



2018-19 Academic School Year

Student Code of Conduct



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ACKNOWLEDGMENT

Student Code of Conduct Electronic Distribution

Dear Student and Parent:

As required by state law, the board of trustees has officially adopted the 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 the student's teacher or appropriate campus administrator.

The student and parent should sign this page in the space provided below, and return the page to the student's school.

Thank you.

Dr. Rodney E. Watson

We acknowledge that we have been offered the option to receive a paper copy of the Spring Independent School District Student Code of Conduct for the 2018–19, school year or to electronically access it on the district's website at www.springisd.org/codeofconduct. We understand that students will be held accountable for their behavior and will be subject to the disciplinary consequences outlined in the Code.

We have chosen to:

- Receive a paper copy of the Student Code of Conduct.
- Accept responsibility for accessing the Student Code of Conduct on the district's website.

Print name of student: _____

Signature of student: _____

Print name of parent: _____

Signature of parent: _____

Date: _____

School: _____

Grade level: _____

Please sign this page, remove it, and return it to the student's school. Thank you.

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Student Code of Conduct Hardcopy Distribution

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School: _____

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Student Code of Conduct

Accessibility

If you have difficulty accessing the information in this document because of disability, please contact *Office of School Leadership at 281-891-6000*.

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 Spring Independent School District Board of Trustees and developed with the advice of a 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

Campus Behavior Coordinator

As required by law, however waived by the District of Innovation, a person at each campus may be designated to serve as the campus behavior coordinator. The designated person may be the principal of the campus or any other campus administrator selected by the principal. The campus behavior coordinator is primarily responsible for maintaining student discipline. The district maintains a current list of the persons serving as a campus behavior coordinator in the Student Handbook or on the district's website at www.springisd.org/handbook.

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.

The district has the right to search a vehicle driven to school by a student and parked on school property, a student's locker or desk, or a student's person and/or personal belongings whenever there is reasonable cause to believe it contains articles or materials prohibited by the district. Additionally, district administrators conduct routine blanket inspections and searches of lockers and desks.

Reporting Crimes

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

“Parent” Defined

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

Participating in Graduation Activities

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

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

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

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

Unauthorized Persons

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

1. The person poses a substantial risk of harm to any person; or
2. The person behaves in a manner that is inappropriate for a school setting, and the person persists in the behavior after being given a verbal warning that the behavior is inappropriate and may result in refusal of entry or ejection. Appeals regarding refusal of entry or ejection from district property may be filed in accordance with FNG(LOCAL) or GF(LOCAL), as appropriate.

See **DAEP—Restrictions During Placement** 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.
- Adhere to the requirements of the Student Code of Conduct.

General Conduct Violations

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

Disregard for Authority

Students shall not:

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

Mistreatment of Others

Students shall not:

- Use profanity or vulgar language or make obscene gestures.
- Fight or scuffle. (For assault, see DAEP Placement and Expulsion.)
- Threaten a district student, employee, or volunteer, including off school property, if the conduct causes a substantial disruption to the educational environment.
- Engage in bullying, cyberbullying, harassment, or making hit lists. 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.
- Engage in inappropriate or indecent exposure of private body parts.
- Participate in hazing.
- 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 equal to or in excess of \$2,500 is felony criminal mischief and requires placement in a DAEP or Expulsion
- Deface or damage school property—including textbooks, technology and electronic resources, lockers, furniture, and other equipment with graffiti or by other means.
- Steal from students, staff, or the school.
- Commit or assist in a robbery or theft, even if it does not constitute a felony according to the Texas Penal Code. (For felony robbery, aggravated robbery, and theft, see DAEP Placement and Expulsion.)

Possession of Prohibited Items

Students shall not possess or use:

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

Possession of Telecommunications or Other Electronic Devices

Students shall not:

- Use a telecommunications device, including a cellular telephone, or other electronic device, at school during the school day without prior consent. A teacher may allow students to use an electronic device for an assignment.

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, use, give, or sell paraphernalia related to any prohibited substance.
- Possess, use, give, 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.
- Abuse over-the-counter drugs.
- 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 or infringes on the rights of another student at school.
- Use the Internet or other electronic communications to threaten district students, employees, board members, or volunteers, including off school property if the conduct causes a substantial disruption to the educational environment.
- Send, post, or possess electronic messages that are abusive, obscene, sexually oriented, threatening, harassing, damaging to another'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 e-mail or websites 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.

Safety Transgressions

Students shall not:

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

Miscellaneous Offenses

Students shall not:

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

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

The Board of Trustees has identified in policy five levels of discipline offenses and available consequences.

The Student Code of Conduct identifies offenses and suggests disciplinary options available to the teacher or administrator. Discipline consequences shall be progressively administered so that each level has an increasing degree of intervention designed to promote student self-discipline unless Board policy, state law, or the Student Code of Conduct specifies otherwise.

Level 1: Teacher Intervention Level

- Violations of classroom rules or procedures established by the teacher.
- General misbehavior on the school bus or at a school bus stop.
- Failure to participate in classroom activities.
- Failure to bring required classroom materials or assigned work to class.

- Failure to follow entrance, cafeteria, or dismissal rules.
- Failure to deliver or return written communication between home and school.
- Unexcused tardiness.
- Chewing gum or consuming food/candy.
- Inappropriate use of an electronic telecommunication device during the school day.
- Disclosure or sharing of individual computer-account passwords.
- Dress code violations.
- General misbehavior such as eating in class, horseplay, making excessive noise, pushing/shoving or running in halls.
- Lying or giving of false information either verbally or in writing to a school staff member.
- Littering of school grounds.
- Any other act that disrupts the classroom or interrupts the operation of the class.

Level 1 Consequences:

Students engaging in Level 1 offenses may receive any of the following discipline management techniques appropriate for the situation as determined by the classroom teacher, including, but not limited to:

- Informal restorative practices such as affective statements/questions, circle process, peer mediation.
- Detention (Before/After School, Lunch or Recess).
- Time out in the classroom.
- Verbal correction.
- Grooming correction.
- Teacher Student Parent Conference.
- Temporary removal to another classroom not to exceed 30 minutes.
- Temporary or permanent seat change.
- Restitution.
- Behavior contracts.
- Tracking contracts (homework, attendance, tardiness).
- Telephone call, email, or note to parent.
- Loss of privileges.
- Repeated Level 1 offenses can become Level 2 infractions as determined by the campus administrator if they continue to occur after a parent conference has been held.

For Levels 2-5, when a student is referred discipline actions requiring administrative and/or police action, the following procedures must be followed by campus administrators, in addition to any procedures within district policy and outlined in this Student Code of Conduct.

Discipline Procedures for Administrators

1. Staff will make a formal referral to an administrator by way of eSchools and/or of written report.
2. Administrator confers with student before determining action. When necessary, consulting with adult and/or student witnesses may occur, in addition to conferring with the teacher or staff member generating the initial referral.
3. The administrator decides on appropriate consequence(s) and ensures the incident is documented in eSchools.
4. Spring ISD Police, Child Protective Services, Office of School Leadership are contacted for some Level 3 and all Level 4 and Level 5 infractions.
5. Parent or guardian will receive written and verbal notification indicating action taken.
6. Notification is sent to the teacher indicating action taken.
7. Discipline Referral Form is retained by the administrator or designee.

Level 2: Administrative Intervention Level

- Repeated Level 1 violations after a parent conference has been held with the teacher.
- Encouraging or promoting a fight or assault.
- Confronting another student which creates a disruption.
- Failing to serve teacher level detention.
- Campus uniform violation.
- Cheating or copying the work of other students.
- Leaving the classroom without permission of school personnel.
- Cutting class or skipping school.
- Possession of matches or other flammable materials.
- Possessing a current prescription (student's own medication); or possessing or using a non-prescription drug, natural and/or homeopathic-like substance, dietary supplements, or energy pills (student's own).
- Possessing toys and other items that create a nuisance.
- Possessing of an obviously fake weapon which can or does cause the disruption to the school.
- Inappropriate display of affection, which should be enforced equitable without regard to sexual orientation, gender identity or gender expression.
- Posting or distributing unauthorized publications on school grounds.
- Selling unauthorized goods on school grounds.

- Failure to abide by rules and regulations at extracurricular activities or at co-curricular activities such as field trips.
- Being present in unauthorized areas before during or after school or at a school sponsored event.
- Possession of pepper spray or mace.
- Cafeteria disturbance that causes a crowd to gather or run.
- Use or operation of paging devices, laptops, cell phones, tablets, beepers, smart watches, or any other type of personal device with Wi- Fi or carrier-based internet connectivity on school campuses or at functions during school hours. Such devices may be used at a time and place as determined by the individual campus. In addition to disciplinary action, the unauthorized use of cell phones or paging devices will result in confiscation. The principal or another administrator will notify the parent and company of the serial number and of intent to dispose of the device after 30 days. A \$15 administrative fee payable to the district will be charged if the device is claimed within the 30 days. Devices not claimed will be sent to Property Management for disposal.
- Possession of personal music devices at school, with final determination of the limits made at the individual campus level.
- Accessing materials and sites on the internet that are deemed to be inappropriate by the district.
- Sending or forwarding inappropriate electronic communications, including email containing offensive language, untruthful statements, junk email, chain letters, or jokes using the district's Information Technology resources or the district's network and on personal devices/accounts, if it is determined that the communications have a material and substantial interference with school activities or with the rights of students.
- Inappropriately using instructional materials including computers and computer systems.
- Selling, distributing, possessing or using substances or items portrayed as being drugs (without regard to amount).
- Profanity, vulgar language, or obscene gestures, written or spoken, not directed at any person.
- Disruptive or non-compliant behavior on a school bus or at a school bus stop, including throwing objects out of buses, or at vehicles.
- Any other acts that interfere with the orderly educational process in the classroom or the school.

Level 2 Consequences:

In addition to verbal and written notification to a parent or guardian, students engaging in Level 2 offenses may receive any of the following discipline consequences for the situation as determined by the campus administrator, including, but not limited to:

- Restorative Practices
- Administrative Warning
- Verbal and Written Reprimand
- Administrator and Parent Conference
- Parent or Guardian Shadowing
- Administrative Behavior Contract
- Administrative Tracking Contract (homework, attendance, tardiness)
- Conduct Penalty
- Grade Penalty
- Administrative Detention (Before/After School, Lunch, Recess or Saturday)
- Exclusion from extracurricular activities
- Counselor Referral
- Item confiscation
- Loss of bus privileges (5-day maximum)
- Assigned seat on bus indefinitely
- Correct uniform violation
- Time out in the classroom
- Verbal Correction
- Restitution
- Loss of privileges
- In School Suspension (2-day maximum)
- Out of School Suspension (1-day maximum)
- Repeated Level 2 offenses can become Level 3 infractions as determined by the campus administrator, if they continue to occur after a parent conference has been held.

Level 3: Targeted Intervention, Restitution, Suspension, or Optional Removal to a Disciplinary Alternative Education Program (DAEP) Level

- Repeated Level 2 violations after a parent conference has been held with the administrator.
- Mutual Combat (fighting).
- Display of disrespect toward school personnel or campus visitors.
- Gambling.
- Substantial disruption - any acts of serious misconduct that disrupt the school environment in the hallways, gym, cafeteria, on a school bus, and/or in school where large crowds naturally occur.
- Failure to comply with reasonable requests of school personnel and/or defiance of the authority of school personnel.
- Directing profanity, vulgar language or obscene gestures toward visitors, other students or school personnel.
- Behavior symptomatic of or associated with gangs or cults.
- Using lighters or matches.
- Using a laser pointer.
- Truancy.
- Repeated cutting class or skipping school (more than three instances).
- Engaging in behavior that is illegal that does not constitute a mandatory removable or expellable offense.
- Engaging in sexual acts.
- Indecent/unsolicited sexual proposal/sexual harassment.
- Harassment/dating violence, including threatening to cause harm or bodily injury to another student, engaging in sexually intimidating conduct, causing physical damage to the property of another student, subjecting another student to physical confinement or restraint, or maliciously taking any action that substantially harms another student's physical or emotional health.
- Exposing or attempting to expose one's undergarments or those of another ("sagging") or other forms of nudity.
- Knowingly making a false report against a staff member that is later determined to be unsubstantiated at the conclusion of any investigation initiated as a result of the report.
- Interfering with school activities, including trespassing, boycotting, and group demonstrations; falsifying a report; or making a false alarm 9-1-1 call.
- Planning, organizing, instigating, or participating in an activity that causes substantial disruption of the education program, including, but not limited to, gang/cult activity.
- Hazing, which means any intentional, knowing, or reckless act directed against a student by one person alone or acting with others that endangers the mental or physical health or the safety of a student for the purpose of being initiated into, affiliating with, holding office in, or maintaining membership in any organization or general classification of students whose members are or include other students.
- Use, possession or distribution of tobacco products, including, tobacco paraphernalia and/or e-cigarettes, and any component, part or accessory for an e-cigarette device or other nicotine delivery device, or any substance for consumption containing nicotine.

- Improper use or being under the influence of over-the-counter medication, vitamins, or other chemical in violation of the Guidelines for Dispensing Medications at School.
- Selling, giving, or delivering to another person a non-prescription drug.
- Attempting to sell or purchase a prohibited substance through verbal or written communication without being in possession.
- Failure or refusal to cover up while on campus or at a school related activity any tattoo that is obscene, vulgar, or gang-related.
- Possessing, distributing, or creating pornographic or sexually-oriented material or material that promotes violence or other illegal activities.
- Using or possessing any instrument, including, but not limited to, any weapon, knife or gun which does not fit the Penal Code definition under Most Serious Offenses below (examples: pocket knife or fake gun), fireworks, ammunition, and instruments of the martial arts that might reasonably cause bodily harm, but has not been used as a threat of bodily harm or any other pyrotechnic device that may be used to disrupt the educational process including “poppers” and “stink bombs.”
- Misdemeanor extortion, which is defined as obtaining money or information from another by coercion or intimidation of a value less than \$1,500.
- Misdemeanor stealing/theft of property, including computers and related equipment, in an amount under \$750. This can include use of another student’s identification or identification number to access services such as the school-lunch program.
- Tampering with, changing, or altering records or documents by any method, including, but not limited to forgery, computer access or other electronic means.
- Misdemeanor criminal mischief (i.e., vandalism) resulting in the destruction or defacing of any property, including computers and related equipment, in an amount greater than \$20 but less than \$1,500. This includes rendering computers or related equipment inoperable or damaging them by erasing data with magnets; intentionally introducing viruses, worms, or Trojans; or tampering with programs or data without authority.
- Damaging, destroying, disabling, or altering school computer hardware and/or software by any method including, but not limited to, the use of computer software viruses or other electronic means.
- Any verbal abuse of others, including slurs, name calling, or derogatory statements to another person because of that person's race, color, religion, national origin, disability, physical/personal appearance, sexual orientation, and gender identity and/or gender expression.
- Harassment/dating violence, including threatening to cause harm or bodily injury to another student, engaging in sexually intimidating conduct, causing physical damage to the property of another student, subjecting another student to physical confinement or restraint, or maliciously taking any action that substantially harms another student's physical or emotional health.

- Bullying, meaning engaging 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 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; or (2) is sufficiently severe, persistent, and pervasive that the action or threat creates an intimidating, threatening, or abusive educational environment for a student; (3) exploits an imbalance of power between the student perpetrator and the student victim through written or verbal expression or physical conduct; and (4) interferes with a student's education or substantially disrupts the operation of a school.
- Cyberbullying, at or away from campus, defined as the use of the internet, cell phones, or other devices to send, post, or text images and material intended to hurt or embarrass another student. This may include, but is not limited to, continuing to send e-mails to someone who has said he or she wants no further contact with the sender; sending or posting threats, sexual remarks, or pejorative labels (i.e., hate speech); ganging up on victims by making them the subject of ridicule in electronic forums and posting false statements as fact intended to humiliate another student; disclosure of personal data such as another student's real name, address, personal information such as social security number or school ID number or school on websites or forums to embarrass or harass; posing as another student for the purpose of publishing material in his or her name that defames or ridicules him or her; sending threatening and harassing texts, instant messages, or emails to another; and posting or sending rumors or gossip to incite others to dislike and/or gang up on the target, which is determined to have a material and substantial interference with school activities or with the rights of students.
- Tampering with a fire extinguisher, an automated external defibrillator (AED), or the storage cabinet for one of these items.
- Refusal to cooperate in, or interference with, a random metal detector safety search.
- "Sexting" or using a cell phone or other personal communication device to send text or email messages or possessing text or email messages containing images reasonably interpreted as indecent or sexually suggestive while at school or at a school-related function.
- Assisting directly or indirectly with the promotion of any behavior prohibited by this Code of Student Conduct.

Level 3 Consequences:

In addition to verbal and written notification to a parent or guardian, students engaging in Level 3 offenses may receive any of the following discipline consequences for the situation as determined by the campus administrator, including, but not limited to:

- Restorative Practices.
- Community Service that is age appropriate, adult supervised and only with written parental consent.
- Parent or Guardian Shadowing.
- Required administrator/student/parent conference.
- Administrative Behavior Contract.
- Administrative Attendance Tracking Contract.
- In School Suspension (3-day maximum).
- Out of School Suspension (1-day Maximum).
- Conduct Penalty.
- Administrative Extended Detention (Before/After School, Lunch, Recess or Saturday).
- Exclusion from extracurricular activities.
- Counselor Referral.
- Item Confiscation.
- Loss of bus privileges for the up to one school year.
- Assigned seat on bus indefinitely.
- Restitution and/or restoration.
- Loss of privileges (i.e., cell phone banned from campus, computer usage, etc.).
- In School Suspension (3-day maximum).
- Out of School Suspension (3-day maximum).
- Optional Referral to a Disciplinary Alternative Education Program.
- Repeated Level 3 offenses can become Level 4 infractions as determined by the campus administrator if they continue to occur after a parent conference has been held.
- Any other appropriate disciplinary actions determined by the administration.

Level 4: Administrator, Police Level and DAEP Placement

REQUIRED DAEP PLACEMENT

A student **shall** be removed to a DAEP for the following offenses:

On or within 300 feet of school property, or while attending a school-sponsored or school-related activity on or off of the school property, **selling, giving, delivering, possessing, using, or being under the influence of marijuana or a controlled substance** (as defined by Chapter 481, Health and Safety Code, or by 21 U.S.C. section 801 et seq.), or a **dangerous drug** (as defined by Chapter 483, Health and Safety Code).

On or within 300 feet of school property, or while attending a school-sponsored or school-related activity on or off of school property, **selling, giving, or delivering to another person an alcoholic beverage**, (as 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.

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 that contains the elements of an offense relating to **abuse of a volatile chemical** under Chapter 485, Health and Safety Code.

On or within 300 feet of school property or while attending a school-sponsored or school-related activity on or off of the school property, **selling, giving, delivering, possessing using or being under the influence of designer drugs, synthetic marijuana, synthetic cannabinoids (e.g. “K2” and “Spice”), stimulants (e.g. “bath salts”), or analogs of any controlled substance, regardless of whether currently scheduled or classified as an illegal drug** under state or federal law and regardless of whether the substance is legally sold or marketed for another purpose, such as **“herbal incense” or “bath salts,” and is labeled “not for human consumption.”**

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, Penal Code), or **terroristic threat** (under Section 22.07, Penal Code).

Engaging in conduct that contains the elements of a **terroristic threat**, as defined in Section 22.07, Penal Code.

Making or distributing a **"hit list,"** in which a student makes a list of people to be harmed by means of a firearm, knife, or any other object to be used with the intent to cause bodily harm.

Engaging in **assault**, which is defined as intentionally, knowingly, or recklessly causing **bodily injury** to another and which may include causing bodily injury by recklessly or intentionally pointing a laser pointer or laser pen at another student or a staff member (Section 22.01(a)(1) and Section 1.07(a)(8), Penal Code).

Engaging in **assault not involving bodily injury**, which is defined as intentionally or knowingly causing physical contact with another, when the person knows or should reasonably believe that the **other will regard the contact as offensive or provocative** (Section 22.01 (a)(3), Penal Code).

On or within 300 feet of school property, or while attending a school-sponsored or school-related activity on or off of school property, engages in conduct that contains the elements of the offense of **public lewdness** (under Section 21.09, Penal Code) or **indecent exposure** (under Section 21.08, Penal Code).

On or within 300 feet of school property, or while attending a school-sponsored or school-related activity on or off of school property **possessing of BB guns, pellets guns or air rifles.**

On or within 300 feet of school property, or while attending a school-sponsored or school-related activity, **discharging or spraying mace or pepper spray, which results in a class, bus, event or school disturbance.**

On or within 300 feet of school property, or while attending a school-sponsored or school-related activity on or off of school property, **possessing a knife, which may include a switchblade knife, razor blades, utility knives, X-ACTO knives, or other objects that are designed to cut and that are reasonably determined under the circumstances to have been possessed by the student for use as a weapon.**

On or within 300 feet of school property, or while attending a school-sponsored or school-related activity on or off of school property, **possession of replicas of guns that are sufficiently similar in appearance to a real gun** such that, if pointed at or shown to another person, a **reasonable person may believe the student to be in possession of a firearm.**

On or within 300 feet of school property, or while attending a school-sponsored or school-related activity on or off of school property, **possession of a TASER, electric stun guns or other protective devices designed to administer an electric shock with intent to do harm.**

Felony **stealing/theft** of computer equipment or any other property valued in an amount **greater than \$750.**

Burglary of a Spring ISD facility.

Defacing of school property with graffiti or other means that results in a loss or destruction to property in an **amount less than \$20,000** (Section 28.08, Penal Code).

Engaging in conduct occurring off campus, and while the student is not in attendance at a school- sponsored or school-related activity, if:

A. The student receives **deferred prosecution** under Section 53.03, Family Code, for conduct defined as a **felony offense in Title 5**, Penal Code; or

(a.) the **felony offense of aggravated robbery**

B. A court or a jury finds that the student has engaged in **delinquent conduct** under Section 54.03, Family Code, for conduct defined as a **felony offense in Title 5**, Penal Code; or

(a.) **the felony offense of aggravated robbery** under Section 29.03, Penal code; or

C. The Superintendent or the Superintendent's designee has a reasonable belief that the student has engaged in a conduct defined as a **felony offense in Title 5**, Penal Code; or

(a.) **the felony**

Engaging in any of the conduct listed as a Level 5 Offense when the student is **younger than 10 years of age**.

Except in situations described by Level 5 which will result in expulsion, regardless of where the conduct occurs, engaging in conduct that contains the elements of the offense of **retaliation** under Section 36.06, Penal Code, against any school employee.

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** other than as referenced under Level 5.

Use of computers or any other means to **access and tamper** with **Spring ISD records**, which includes **gradebooks, transcripts, attendance or discipline records**

Hacking or other use of computers to gain **unauthorized access to District or other databases**, including student, faculty, or District data files, without permission. In addition to any criminal penalties, students may have their computer privileges suspended or revoked (Sections 33.02 Penal Code).

Committing **extortion, coercion, or blackmail**

OPTIONAL DAEP PLACEMENT

A student **may** be removed to a DAEP for the following offenses:

Engaging in conduct off campus and while the student is not in attendance at a school-sponsored or a school-related activity if:

A. The Superintendent or the Superintendent's designee has a reasonable belief that the student has engaged in conduct defined as a felony offense other than aggravated robbery under Section 29.03, Penal Code, or those offenses defined in Title 5, Penal Code; and

B. 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.

A student under the age of 6 may be placed in the DAEP only if the student brings a firearm to school as defined by 18.U.S.C. section 921

A student age 10 or older who commits a second Level 4 Offense or succeeding violation of the Student Code of Conduct may be expelled.

Level 4 Required Removal to DAEP Procedures

Procedures: Refer to DAEP flow chart

Level 5: Expulsion- Placement in the Juvenile Justice Alternative Education Program (JJAEP)

The default consequence for Level 5 offenses is expulsion to the JJAEP. However, pursuant to TEC Chapter 37.001 (a)(4), an administrator must consider the following factors prior to making the decision to expel to the JJAEP: (1) self-defense; (2) intent or lack of intent when the student engaged in the conduct; (3) a student's disciplinary history; and (4) a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct. Given this consideration, the Principal or Principal's designee may choose an alternative consequence to expulsion. The Level 5 offense and the subsequent consequences must be documented in the Student Information System. In addition, Level 5 offenses must have some level of police involvement with an accompanying filed report. In the majority of cases, the length of placement in the JJAEP is 45 days of successful attendance (with the exception being a school-related aggravated sexual assault or gun possession, in which case a student may be placed for one year). Other expulsions may not generally exceed one year, unless after District review, it is determined that the student is a substantial and real threat to the safety of other students or a real and substantial threat to District employees, and it is determined that placement is in the best interest of the student. Transfer students remain on the campus that accepted the transfer for the duration of the school year; therefore, if a transfer student is placed in the JJAEP and meets all exit requirements, the transfer student returns to the sending campus during the current school year, unless statute or board policy requires the permanent removal of the student from the sending campus. The Principal or Principal's designee must ensure that the parent/guardian is informed of any disciplinary consequence.

REQUIRED EXPULSIONS

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:

Bringing to school a firearm as defined by 18 U.S.C. section 921. (See also Clarifications/Definitions section of Student Code of Conduct.) **Under federal law, any student who commits this offense, regardless of the student's age, must be expelled from the student's regular campus for a period of at least one year, except that the superintendent may modify the length of the expulsion. A student under the age of 10 who is expelled for committing this offense shall be provided educational services in a DAEP.**

Using, exhibiting, or possessing a firearm (as defined in Section 46.01(3), Penal Code), an **illegal knife, (includes hand instruments designed to cut or stab by being thrown (martial-arts stars), a dagger, a stiletto, a bowie knife, a sword, or a spear)** (as defined in Section 46.01(6), Penal Code), a club (as defined by Section 46.01(1), Penal Code), **or a prohibited weapon** (as defined in Section 46.05, Penal Code).

Uses, exhibits, or possesses a club, which is an instrument that is specially designed to inflict **serious bodily injury or death** when a person is struck with the instrument and includes a **blackjack, nightstick, mace, or tomahawk** (Section 46.01 (1), Penal Code).

Uses, exhibits, or possesses a weapon listed as a **prohibited weapon** under Section 46.05, Penal Code. Prohibited weapons are an explosive weapon, a machine gun, a **short-barrel firearm, a firearm silencer, brass knuckles, armor-piercing ammunition, a chemical-dispensing device, or a zip gun.**

Engaging in conduct that contains the **elements of the offense of aggravated assault** (as defined in Section 22.02, Penal Code), **sexual assault** (as defined in Section 22.011, Penal Code), or **aggravated sexual assault** (as defined in Section 22.021, Penal Code).

Engaging in conduct that contains the **elements of murder** (as defined in Section 19.02, Penal Code), **capital murder** (as defined in Section 19.03, Penal Code), or **criminal attempt to commit murder or capital murder** (as defined in Section 15.01, Penal Code).

Engaging in conduct that contains the **elements of manslaughter** as defined in Section 19.04, Penal Code.

Engaging in conduct that contains the **elements of criminally negligent homicide** as defined in Section 19.05, Penal Code.

Engaging in conduct that contains the **elements of indecency with a child** as defined in Section 21.11, Penal Code.

Continued sexual abuse of a child or children (Section 21.02, Penal Code).

Engaging in conduct that contains the **elements of aggravated kidnapping** as defined in Section 20.04, Penal Code.

Engaging in conduct that contains the **elements of aggravated robbery** as defined in Section 29.03, Penal Code.

Selling, giving, delivering, possessing, using or being under the influence of **marijuana or a controlled substance** (as defined by Chapter 481, et seq. of the Health and Safety Code, or by 21 USC section 801 et seq.), **a dangerous drug** (as defined by Chapter 483 et seq., Texas Health and Safety Code), **or alcohol if the conduct is punishable as a felony.** A student with a valid prescription for low-THC cannabis as authorized by Chapter 487 of the Health and Safety Code does not violate this provision.

Engaging in conduct that contains the **elements of the offense of arson** under Section 28.02, Penal Code.

Engaging in conduct on or off school property that contains the elements of any of the Level 5 offenses in this section **against any staff member in retaliation** for or as a result of the person's employment with a school district. **The length of expulsion may be up to one year, unless modified by the Superintendent.**

OPTIONAL EXPULSIONS

A student **may** be expelled for any of the following offenses:

Engaging in assault, which is defined as intentionally, knowingly, or recklessly **causing bodily injury to a staff member or volunteer (Section 22.01(a)(1), Penal Code).**

Possession of a firearm as defined by 18 U.S.C. §921 **off school property and not at a school activity but within 300 feet of the school property line.**

Engaging in conduct, regardless of the location of the conduct, **involving a public school** that contains the **elements of the offense of false alarm or report** (under Section 42.06, Penal Code), **or terroristic threat** (under Section 22.07, Penal Code).

Engaging in **conduct against another student, regardless of the location of the conduct**, which contains the **elements of aggravated assault** (under Section 22.02, Penal Code); **sexual assault** (under Section 22.011, Penal Code), **aggravated sexual assault** (under Section 22.021, Penal Code); **murder** (under Section 19.02, Penal Code), **capital murder** (under Section 19.03, Penal Code), **criminal attempt to commit murder or capital murder** (under Section 28.02, Penal Code), or **aggravated robbery** (under Section 29.03, Penal Code).

While on or within 300 feet of school property, or while attending a school- sponsored or school-related activity off of the school property, engaging in conduct that contains the **elements of an offense related to the abuse of a volatile chemical** as defined in Section 485.031-485.034, Texas Health and Safety Code.

While on or within 300 feet of school property, or while attending a school-sponsored or school-related activity off of school property, **selling, giving, delivering, possessing, using, or being under the influence of any amount of marijuana or a controlled substance** (as defined by Chapter 481, Health and Safety Code, or by 21 U.S.C. Section 801 et seq.); **a dangerous drug** (as defined by Chapter 483, Health and Safety Code); **or an alcoholic beverage**, as defined by Section 1.04, Alcoholic Beverages Code.

While on or within 300 feet of school property, or while attending a school-sponsored or school-related activity off of school property, engaging in conduct that contains the **elements of assault** as defined in Section 22.01, Penal Code **against a school staff member or a school volunteer.**

While on or within 300 feet of school property, or while attending a school-sponsored or school-related activity off of school property, engaging in conduct that contains the **elements of the offense of deadly conduct** under Section 22.05, Penal Code.

Engaging in conduct on or off school property that contains the **elements of any of assault** (under Section 22.01, Penal Code) **against any staff member in retaliation for or as a result of the person's employment with a school district.**

Engaging in conduct that contains the elements of the offense of **breach of computer security** under Section 33.02, Penal Code, if: (a) the conduct involves accessing a computer, computer network, or computer system owned by or operated on behalf of a school district; and (b) the student knowingly: (1) alters damages, or deletes school district property or information; or (2) commits a breach of any other computer, computer network, or computer system.

Engaging in conduct that contains the **elements of the offense of criminal mischief** under Section 28.03, Penal Code, if the offense is punishable as a felony under that section.

TITLE 5 EXPULSIONS

After an opportunity for a hearing, a student may also be expelled from the Spring Independent School District and placed in the Juvenile Justice Alternative Education Program if, regardless of when the offense occurred, the location of the offense, or whether the student was enrolled in SISD at the time of the offense, a student:

has received deferred prosecution under the Family Code for conduct defined as a felony offense in Title 5 of the Penal Code;

has been found by a court or jury to have engaged in delinquent conduct under the Family Code for conduct defined as a felony offense in Title 5 of the Penal Code;

is charged with engaging in conduct defined as a felony offense in Title 5 of the Penal Code;

has been referred to a juvenile court for allegedly engaging in delinquent conduct under the Family Code for conduct defined as a felony offense in Title 5 of the Penal Code;

has received probation or deferred adjudication for a felony offense under Title 5 of the Penal Code;

has been convicted of a felony offense under Title 5 of the Penal Code, or

has been arrested for or charged with a felony offense under Title 5 of the Penal Code.

A student **may also** be expelled if the student, while placed in a disciplinary alternative education program, engages in documented serious misbehavior while on the program campus despite documented behavioral interventions. For purpose of this subsection, “serious misbehavior” means:

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:

- (A) public lewdness under Section 21.07, Penal Code;
- (B) indecent exposure under Section 21.08, Penal Code; (C) criminal mischief under Section 28.03, Penal Code;
- (D) personal hazing under Section 37.152, Education Code; or
- (E) harassment under Section 42.07, Penal Code, of a student or district employee.

OFFENSES NOT SPECIFIED

Other misconduct not specified in this handbook may be dealt with by any appropriate discipline management technique(s) or assignment to the Disciplinary Alternative Education Program, depending upon the nature of the misconduct.

Level 5 consequences under optional expulsion:

- Notification and investigation by the SISD Police Department is required. If a decision is made by the SISD Police Department to transport the student, the administrator should normally contact the parents within one hour.
- Required administrator/parent/student conferences.
- Exclusion from extracurricular activities, including field trips and commencement exercises/award ceremonies.
- Restitution or restoration as applicable.
- Referral to appropriate agencies
- Referral to juvenile court for legal action.
- Suspension for up to three consecutive days per occurrence.
- Referral to a Disciplinary Alternative Education Program.
- Expulsion (more than three consecutive school days per occurrence, but not longer than one year). In cases of a student who engages in sexual assault or aggravated sexual assault against another student, there is no limitation on the length of the expulsion or the length of the placement in a DAEP.
- Except in the case of firearms, students younger than 10 years may not be expelled for conduct described in this section.

Disciplinary Action

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

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

Students with Disabilities

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

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

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

Discipline Management Techniques

The following discipline management techniques may be used alone, in combination, or as part of documented graduated sanctions, as outlined in Senate Bill 393, for behavior prohibited by the Student Code of Conduct or by campus or classroom rules:

- Verbal correction, oral or written.
- Cooling-off time or "time-out."
- Informal restorative practices such as affective statements/questions, circle process, peer mediation, etc.
- 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.
- Grade reductions for cheating, plagiarism, and as otherwise permitted by policy.
- Detention, including outside regular school hours.
- Sending the student to the office or other assigned area, or to in-school suspension.
- Assignment of school duties, such as cleaning or picking up litter.
- Withdrawal of privileges, such as participation in extracurricular activities, eligibility for seeking and holding honorary offices, or membership in school-sponsored clubs and organizations.
- Penalties identified in individual student organizations' extracurricular standards of behavior.

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

Corporal Punishment

Corporal punishment is **not** permitted in Spring ISD.

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 to provide the student — for delivery to the student's parent — written notification of the disciplinary action on the day the action was taken. 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: <http://pol.tasb.org/Home/Index/598>.

Consequences shall not be deferred pending the outcome of a grievance.

Removal from the School Bus

A bus driver may refer a student to the principal's office or the administrator's office to maintain effective discipline on the bus. The principal or administrator must employ additional discipline management techniques, as appropriate, which can include restricting or revoking a student's bus riding privileges. Bus rules and consequences apply to every child on every bus, no matter where the student is being transported. This includes field trips and after-school academic buses, in addition to regular transportation.

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 administrator may restrict or revoke a student's transportation privileges, in accordance with law.

To ensure the safety of everyone on the bus, bus riders are expected to:

- Refrain from loud talking and use of profanity.
- Go to their assigned seat immediately upon entering the bus and be seated facing the front of the bus.
- Refrain from extending any part of their bodies out of the bus window.
- Refrain from touching or hanging onto the bus before boarding or after leaving.
- Board the bus only with objects limited to a size that can be transported on their laps.
- Not bring animals or glass containers on the bus.
- Refrain from bringing prescription or non-prescription medications on the bus. (For exceptions, such as authorized medications for asthmas or anaphylactic procedures, see Board Policy FFAC)
- Dispose of materials only after leaving the bus or before entering the bus – never throwing items out of the window of the bus.
- Ride their assigned bus unless the provisions for an exception have been met, which are listed under Transportation Changes.
- Board and leave the bus only at their designated bus stop unless provisions for an exception have been met.
- Remain 10 feet from the bus loading location until it is time to load the bus.
- Refrain from possession or use of tobacco or other prohibited substances on buses.
- Not eat, drink, or chew gum on the bus.
- Follow the Student Dress and Grooming Code while riding the bus.
- Not bring electronic devices unless student assumes all risks and the use of which is approved by the principal or bus driver.
- Refrain from using cell phones.
- Keep sports equipment in a backpack that can fit on the student's lap.
- Wear campus-required school ID badges while on the bus.

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

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

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

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

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

Returning a Student to the Classroom

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

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

In-School Suspension (ISS)

Students may be assigned to ISS as a discipline management technique. ISS in Spring ISD is held in classrooms on the same campus called "Extension Centers." Parents will be notified of the removal to ISS and be offered an opportunity for a conference. Students may leave the Extension Center for designated restroom/water breaks and will eat at a time and place designated by the ISS teacher. It is the responsibility of the student/parent to contact their scheduled course teachers before and after school for extra help.

Students may not participate in or attend any school activity or school-sponsored social events, including but not limited to extracurricular and/or athletic events, while assigned to ISS unless approved by the campus principal or other campus administrator.

Out-of-School Suspension (OSS)

Misconduct

Students may be suspended for any behavior listed in the Code as a general conduct violation, DAEP offense, or expellable offense. Students may not participate in or attend any school activity or school-sponsored social events, including but not limited to extracurricular and/or athletic events, while assigned to OSS.

If a student receives OSS for a partial school day (even if for one class period), that partial day is considered one of the three total allowable out-of-school suspension days.

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

A student who is enrolled in a grade level below grade 3 may 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 TEC 37.007 in Penal Code Section 46.02 or 46.05;
 - Brought a Firearm to School or Unlawfully carrying of a Handgun
 - Unlawful carrying of a Location-Restricted Knife/Blade no longer than 5.5 inches
 - Unlawful Carrying of a Club

- Conduct that contains the elements of assault, sexual assault, aggravated assault, or aggravated sexual assault, as provided by the TEC 37.006 and 37.007 Penal Code 22.01;
 - Assault against a school district employee or volunteer
 - Assault against someone other than a school district employee or volunteer
 - Aggravated Assault against a school district employee or volunteer
 - Aggravated Assault against someone other than a school district employee or volunteer
 - Sexual Assault or Aggravated Sexual Assault against a school district employee or volunteer or
 - Sexual Assault or Aggravated Sexual Assault against someone other than a school district employee or volunteer

- Selling, giving, or delivering to another person or possessing, using, or being under the influence of any amount as provided by TEC 37.006 and 37.007 Penal Code 46.02 and 46.05
 - Marijuana or controlled substances
 - A dangerous drug or
 - An alcoholic beverage

The district shall use a positive behavior program as a disciplinary alternative for students in grade 2 or below who commit general conduct violations instead of suspension or placement in a DAEP. The program shall meet the requirement 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.

Multiple violations are sometime committed in the course of one disciplinary event. The district should report only the violation for which disciplinary action (s) are taken. Actions will only be taken for the most serious violations and only one discipline incident is then reported.

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

The number of days of a student's suspension shall be determined by the campus behavior coordinator, but shall not exceed three school days. The district shall not assign repetitive or consecutive OSS/ISS for a single violation exceeding 3 days.

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

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

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

Disciplinary Alternative Education Program (DAEP) Placement

The DAEP shall be provided in a setting other than the student's regular classroom. In Spring ISD, DAEP services for elementary students are provided at Burchett Elementary, located at 3366 James Leo Drive, Spring, TX 77373; DAEP services for secondary students are provided at Richey Academy, located at 341 E. Richey Road, Houston, Texas 77073.

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.

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. Students may not participate in or attend any school activity or school-sponsored social events, including but not limited to extracurricular and/or athletic events, while assigned to the DAEP.

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;
2. Intent or lack of intent at the time the student engaged in the conduct;
3. The student's disciplinary history; and/or
4. A disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct.

Discretionary Placement: Misconduct That May Result in DAEP Placement

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

Misconduct Identified in State Law

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

- Engaging in bullying that encourages a student to commit or attempt to commit suicide.
- Inciting violence against a student through group bullying.
- Releasing or threatening to release intimate visual material of a minor or a student who is 18 years of age or older without the student's consent.
- Involvement in a public school fraternity, sorority, or secret society, including participating as a member or pledge, or soliciting another person to become a pledge or member of a public school fraternity, sorority, secret society, or gang.
- Involvement in criminal street gang activity.
- Criminal mischief, not punishable as 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 involving injury to a person in Title 5 (see glossary) of the Texas Penal Code, that occurs off school property and not at a school-sponsored or school-related event, if the student's presence in the regular classroom threatens the safety of other students or teachers or will be detrimental to the educational process.

The campus principal or administrator **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.
- 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 under Texas Penal Code 22.01(a)(1).
 - Sells, gives, or delivers to another person, or possesses, uses, or is under the influence of marijuana, a controlled substance, or a dangerous drug in an amount not constituting a felony offense. A student with a valid prescription for low-THC cannabis as authorized by Chapter 487 of the Health and Safety Code does not violate this provision. (School-related felony drug offenses are addressed in the Expulsion section.)
 - Sells, gives, or delivers to another person an alcoholic beverage; commits a serious act or offense while under the influence of alcohol; or possesses, uses, or is under the influence of alcohol, if the conduct is not punishable as a felony offense. (School-related felony alcohol offenses are addressed in the Expulsion section.)
 - Behaves in a manner that contains the elements of an offense relating to abusable volatile chemicals.
 - Behaves in a manner that contains the elements of the offense of public lewdness or indecent exposure.
- Engages in expellable conduct and is between six and nine years of age.
- Commits a federal firearms violation and is younger than six years of age.

- Engages in conduct that contains the elements of the offense of retaliation against any school employee or volunteer on or off school property. (Committing retaliation in combination with another expellable offense is addressed in the Expulsion section of this Code.)
- Engages in conduct punishable as aggravated robbery or a felony listed under Title 5 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,
 2. A court or jury finds that the student has engaged in delinquent conduct, or
 3. The superintendent or designee has a reasonable belief 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.

Emergencies

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 non-emergency basis.

Process

Removals to a DAEP shall be made by the district’s designated administrator following a referral from the campus principal or other campus administrator.

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 at least three (3) 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 or appropriate administrator shall take into consideration:

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

Placement Order

After the conference, if the student is placed in the DAEP, the campus behavior coordinator or 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 or guardian.

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

In Spring ISD, the duration of a secondary student's placement in a DAEP is 45 days, and the duration of an elementary student's placement in a DAEP is 30 days.

DAEP placement shall be correlated to the seriousness of the offense, the student's age and grade level, the frequency of misconduct, the student's attitude, and statutory requirements.

The maximum period of DAEP placement shall be one calendar year, except as provided below.

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

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

Exceeds One Year

Placement in a DAEP may exceed one year when a review by the district determines that the student is a threat to the safety of other students or to district employees.

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

Exceeds School Year

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

For placement in a DAEP to extend beyond the end of the school year, the board's designee must determine that:

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

Exceeds 60 Days

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

Appeals

Questions from parents regarding disciplinary measures should be addressed to the teacher or campus administration, as appropriate.

Student or parent appeals regarding the use of specific discipline management techniques or a student's placement in a DAEP should be addressed in accordance with 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 OnLine* at the following address: <http://pol.tasb.org/Policy/Code/598?filter=FOC>.

Level I appeals shall begin at the campus level with the campus principal or associate/assistant principal.

Any decision made by the school-level hearing officer may be appealed to a Level II administrative hearing. The parent must request in writing a Level II administrative hearing within two school days of receipt of the decision from the school-level hearing officer.

Disciplinary consequences shall not be deferred pending the outcome of an appeal. The decision to place a student in a DAEP cannot be appealed beyond the Level II hearing officer.

Restrictions During Placement

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

The district shall provide transportation to students in a DAEP.

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

Placement Review

A student placed in a DAEP shall be provided a review of his or her status, including academic status, by the campus principal, assistant principal, 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 or 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 when a student has committed 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 (see glossary), or deferred prosecution will be initiated; or
2. The court or jury found a student not guilty, or made a finding that the student did not engage in delinquent conduct or conduct indicating a need for supervision, and the case was dismissed with prejudice.

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

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

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

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

Withdrawal During 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 or appropriate administrator may complete the proceedings and issue a placement order. If the student then re-enrolls in the district during the same or a subsequent school year, the district may enforce the order at that time, less any period of the placement that has been served by the student during enrollment in another district. If the campus behavior coordinator or appropriate administrator fails to issue a placement order after the student withdraws, the next district in which the student enrolls may complete the proceedings and issue a placement order.

Newly Enrolled Students

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

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

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

Emergency Placement Procedure

When an emergency placement 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.

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, 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 the DAEP or the JJAEP for at least one semester.

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

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

Review Committee

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

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

Newly Enrolled Student

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

Appeal

A student or the student's parent may appeal the placement by requesting a conference between the hearing officer, 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 the DAEP or the JJAEP if the board, Campus Behavior Coordinator or appropriate administrator makes certain findings and the following circumstances exist in relation to aggravated robbery or a felony offense under Title 5 (see glossary) of the Texas Penal Code. The student must:

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

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

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

Hearing and Required Findings

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

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

Any decision of the hearing officer under this section is final and may not be appealed.

Length of Placement

The student is subject to the placement until:

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

Newly Enrolled Students

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

Expulsion

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

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

Discretionary Expulsion: Misconduct That May Result in Expulsion

Any Location

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.
- Engaging in conduct that contains the elements of one of the following offenses against another student, without regard to where the conduct occurs:
 - Aggravated assault.
 - Sexual assault.
 - Aggravated sexual assault.
 - Murder.
 - Capital murder.
 - Criminal attempt to commit murder or capital murder.
 - Aggravated robbery.
- Breach of computer security.
- 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.

Within 300 Feet of School

A student **may** be expelled for engaging in any of 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.
- Murder, capital murder, or criminal attempt to commit murder or capital murder.
- Indecency with a child, aggravated kidnapping, manslaughter, criminally negligent homicide, or aggravated robbery.
- Continuous sexual abuse of a young child or children.
- Felony drug- or alcohol-related offense.
- Carrying on or about the student's person a handgun, an illegal knife, or a club, as these terms are defined by state law.
- Possessing, manufacturing, transporting, repairing, or selling a prohibited weapon, as defined by state law.
- Possession of a firearm, as defined by federal law.

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:

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

Mandatory Expulsion: Misconduct That Requires Expulsion

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

Under Federal Law

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

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

Under the Texas Penal Code

- Carrying on or about the student's person the following, as defined by the Texas Penal Code:
 - A handgun, defined by state law as any firearm designed, made, or adapted to be used with one hand. 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)]
 - An illegal knife, as defined by state law
 - A club, as defined in state law
- Possessing, manufacturing, transporting, repairing, or selling a prohibited weapon, as defined in state law
- Engaging in conduct that contains elements of the following offenses under the Texas Penal Code:
 - Aggravated assault, sexual assault, or aggravated sexual assault.
 - Arson.
 - 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.

Emergency Expulsion

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.

Process for Emergency Expulsion

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

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

- Another appropriate classroom; or
- In-school suspension;
- Out-of-school suspension; or
- DAEP

Hearing

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

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

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

The Board of Trustees delegates to the Chief of School Leadership and Student Support Services or designee to conduct hearings and expel students. Any decision made by the school-level hearing officer may be appealed to a Level II hearing. Finally, a parent or guardian may appeal the Level II decision to the Board of Trustees.

Board Review of Expulsion

After the due process hearing, the expelled student may request that the board review the expulsion decision. The student or parent must submit a written request to the superintendent within seven 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, campus behavior coordinator or appropriate administrator shall take into consideration:

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

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 Chief of School Leadership and Student Support Services shall deliver to the juvenile court a copy of the expulsion order and the information required by Section 52.04 of the Family Code.

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

Length of Expulsion

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

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

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

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

State and federal law require a student to be expelled from the regular classroom for a period of at least one calendar year for bringing a firearm, as defined by federal law, to school. However, the superintendent may modify the length of the expulsion on a case-by-case basis.

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

Withdrawal During 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, appropriate administrator, 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, appropriate administrator, or the board may issue an additional disciplinary order as a result of those proceedings.

Restrictions During Expulsion

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

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

Newly Enrolled Students

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

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

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

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

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

Emergency Expulsion Procedures

When an emergency expulsion occurs, the student shall be given verbal notice of the reason for the action. Within ten days after the date of the emergency expulsion, the student shall be given appropriate due process required for a student facing expulsion.

DAEP Placement of Expelled Students

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

Glossary

Abuse is improper or excessive use.

Abuse of a volatile chemical is when a person inhales, ingests, applies, uses, or possesses a volatile chemical (glue, aerosol paint, etc.) with the intent to inhale, ingest, apply, or use the chemical in a manner contrary to the directions for use, cautions or warnings appearing on a label of a container of chemical, and is designed to affect the person's central nervous system, create or induce a condition of intoxication, hallucination, or elation or change or distort or disturb the person's eyesight, thinking process, balance or coordination.

Aggravated assault against school staff is when a person causes serious bodily injury to a school staff member, or their spouse, or uses or exhibits a deadly weapon during the commission of an assault.

Aggravated assault against student is when a person causes serious bodily injury to another student, or uses or exhibits a deadly weapon during the commission of an assault.

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

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

Aggravated sexual assault is when a person causes serious bodily injury or attempts to cause the death of the victim or another person during the course of a sexual assault. A person also commits this offense if they act in concert with another person who engages in such conduct or commits the offense of sexual assault on a person who is younger than 14 years of age or older than or 65 years of age.

Armor-piercing ammunition is handgun ammunition used in pistols and revolvers and 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:
 - 1) Knowing that it is within the limits of an incorporated city or town,
 - 2) Knowing that it is insured against damage or destruction,
 - 3) Knowing that it is subject to a mortgage or other security interest,
 - 4) Knowing that it is located on property belonging to another,
 - 5) Knowing that it has located within it property belonging to another, or
 - 6) When the person starting the fire is reckless about whether the burning or explosion will endanger the life of some individual or the safety of the property of another.
2. A crime that involves recklessly starting a fire or causing an explosion while manufacturing or attempting to manufacture a controlled substance and the fire or explosion damages any building, habitation, or vehicle; or
3. A crime that involves intentionally starting a fire or causing an explosion and in so doing:
 - a. Recklessly damages or destroys a building belonging to another, or
 - b. Recklessly causes another person to suffer bodily injury or death.

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

Assault of school staff is when a person intentionally, knowingly, or recklessly causes bodily injury to a school staff member.

Assault of someone other than school staff is when a person intentionally, knowingly, or recklessly causes bodily injury to someone in the school other than a staff member. **Two or more students cannot assault each other.**

Breach of computer security is when a person knowingly accesses a computer, computer network, or computer system without the effective consent of the owner if the conduct involves accessing a computer, computer network, or computer system owned or operated on behalf of a school district; and the student knowingly:

1. Alters, damages or deletes school district property or information; or,
2. 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 in written or verbal expression, expression through electronic means, or physical conduct that:

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

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

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

Capital murder is when a person commits a murder and the person murdered is a peace officer or fireman who is acting in the lawful discharge of an official duty, or when the person intentionally commits murder during the course of committing or attempting to commit kidnapping, burglary, robbery, aggravated sexual assault, arson, or retaliation. A person also commits capital murder if the person commits murder for remuneration or the promise of remuneration or employs another to commit murder for remuneration.

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

Club is defined by Texas Penal Code 46.01 as an instrument 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.

Criminal attempt to commit murder or capital murder is when a person, if with specific intent to commit murder, does the act amounting to more than mere preparation but fails to effect the commission of the murder.

Criminal mischief is when a person intentionally or knowingly damages or destroys the tangible property of the owner, intentionally or knowingly tampers with the tangible property of the owner and causes pecuniary loss or substantial inconvenience to the owner or a third person.

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.

Cyber-bullying 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.

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

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

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

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.

Felony controlled substance violation would include four (4) ounces or more of marijuana, any amount of cocaine, and other controlled substances.

Felony alcohol violation would be intoxication manslaughter.

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

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

Such term does not include an antique firearm.

Firearm silencer is defined by Texas Penal Code 46.01 as 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.

Handgun is defined by Texas Penal Code 46.01(5) as any firearm that is designed, made, or adapted to be fired with one hand.

Harassment is:

1. Conduct that meets the definition established in district policies DIA(LOCAL) and FFH(LOCAL); or
2. Conduct that threatens to cause harm or bodily injury to another person, including a district student, employee, board member, or volunteer; is sexually intimidating; causes physical damage to the property of another student; subjects another student to physical confinement or restraint; or maliciously and substantially harms another student's physical or emotional health or safety, as defined in Section 37.001(b)(2) of the Education Code.

Hazing is defined by Section 37.151 of the Education Code as an intentional, knowing, or reckless act, on or off campus, by one person alone or acting with others, that endangers the mental or physical health or safety of a student for the purpose of pledging, initiation into, affiliation with, holding office in, or maintaining membership in an organization.

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

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

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

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

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

Illegal knife is defined by Texas Penal Code 46.01(6) as a

1. Knife with a blade of over five and one-half inches;
2. Hand instrument designed to cut or stab another by being thrown;
3. Dagger, including, but not limited to, a dirk, stiletto, or poniard;
4. Bowie knife;
5. Sword; or
6. Spear.

Indecent exposure is when a person exposes his anus or any part of his/her genitals with the intent to arouse or gratify the sexual desire of any person, and he/she is reckless about whether another is present who will be offended or alarmed by this act.

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

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

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

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

Manslaughter is committed if a person recklessly causes the death of another individual.

Murder is when a person intentionally or knowingly causes the death of another person.

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.

Prohibited weapon under Texas Penal Code 46.05(a) means

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

Public lewdness

Public Lewdness is defined by Texas Penal Code 21.07 as an offense that occurs when a person knowingly engages in an act of sexual intercourse, deviant 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 lewdness** is when a person knowingly engages in sexual intercourse, deviant sexual intercourse, sexual contact, or sexual acts with an animal.

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

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

Retaliation against school employee is when a person intentionally or knowingly harms or threatens to harm another by an unlawful act in retaliation for or on account of the service of another as a public servant, witness, prospective witness, informant, or a person who has reported or who the actor knows intends to report the occurrence of a crime.

Sexual assault *see Penal Code Section 22.011.*

School related gang violence is a violent action by three or more persons having a common identifying sign or symbol or an identifiable sign or symbol or an identifiable leadership who associate in the commission of criminal activities.

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;
Extortion, meaning the gaining of money or other property by force or threat;
Conduct that constitutes coercion, as defined by Section 1.07, Texas Penal Code; or
Conduct that constitutes the offense of:
2. Public lewdness under Section 21.07, Texas Penal Code;
3. Indecent exposure under Section 21.08; Texas Penal Code;
4. Criminal mischief under Section 28.03, Texas Penal Code;
5. Personal hazing under Section 37.152; or
6. Harassment under Section 42.07(a)(1), Penal Code, 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 Texas Penal Code 46.01 **as** a rifle with a barrel length of less than 16 inches or a shotgun with a barrel length of less than 18 inches, or any weapon made from a rifle or shotgun that, as altered, has an overall length of less than 26 inches.

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

1. Cause a reaction of any type by an official or volunteer agency organized to deal with emergencies;
2. Place any person in fear of imminent serious bodily injury;
3. Prevent or interrupt the occupation or use of a building; room, place of assembly, or place to which the public has access; place of employment or occupation; aircraft, automobile, or other form of conveyance; or other public place;
4. Cause impairment or interruption of public communications; public transportation; public water, gas, power supply, and/ 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 Penal Code as a device, including a caltrop or spike strip, that, when driven over, impedes or stops the movement of a wheeled vehicle by puncturing one or more of the vehicle's tires.

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

- Murder; manslaughter, or homicide under Sections 19.02, – .05, Texas Penal Code.
- Kidnapping; under Section 20.03, Texas Penal Code.
- Trafficking of persons; under Section 20A.02, Texas Penal Code.
- Smuggling or continuous smuggling of persons.
- Assault.
- Aggravated assault.
- Sexual assault.
- Aggravated sexual assault.
- Unlawful restraint.
- Voyeurism; under Section 21.17, Texas Penal Code.
- Indecency with a child; under Section 21.11, Texas Penal Code.
- Invasive visual recording; under Section 21.15, Texas Penal Code.
- Disclosure or promotion of intimate visual material; under Section 21.16, Texas Penal Code.
- Injury to a child, an elderly person, or a disabled person of any age; under Section 22.04, Texas Penal Code.
- Abandoning or endangering a child; under Section 22.041, Texas Penal Code.

- Deadly conduct; under Section 22.05, Texas Penal Code.
- Terroristic threat; under Section 22.07, Texas Penal Code.
- Aiding a person to commit suicide; under Section 22.08, Texas Penal Code.
- Tampering with a consumer product under Section 22.09, Texas Penal Code.

Truancy occurs when a child ages 12-18 is required to attend school, and fails to attend school on 10 or more days or parts of days within a six-month period in the same school year.

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

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

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

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