

SEALY INDEPENDENT SCHOOL DISTRICT

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STUDENT CODE OF CONDUCT

2015-2016



ACKNOWLEDGEMENT

As required by state law, the SISD Board of Trustees has officially adopted the 2015-2016 Student Code of Conduct in order to promote a safe and orderly learning environment for every student.

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

Each student and parent should sign this page in the space provided below, then return it to the home campus.

Thank you,

Sheryl Moore
SISD Superintendent

We acknowledge that we have been offered the option to receive a paper copy of the 2015-2016 SISD Student Code of Conduct (SCC). We also understand that the full Student Code of Conduct can be accessed on the district’s website at www.sealyisd.com. We understand that students will be held accountable for their behavior and will be subject to the disciplinary consequences outlined in the SCC.

We have chosen to:

- Receive a paper copy of the 2015-2016 SISD Student Code of Conduct
- Accept the responsibility for accessing the 2015-2016 SISD Student Code of Conduct on the district’s website.

PRINTED NAME OF THE STUDENT: _____

SIGNATURE OF THE STUDENT: _____

PRINTED NAME OF THE PARENT: _____

SIGNATURE OF THE PARENT: _____

DATE: _____

SCHOOL/CAMPUS: _____

STUDENT’S GRADE LEVEL FOR THE 2015-2016 SCHOOL YEAR: _____

PLEASE SIGN AND RETURN THIS PAGE TO THE STUDENT’S HOME CAMPUS.

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PURPOSE

The Board of Trustees adopts the Student Code of Conduct (SCC) to promote a safe, secure, and optimal learning environment for all students. The SCC provides information regarding:

- The district-wide discipline management plan;
- A description of prohibited conduct;
- The disciplinary options, methods, and consequences for preventing and addressing student misconduct; and
- The process the district will follow when administering disciplinary consequences.

If there is a conflict between the SCC and the Student Handbook, the terms of the SCC will prevail. If there is a conflict between the SCC and District Policy, the more recently adopted will prevail.

ADDITIONAL RULES

Students may be subject to campus, classroom, transpiration, extracurricular, and/or organization rules in addition to those found in the SCC. Students may face consequences under these additional rules as well as possible disciplinary action under the SCC. Further, to the extent a student engages in misconduct that is not specifically addressed in the SCC, the student may still be disciplined if the misconduct disrupts or interferes with the educational process, learning environment, or school safety.

GENERAL STANDARDS FOR STUDENT CONDUCT

In order to promote a positive educational experience for all students, the district expects each student to: (1) Demonstrate courtesy, even when others do not; (2) Behave in a responsible manner, always exercising self-discipline; (3) attend all classes, regularly and on time; (4) prepare for each class by taking appropriate materials and assignments to class; (5) meet district and campus standards for grooming and dress; (6) obey all campus and classroom rules; (7) Respect the rights and privileges of students, teachers, and other district staff and volunteers; (8) Respect the property of others, including district property and facilities; (9) Cooperate with and assist the school staff in maintaining safety, order, and discipline; (10) Adhere to the requirements of the Student Code of Conduct.

ANTI-DISCRIMINATION

The District does not discriminate against students on the basis of race, sex, national origin, disability, religion, color, or ethnicity when enforcing the provisions of the SCC.

DISCIPLINE OF STUDENTS WITH SPECIAL NEEDS

Students eligible for services under the Individuals with Disabilities Education Act (IDEA) or Section 504 of the Rehabilitation Act of 1973 are subject to discipline in accordance with those laws. For more information about those specific procedures, please contact the Director of Special Education and Section 504.

In accordance with law, a student with disabilities may not be punished for conduct meeting the definition of bullying, harassment, or making hit lists (see Definitions) until an ARD committee meeting has been held to review the conduct. In determining whether to order suspension, DAEP placement, or expulsion, regardless of whether the action is mandatory or discretionary, the district shall take into consideration the disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct.

NOTIFICATION

The principal or appropriate administrator shall notify a student's parent by phone or in writing of any violation that may result in a detention outside of regular school hours, an out-of-school suspension, placement in a DAEP, or expulsion. Notification will be made within three school days after the administrator becomes aware of the violation.

DISCIPLINE APPEALS

Appeals of disciplinary measures should be directed to the level at which the action giving rise to the complaint took place as described in local district policies FNG, FOC, or FOD. In most circumstances, this would involve the student's teacher, coach, or campus administrator. A copy of the appropriate policy is available at the campus or central offices or online at www.sealyisd.com. Timelines and processes for filing appeals are described in the policies as well as being available under parent resources on the district website.

EFFECT OF STUDENT WITHDRAWAL

Withdrawal from school after a student has been accused of a violation of the SCC will not prevent the district from investigating the alleged violation and, if it is determined that a violation did occur, assessing the appropriate disciplinary consequences and enforcing that consequence should the student re-enroll in the district and/or it be necessary for the student to complete the according consequence upon enrollment in another Texas public school district.

SCHOOL DISTRICT JURISDICTION AND AUTHORITY

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 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 or volunteer occurs or is threatened, regardless of time or location;
6. When criminal mischief is committed on or off school property or at a school related event;
7. For certain offenses committed within 300 feet of school property as measured from any point on the school's real property boundary line;
8. For certain offenses committed while on school property or while attending a school sponsored or school related activity of another district in Texas;
9. When the student commits a felony, as provided by the Education Code 37.006 or 37.0081; and
10. When the student is a registered sex offender.

SEARCHES

A student's clothing, personal property, electronic equipment, method of transportation, or school property used by the student (such as lockers or desks) may be searched when there is reasonable cause to believe the search will reveal articles or materials prohibited by the District. Students are responsible for ensuring that any personal property, method of transportation, or school property used by the student does not contain prohibited items. Students may be disciplined for possession of prohibited items discovered during a search. For more information about searches, please review the district's student handbook and local policy FNF.

CRIMINAL CONDUCT AND THE REPORTING OF CRIMES

School administrators will report crimes as required by law and may contact local law enforcement regarding suspected criminal activity. Certain acts of misconduct may constitute criminal offenses in addition to violation of the SCC. Because school discipline is independent of criminal proceedings, disciplinary consequences may not be postponed pending the outcome of any criminal proceeding or affected by the outcome of any criminal proceeding.

EFFECT OF MISCONDUCT ON PARTICIPATION IN GRADUATION ACTIVITIES

The district has the right to limit a student's participation in graduation activities for violating the district's SCC. Participation might include speaking roles, as established by district procedures. Students eligible for speaking roles at graduation shall be notified by the campus principal. Student speakers (including valedictorian and salutatorian), as determined by all applicable eligibility requirements, will become ineligible if the student engages in misconduct in violation of the SCC that results in out-of-school suspension, removal to a DAEP, or expulsion during the spring semester immediately preceding graduation.

GENERAL CONDUCT VIOLATIONS

The categories of conduct below are prohibited at school, in vehicles owned or operated by the school district, and at all school related activities.

STUDENTS SHALL NOT:**DISREGARD AUTHORITY**

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

MISTREAT OTHERS

- Use profanity or vulgar language or make obscene gestures;
- Fight or scuffle (see definitions);
- 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, harassment, or making hit lists (see definitions);
- Engage in conduct that constitutes sexual or gender-based harassment or sexual abuse, whether by word, gesture, or any other conduct, directed toward another person, including a district student, employee, or volunteer;
- Engage in conduct that constitutes dating violence (see definitions);
- Engage in inappropriate or indecent exposure or private body parts;
- Participate in hazing (see definitions);
- 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 prior consent of the individuals being recorded or in any way that disrupts the educational environment or invades the privacy of others.

PROPERTY OFFENSES

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

POSSESSION OR MISUSE OF TELECOMMUNICATION OR OTHER ELECTRONIC DEVICES

- Use a telecommunication device, including a cellular telephone, or other electronic device in violation of district and campus rules, (check campus student handbook for specific rules);

STUDENTS SHALL NOT POSSESS OR USE:**POSSESSION OF PROHIBITED ITEMS**

- Fireworks of any kind, smoke or stink bombs, or any other pyrotechnic device,
- A razor, box cutter, chain, or any other object used in a way that threatens or inflicts bodily injury to another person;
- A “look-alike” weapon;
- An air gun or BB gun;
- Ammunition;
- A stun gun;
- A pocketknife or any other small knife;
- Mace or pepper spray;
- Pornographic material;
- Tobacco products;
- Matches or a lighter;
- A laser pointer for other than an approved use; or
- Any articles not generally considered to be weapons, including school supplies; when the principal or designee determines that a danger exists, (for weapons and firearms see DAEP Placement and Expulsion).

ILLEGAL, PRESCRIPTION, AND OVER-THE-COUNTER DRUGS

- Possess or sell seeds or pieces of marijuana in less than a usable amount, (for illegal drugs, alcohol, and inhalants see DAEP Placement and Expulsion);
- Possess, use, give, or sell paraphernalia related to any prohibited substance, (See Definitions for “paraphernalia”);
- Possess 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 Definitions for “abuse”);
- Abuse over-the-counter drugs (see Definitions for abuse);
- Be under the influence of prescription or over-the-counter drugs that cause impairment of the physical or mental faculties, (see Definitions for “under the influence”);
- Have or take prescription drugs or over-the-counter drugs at school other than as provided by district policy.

STUDENTS SHALL NOT:**MISUSE TECHNOLOGY RESOURCES AND THE INTERNET**

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

STUDENTS SHALL NOT:**SAFETY TRANSGRESSIONS**

- 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

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

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

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.

Discipline shall be correlated to the seriousness of the offense, the student's age and grade level, the frequency of misbehavior, the student's attitude, the effect of the misconduct on the school environment, and statutory requirements. Because of these factors, discipline for a particular offense, including misconduct in a district vehicle owned or operated by the district, unless otherwise specified by law, may bring into consideration varying techniques and responses.

The following discipline management techniques may be used –alone or in combination- for behavior by the Student Code of Conduct or by campus or classroom rules:

- Verbal correction, oral or written;
- Cooling-off time or "time-out";
- Seating changes within the classroom;
- Temporary confiscation of items that disrupt the educational process;
- Rewards or demerits;
- Behavioral contracts;
- Counseling by teachers, counselors, or administrative personnel;
- Parent-teacher conferences;
- 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 individuals student organizations' extracurricular standards of behavior;
- Restriction or revocation of district transportation privileges;
- School assessed and school-administered probation;

DISCIPLINE MANAGEMENT TECHNIQUES-CONTINUED

- Out-of-School suspension, as specified in the Out-Of-School suspension section of this Code;
- Placement in a DAEP, as specified in the DAEP section of this SCC;
- Placement and/or expulsion in an alternative educational setting, as specified in the Placement and/or Expulsion section of this Code;
- Expulsion, as specified in the Expulsion section of this Code;
- Referral to an outside agency or legal authority for criminal prosecution in addition to disciplinary measures imposed by the district;
- Other strategies and consequences as determined by school officials.

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 formal removal.

ROUTINE REFERRAL

A routine referral occurs when a teacher sends a student to the principal's office as a discipline management technique. The principal may then employ additional techniques.

FORMAL REMOVAL

A teacher or administrator may remove a student from class for a behavior that violates the SCC to maintain effective discipline in the classroom. 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.

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 will be followed. Otherwise, within three school days of the formal removal, the appropriate administrator shall schedule a conference with the student's parent; the student; the teacher, in the case of removal by a teacher; and any other administrator.

At the conference, the appropriate administrator shall inform the student of the misconduct for which he or she is charged and the consequences. The administrator shall give the student an opportunity to give his or her version of the incident.

When a student is removed from the regular classroom by a teacher and a conference is pending, the principal may place the student in: (a) another appropriate classroom; (b) in-school suspension; (c) out-of-school suspension; or (d) DAEP.

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.

REMOVAL FROM DISTRICT TRANSPORTATION SERVICES

The operator of school vehicles must focus on driving. It is the responsibility of the riders to conduct themselves in a manner that promotes safety for themselves and others. When appropriate disciplinary management techniques fail to improve student behavior or when specific misconduct warrants immediate removal, the principal may restrict or revoke a student's transportation privileges in accordance with law.

OUT-OF-SCHOOL SUSPENSION

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

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

1. Self-defense (see definitions);
2. Intent or lack of intent at the time the student engaged in the conduct; and
3. The student's disciplinary history.

PROCESS

A student may be suspended for not 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 a school year.

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

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

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

OVERNIGHT SUSPENSION

This form of suspension may be employed at the appropriate administrator's discretion. This form of suspension requires a parent to accompany the student to the school the next school day for a conference and/or to shadow the student during classes for the duration of time as determined by the assigning administrator. The student will not be allowed on school grounds until the parent has participated in the conference and/or student observation as required by the principal or designee.

Absences that result from a parent being unable to accompany the student for his or her return to campus will be documented as days of suspension. Following the third full day of absence or suspension, the student may return to school unaccompanied but will be placed in an In-School-Suspension setting until the parent becomes available to fulfill his or her required role by participating in a conference or observation.

Students on overnight suspension are prohibited from being on school grounds and from participating in school-sponsored or school-related activities.

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 student. For the purposes of DAEP, elementary classification shall be kindergarten-grade 3, middle school classification shall be grades 4-8, and high school classification shall be grades 9-12.

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

A student who is expelled for an offense that otherwise would have resulted in a DAEP placement does not have to be placed in a DAEP in addition to the expulsion. In deciding whether to place a student in a DAEP, regardless of whether the action is mandatory or discretionary, the district will take into consideration:

1. Self-defense (see definitions);
2. Intent or lack of intent at the time the student engaged in the conduct; and
3. The student's disciplinary history.

DISCRETIONARY PLACEMENT: MISCONDUCT THAT MAY RESULT IN DAEP

A student may be placed in a DAEP for behaviors as described in the SCC. Additionally, in accordance with state law, a student may be placed in a DAEP for any one of the following offenses:

- Involvement in a public school fraternity, sorority, secret society, or gang -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;
- Involvement in criminal street gang activity (see definitions);
- Criminal mischief, not punishable as a felony;
- Assault (no bodily injury) with threat of imminent bodily injury;
- Assault by offensive or provocative physical contact.

DISCRETIONARY PLACEMENT: MISCONDUCT THAT MAY RESULT IN DAEP-CONTINUED

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

If the appropriate administrator is not initially aware of the off-campus conduct for which DAEP placement is required by state law, but becomes aware of the conduct before the first anniversary of the date the conduct occurred, the appropriate administrator may, but is not required to, place a student in DAEP.

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 definitions);
- 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 definitions) under the Texas Penal Code 22.01(a)(1);
 - Sells, gives, or delivers to another person, or possesses, uses, or is under the influence of marijuana, a controlled substance (including but not limited to salvia divinorum, K2 or bath salts, synthetic cannabinoids) or a dangerous drug in an amount not constituting a felony offense;
 - Sells, gives, or delivers to another person an alcoholic beverage; commits a serious act or offense while under the influence of alcohol; possesses, uses, or is under the influence of alcohol, if the conduct is not punishable as a felony offense;
 - Behaves in a manner that contains the elements of offense of public lewdness or indecent exposure;
 - Engages in expellable conduct and is between six and nine years of age;
 - Commits a federal firearms violation and is younger than six years of age;
 - Engages in conduct that contains the elements of the offense of retaliation against any school employee or volunteer on or off school property;
 - Engages in conduct punishable as aggravated robbery or a felony listed under Title 5 of the Texas Penal Code when the conduct occurs off school property and not at a school-sponsored or school-related event and:
 1. The student receives deferred prosecution (see definitions),
 2. A court or jury finds that the student has engaged in delinquent conduct (see definitions), or
 3. The superintendent or designee has a reasonable belief that the student engaged in the conduct.

SEXUAL ASSUALT AND CAMPUS ASSIGNMENT

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 the victim's parents or another person with 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 will be transferred to a DAEP.

DISCIPLINARY ALTERNATIVE EDUCATION PROGRAM (DAEP) PLACEMENT-CONTINUED

In an emergency, the principal or the principal's designee may order the immediate placement of a student in a DAEP for any reason for which placement in a DAEP may be made on a nonemergency basis. When an emergency placement occurs, 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.

PROCESS

Removals to a DAEP shall be initiated by the appropriate campus administrator. When necessary, the placement process will involve the appropriate committees (ARD and/or District Placement Review Committee for discretionary placements) to convene and consider the placement.

CONFERENCE

When a student is removed from class for a DAEP offense, the 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 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 parent attend the conference.

PLACEMENT ORDER

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

No later than the second business day after the placement order is written, 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 a DAEP and the length of the placement is inconsistent with the guidelines in this SCC, the placement order shall give notice of the inconsistency.

COURSEWORK

The parent or guardian of a student placed in a DAEP shall be given written notice of the student's opportunity to complete coursework 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 duration of a student's placement in a DAEP shall be determined by the campus administrator in conjunction with the director of the DAEP and the appropriate committee (ARD or District Placement Review Committee) when applicable to the student or circumstance.

Placement determinations will be correlated to the seriousness of the offense, the student's age and grade level, the frequency of the misconduct, the student's attitude, and statutory requirements.

DAEP LENGTH OF PLACEMENT-CONTINUED

The maximum DAEP placement shall be one calendar year except as provided in the guidelines specified by this SCC.

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 or guardian shall be given notice and the opportunity to participate in a proceeding before the board or the board's designee.

Students assigned to a DAEP for a period of 90 days or longer shall be administered the required pre- and post-assessments in accordance with state requirements and established administrative procedures.

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 to extend beyond the end of the current school year, a campus administrator must determine that:

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

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

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

The statutory limitations on the length of a DAEP placement do not apply to a placement resulting from a 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.

APPEALS OF DAEP PLACEMENT

Questions from parents regarding disciplinary measures should be addressed to campus administration. Appeals regarding the decision to place a student in a DAEP should be addressed to the campus principal in accordance with policy FNG (Legal). Student or parent appeals regarding the process used for the placement decision, such as issues related to the administrator's handling of the conference or proper notice being provided should be addressed in accordance with policy FNG (Local). A copy of this policy may be obtained from the principal's office or the central administration office. Policies and procedures for filing a grievance to appeal a placement decision are also available through www.sealy.isd.com.

Disciplinary consequences will not be deferred pending the outcome of an appeal. The decision to place a student in a DAEP cannot be appealed beyond the district's board of trustees.

RESTRICTIONS DURING PLACEMENT

State law prohibits a student placed in a DAEP from attending or participating in school-sponsored or school-related extracurricular activities. 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 activities, including seeking of 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 has transportation designated as a related service in the student's IEP.

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

PLACEMENT REVIEW

A student placed in a DAEP shall be provided a review of his or her status, including academic status, by the partnering campus administrators 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 and or the student's parent shall be given the opportunity to present arguments for the student's return to the regular classroom or campus.

ADDITIONAL MISCONDUCT WHILE AT A DAEP

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

NOTICE OF CRIMINAL PROCEEDINGS

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

1. Prosecution of a student's case was refused for lack of prosecutorial merit or insufficient evidence and no formal proceedings, deferred adjudication, or deferred prosecution will be initiated; or
2. The court or jury found a student not guilty, or made a finding that the student 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 school 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 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 recording of the proceedings.

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

WITHDRAWAL DURING DAEP PLACEMENT PROCESS

When a student violates the district's SCC 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 district may complete the proceedings and issue a placement order. If the student then re-enrolls in the district during the same or subsequent school year, the district may enforce the order at that time, less any period of placement that has been served by the student during enrollment in another district. If the appropriate administrator or 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 AND DAEP PLACEMENT

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

A newly enrolled student with a DAEP placement from a district in another state shall be placed as any other newly enrolled student if the behavior committed is a reason for DAEP placement in the receiving district. If the placement order for the newly enrolling student from a district in another state exceeds one year, it shall be reduced to that the total placement does not exceed one year. After review, however, if the district determines that the student is a threat to the safety of other students or employees, or extending the placement is in the best interest of the student, the placement may be extended beyond a year.

PLACEMENT AND/OR EXPULSION FOR CERTAIN OFFENSES

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

REGISTERED SEX OFFENDERS

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

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

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

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

REVIEW COMMITTEE

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

NEWLY ENROLLED STUDENTS –REGISTERED SEX OFFENDERS

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 OF DECISIONS REGARDING PLACEMENT OF STUDENTS-REGISTERED SEX OFFENDERS

A student or the student's parent may appeal the placement of their student in an alternative setting by requesting a conference between the board or its designee, the student, and the student's parent. The conference is limited to 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 the Education Code 37.0081, a student may be expelled and placed in either DAEP or JJAEP if the board or its designee makes certain findings and the following circumstances exist in relation to aggravated robbery or a felony offense under Title 5 of the Texas Penal Code. The student must:

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

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

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

HEARING AND REQUIRED FINDINGS FOR CERTAIN FELONIES

A student shall have a hearing before the board or its designee to determine that in addition to the circumstances described in regarding certain felonies in the SCC that allow for expulsion, the student's presence in the regular classroom:

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

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

LENGTH OF PLACEMENT FOR CERTAIN FELONIES

The student is subject to the placement until:

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

NEWLY ENROLLED STUDENTS REGARDING CERTAIN FELONIES

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 district shall take into consideration:

1. Self-defense;
2. Intent or lack of intent at the time the student engaged in the conduct; and
3. The student's disciplinary history.

DISCRETIONARY EXPULSION

A student may be expelled for:

- Engaging in the following, no matter where it takes place:
 - 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, (property damage of \$1500 or more);
- Engaging in conduct that contains elements of one of the following offenses against another student:
 - Aggravated assault, sexual assault, aggravated sexual assault;
 - Murder, capital murder, or criminal attempt to commit murder or capital murder;
 - Aggravated robbery;
 - Breach of computer security;
 - Engaging in conduct relating to false alarm or report (including bomb threat) or a terrorist threat involving a public school.

AT SCHOOL, WITHIN 300 FEET OF SCHOOL PROPERTY, 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 activity on or off school property:

- Engaging in conduct that contains the elements of assault under Section 22.01 (a)(1) against an employee or volunteer;
- Engaging in deadly conduct;
- Aggravated assault, sexual assault, aggravated sexual assault;
- Arson;
- 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;
- Use, exhibition, or possession of a firearm (as defined by state law), an illegal knife, a club, or prohibited weapon.

PROPERTY OF ANOTHER DISTRICT

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

WHILE IN A DAEP

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

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

MANDATORY 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.

- Bringing to school a firearm as defined by federal law including:
 - Any weapon that will, is designed to, or may readily be converted to expel a projectile by the action of an explosive;
 - The frame or receiver of any such weapon;
 - Any firearm muffler or firearm weapon;
 - Any destructive device, such as an explosive, incendiary, or poison gas bomb, or grenade.
- Using, exhibiting, or possessing the following (as defined by the Texas Penal Code):
 - A firearm (any device designed, made, or adapted to expel a projectile through a barrel by using the energy generated by an explosion or burning substance or any device readily convertible to that use), unless the use, exhibition, or possession of the firearm occurs at an off-campus approved target range facility while participating in or preparing for a school-sponsored shooting sports competition or a shooting sports educational activity that is sponsored or supported by the Parks and Wildlife Department or a shooting sports sanctioning organization working with the department;

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.

- Using, exhibiting, or possessing the following (as defined by the Texas Penal Code):
 - An illegal knife, such as a knife with a blade over 5 ½ inches; hand instrument designed to cut or stab another by being thrown; dagger, including but not limited to a dirk, stiletto, and poniard; bowie knife; sword; or spear;
 - A club such as an instrument specially designed, made, or adapted for the purpose of inflicting serious bodily injury or death by striking a person with the instrument, including a blackjack, nightstick, mace, and tomahawk;
 - A prohibited weapon, such as an explosive weapon, a machine gun; a short-barrel firearm, a firearm silencer, knuckles, armor-piercing ammunition, a chemical dispensing device, a zip gun, or a tire deflation device;
- Behaving in a manner that contains elements of the following offenses as described under the Texas Penal Code:
 - Aggravated assault, sexual assault, aggravated sexual assault;
 - Arson;
 - 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;
 - 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 substance, 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.

STUDENTS UNDER THE AGE OF 10

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

EXPULSION ORDER

In an emergency, the principal or the principal's designee may order the immediate expulsion of a student for any reason for which expulsion may be made on a nonemergency basis. When an emergency expulsion occurs, the student will be given verbal notice of the reason for the action. Within ten days after the date of the emergency expulsion, the student will be given appropriate due process required for a student facing expulsion.

EXPULSION ORDER-CONTINUED

In nonemergency circumstances, a due process hearing will be held. 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 expulsion order is written, the district police office 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 this SCC, the expulsion order shall give notice of the inconsistency.

LENGTH OF EXPULSION

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

The duration of a student's expulsion shall be for a maximum period of one calendar year except as provided below. An expulsion may exceed one calendar year if the district determines that:

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

State and federal laws 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 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.

COURSEWORK DURING 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.

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.

NEWLY ENROLLED STUDENTS WITH EXPULSION ORDERS

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

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

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

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

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

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.

SISD DISCIPLINE MANAGEMENT PLAN

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

BUS CONDUCT

The school bus shall be considered an extension of the classroom. Students are expected to conduct themselves accordingly to promote safety for themselves and others. Student being transported in school-owned vehicles shall comply with the Student Code of Conduct. Should the rules be broke, the following consequences may be invoked:

- **A note from the bus driver** will be issued upon initial offense to inform students and parents of the misconduct taking place during times of transportation. The note will indicate the concern or violation and provide a brief description of the occurrence. Reports will be based on the severity of the violation per the discretion of the bus-driver.
- If misbehavior continues, the student and parent will receive a **Bus Conduct Report** requiring a conference with the principal or designee and/or other disciplinary action. the student will retain bus privileges contingent upon the severity of the offense and subsequent reports for persistent misbehavior.
- If the student receives a **Second Bus Conduct Report**, within the same semester or within a short period of time, he or she may lose bus privileges for up to five days.
- If the student receives a **Third Bus Conduct Report**, the student may lose bus privileges for up to ten days.
- If the student receives a **Fourth Bus Conduct Report**, the student may lose bus privileges for the remainder of the semester.

Subsequent bus conduct reports may result in loss of transportation services for the remainder of the school year. In each instance, parents will be notified.

CLASSROOM AND CAMPUS CONDUCT

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

LEVEL 1 OFFENSES:

- Refusing to follow classroom rules;
- Refusing to participate in classroom activities or fulfill assignments;
- Disruption of an orderly classroom environment;
- Running, making intentional and excessive noises, or other disruptions in the halls, classrooms, or other areas of the campus building;
- Cheating or copying work from another student;
- Failure to possess and/or display student ID;
- Use of technology/telecommunication devices in ways not permitted by campus or classroom guidelines;
- Tardiness;
- Unauthorized possession or use of portable electronic devices;
- Violation of dress code.

LEVEL I DISCIPLINE OPTIONS:

- Teacher/student, counselor/student, or administrator/student conference;
- Parent conference call;
- In-class disciplinary action or assignment;
- Withdrawal of student privileges;
- Detention;
- Confiscation of unauthorized materials/materials being used in an unauthorized way;
- Supervised campus service assignment.

CLASSROOM AND CAMPUS CONDUCT-CONTINUED

LEVEL II acts of misconduct include repeated infractions of classroom management procedures or rules, or other misconduct that disrupts the educational process to the extent that the classroom teacher needs administrative support to correct the problem. The following is a non-inclusive list of behavior infractions and options for corrective action.

LEVEL II OFFENSES:

- Leaving the classroom, building, grounds, or assigned activity without permission;
- Cutting class or other scheduled activity;
- Using profane, obscene, indecent, or racially or ethically offensive language and/or physical gestures toward other students;
- Failure to comply with lawful directives issued by school personnel;
- Truancy;
- Altering school records or documents, or forgery of a name on school documents;
- Vandalism or defacing of school property;
- Excessive tardiness;
- Inappropriately engaging in acts of familiarity with other students;
- Throwing or irresponsible use of objects that can cause bodily injury or damage to property;
- Possession of tobacco products;
- Recklessness in an automobile;
- Bullying or cyber bullying.

LEVEL II DISCIPLINE OPTIONS:

- Conference between teacher, counselor, or administrator and the student and parent;
- Detention;
- Exclusion from extracurricular activities;
- In-school suspension;
- Overnight suspension;
- Restoration and/or restitution if applicable;
- Withdrawal of selected student privileges;
- Supervised campus service assignment;
- Saturday school;
- Involvement of law enforcement personnel (if appropriate).

LEVEL III acts of misconduct include repeated infractions of classroom management procedures or rules, or other misconduct that disrupts the educational process to the extent that the classroom teacher needs administrative support to correct the problem. The following is a non-inclusive list of behavior infractions and options for corrective action.

LEVEL III OFFENSES:

- Any repeated offense of Level II, or a new violation while being discipline for a Level II offense;
- Repeated acts of disobedience or disorderly behavior which may prove to be detrimental to the school, harmful to the health and safety of the student or others, or inhibiting the rights of others;
- Being disrespectful toward school personnel or refusing to comply with lawful requests or directions of school personnel;
- Threats, oral or written, to do bodily harm to another, or the property of another;
- Interfering with school authorities or school programs through boycotts, sit-ins, or trespassing;
- Fighting as defined involving physical conflict between two or more individuals. A fight has occurred if a student who is attacked strikes back. To avoid penalty, a student under attack should seek to detach himself/herself from the situation and get school personnel or adult help;
- Stealing, robbery, extortion, gambling, or arson;
- Using profane, obscene, indecent, immoral, or offensive language and/or gestures directed toward school personnel;
- Failure to comply with assigned disciplinary consequences;
- Possessing a device, object, or substance that could cause bodily harm to individuals in any school setting;

CLASSROOM AND CAMPUS CONDUCT-CONTINUED**LEVEL III OFFENSES-CONTINUED:**

- Failure to report to school personnel the knowledge of an event, device, object, or substance that could cause bodily harm to individual in any school setting;
- Possession, use, or distribution of any substance represented to be a drug or alcohol;
- Sexual acts including indecent exposure, sexting, sexual misconduct, sexual harassment, and/or dating violence;
- Hazing;
- Bullying or cyber-bullying;
- Gang-related behavior or activity in gang membership;
- Possession of drug paraphernalia;
- Burglary of a school facility or major vandalism to District property;
- Posting or distributing unauthorized communicative materials on school premises;
- Assault;
- Use of tobacco products;
- Possession or discharging of fireworks;
- Pledges to join, solicit membership in public school fraternity, sorority, secret society, or gang as defined by TEX 37.121;
- Involvement in criminal street gang activity;
- Withholding information during an investigation.

LEVEL III DISCIPLINE OPTIONS:

- In-school suspension;
- Suspension from school not to exceed three days at a time;
- Overnight suspension;
- Citation by law enforcement personnel;
- Placement in a disciplinary alternative educational setting;
- Reassignment of classes;
- A student expelled if the student:
 - Continues to engage in serious or persistent misbehavior that violates the SCC or DAEP program rules while placed in a disciplinary alternative education program;
 - Engages in criminal mischief under Penal Code 28.03, if the conduct is punishable as a felony, whether committed on or off school property or at a school related activity.

LEVEL IV acts of misconduct include repeated infractions of classroom management procedures or rules, or other misconduct that disrupts the educational process to the extent that the classroom teacher needs administrative support to correct the problem. The following is a non-inclusive list of behavior infractions and options for corrective action.

LEVEL IV OFFENSES:

- Engaging in any conduct punishable as a felony;
- Engaging in conduct containing the elements of the offense of assault under 22.01(a)(1) of the Penal Code;
- Engaging in conduct involving in a public school that contains the elements of the offense of false alarm or report under Section 42.06 of Penal Code, or terroristic threat (including a bomb threat) under Section 22.07 of the Penal Code;
- Selling, giving, delivering, possessing, using or committing a serious act or offense while under the influence of marijuana, a controlled substance or a dangerous drug;
- Selling, giving, delivering, possessing, using or committing a serious act or offense while under the influence of alcohol;
- Engaging in conduct containing the elements of the offense relating to abusable volatile chemicals;
- Engaging in containing the elements of the offense of public lewdness under Penal Code 21.07 or indecent exposure under Penal Code 21.08;
- Continued presence in the regular classroom threatens the safety of other students or teachers will be detrimental to the educational process;

CLASSROOM AND CAMPUS CONDUCT-CONTINUED

LEVEL IV OFFENSES-CONTINUED:

- Involvement in gang activity, including participating as a member or pledge, or soliciting another person to become a pledge or member of gang;
- Criminal mischief, not punishable as a felony.

LEVEL IV DISCIPLINE OPTIONS:

- Out-of-school suspension;
- Expulsion;
- Citation by law enforcement personnel;
- Disciplinary Alternative Education Placement;
- Criminal Prosecution.

DEFINITIONS

This section provides legal definitions and locally established definitions and is intended to assist in understanding terms related to the Student Code of Conduct:

ABUSE- is improper or excessive use.

AGGRAVATED ROBBERY-is defined in part by the Texas Penal Code 29.03(a) when a person commits robbery and:

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

ARMOR-PIERCING AMMUNITION-is handgun ammunition in pistols and revolvers designed primarily for the purpose of penetrating metal or body armor.

ARSON-is:

1. A crime that involves starting a fire or causing an explosion with intent to destroy or damage:
 - a. Any vegetation, fence, or structure on open-space land; or
 - b. Any building, habitation, or vehicle:
 - i. Knowing that it is within the limits of an incorporated city or town,
 - ii. Knowing that it is insured against damage or destruction,
 - iii. Knowing that it is subject to a mortgage or other security interest,
 - iv. Knowing that it is located on property belonging to another,
 - v. Knowing that it has located within it property belonging to another, or
 - vi. When the person starting the fire is reckless about whether the burning or explosion will endanger the life of some individual or the safety of the property of another;
2. A crime that involves recklessly starting a fire or causing an explosion while manufacturing or attempting to manufacture a controlled substance and the fire or explosion damages any building, habitation, or vehicle; or
3. A crime that involves intentionally starting a fire or causing an explosion and in so doing:
 - a. Recklessly damages or destroys a building belonging to another, or
 - b. Recklessly causes another person to suffer bodily injury or death.

ASSAULT-is defined in part by the Texas Penal Code 22.01(a)(1) as intentionally, knowingly, or recklessly causing bodily injury to another.

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

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

This conduct is considered bullying if it:

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

DEFINITIONS-CONTINUED

CHEMICAL DISPENSING DEVICE-is a device designed, made, or adapted for the purpose of causing an adverse psychological or physiological effect on a human being. A small chemical dispenser sold commercially for personal protection is not in this category.

CLUB-is an instrument specially designed, made, or adapted for the purpose of inflicting serious bodily injury or death. A blackjack, mace, and tomahawk are in the same category.

CYBERBULLYING-is the use of any electronic communication device to engage in bullying or intimidation.

CRIMINAL STREET GANG-is three or more persons having a common identifying sign or symbol or an identifiable leadership who continuously or regularly associate in the commission of criminal activities.

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

DEADLY CONDUCT-occurs when a person recklessly engages in conduct that places another in imminent danger or 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 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.

EXPLOSIVE WEAPON-is 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-occurs when a person knowingly initiates, communicates, or circulates a report of a present, past, or future bombing, fire, offense, or other emergency that he or she knows is false or baseless and that would ordinarily:

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

FIREARM SILENCER-means any device designed, made, or adapted to muffle the report of a firearm.

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

DEFINITIONS-CONTINUED

HARASSMENT-is:

1. Conduct that meets the definition established in district policies DIA (Local) and FFH (Local); or
2. Conduct that threatens to cause harm or bodily injury to another student, is sexually intimidating, causes physical damage to the property of another student, subject another student to physical confinement or restraint, or maliciously and substantially harms another student's physical or emotional health or safety.

HAZING-is an intentional or reckless act, on or off campus, by one person alone or acting with others, that endangers the mental or physical health or safety of a student for the purpose of pledging, initiation into, affiliation with, holding office in, or maintaining membership in an organization.

HIT LIST-is a list of people targeted to be harmed, using firearm, a knife, or any other object to be used with the intent to cause bodily injury.

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

MACHINE GUN-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 other school property used by the student, including but not limited to a locker or desk.

PUBLIC SCHOOL FRATERNITY, SORORITY, SECRET SOCIETY, OR GANG-means an organization composed wholly or in part of students that seeks to perpetuate itself by taking additional members from the students enrolled in school based on a decision of its membership rather than on the free choice of a qualified student. Educational organizations listed in Section 37.121(d) of the Education Code are excepted from this definition.

REASONABLE BELIEF- is a determination made by the superintendent of designee using all available information, including the information furnished under Article 15.27 of the Code of Criminal Procedure.

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

SERIOUS MISBEHAVIOR-means:

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

DEFINITIONS-CONTINUED**SERIOUS MISBEHAVIOR-CONTINUED**

Serious or persistent misbehavior includes but is not limited to:

- Actions or demonstration that substantially disrupt or materially interfere with school activities;
- Behavior that is grounds for permissible expulsion or mandatory DAEP placement;
- Behavior identified by the district as grounds for discretionary DAEP placement;
- 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 administrator.

SEXTING-is the act of using cell phone or other electronic communication devices to send text, email messages, electronic files or images; or possessing text, email messages, electronic files or images containing material and/or information reasonably interpreted as indecent or sexually suggestive while at school or a school related function.

SEXUAL ACTS-are acts by an individual or members of the same or opposite sex including, but not limited to, consensual and non-consensual touching, exposure, fondling, and intercourse, and are strictly prohibited.

SEXUAL HARASSMENT-is defined as offensive and unwelcome conduct of a sexual nature directed toward a student or other person, or offensive or unwelcome conduct aimed at another solely because of his or her gender.

SHORT-BARREL FIREARM-is a rifle with a barrel length of less than 16 inches or a shotgun with a barrel length of less than 26 inches.

TERRORISTIC THREAT-is a threat of violence to any person or property with the intent to:

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

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

TITLE 5 OFFENSES-are those that involve injury to a person and include murder, kidnapping, assault, aggravated assault, sexual assault, aggravated sexual assault, unlawful restraint, indecency with a child, injury to a child, and elderly person, or a disabled person, abandoning or endangering a child, deadly conduct, terroristic threat, aiding a person to commit suicide, and tampering with a consumer product [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 evidence 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 something into one's body, by any means, a prohibited substance.

ZIP GUN-is 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.