrective actions and/or Level II interventions may be applied:</b></p>	<p><b><i>PK-2nd Grade Students:</i></b></p> <ul style="list-style-type: none"> <li>• Re-teach/practice emotion regulation</li> <li>• Provide small group intervention through counselor</li> <li>• Teach/practice skills through the use of social stories</li> <li>• Provide visual cues for behavior</li> </ul> <p><b><i>3rd -12th Grade Students:</i></b></p> <ul style="list-style-type: none"> <li>• Detention</li> <li>• Assignment to in-school suspension</li> <li>• Additional in-class support/intervention</li> <li>• Special education students – refer to IEP; and 504 students – refer to 504 accommodations</li> </ul>

**LEVEL II Serious Disruptive Behavior**

In general, Level II incidents are considered more serious in nature and require more intensive learning experiences and/or supports. The discipline techniques at this stage are designed to teach the students positive alternative behaviors or to impress upon the student the consequences of negative behavior. After investigating the scope and nature of the incident, the campus administrator may implement any one, or more, of the discipline management techniques outlined in the Student Code of Conduct.

<p><b>Level II serious disruptive incidents may include, but are not limited to:</b></p>	<ul style="list-style-type: none"> <li>• Repeated and persistent Level I incidences</li> </ul>
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	<ul style="list-style-type: none"> <li>• Possession of articles inappropriate for school including electronic devices, matches, laser pointers, and/or printed material not appropriate for school</li> <li>• Improper use of telecommunication devices, authorized or unauthorized</li> <li>• Gambling</li> <li>• Harassment</li> <li>• Bullying</li> <li>• Gang activity</li> <li>• Profanity/obscene gestures towards staff member(s)</li> </ul>
<p style="text-align: center;"><b>For Level II incidents, behaviors should be supported using one or more of the management techniques appropriate for the student, the school environment, and the situation:</b></p>	<p><b><i>PK-2nd Grade Students:</i></b></p> <ul style="list-style-type: none"> <li>• Alternate between preferred and nonpreferred activities</li> <li>• Conference with parent/guardian and administrator</li> <li>• Home Visit</li> <li>• Small group or individual intervention provided by counselor</li> </ul> <p><b><i>3rd -12th Grade Students:</i></b></p> <ul style="list-style-type: none"> <li>• Conference with campus administrator</li> <li>• Behavioral contracts</li> <li>• Loss of privilege(s)</li> <li>• Confiscation of inappropriate item(s)</li> <li>• Partial or complete denial of attendance and/or participation in extracurricular activities</li> <li>• Structured lunch</li> <li>• Structured recess</li> <li>• Detention</li> <li>• Removal from class for up to three days (in-school suspension, or ISS)</li> <li>• Removal from campus for up to three days (out-of-school suspension, or OSS)</li> <li>• Parent notification/parent conference</li> <li>• Teacher removal from class (See TEC Ch. 37.002, 37.006, or 37.007)</li> <li>• Special education students – refer to IEP and 504 students – refer to 504 accommodations</li> </ul>

	<p><i>Repeat or serious Level II incidents ultimately result in an assignment to DAEP.</i></p>
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**LEVEL III Serious or Persistent Misbehavior**

After reasonable discipline management techniques have been attempted and the campus administrator determines that the student’s presence in the regular classroom is disruptive to other students, or persistent misbehavior violates the previously communicated standards of student conduct, the building administrator may assign in-school suspension (ISS) or out-of-school suspension (OSS) (up to three days), or remove a student to a disciplinary alternative educational program (DAEP).

If a student is suspended, the student’s absence(s) shall be considered excused if the student satisfactorily completes the class assignments for the period of suspension within the same number of days of his/her suspension, after the student’s return to school.

**Level III behaviors leading to such action may include, but are not limited to:**

- Vandalism
- Gang activity, including being a member of a gang
- Tampering with, changing or altering records or documents of the District by any method, including, but not limited to, computer access or other electronic means
- Directing profanity, vulgar language or obscene gestures toward other student, school personnel, or any other person
- Engaging in verbal abuse, i.e., name-calling, ethnic or racial slurs, or derogatory statements addressed publicly to others that may disrupt the school program or incite violence
- Engaging in other serious or persistent misbehavior (two or more violations of the Code of Conduct or repeated occurrence of the same moderate/major offense)
- Use/possession of tobacco
- Taking part in a violent struggle involving the exchange of physical blows or the use of weapons
- Intentionally, knowingly, or recklessly causing bodily injury to another person
- Harassment or Bullying
- Insubordination
- Use of force or threat
- Engaging in any form of sexual harassment of another student or staff member
- Inappropriate touching/sexual behavior
- Planning and/or organizing and/or instigating and/or participating in an activity that causes substantial disruption of the educational program
- Possession of any weapon not prohibited in Level V, including but not limited to BB/pellet guns, knives, razors, box cutters, “look-alike” weapons, chains, ammunition or stun guns
- Possession of ammunition, fireworks, matches or a lighter, or other dangerous instruments
- Misdemeanor theft

	<ul style="list-style-type: none"> <li>• Extortion, coercion, kidnapping, or blackmail</li> <li>• Damaging and/or destroying and/or altering district electronic devices and/or software by any method including, but not limited to, the use of computer software viruses or other electronic means</li> <li>• Inappropriately using instructional materials, including electronic devices or other technology</li> <li>• Hazing</li> <li>• Possessing drug paraphernalia, as drug paraphernalia is defined by the Texas Controlled Substance Act (Article 4476-15, Vernon’s Texas Civil Statutes);</li> <li>• Non-felony criminal mischief</li> <li>• Persistent violations of the Student Code of Conduct</li> </ul>
<p><b>For Level III incidents, behaviors should be supported using one or more of the management techniques appropriate for the student, the school environment, and the situation:</b></p>	<p><b><i>PK-2nd Grade Students:</i></b></p> <ul style="list-style-type: none"> <li>• Alternate between preferred and nonpreferred activities</li> <li>• Conference with parent/guardian to build an intervention plan</li> <li>• Home Visit</li> <li>• Counselor provides individual social skill intervention support</li> <li>• For behaviors that compromise the safety of one or more students or staff, a safety plan must be created with interventions and consequences</li> </ul> <p><b><i>3rd -12th Grade Students:</i></b></p> <ul style="list-style-type: none"> <li>• Assignment to in-school suspension (ISS); and/or</li> <li>• Out-of-school suspension (up to three days); and/or</li> <li>• Certain offenses may result in ticketing/affidavit by Bosque County law enforcement</li> <li>• Special education students – refer to IEP; and 504 students – refer to 504 accommodations</li> </ul>

***A student who is involved in a Level III incident and is suspended or placed in a DAEP is prohibited from attending or participating in school-sponsored or school-related activities.***

**Level IV Offenses Resulting in Placement to a Disciplinary Alternative Education Program (DAEP)**

A student will be placed in a disciplinary alternative education program (DAEP) or Bosque County Juvenile Justice Alternative Education Program) for any of the following incidents if committed on school property (extending 300 feet beyond the perimeter) or while attending school-sponsored or school-related activities on or off school property.

**Behaviors leading to such action may include, but are not limited to:**

- Serious or persistent misbehavior (two or more violations of the Code of Conduct or repeated occurrence of the same moderate/major offense) after the student has been placed in a campus ISS and continues to violate the District Student Code of Conduct
- Regardless of where the conduct occurs, engaging in conduct involving a public school that contains the elements of the offense of false alarm or report (under Section 42.06 Texas Penal Code), or terroristic threat (Section 22.07, Texas Penal Code)
- Assault of an individual under Section 22.01 (a) (2) (a) (3), Texas Penal Code
- Assault of an employee or volunteer
- On, or within 300 feet of school property, or while attending a school-sponsored or school-related activity on or off school property, engaging in conduct that contains the elements of the offense of assault under Section 22.01 (a)(1), under Texas Penal Code
- On or within 300 feet of school property or while attending a school-sponsored or school-related activity on or off school property, selling, giving, delivering, possessing, using, or being under the influence of marijuana or a controlled substance (real or imitation) (as defined by Chapter 481, Health and Safety Code, or by 21 U.S.C. Section 801 et. Seq.), including any marijuana-like substance that is commonly found in K2, Spice, or any synthetic substance that produces psychoactive effects, or a dangerous drug (as defined by Chapter 482, Health and Safety Code) or an abusable volatile chemical under Section 485.031 -485.034, Health and Safety Code, if punishable as a misdemeanor
- On, or within 300 feet of school property, or while attending a school-sponsored or school-related activity on or off school property, selling, giving, or delivering to another person an alcoholic beverage (as

	<p>defined by Section 1.04, Alcoholic Beverage Code); committing a serious act or offense while under the influence of alcohol; or possessing, using, or being under the influence of an alcoholic beverage</p> <ul style="list-style-type: none"><li>• On or within 300 feet of school property or while attending a school -sponsored or school-related activity on or off school property, engaging in conduct that contains the elements of the offense of public lewdness (under Section 21.09, Texas Penal Code)</li><li>• On or within 300 feet of school property or while attending a school -sponsored or school-related activity on or off school property, engaging in conduct that contains the elements of the offense of aggravated robbery (under Section 29.03, Texas Penal Code);</li><li>• On or within 300 feet of school property or while attending a school-sponsored or school-related activity on or off of school property, engaging in conduct punishable as a felony</li><li>• Engaging in conduct occurring off campus and while the student is not in attendance at a school-sponsored or school-related activity if:<ul style="list-style-type: none"><li>o The student received deferred prosecution under Section 53.03, Texas Family Code, for conduct defined as a felony offense in Title 5, Penal Code or the felony offense of aggravated robbery under Section 29.03; or</li><li>o A court or jury finds that the student has engaged in delinquent conduct under, Section 54.03, Texas Family Code, for conduct defined as a felony offense in Title 5, Penal Code or the felony offense of aggravated robbery under Section 29.03;</li><li>or</li><li>o The Superintendent or the Superintendent's designee has a reasonable belief that the student has</li></ul></li></ul>
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	<p>engaged in conduct defined as a felony offense in Title 5, Penal Code or the felony offense of aggravated robbery under Section 29.03</p> <ul style="list-style-type: none"> <li>• Regardless of time or location, engaging in conduct on or off school property that contains the elements of the offense of retaliation under Section 36.06, Texas Penal Code, against any school employee</li> <li>• Engaging in conduct that contains the elements of an offense of deadly conduct under Section 22.05, Penal Code</li> <li>• Engaging in conduct that contains element of the offense of criminal mischief under Section 28.03, Penal Code, if the conduct is punishable as a felony</li> <li>• Off campus, non-violent felony, if the Superintendent/designee has a reasonable belief the continued presence of the student in the regular classroom threatens the safety of other students or teachers or will be detrimental to the educational process</li> <li>• Breach of Computer Security, under the Penal Code, is a permissive expellable offense if a student accesses a district's computers, computer system, or computer network and knowingly alters, damages, or deletes district property or information</li> <li>• A student who is younger than 10 years of age shall be removed from class and placed in a disciplinary alternative education program if the student engages in conduct that would be an expellable offense for students 10 years or older. A student who is under 10 years of age who possesses a firearm shall be expelled but shall receive education in the DAEP during the term of the expulsion. See the list of expellable offenses in Level V of the Student Code of Conduct</li> <li>• Engages in false fire alarms, false alarms or terrorist threats</li> </ul>
<p><b>Level IV consequences may include, but are not limited to:</b></p>	<p><b><i>PK-2nd Grade Students:</i></b></p>

	<ul style="list-style-type: none"> <li>• For behaviors that compromise the safety of one or more students or staff, a safety plan must be created with interventions and consequences</li> <li>• Assignment to DAEP</li> <li>• Referral to external resources</li> </ul> <p><b>3rd -12th Grade Students:</b></p> <ul style="list-style-type: none"> <li>• Assignment to a DAEP</li> <li>• Special education students will be referred to an ARD Committee and 504 students referred to 504 Committee</li> <li>• Referral will be made to Bosque County law enforcement for appropriate legal action</li> <li>• Expulsion to the Bosque County Juvenile Justice Alternative Education Program</li> </ul>
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***A student who is involved in a Level IV incident and is suspended or placed in a DAEP is prohibited from attending or participating in school-sponsored or school-related activities.***

**Title 5 felonies include:** *criminal homicide; murder; capital murder; manslaughter; criminally negligent homicide; kidnapping; aggravated kidnapping; indecency with a child; sexual assault; aggravated sexual assault; sexual coercion; injury to a child, elderly individual, or disabled individual; abandoning or endangering a child; deadly conduct; terroristic threat; aiding suicide; tampering with a consumer product; smuggling of persons; trafficking of persons; public lewdness; indecent exposure; bestiality; improper relationship between educator and student; harassment by persons in certain correctional facilities; harassment of public servant; improper photography or visual recording.*

**LEVEL V Offenses Resulting in Expulsion/Referral to the Bosque County Juvenile Justice Alternative Education Program (JJAEP)**

A student shall be expelled for any of the following offenses that occur on District school property or while attending a school-sponsored or school-related activity of a school in another district in Texas. ***Consequences will not be deferred pending the outcome of an appeal.***

**Behaviors leading to such action may include, but are not limited to:**

- A firearm violation, as defined by federal law. A firearm under federal law includes the following:
  - o Any weapon (including a started gun), which will or is designated to or which may readily be converted to expel a projectile by the action of an explosive
  - o The frame or receiver of any such weapon;
  - o Any firearm muffler or firearm weapon
  - o Any destructive device, such as any explosive, incendiary, or poison gas bomb or grenade
- Use, exhibition, or possession of the following, under the Texas Penal Code:
  - o A firearm
  - o A location-restricted knife, such as a knife with a blade over 5 ½ inches; a hand instrument designed to cut or stab another by being thrown including, but not limited to, a dart, stiletto, poniard, dagger, bowie knife, sword, or spear
  - o A club
  - o A prohibited weapon, such as an explosive weapon, a machine gun, a short-barrel firearm, a firearm silencer, a switchblade knife, knuckles, armor-piercing ammunition, a chemical dispensing device, or a zip gun
  - o Possession of or conspiring to possess any explosive or improvised explosive device
- Engaging in conduct specified by Section 37.006(a)(2)(c) or (d), if the conduct is punishable as a felony
- Engaging in conduct containing the elements of the following under the Texas Penal Code Title 5:
  - o Aggravated assault, sexual assault, or aggravated sexual assault
  - o Arson
  - o Murder, capital murder, or criminal attempt to commit murder

	<ul style="list-style-type: none"> <li>o Aggravated robbery</li> <li>o Manslaughter</li> <li>o Criminally negligent homicide</li> <li>o Indecency with a child</li> <li>o Kidnapping or aggravated kidnapping</li> <li>o Behavior related to an alcohol or drug offense that could be punishable as a felony</li> <li>o Retaliation against a school employee, combined with one of the above listed offenses on or off school property or at a school-sponsored or school-related activity</li> <li>o Continuous sexual abuse or young child or children</li> </ul> <ul style="list-style-type: none"> <li>• Engaging in conduct that contains the elements of any offense listed above against any employee in retaliation for or as a result of the employee’s employment with a school district.</li> <li>• After being placed in a DAEP for disciplinary reasons, continuing to engage in serious misbehavior that violates the District Student Code of Conduct. Serious misbehavior is defined as deliberate violent behavior that poses a direct threat to the health or safety of others; extortion, meaning the gaining of money or other property by force or threat; conduct that constitutes coercion, as defined by Section 1.07, Penal Code; or conduct that constitutes the offense of public lewdness under Section 21.07 of the Penal Code, indecent exposure under Section 21.08 of the Penal Code; criminal mischief under Section 28.03 of the Penal Code; personal hazing under the Education Code, or harassment under Section 42.07 (a)(1) of the Penal Code, of a student or district employee.</li> </ul>
<p><b>Level V consequences may include, but are not limited to:</b></p>	<p><b><i>PK-2nd Grade Students:</i></b></p> <ul style="list-style-type: none"> <li>• Assignment to DAEP</li> <li>• Community resources are reviewed with parents and a referral is made.</li> <li>• Parent Conference to create or update the student intervention plan and safety plan.</li> </ul>

	<p><b>3rd -12th Grade Students:</b></p> <ul style="list-style-type: none"> <li>• Mandatory expulsion and juvenile court referral to BCJJAEP for 90 days or one year for firearms.</li> <li>• Bosque County Juvenile Department referral</li> <li>• Bosque County law enforcement notification</li> <li>• Special education students will be referred to an ARD Committee and 504 students will be referred to an 504 Committee</li> </ul>
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***A student who is involved in a Level V incident and is suspended or placed in a DAEP or JJAEP is prohibited from attending or participating in school-sponsored or school-related activities.***

**Examples of Levels of Violations and Consequences**

The following examples are intended to serve as a guide to what each of level of behavior looks like and how it may be handled in school settings.

***Level I Behavior:*** Student is talking out of turn during class time.

***Level I Consequence:*** In-class redirection

***Level II Behavior:*** Student is talking on a cellphone during class time.

***Level II Consequence:*** Confiscation of phone until the campus behavior coordinator meets with a parent or guardian for a conference, and returns the phone to the parent or guardian.

***Level III Behavior:*** Student uses vulgar language when speaking to peers and/or campus staff.

***Level III Consequence:*** Assignment to an inschool suspension (ISS)

***Level IV Behavior:*** Student brings alcohol on or within 300 feet of school property.

***Level IV Consequence:*** Assignment to a DAEP

***Level V Behavior:*** Student brings a firearm to school.

***Level V Consequence:*** Expulsion and referred to the Bosque County Juvenile Justice Alternative Education Program (JJAEP)

## **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.

### **Students with Disabilities**

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

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

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

### **Techniques**

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

- Verbal correction, oral or written.
- Cooling-off time or a brief "time-out" period, in accordance with law.
- Seating changes within the classroom or vehicles owned or operated by the district.
- Temporary confiscation of items that disrupt the educational process.
- Rewards or demerits.
- Behavioral contracts.
- Counseling by teachers, school counselors, or administrative personnel.
- Parent-teacher conferences.
- Behavior coaching.
- Anger management classes.
- Mediation (victim-offender).
- Classroom circles.
- Family group conferencing.
- Grade reductions for cheating, plagiarism, and as otherwise permitted by policy.
- Detention, including outside regular school hours.

- Sending the student to the office or other assigned area, or to in-school suspension.
- Assignment of school duties, such as cleaning or picking up litter.
- Withdrawal of privileges, such as participation in extracurricular activities, eligibility for seeking and holding honorary offices, or membership in school-sponsored clubs and organizations.
- Penalties identified in individual student organizations' extracurricular standards of behavior.
- Restriction or revocation of district transportation privileges.
- School-assessed and school-administered probation.
- Out-of-school suspension
- Placement in a DAEP
- Placement and/or expulsion in an alternative educational setting
- Expulsion
- Referral to an outside agency or legal authority for criminal prosecution in addition to disciplinary measures imposed by the district
- Other strategies and consequences as determined by school officials

### **Prohibited Aversive Techniques**

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

- Using techniques designed or likely to cause physical pain, other than corporal punishment as permitted by district policy. [See policy FO(LOCAL).]
- Using techniques designed or likely to cause physical pain by electric shock or any procedure involving pressure points or joint locks.
- Directed release of noxious, toxic, or unpleasant spray, mist, or substance near a student's face.
- Denying adequate sleep, air, food, water, shelter, bedding, physical comfort, supervision, or access to a restroom facility.
- Ridiculing or demeaning a student in a manner that adversely affects or endangers the learning or mental health of the student or constitutes verbal abuse.
- Employing a device, material, or object that immobilizes all four of a student's extremities, including prone or supine floor restraint.
- Impairing the student's breathing, including applying pressure to the student's torso or neck or placing something in, on, or over the student's mouth or nose or covering the student's face.
- Restricting the student's circulation.
- Securing the student to a stationary object while the student is standing or sitting.
- Inhibiting, reducing, or hindering the student's ability to communicate.
- Using chemical restraints.

- Using time-out in a manner that prevents the student from being able to be involved in and progress appropriately in the required curriculum or any applicable individualized education program (IEP) goals, including isolating the student by the use of physical barriers.
- Depriving the student of one or more of the student's senses, unless the technique does not cause the student discomfort or complies with the student's IEP or behavior intervention plan (BIP).

### **Notification**

The campus behavior coordinator shall promptly notify a student's parent by phone or in person of any violation that may result in in-school or out-of-school suspension, placement in a DAEP, placement in a JJAEP, or expulsion. The campus behavior coordinator shall also notify a student's parent if the student is taken into custody by a law enforcement officer under the disciplinary provisions of the Education Code. A good faith effort shall be made on the day the action was taken to provide to the student for delivery to the student's parent written notification of the disciplinary action. If the parent has not been reached by telephone or in person by 5:00 p.m. of the first business day after the day the disciplinary action was taken, the campus behavior coordinator shall send written notification by U.S. Mail. If the campus behavior coordinator is not able to provide notice to the parent, the principal or designee shall provide the notice.

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

### **Appeals**

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

The district shall not delay a disciplinary consequence while a student or parent pursues a grievance.

## **Removal from the School Bus**

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

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 or the campus behavior coordinator may restrict or revoke a student's transportation privileges, in accordance with law.

## **Removal from the Regular Educational Setting**

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

### **Routine Referral**

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

### **Formal Removal**

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

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

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

At the conference, the campus behavior coordinator 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 campus behavior coordinator or other administrator may place the student in:

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

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

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

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

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

## **Out-of-School Suspension**

### **Misconduct**

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

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

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

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

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

### **Process**

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

Before being suspended a student shall have an informal conference with the campus behavior coordinator or appropriate administrator, who shall 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 campus behavior coordinator shall determine the number of days of a student's suspension, not to exceed three school days.

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

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

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

### **Coursework During Suspension**

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

A student removed from the regular classroom to in-school suspension or another setting, other than a DAEP, will have an opportunity 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.

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

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

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

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

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

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

- Engaging in bullying that encourages a student to commit or attempt to commit suicide.
- Inciting violence against a student through group bullying.
- Releasing or threatening to release intimate visual material of a minor or of a student who is 18 years of age or older without the student’s consent.
- Involvement in a public school fraternity, sorority, or secret society, including participating as a member or pledge, or soliciting another person to become a pledge or member of a public school fraternity, sorority, secret society, or gang. (See **glossary**.)
- Involvement in criminal street gang activity. (See **glossary**.)
- Any criminal mischief, including a felony.
- Assault (no bodily injury) with threat of imminent bodily injury.
- Assault by offensive or provocative physical contact.

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

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

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

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

- Engages in conduct relating to a false alarm or report (including a bomb threat) or a terroristic threat involving a public school. (See **glossary**.)
- Commits the following offenses on school property 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).
  - Sells, gives, or delivers to another person, or possesses, uses, or is under the influence of marijuana, a controlled substance, or a dangerous drug in an amount not constituting a felony offense. A student with a valid prescription for low-THC cannabis as authorized by Chapter 487 of the Health and Safety Code does not violate this provision. (School-related felony drug offenses are addressed in **Expulsion** on page .) (See **glossary** for “under the influence.”)
  - Sells, gives, or delivers to another person an alcoholic beverage; commits a serious act or offense while under the influence of alcohol; or possesses, uses, or is under the influence of alcohol, if the conduct is not punishable as a felony offense. (School-related felony alcohol offenses are addressed in **Expulsion** on page .)

- Behaves in a manner that contains the elements of an offense relating to abusable volatile chemicals.
- Behaves in a manner that contains the elements of the offense of public lewdness or indecent exposure. (See **glossary**.)
- Engages in conduct that contains the elements of an offense of harassment against an employee under Penal Code 42.07(a)(1), (2), (3), or (7).
- Engages in expellable conduct and is between six and nine years of age.
- Commits a federal firearms violation and is younger than six years of age.
- Engages in conduct that contains the elements of the offense of retaliation against any school employee or volunteer on or off school property. (Committing retaliation in combination with another expellable offense is addressed in **Expulsion** on page .)
- Engages in conduct punishable as aggravated robbery or a felony listed under Title 5 (see **glossary**) of the Penal Code when the conduct occurs off school property and not at a school-sponsored or school-related event and:
  - The student receives deferred prosecution (see **glossary**),
  - 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**) that the student engaged in the conduct.

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

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

### **Process**

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

### **Conference**

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

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

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

### **Consideration of Mitigating Factors**

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

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

### **Placement Order**

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

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

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

### **Coursework Notice**

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

### **Length of Placement**

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

The duration of a student's placement shall be determined 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 campus behavior coordinator or the board's designee must determine that:

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

### ***Exceeds 60 Days***

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

### **Appeals**

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

Student or parent appeals regarding a student's placement in a DAEP should be addressed in accordance with policy FNG(LOCAL). A copy of this policy may be obtained from the principal's office, the campus behavior coordinator's office, the central administration office, or through Policy On Line at the following address: <https://pol.tasb.org/Home/Index/193>.

Appeals shall begin at *Level One* with the *superintendent*.

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**

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

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

### **Additional Misconduct**

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

### **Notice of Criminal Proceedings**

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

15. 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
16. The court or jury found a student not guilty, or made a finding that the student did not engage in delinquent conduct or conduct indicating a need for supervision, and the case was dismissed with prejudice.

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

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

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

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

### **Withdrawal During Process**

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

### **Newly Enrolled Students**

The district shall 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.

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

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

### **Emergency Placement Procedure**

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

17. Threatens the safety of other students or teachers,
18. Will be detrimental to the educational process, or
19. Is not in the best interests of the district's students.

### **Review Committee**

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

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

### **Newly Enrolled Student**

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

### **Appeal**

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

### **Certain Felonies**

Regardless of whether placement or expulsion is required or permitted by one of the reasons in the DAEP Placement or Expulsion sections, in accordance with Education Code 37.0081, a student may be expelled and placed in either DAEP or JJAEP if the board or campus behavior coordinator makes certain findings and the following circumstances exist in relation to

aggravated robbery or a felony offense under Title 5 (see **glossary**) of the Penal Code. The student must:

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

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

20. The date on which the student's conduct occurred,
21. The location at which the conduct occurred,
22. Whether the conduct occurred while the student was enrolled in the district, or
23. 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:

24. Threatens the safety of other students or teachers,
25. Will be detrimental to the educational process, or
26. 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:

27. The student graduates from high school,
28. The charges are dismissed or reduced to a misdemeanor offense, or
29. 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 these circumstances is entitled to a review of his or her status, including academic status, by the campus behavior coordinator or board's designee at intervals not to exceed 120 days. In the case of a high school student, the student's progress toward graduation and the student's graduation plan shall also be reviewed. At the review, the

student or the student's parent shall have the opportunity to present arguments for the student's return to the regular classroom or campus.

### ***Newly Enrolled Students***

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

### **Expulsion**

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

30. Self-defense (see **glossary**),
31. Intent or lack of intent at the time the student engaged in the conduct,
32. The student's disciplinary history,
33. A disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct,
34. A student's status in the conservatorship of the Department of Family and Protective Services (foster care), or
35. 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 )

### ***Any Location***

A student **may** be expelled for:

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

- Engaging in conduct relating to a false alarm or report (including a bomb threat) or a terroristic threat involving a public school.

***At School, Within 300 Feet, or at a School Event***

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

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

***Within 300 Feet of School***

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

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

***Property of Another District***

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

### **While in DAEP**

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

36. Deliberate violent behavior that poses a direct threat to the health or safety of others;
37. Extortion, meaning the gaining of money or other property by force or threat;
38. Conduct that constitutes coercion, as defined by Section 1.07, Penal Code; or
39. 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 school property or while attending a school-sponsored or school-related activity on or off school property:

#### **Under Federal Law**

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

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

#### **Under the Penal Code**

- Unlawfully carrying on or about the student's person the following, in the manner prohibited by Penal Code 46.02:
  - A handgun, defined by state law as any firearm designed, made, or adapted to be used with one hand. (See **glossary**.)

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

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

### **Under Age Ten**

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

### **Process**

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

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

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

### **Hearing**

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

40. 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,
41. An opportunity to testify and to present evidence and witnesses in the student's defense, and
42. An opportunity to question the witnesses called by the district at the hearing.

43. 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 hearing shall be conducted by the board of trustees and the decision to expel shall be made by the board.

### ***Board Review of Expulsion***

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

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

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

### ***Expulsion Order***

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

44. Self-defense (see **glossary**),
45. Intent or lack of intent at the time the student engaged in the conduct,
46. The student's disciplinary history,
47. A disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct,
48. A student's status in the conservatorship of the Department of Family and Protective Services (foster care), or
49. 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 principal shall deliver to the juvenile court a copy of the expulsion order and the information required by Section 52.04 of the Family Code.

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

### **Length of Expulsion**

The length of an expulsion shall be 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:

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

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

### **Additional Misconduct**

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

### **Restrictions During Expulsion**

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

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

### **Newly Enrolled Students**

The district shall 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:

- 52. The out-of-state district provides the district with a copy of the expulsion order, and
- 53. 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:

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

### **Emergency Expulsion Procedures**

When an emergency expulsion is necessary to protect persons or property from imminent harm, the student shall be given verbal notice of the reason for the action. Within ten days after the date of the emergency expulsion, the student shall be given appropriate due process required for a student facing expulsion.

### **DAEP Placement of Expelled Students**

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

### **Transition Services**

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

## 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:

- 56. Causes serious bodily injury to another;
- 57. Uses or exhibits a deadly weapon; or
- 58. 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:
  - f) 65 years of age or older, or
  - g) A disabled person.

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

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

1. A crime that involves starting a fire or causing an explosion with intent to destroy or damage:
  - h) Any vegetation, fence, or structure on open-space land; or
  - i) 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:
  - j) Recklessly damages or destroys a building belonging to another, or
  - k) 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:

5. 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;
6. 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
7. 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, 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. 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:

8. Cause action by an official or volunteer agency organized to deal with emergencies;
9. Place a person in fear of imminent serious bodily injury; or
10. 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:

11. 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;
12. The frame or receiver of any such weapon;
13. Any firearm muffler or firearm weapon; or
14. Any destructive device, such as any explosive, incendiary or poison gas bomb, or grenade.

Such term does not include an antique firearm.

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

15. Conduct that meets the definition established in district policies DIA(LOCAL) and FFH(LOCAL);
16. 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
17. 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:
  - l) Initiating communication and, in the course of the communication, making a comment, request, suggestion, or proposal that is obscene, as defined by law;
  - m) 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;
  - n) Conveying, in a manner reasonably likely to alarm the person receiving the report, a false report, which is known by the conveyor to be false, that another person has suffered death or serious bodily injury; and
  - o) Sending repeated electronic communications in a manner reasonably likely to harass, annoy, alarm, abuse, torment, embarrass, or offend another.

**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:

18. Any type of physical brutality;

19. 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;
20. An activity that induces, causes, or requires the student to perform a duty or task that violates the Penal Code; and
21. 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.

**Possession** means to have an item on one's person or in one's personal property, including, but not limited to, clothing, purse, or backpack; a private vehicle used for transportation to or from school or school-related activities, including, but not limited, to an automobile, truck,

motorcycle, or bicycle; telecommunications or electronic devices; or any school property used by the student, including, but not limited to, a locker or desk.

**Prohibited weapon** under Penal Code 46.05(a) means:

22. 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:

- p) An explosive weapon;
- q) A machine gun;
- r) A short-barrel firearm;

23. Armor-piercing ammunition;

24. A chemical dispensing device;

25. A zip gun;

26. A tire deflation device;

27. An improvised explosive device; or

28. A firearm silencer, unless classified as a curio or relic by the U.S. Department of Justice or the actor otherwise possesses, manufactures, transports, repairs, or sells the firearm silencer in compliance with federal law.

**Public Lewdness** is defined by 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, including 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:**

29. Deliberate violent behavior that poses a direct threat to the health or safety of others;

30. Extortion, meaning the gaining of money or other property by force or threat;

31. Conduct that constitutes coercion, as defined by Section 1.07, Penal Code; or

32. Conduct that constitutes the offense of:

- s) Public lewdness under Penal Code 21.07;
- t) Indecent exposure under Penal Code 21.08;

- u) Criminal mischief under Penal Code 28.03;
- v) Hazing under Education Code 37.152; or
- w) 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 school work as assigned.
- Insubordination.
- Profanity, vulgar language, or obscene gestures.
- Leaving school grounds without permission.
- Falsification of records, passes, or other school-related documents.
- Refusal to accept 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:

33. Cause a reaction of any type by an official or volunteer agency organized to deal with emergencies;
34. Place any person in fear of imminent serious bodily injury;
35. 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;
36. Cause impairment or interruption of public communications; public transportation; public water, gas, or power supply; or other public service;
37. Place the public or a substantial group of the public in fear of serious bodily injury; or
38. 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 children under Section 21.02;
- Bestiality under Section 21.09;
- Improper relationship between educator and student under Section 21.12;
- Voyeurism under Section 21.17;
- Indecency with a child under Section 21.11;
- Invasive visual recording under Section 21.15;
- Disclosure or promotion of intimate visual material under Section 21.16;
- Sexual coercion under Section 21.18;
- Injury to a child, an elderly person, or a disabled person of any age under Section 22.04;
- Abandoning or endangering a child under Section 22.041;
- Deadly conduct under Section 22.05;
- Terroristic threat under Section 22.07;
- Aiding a person to commit suicide under Section 22.08; and
- Tampering with a consumer product under Section 22.09.

[See FOC(EXHIBIT).]

**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.