

F O R T B E N D I N D E P E N D E N T S C H O O L D I S T R I C T

2016-17
Student
Code of Conduct

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General Overview

Purpose

This Student Code of Conduct (SCC) is adopted by the Fort Bend Independent School District (FBISD) Board of Trustees to promote a safe, secure, and optimal learning environment for all students. Inside you will find information regarding:

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

In accordance with state law, the SCC shall be posted at each school campus or shall be available for review at the office of the campus principal. Additionally, the SCC shall be available at the office of the Campus Behavior Coordinator (CBC) and posted on the District's website.

The SCC remains in effect during summer school and at all school related events and activities outside the school year until an updated version becomes effective for the next school year. If there is a conflict between the SCC and the Student Handbook, the terms of the SCC will control. If there is a conflict between the SCC and District policy, the more recently adopted item will control.

Additional Rules

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

General Standards of Student Conduct

In order to promote a positive educational experience for all students, the District expects students to adhere to seven basic standards of conduct: (1) exercise self-control, self-respect, self-discipline, courtesy, and responsibility, (2) demonstrate a positive attitude, (3) respect the rights and feelings of others, including students, teachers, and District staff and volunteers, (4) respect school property and facilities, and the property of others, (5) support the learning process, including attending all classes, regularly and on time and prepare for each class, taking appropriate materials and assignments to class, (6) follow all District, campus, and classroom rules, including the Student Code of Conduct, and the District's standards of grooming and dress, and (7) promote a safe environment, including cooperating with, and assisting school staff, in maintaining safety and order. Because of significant variations in student conduct, it is not always possible for the SCC to address each and every act of student misbehavior. To that end, the District retains discretion to address student misconduct that is inconsistent with these seven standards even though the conduct may not be specifically included in the SCC.

Notice of Disciplinary Action

Teachers, CBC or administrators strive to notify parents/guardians of student conduct concerns as they occur. The CBC or other campus administrator will contact the parent/guardian by phone or in writing on

the day of the misconduct that may result in in-school-suspension, out-of-school suspension, DAEP placement, or expulsion from school. Failure to send any notice within this time period or as noted elsewhere in the SCC does not preclude imposing a discipline consequence.

Campus Behavior Coordinator

As required by law, a person at each campus must be designated to serve as the Campus Behavior Coordinator. The designated person may be the principal of the campus or any other campus administrator selected by the principal. The Campus Behavior Coordinator is primarily responsible for maintaining student discipline. The District maintains a current list of the persons serving as a Campus Behavior Coordinator in the student handbook or on the district's website.

Anti-Discrimination

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

Discipline of Students with Special Needs

Students eligible for services under the Individuals with Disabilities Education Act (IDEA) or Section 504 of the Rehabilitation Act of 1973 are subject to discipline in accordance with those laws. For more information about those specific procedures, please contact the Executive Director of Federal and Special Programs. A student enrolled in a special education program may not be disciplined for bullying, harassment, or making hit lists until an ARD meeting is conducted.

Discipline Appeals

Appeals of disciplinary measures should be directed to the student's teacher, CBC or campus administrator, as described in local District policies FNG, FOC, or FOD as appropriate. Depending on the disciplinary consequence assigned, different complaint procedures may apply. A copy of the appropriate policy is available at the campus or central administration office or online at <http://pol.tasb.org/home/index/483>. Timelines for filing appeals stated in the policy will be enforced. Disciplinary consequences will not be delayed or deferred pending the outcome of an appeal.

Effect of Student Withdrawal

Withdrawal from school after a student has been accused of a violation of the SCC will not prevent the District from investigating the alleged violation and, if it is determined that a violation did occur, assessing the appropriate disciplinary consequence and enforcing that consequence should the student re-enroll in the District.

Scope of the District's Disciplinary Authority

General Authority

In addition to the disciplinary authority established for certain types of offenses as described within the SCC, the District has general disciplinary authority over a student at the following times:

- At any time during the school day, including summer school
- While traveling on District owned or operated transportation or during school-related travel
- While attending any school-sponsored or school-related activity, regardless of time or location

- As provided in extracurricular or organization handbooks, by-laws, or constitutions
- During lunch periods, including those in which a student leaves the campus
- While on school property
- For any school-related misconduct, regardless of time or location
- Other off campus conduct as permitted by Chapter 37 of the Texas Education Code
- For certain offenses committed within 300 feet of school property as measured from any point on the school's real property boundary line
- When retaliation against a school employee or volunteer occurs or is threatened, regardless of time or location
- If the student is a registered sex offender

Searches

A student's clothing, personal property, electronic equipment, or method of transportation may be searched, whether or not the student is present, when there is reasonable suspicion to believe the search will reveal articles or materials prohibited by the District or a rule violation or criminal activity. Additionally, the District may conduct unannounced, random and blanket inspections and searches of school property used by the student (such as lockers and desks). Students are responsible for ensuring that any personal property, method of transportation, or school property used by the student does not contain prohibited items. Students are responsible for the security and contents of assigned desks and lockers, and must be certain that the locker is locked, and that methods of entry are not available to others. Students may be disciplined for possession of prohibited items discovered during a search. The parent will be notified if any prohibited items are found. For more information about searches, please review the District's Student Handbook and local policy FNF.

When it comes to searches it may be helpful to understand that "probable cause" is the standard used in criminal matters and refers to sufficient reason based upon specific facts to believe a crime has been or will be committed or that certain property is connected with a crime. In other words, the criminal activity "more likely than not" has occurred, is occurring, or will occur. Reasonable suspicion, on the other hand, is a lesser standard to justify a search of a student. Reasonable suspicion requires a mere awareness of facts that there may be a reason for a school official to suspect that a search will uncover evidence of a rule violation or criminal activity.

Canine Searches

The District shall use specifically trained nonaggressive dogs to sniff out and alert officials to the current presence of concealed prohibited items, illicit substances defined in FNCF (LEGAL), and alcohol. This program is implemented to prevent drug and alcohol-related problems in District schools, with the objective of maintaining a safe school environment conducive to education.

Such visits to schools shall be unannounced. The dogs shall be used to sniff vacant classrooms, vacant common areas, the areas around student lockers, and areas around student vehicles parked on school property. The dogs shall not be used with students. If a dog alerts to a locker, a vehicle, or an item in a classroom, it may be searched by school officials. Searches of vehicles shall be conducted as described above.

NOTICE

At the beginning of the year, the District shall inform students of the District's policy on searches, as outlined above and shall specifically notify students that:

1. Lockers may be sniffed by trained dogs at any time.
2. Vehicles parked on school property may be sniffed by trained dogs at any time.
3. Classrooms and other common areas may be sniffed by trained dogs at any time when students are not present.
4. If contraband of any kind is found, the possessing student shall be subject to appropriate disciplinary action in accordance with the Student Code of Conduct.

Metal Detectors

In order to maintain a safe and disciplined learning environment in the District's disciplinary alternative education program (DAEP), students shall be notified when assigned to a DAEP placement that they shall be subject to metal detector searches when entering each day.

Criminal Conduct

The Campus Behavior Coordinator (CBC), school administrators, or District employees will report crimes as required by law and shall contact local law enforcement regarding suspected criminal activity. The CBC or school administrators will cooperate with law enforcement regarding any potential criminal activity occurring on campus, within 300 feet of campus, or at a school related or school-sponsored event. Certain acts of misconduct may constitute criminal offenses in addition to violations of the SCC. Because school discipline is independent of criminal proceedings, disciplinary consequences may not be postponed pending the outcome of any criminal proceeding or affected by the outcome of any criminal proceeding. Further, criminal charges may be referred to the Fort Bend County District Attorney's ("DA") office by law enforcement. Referral to the DA is a function of law enforcement and not a function of school based discipline.

Discipline Considerations & Techniques

Discipline Considerations

Using their professional judgment, District employees will consider a variety of factors when administering disciplinary consequences and determining the duration of the consequence, including but not limited to:

- The degree of severity and risk of danger
- The effect of the misconduct on the school environment
- The age and grade level of the student
- The student's disciplinary history
- Legal requirements
- The frequency of the misconduct
- The student's demeanor
- A disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct, to the extent required by state and federal law

When deciding to order out-of-school suspension, DAEP placement, expulsion, or placement in JJAEP of a student the District will also consider: (1) self-defense (*see definitions*) and (2) the student's intent (*see definitions*) or lack of intent at the time of the misconduct.

A student who, upon investigation, is found to be subject to bullying (*see definitions*) will not be disciplined on the basis of using reasonable self-defense (*see definitions*) in response to the bullying, as determined by the campus administration.

Discipline Management Techniques

Discipline is designed to correct student behavior and encourage students to comply with school rules. The District may use any one or a combination of the following strategies or techniques, including restorative discipline practices, to manage student behavior, prevent or intervene in discipline problems, or address violations of the SCC or campus or classroom rules. Corporal punishment is not permitted in FBISD [see Policy FO(LOCAL)]

- Restorative discipline practices
- Positive behavior interventions
- Verbal or written correction
- Seating changes within the classroom or on vehicles owned or operated by the District
- Parent conferences
- Counseling or mediation
- Removal from the classroom
- Behavior modification contracts
- Sending the student to the office or other area
- Assignment of school-related tasks or duties
- Other methods, strategies, and consequences as stated in the SCC or determined by school officials
- Calming-down time
- Demerits or rewards
- In-school suspension
- Confiscation of items
- Out-of-school suspension
- School probation
- Restitution or restoration
- Disciplinary Alternative Education Program (DAEP)

- Assignment to an alternate setting
- Transfer to a different classroom or campus
- Revocation of transportation privileges
- Consequences identified in co-curricular or extracurricular codes of conduct, constitutions, or by-laws
- Loss or restriction of privileges, including participation or membership in co-curricular or extracurricular activities, seeking or holding honorary positions, or speaking at school activities
- Grade reductions for Academic Dishonesty, including, but not limited to, cheating, plagiarism, and as otherwise permitted by Board policy EIA (Local)
- Detention, including outside regular school hours
- The District has the right to revoke the approved transfer of a student for committing any violation outlined in the Student Code of Conduct at any time that would result in In-School Suspension (ISS), Out-of-School Suspension (OSS), or a DAEP. Transfers approved under PEG or other Federal or State guidelines may not be revoked
- Expulsion

Participation in Graduation Activities: The District has the right to limit a student's participation in graduation activities for violating the District's Code. If it is determined by the administration that any senior, during the final grading period, participates in an activity on the school property or in connection with any school-sponsored activity that violated the Student Code of Conduct (including, but not limited to, "senior pranks"), in addition to being subject to disciplinary consequences, may, at the discretion of the Superintendent or the Superintendent's designee, be prohibited from participating in year-end graduation ceremonies. This includes, but is not limited to, commencement, prom, Pro-Grad, as well as other senior privileges.

Notwithstanding the foregoing, if the senior is charged with a misdemeanor or felony violation of the Texas Penal Code for eth aforementioned conduct, or the Superintendent, or the Superintendent's designee has a reasonable belief that a criminal violation has occurred, the student, in addition to being subject to other disciplinary consequences specified in the Student Code of Conduct, shall be automatically disqualified from participating in graduation ceremonies, including commencement, prom and Pro-Grad.

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 the removal to Out-of-School Suspension, 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 removal Out-of-School Suspension, DAEP, or expulsion during the semester immediately preceding graduation.

General Types of Prohibited Conduct

Misconduct Involving Others

Misconduct identified in the list of prohibited behaviors below will result in the assignment of one or more "Discipline Management Techniques" if the behavior is committed at school, a school-sponsored or school-

related activity, during school-related travel, while traveling on District owned or operated transportation, or when the District has “Disciplinary Authority” as described in the SCC.

- Horseplay, roughhousing, and other playful behavior that, though not intended to harm, presents a reasonable risk of harm or threatens the safety of others
- Fighting (*see definitions*) or scuffling that does not result in physical pain, illness, or any impairment of a physical condition
- Engaging in conduct that can cause bodily injury (*see definitions*)
- Forcing an unwilling person to act or not act or obtaining money or another object of value from an unwilling person through duress, threats, force, extortion, coercion, or blackmail
- Subjecting a student or District employee, official, or volunteer to physical harm, confinement or restraint
- Bullying (*see definitions*)
- Name-calling, ethnic or racial slurs, or derogatory statements that school employees reasonably believe could substantially disrupt the school environment or incite violence
- Adding any substance, whether harmful or not, without permission to any food or beverages belonging to, in the possession of, or meant to be consumed by another student or District employee, official, or volunteer
- Engaging in harassment (*see definitions*) toward another student or a District employee, official, or volunteer, including harassment based on race, color, religion, national origin, disability, sex, gender (including, but not limited to, sexual identity/orientation), or age
- Engaging in sexual harassment (*see definitions*), sexual abuse, or conduct that constitutes dating violence [See Policy FFH (LEGAL)]
- Inappropriate verbal (oral or written), physical, or sexual contact toward another student or a District employee, official, or volunteer, regardless of whether it is consensual
- Engaging in inappropriate or indecent exposure of private body parts or touching one's own private body parts in a sexual manner
- Consensual hugging, touching, or other displays of affection that interfere with, detract from, or disrupt the school environment
- Engaging in physical, sexual, verbal, or emotional abuse as a means to harm, threaten, intimidate, or control another person in a current or past dating relationship
- Engaging in oral or written threats to cause harm or bodily injury (*see definitions*) to another student, a District employee, official, or volunteer, or school property, including threats made using the Internet or other technology resources at school. Students may be disciplined for threats made outside of school, including website or internet postings, if the threat causes a material or substantial disruption at school.
- Wrongfully obtaining and using another person's identifying information or personal data without permission in order to mislead, defraud, or deceive
- Hazing (*see definitions*)

- Retaliating against a student for (1) reporting either a violation of the SCC or bullying, or (2) participating in an investigation of a violation of the SCC or bullying

Possessing, Using, Giving, Selling, or Buying Prohibited Items

- Matches or a lighter
- Tobacco products (including electronic cigarettes and vapor pens/devices)
- Fireworks or any other pyrotechnic device
- Smoke or stink bombs
- Laser pointers (unauthorized use)
- Pepper spray or other small chemical dispenser sold commercially for personal protection
- “Look-alike” drugs or items attempted to be passed off as drugs, including non-prescription drugs, medications, or herbal or dietary supplements except as permitted by District policy
- Razor blades, box cutters, chains, or any other object used in a way that threatens or inflicts bodily injury to another person
- A pocketknife or any other small knife, including a switchblade
- Fake or “look-alike” weapons
- Poisons, caustic acids, or other materials that may be toxic to the human body
- BB gun, air gun, stun gun, taser or similar type item
- Ammunition, shells, bullets, or gunpowder
- Material that is sexually-oriented, pornographic, obscene, or reveals a person’s private body parts
- Material, including published or electronic items, that promotes or encourages illegal behavior or could threaten school safety
- Articles not generally considered to be weapons when the CBC or administrator determines that a danger exists or when used in a way that threatens or inflicts bodily injury to another
- CD or DVD players, electronic games, MP3 players, stereo head sets, or other electronic equipment for other than approved use

Misuse of Property

- Stealing from others, including the District
- Committing or assisting in a robbery, theft, or burglary that is not punishable as a felony
- Damaging, destroying, or vandalizing property owned by others or the District
- Marking District property such as textbooks, lockers, furniture, or equipment with graffiti, tagging, or by other means

- Attempting to start or starting a fire on or in any property owned, used, or controlled by a student, the District, or District employees, officials, or volunteers that does not rise to the level of arson or criminal mischief

Safety / Disruption

- Threatening to use or exhibit a firearm
- Discharging a fire extinguisher, pulling a fire alarm, calling 911, tampering with an Automated External Defibrillator, or causing the sprinkler system to activate when there is no smoke, fire, danger, or emergency
- Making or participating in false statements or hoaxes regarding school safety
- Engaging in misbehavior, actions, or demonstrations that substantially disrupt or materially interfere with school activities or that give school officials reasonable cause to believe that such conduct will substantially disrupt the school program or incite violence
- Throwing objects that can cause bodily injury or property damage
- Making false accusations or providing false statements concerning wrongful, unlawful, inappropriate, or illegal conduct alleged to have been committed by another student or District employee, official, or volunteer
- Engage in verbal or written exchanges that threaten the safety of another student, a school employee, or school property

Technology

- Using a telecommunication device, including a cellular telephone, or other electronic device in violation of District or campus rules
- Sending, possessing, or posting electronic messages, videos, audio recordings, or images that are abusive, obscene, sexually oriented, harassing, threatening, intimidating, illegal, or that cause a material or substantial disruption at school, including cyberbullying (*see definitions*)
- Violating policies, rules, or agreements signed by the student or the student's parent regarding the use of technology resources
- Using any device or technology to copy or capture an image or the content of any District materials (such as tests or exams) without permission of a teacher, CBC or administrator
- Making, participating in the making of, transmitting to another via an electronic device, or posting to the internet a digital, video, or audio recording or image of an actual or simulated act that involves a crime or conduct prohibited by the Code of Conduct
- Using any device or technology to record the voice or image of another in any way that disrupts the educational environment, invades the privacy of others, or without the prior consent of the individual being recorded
- Using any device or technology to record the voice or image of another to take, disseminate, transfer, circulate, exhibit, present, or share audio, images, video, or photos that reveal private parts of the body that are normally covered by clothing (aka sexting)

- Using the name, persona, or image of a student, District employee, or volunteer to create a web page or post one or more messages on a website without the other person's consent for purposes of harassing, intimidating, embarrassing, or threatening another
- Using email, websites, or electronic devices to engage in or encourage illegal conduct, violations of the SCC, or to threaten school safety
- Attempting to or successfully accessing or circumventing passwords or other security-related information of the District, officials, volunteers, employees, or other students by any means
- Attempting to or successfully altering, destroying, interrupting, intercepting, or disabling District technology equipment, District data, the data of other users of the District's computer system, or other networks connected to the District's system, including uploading or creating computer viruses, worms, or other harmful material
- Copying, downloading, reproducing, distributing, retransmitting, redisplaying, or modifying items from the District's website
- NOTE: Students will not be disciplined for technological misconduct related to possessing items described above so long as the student (1) did not contribute to creation of the item in any way, (2) possessed it only after receiving the item unsolicited from another, (3) either promptly destroyed the item or reported it to a school employee as soon as possible, and (4) did not provide a copy, forward, or re-post the item to anyone other than law enforcement, a school employee, or the student's parent/guardian
- Engaging in any of the above forms of technological misconduct outside of school when such conduct causes a material or substantial disruption at school as determined by school officials

Failure to Follow Rules

- Violating dress and grooming standards
- Being insubordinate or otherwise failing to comply with lawful directives given by school personnel
- Attempting to or successfully evading, avoiding, or delaying questioning by a District Employee
- Failing to provide proper identification upon request of a District employee
- Attempting to violate or assisting, encouraging, promoting, or attempting to assist another student in violating the Code of Conduct
- Failing to immediately report to a school employee knowledge of a device, object, substance, or event that could cause harm to self or others
- Being tardy to class or arriving late to school (unexcused)
- Skipping school or class without the District's or parent/guardian's permission
- Leaving class, the campus, or school events without permission
- Enticing or preventing another student from attending school, class, or a school activity the student is required to attend
- Violating rules for conduct on school owned or operated transportation

- Violating rules for operating or parking a motor vehicle on school property
- Violating policies or rules for computer use, internet access, technology, or other electronic communications or imaging devices
- Violating the District's medications policy regarding prescription and over-the-counter drugs
- Academic dishonesty, including cheating, copying the work of another, plagiarism, or unauthorized collaboration with another person in preparing an assignment
- Failure to comply with guidelines applicable to student speakers who are speaking at school sponsored or school-related events
- Failure to ensure that personal property, mode of transportation, or school property used by the student does not contain prohibited items
- Violating other campus or classroom rules for behavior or District policies
- Refusing to accept discipline management techniques assigned by a teacher, CBC or administrator

Other Misconduct

- Using profanity, vulgar language, or obscene gestures
- Loitering in unauthorized areas
- Falsifying, altering, forging, or destroying school records, passes, other school-related documents, or documents presented to District employees
- Gambling or betting money or other things of value
- Inappropriate exposure of a student's private body parts which are ordinarily covered by clothing, including through such acts as mooning, streaking, or flashing
- Taking one or more steps toward violating the SCC even if the student fails to complete the intended misconduct
- Violating repeatedly other communicated campus or classroom standards of conduct

Removal from District Transportation

Reasons for Removal

Appropriate student behavior is essential to the safe operation of District transportation. Students must comply with the expectations of the SCC while using District transportation. In addition to compliance with the SCC, students are expected to comply with the following transportation rules:

- Enter and exit transportation in an orderly manner at the designated stop
- Remain seated while the bus or vehicle is moving
- Keep aisles clear of books, bags, instruments, feet, or other obstructions
- Follow the driver's lawful directions at all time

- Observed all usual classroom rules
- Do not extend any body part, clothing, or other article outside of the transportation
- Keep hands, feet, other body parts, or objects to yourself
- Refrain from making loud or distracting noises
- Do not obstruct the driver's view
- Do not throw objects inside the transportation or out of the windows or doors
- Do not mark, deface, destruct, or tamper with seats, windows, emergency doors, or other Equipment
- Fasten seat belts when available on any vehicle
- Wait for the driver's signal upon leaving the bus or vehicle and before crossing in front of the bus or vehicle
- Misconduct on buses, in District vehicles, or at bus stops, will be disciplined in accordance with the Code. Bus riding privileges may be suspended or revoked

For a list of bus infraction levels and their corresponding disciplinary consequences, please see page 37.

Procedure for Removal

A driver of District owned or operated transportation may send a student to the CBC's or administrator's office to maintain discipline during transport to or from school or a school-sponsored or school-related activity, to enforce the transportation rules, or when the student engages in behavior that violates the SCC. The CBC or administrator may use one or more discipline management techniques to address the behavior, which may include temporarily suspending or permanently revoking school transportation privileges.

The student will be informed of the reason for suspension or revocation of transportation privileges and will be given an opportunity to respond before the CBC's or administrator's decision is final. Suspension of transportation privileges does not excuse a student from attending school. It is the responsibility of the parent/guardian and/or student to make alternate transportation arrangements to and from school.

Removal from Classroom by Teacher

Ordinary Teacher Removal

A teacher may send a student to the CBC's or administrator's office to maintain discipline in the classroom or when the student engages in behavior that violates the SCC. The CBC or administrator may use one or more discipline management techniques to address the behavior.

Formal Teacher Removal

A teacher may remove a student from class when:

- The student's behavior has been documented by the teacher as repeatedly interfering with the teacher's ability to teach or with the learning of other students; or
- The behavior is so unruly, disruptive, or abusive that it seriously interferes with the teacher's ability to teach or with the learning of other students.

A teacher must remove a student from class if the student engages in conduct that requires or permits DAEP placement or expulsion under the Texas Education Code, in which case the procedures for DAEP placement or expulsion will apply.

Placement During Removal

When a teacher utilizes a formal removal of the student from the classroom, the CBC or administrator may place the student in: (1) another appropriate classroom, (2) in-school suspension, (3) out-of-school suspension, or (4) DAEP.

Procedures for Teacher Removal

No later than three school days after a teacher has formally removed a student from class, the CBC or an administrator will schedule a conference with the student's parent/guardian, the student, and the teacher. At the conference, the student will be provided an explanation of the basis for removal and be given an opportunity to respond. After the conference, the CBC or administrator will render a discipline decision and inform the student and parent/guardian of the consequences.

Return to the Classroom

If the teacher removed the student from class because the student engaged in assault resulting in bodily injury, aggravated assault, sexual assault, or aggravated sexual assault against the teacher, the student may not be returned to the teacher's class without the teacher's consent. In other cases where the teacher initiates a formal removal, the student may only be returned to the teacher's class without the teacher's consent if the Placement Review Committee determines that the teacher's class is the best or only alternative.

In-School Suspension (ISS)

Reasons for ISS

Students may be placed in ISS for any misconduct listed in any category of the SCC.

Procedure for ISS

The student will be informed of the reason for placement in ISS and be given an opportunity to respond before the CBC's or administrator's decision is final. While in ISS the student will complete assignments from his or her teacher(s).

Out-of-School Suspension (OSS)

Reasons for OSS

Students may be suspended from school for any misconduct listed in any category of the SCC. In deciding whether to order out-of-school suspension, the District shall take into consideration:

- Self-defense;
- Intent or lack of intent at the time the student engaged in the conduct;
- The student's disciplinary history; and
- Whether the student has a disability that substantially impairs the student's capacity.

Procedure for OSS

The student will be informed of the reason for out-of-school suspension and be given an opportunity to respond before the CBC's or administrator's decision is final. While the student is suspended, the CBC or administrator may place restrictions on the student's participation in school-sponsored or school-related activities. Students may be suspended for a maximum of three school days per behavior violation.

Before being suspended a student shall have an informal conference with the CBC 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 CBC's or administrator's decision is made.

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

Assignments During OSS

The student will be required to complete all class assignments, homework, tests, and other academic work covered during the suspension. The student will have the opportunity to receive full credit for completed academic work when submitted in a timely manner and in accordance with the teacher, CBC or administrator's instructions.

Disciplinary Alternative Education Program (DAEP)

Reasons for Mandatory DAEP Placement

The DAEP shall be provided in a setting other than the student's regular classroom. An elementary school student may not be placed in a DAEP with a student who is not an elementary school student. In deciding whether to place a student in a DAEP, regardless of whether the action is mandatory or discretionary, the District shall take into consideration:

- Self-defense;
- Intent or lack of intent at the time the student engaged in the conduct;
- The student's disciplinary history; and
- Whether the student has a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the conduct.

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

Students in kindergarten will not be assigned to DAEP. Students in grades 1 and 2 will be assigned to DAEP on the rare occasion when conduct is persistent, serious and all other measures have been exhausted or the offense is mandatory. Students in grades 1-5 will be assigned to a predetermined elementary campus. Students in grades 6-12 will attend DAEP at Ferndell Henry Center for Learning. All placements to DAEP will be approved by the Director of Student Affairs.

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

School-Related. A student must be placed in DAEP for any of the following misconduct if committed while on school property, within 300 feet of school property as measured from any point on the school's real property boundary line, or while attending a school-sponsored or school-related activity on or off school property:

- Engages in conduct punishable as a felony
- Commits an assault (*see definitions*) resulting in bodily injury (*see definitions*) to another
- Sells, gives, delivers, possesses, uses, or is under the influence of marijuana, a controlled substance (*see definitions*), a dangerous drug (*see definitions*), or an alcoholic beverage (*see definitions*) in any amount not punishable as a felony
- Possesses illegal knife
- Commits a serious act or offense while under the influence of an alcoholic beverage if the conduct is not punishable as a felony
- Engages in an offense relating to abusable volatile chemicals (*see definitions*)
- Engages in public lewdness (*see definitions*)
- Engages in indecent exposure (*see definitions*)
- Engages in expellable conduct if the student is between six and nine years of age
- Engages in a federal firearm offense if the student is six years of age or younger
- Abusing the student's own prescription drug or using it in a way other than prescribed; giving, buying, or selling a prescription drug; possessing, using, or being under the influence of another person's prescription drug on school property or at a school-related event.
- Offering to sell or buy any amount of marijuana, a controlled substance (*see definitions*), a dangerous drug (*see definitions*), an abusable volatile chemical (*see definitions*), a prescription drug, or an alcoholic beverage (*see definitions*).

Off-Campus. A student must be placed in DAEP for engaging in a Title 5 (*see definitions*) felony offense or aggravated robbery while off-campus and not in attendance at a school-sponsored or school-related activity if:

- The student receives deferred prosecution,
- A court or jury finds the student engaged in delinquent conduct, or
- The CBC or administrator reasonably believes that the student engaged in the misconduct.
- Felony drug or alcohol-related offense

Regardless of Location. A student must be placed in DAEP if the student engages in the following misconduct, regardless of whether the conduct occurred on or off campus:

- Issues a false alarm or report (*see definitions*) or a terroristic threat (*see definitions*) involving a public school

- Retaliates (*see definitions*) against any school employee or volunteer
- Is involved with a public school fraternity, sorority, secret society, or gang (*see definitions*), including participating as a member or pledge, or soliciting another person to become a member or pledge
- Is involved with a criminal street gang (*see definitions*) or encourages, solicits, recruits, enables, or causes another to become a member of a criminal street gang
- Engages in criminal mischief if the damage is less than \$1,500 but equal to or greater than \$500
- Is a registered sex offender (*see definitions*) under court supervision, probation, community supervision, or parole

Students who are: (1) convicted of continuous sexual abuse of a young child or children; or (2) convicted, receive deferred adjudication or deferred prosecution, been found to have engaged in delinquent conduct or conduct in need of supervision, or been placed on probation for either sexual assault or aggravated sexual assault against another student assigned to the same campus at the time the offense occurred will be placed in DAEP (or DEP or JJAEP, as appropriate) on the request of the victim's parents if the victim student does not wish to transfer, and there is only one campus serving that grade level. Placement in this circumstance may be for any length of time considered necessary.

Reasons for Discretionary DAEP Placement

School-Related. A student may be placed in DAEP for any of the following misconduct if committed while on school property, 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:

- Possessing, giving, buying, or selling less than a useable amount of stems, seeds, or other pieces of marijuana
- Possessing, using, selling, buying, or giving paraphernalia (*see definitions*) related to any prohibited substance, including but not limited to marijuana, a controlled substance, a dangerous drug, or an alcoholic beverage
- Serious Offense - including but not limited to:
 - ✓ Continued/repeated PEIMS reportable violations
 - ✓ Committing/threatening physical abuse
 - ✓ Hazing
 - ✓ Extortion/coercion/blackmail
 - ✓ Possession/distribution of pornographic materials
 - ✓ Non-felony robbery or theft/stealing
 - ✓ Knife blade <5 ½ inches (for 1st – 5th grades)
 - ✓ Profanity/vulgar language/obscene gesture toward teachers/others
 - ✓ Vandalism
 - ✓ Possesses/conspiring to possess explosives/explosive devices

- ✓ Leaving school grounds without permission
- ✓ Inappropriate physical contact with criminal referral
- ✓ Insubordination
- ✓ Aggressive, disruptive behavior (Assault Class C misdemeanor)
- ✓ Unauthorized use/intentional misuse of computer soft/hardware
- ✓ Falsification of records/school related documents
- ✓ Possession or use of a stun gun/device, mace/ BB/air gun, etc.
- ✓ Preparing a hit list (*see definitions*)
- ✓ Committing any offense included in the list of "General Types of Prohibited Misconduct" in this SCC
- ✓ Making/assisting with making a false alarm or report (threats or bomb threats) or terroristic threat involving a public school
- ✓ Engaging in persistent (*see definitions*) misbehavior that violates this SCC
- ✓ Assault (no bodily harm) with threat of imminent bodily injury
- ✓ Assault by offensive or provocative physical contact

Off-Campus. A student may be placed in DAEP for engaging in the following misconduct while off-campus and not in attendance at a school-sponsored or school-related activity:

- The CBC or administrator reasonably believes the student engaged in conduct punishable as a felony (other than aggravated robbery or a Title 5 felony), and the student's continued presence in the regular classroom is a threat to the safety of others or is detrimental to the educational process
- Off-campus conduct for which DAEP placement is required by state law when the CBC or administrator does not learn of the conduct until more than a year after the conduct occurred

This is including when the student committed the offense 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.

Regardless of Location. A student may be placed in DAEP if the student engages in the following misconduct, regardless of whether the conduct occurred on or off campus:

- If the student is a registered sex offender (*see definitions*) who is not under any form of court supervision. A registered sex offender who is not under any form of court supervision will be placed in regular classes if the student is not a threat to the safety of others, is not detrimental to the educational process, and such placement is not contrary to the best interests of the District's students. The placement may not be in a 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
- Engages in criminal mischief if the damage is less than \$500

Emergency DAEP Placement

The CBC or administrator may order an emergency DAEP placement if the student has been so unruly, disruptive, or abusive that it seriously interferes with the teacher's ability to teach the class, the learning of other students, or the operation of a school-related or a school-sponsored activity. The reason for emergency placement must also be a reason for which DAEP placement could be ordered on a non-emergency basis. At the time of the emergency placement, the student will be told the reason for the action.

No later than the tenth day after the date of emergency DAEP placement, the student will be given a conference as required for regular placement in DAEP.

Procedure for DAEP Placement

Procedure. Removal to a DAEP shall be made by the CBC. No later than three school days after the student is removed from class, the CBC or campus administrator will schedule a conference with the student's parent/guardian, and the student, as well as the student's teacher if a teacher referred the student for DAEP placement. At the conference, the CBC or administrator will explain the allegations against the student, inform the student of the basis for the proposed DAEP placement, and give the student an opportunity to explain his or her version of the incident. The District may conduct the conference and make a discipline decision regardless of whether the student or the student's parent/guardian attends if the District made reasonable attempts to have them attend.

Mandatory and discretionary removals to DAEP shall be requested by the campus principal, CBC, or designee and approved by the Director of Student Affairs.

Conference. If during the term of DAEP placement the student engages in additional misconduct, additional conferences may be conducted and additional discipline may be imposed.

Interim Placement. Until a placement conference can be held, the student may be placed in another appropriate classroom, in-school suspension, or out-of-school suspension. The student may not be returned to the regular classroom pending the placement conference.

DAEP Placement Order. If the outcome of the conference is to place the student in DAEP, the CBC or campus administrator will issue a DAEP placement order. If the length of placement differs from the guidelines included in the SCC, the DAEP placement order will give notice of the inconsistency.

A copy of the DAEP placement order will be sent to the student and the student's parent/guardian. For those students placed in DAEP for a reason identified in the Texas Education Code, the District will also send the juvenile court a copy of the DAEP placement order no later than the second business day after the placement conference. A copy of the DAEP placement order will be included with any records sent to a school where the student seeks to enroll. The enrolling school district has discretion to enforce the DAEP placement order.

Length of DAEP Placement

The length of a student's placement in DAEP will be determined by the Director of Student Affairs on a case-by-case basis using the criteria identified in the "Discipline Considerations" section of this SCC. The length of DAEP placement may not exceed one year unless, after review, the District determines that (1) the student is a safety threat, or (2) extended placement is in the best interest of the student.

Discretionary placements to the DAEP will be approved by the Director of Student Affairs and will range from 15-45 days.

DAEP placements for mandatory offenses are for a minimum of 45 school days, unless extenuating circumstances support either a shorter or longer placement. A student placed at the DAEP, regardless of whether the offense is for a mandatory or discretionary removable offense, may reduce the term of placement based on specific qualifiers. A student assigned to the DAEP may have his/her placement

reduced by up to 10 days, if he/she has no discipline referrals, no unexcused absences, and passing grades in all classes. Additionally, a student may reduce the DAEP placement by 5 days, if the student and student's parent/guardian participate in the FBISD ROPES course. No student may receive more than 15 days reduction in the assigned DAEP placement.

Students placed in DAEP at the end of one school year may be required to complete the assigned term at the beginning of the next school year. For DAEP placement to extend beyond the end of the school year, the CBC or administrator must determine that: (1) the student's presence in the regular classroom or campus presents a danger of physical harm to the student or others; or (2) the student has engaged in serious or persistent misbehavior that violates the SCC. For purposes of this paragraph only, "serious or persistent misbehavior" means any misconduct identified as being punishable with placement in DAEP or expulsion or three or more violations of the SCC or repeated occurrences of the same violation.

If the DAEP placement extends beyond 60 days or the end of the next grading period, whichever is sooner, the student or the student's parent/guardian may participate in a proceeding before the Board or Board's designee as provided in policy FNG (LOCAL). Any decision of the Board is final and may not be appealed.

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

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

Appeals. Appeals regarding the decision to place a student in a DAEP should be addressed to the District's Director of Student Affairs in accordance with policy FOC(LEGAL). PLEASE NOTE: The term of a discipline action may not be appealed if the term is for 60 school days or less or if the term does not extend to the end of the next grading period. (Consult your CBC or campus administrator or the District's Director of Student Affairs for additional information).

Student or parent appeals regarding the process used for the placement decision, such as issues related to the CBC's or administrator's handling of the conference or proper notice being provided, should be addressed in accordance with policy FNG(LOCAL). Appeals shall begin at Level I with the Department of Student Affairs. A copy of the policy may be obtained from the Department of Student Affairs in the central administration office or through the District's website at www.fortbendisd.com/Governance or at <http://pol.tasb.org/Policy/Code/483?filter=FNG>.

Disciplinary consequences shall not be deferred pending the outcome of an appeal. Further, the decision to place a student in a DAEP cannot be appealed beyond the Board.

Particular Rules for Registered Sex Offenders

The general SCC rules for DAEP placement apply to registered student sex offenders (*see definitions*) except as modified in this section.

Placement. Registered sex offenders will be placed in a Juvenile Justice Alternative Education Program (JJAEP) in lieu of DAEP if: (1) ordered to attend JJAEP by a court or (2) if permitted by agreement between the District and the JJAEP.

Length of Placement. Registered sex offenders who are not under court supervision that transfer into the District will be required to complete the DAEP assignment assessed by the previous school district, but will receive credit for any time already spent in DAEP.

If the student is under any form of court supervision, including probation, community supervision, or parole, the placement shall be in either DAEP or JJAEP for at least one semester. If the student is not under any court supervision, the placement may be in DAEP or JJAEP for one semester.

Transfers. Registered sex offenders under court supervision that transfer into the District will be required to complete the DAEP assignment assessed by the previous school district, but will receive credit for any time already spent in DAEP or may require an additional semester in an alternative placement without conducting a review of the placement.

Periodic Review for Registered Sex Offenders. After 80 school days in DAEP, a review committee will determine by majority vote and recommend to the FBISD Director of Student Affairs whether the student should remain in DAEP or be returned to the regular classroom. The FBISD Director of Student Affairs will follow the committee's decision to return the student to the regular classroom unless the student's presence in the regular classroom is a threat to the safety of others, is detrimental to the educational process, or is not in the best interests of the District's students. Conversely, the Director of Student Affairs will follow the committee's decision to continue the student's placement in DAEP unless the student's presence in the regular classroom is not a threat to the safety of others, is not detrimental to the educational process, or is not contrary to the best interests of the District's students.

If the student remains in DAEP, the review committee will re-consider the student's placement before the beginning of the next school year.

Appeals for Registered Sex Offenders. DAEP placement may be appealed as described in District policy FNG or FOC. However, the appeal is limited to the factual question of whether the student is required to register as a sex offender under the law. A decision of the District's Board of Trustees is final and may not be appealed.

Other DAEP Issues

Grade Levels. Elementary students in kindergarten through grade 5 will not be placed in DAEP with secondary students in grade 6 through grade 12.

No Participation in Activities While in DAEP. Students placed in DAEP for any reason are not allowed to attend or participate in school-sponsored or school-related extracurricular or co-curricular activities, including seeking or holding honorary positions and/or membership in school-sponsored clubs and organizations during the period of DAEP placement. This restriction applies until the student fulfills the DAEP assignment at this or another school district.

Impact on Graduation. For graduating seniors who are in DAEP during the last week of school, the DAEP placement will continue through the last instructional day. The student will be allowed to participate in commencement exercises and related graduation activities unless otherwise specified by the Superintendent or Superintendent's designee or specified in the DAEP placement order.

Transportation. A student placed in DAEP will not be provided transportation unless he or she is a student with a disability who has transportation designated as a related service in the student's IEP.

Periodic Review. The District will review a student's DAEP placement and academic status every 120 calendar days. In the case of a high school student, the student's progress toward graduation will be reviewed and a graduation plan will be established. At the review, the student or the parent/guardian will have an opportunity to present reasons 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.

Coursework Opportunity. Students placed at DAEP will have an opportunity to complete Advanced Placement (AP) foundation curriculum courses (ELA, math, science and social studies) in which the student was enrolled at the time of removal and which is required for graduation, at no cost to the student

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

A newly enrolled student with a DAEP placement from a district in another state shall be placed as any other newly enrolled student if the behavior committed is a reason for DAEP placement in the receiving district. If the student was placed in a DAEP by a school district in another state for a period that exceeds one year, this District, by state law, shall reduce the period of the placement so that the total placement does not exceed one year. After a review; however, the placement may be extended beyond a year if the District determines that the student is a threat to the safety of other students or employees or the extended placement is in the best interest of the student.

Effect of Student Withdrawal. When a student withdraws from school before a DAEP placement order is completed, the District may complete the proceedings and issue a DAEP placement order. If the student re-enrolls in the District during the same or subsequent school year, the District may enforce the DAEP placement order at that time, minus any portion of the placement that was served by the student during enrollment in another district.

If the CBC or administrator does not issue a DAEP placement order after the student withdraws, the next district in which the student enrolls may complete the proceedings and issue a DAEP placement order.

Student Transfers. Students assigned to DAEP in another Texas district, a Texas open-enrollment charter school, or an out-of-state school district at the time of enrollment into the District will be placed into the District's DAEP to complete the term of their DAEP placement. In order to continue an out-of-state DAEP placement, the basis for the DAEP placement must also be a reason for DAEP placement in the enrolling district. If the out-of-state DAEP placement period exceeds one year, the District will reduce the period of placement so that the total placement does not exceed one year unless the District determines that the student is a threat to the safety of others or extended placement is in the best interests of the student.

Summer School. Students in DAEP during summer programs will be served in DAEP separate from other students.

Criminal Proceedings. The review and appeal process described below is limited to retaliation or off-campus misconduct. It does not apply if the student was placed in DAEP as required by law for conduct occurring on or within 300 feet of school property, at a school-sponsored or school-related activity, or for a false alarm or report or terroristic threat involving a public school.

If the District receives notice that prosecution of a student's case was refused and no formal proceedings, deferred adjudication, or deferred prosecution will be initiated or a court or jury found the student not guilty or did not engage in delinquent conduct or conduct indicating a need for supervision and dismissed the student's case with prejudice, the District will review the student's DAEP placement and will schedule a review with the student's parent/guardian no later than the third day after receiving notice. The student will not be returned to the regular classroom before the review. After reviewing the notice and receiving information from the student's parent/guardian, the CBC or administrator may only continue the student's DAEP placement if the administration has reason to believe the student's presence in the regular classroom threatens the safety of others.

The CBC's or administrator's decision may be appealed to the Board. In the event of an appeal, at the next scheduled meeting the Board will: (1) review the notice, (2) hear statements from the student, the student's parent/guardian, and the CBC or administrator, and (3) confirm or reverse the decision of the CBC or administrator.

If the Board confirms the decision of the CBC or administrator, the student and the student's parent/guardian have the right to appeal to the Commissioner of Education. The student may not be returned to the regular classroom while the appeal is pending.

Appeal. A student or the student's parent may appeal the placement by requesting a conference between the Board or its designee, the student, and the student's parents. Any decision of the Board or its designee under this section is final and may not be appealed.

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 appropriate CBC or administrator may enter an additional disciplinary order as a result of those proceedings.

Expulsion

Reasons for Mandatory Expulsion

School-Related. In deciding whether to expel a student, regardless of whether the action is mandatory or discretionary, the District shall take into consideration:

- Self-defense;
- Intent or lack of intent at the time the student engaged in the conduct;
- The student's disciplinary history; and
- Whether the student has a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the conduct.

A student must be expelled for any of the following misconduct that occurs on school property or while attending a school-sponsored or school-related activity on or off school property:

- Brings to school a firearm, as defined by federal law (*see definitions*)
- Uses, exhibits, or possesses the following items, as defined by state law: (1) a firearm*, (2) possesses or uses an illegal knife with a blade over 5½"; hand instrument, designed to cut or stab another by being thrown; dagger, including but not limited to a dirk, stiletto, and poniard; bowie knife; sword; or spear, (3) a club, or (4) a prohibited weapon. (See definitions) * Firearm note: So long as the firearm is not brought on school property, a student will not be expelled solely for using, exhibiting, or possessing a firearm at an off-campus approved target range facility while participating in or preparing for a school-sponsored shooting sports competition or while participating in or preparing for a shooting sports educational activity sponsored or supported by the Texas Parks and Wildlife Department or an organization working with the Department
- Engages in conduct that contains the elements of the offense of the unlawfully carrying weapons under Section 46.02 of the Texas Penal Code, or elements of an offense relating to prohibited weapons under Section 46.05 of the Texas Penal Code
- Engages in the following misconduct as defined in the Texas Penal Code: (1) aggravated assault, (2) sexual assault, (3) aggravated sexual assault, (4) arson, (5) murder, (6) capital murder, (7) criminal attempt to commit murder or capital murder, (8) indecency with a child
- , (9) aggravated kidnapping, (10) aggravated robbery, (11) manslaughter, (12) criminally negligent homicide, or (13) continuous sexual abuse of a young child or children
- Sells, gives, delivers, possesses, uses, or is under the influence of marijuana, a controlled substance (*see definitions*), a dangerous drug (*see definitions*), or an alcoholic beverage (*see definitions*) if the behavior is punishable as a felony
- Commits a serious act or offense while under the influence of an alcoholic beverage if the behavior is punishable as a felony

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

- Sells, gives, delivers, possesses, uses, or is under the influence of any amount of marijuana, a controlled substance, a dangerous drug, or an alcoholic beverage, if it is the 2nd infraction in the same school year and the conduct is not punishable as a felony
- Commits a serious act or offense while under the influence of an alcoholic beverage if it is the 2nd infraction in the same school year and the conduct is not punishable as a felony
- Engages in misconduct that contains the elements of an offense relating to abusable volatile chemicals (*see definitions*) if it is the 2nd infraction in the same school year

Regardless of Location. A student must be expelled if the student engages in the following misconduct, regardless of whether the conduct occurred on or off campus.

- Retaliates against a school employee or volunteer by committing a state-mandated expellable offense

Reasons for Discretionary Expulsion

At School. A student may be expelled for engaging in documented serious misbehavior (*see definitions*) while the student is placed in DAEP and on the DAEP site/campus despite documented behavioral interventions.

School-Related. A student may be expelled for any of the following offenses that occur on school property, within 300 feet of school property as measured from any point on the District'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
- Commits an assault (*see definitions*) resulting in bodily injury to a school employee or volunteer
- Engages in deadly conduct (*see definitions*)

While in DAEP. A student may be expelled for engaging in documented serious misbehavior that violated the District's Code, despite documented behavioral interventions while placed in a DAEP. 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. For purposes of discretionary expulsion from a DAEP, 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: public lewdness, indecent exposure, criminal mischief, personal hazing or harassment

Three Hundred Feet. Additionally, a student may be expelled for any of the following offenses that occur within 300 feet of school property as measured from any point on the District's real property boundary line:

- Possesses a firearm, as defined by federal law (*see definitions*)
- Uses, exhibits, or possesses the following items, as defined by state law: (1) a firearm*, (2) an illegal knife, (3) a club, or (4) a prohibited weapon. (See definitions). * See "Firearm Note" in mandatory expulsion section above
- Engages in the following misconduct as defined in the Texas Penal Code: (1) aggravated assault, (2) sexual assault, (3) aggravated sexual assault, (4) arson, (5) murder, (6) capital murder, (7) criminal attempt to commit murder or capital murder, (8) indecency with a child, (9) aggravated kidnapping, (10) aggravated robbery, (11) manslaughter, (12) criminally negligent homicide, or (13) continuous sexual abuse of a young child or children

Regardless of Location. A student may be expelled if the student engages in the following misconduct, regardless of whether the conduct occurred on or off campus:

- Commits aggravated assault, sexual assault, aggravated sexual assault, murder, capital murder, criminal attempt to commit murder or capital murder, or aggravated robbery against another student
- Retaliates against a school employee or volunteer by committing an assault (*see definitions*) resulting in bodily injury
- Engages in criminal mischief if the damage is \$1,500 or more
- Engages in criminal mischief, if punishable as a felony
- Engages in conduct relating to a false alarm or report (including a bomb threat) or a terroristic threat involving a public school
- Engages in breach of computer security by accessing a computer, computer network or computer system owned by or operated on behalf of a school district and knowingly alters, damages, or deletes school district property or information or breaches any other computer, computer network, or computer system
- Commits a state-mandated expellable offense on the school property of another Texas school district or while attending a school-sponsored or school-related activity of another Texas school district

Title 5 Felonies Regardless of Location. In addition to the expellable conduct listed above, a student may also be expelled and placed in Juvenile Justice Alternative Education Program if the student:

- Issues a false alarm or report, including a bomb threat (*see definitions*) or a terroristic threat (*see definitions*) involving a public school
- Is arrested for a Title 5 felony offense (*see definitions*) or aggravated robbery
- Is charged with engaging in a Title 5 felony offense or aggravated robbery

- Received deferred adjudication or deferred prosecution for a Title 5 felony offense or aggravated robbery
- Is on probation for a Title 5 felony offense or aggravated robbery
- Was found by a court or jury to have engaged in delinquent conduct for a Title 5 felony offense or aggravated robbery
- Has been referred to a juvenile court for delinquent conduct based on a Title 5 felony offense or aggravated robbery or
- Was convicted of a Title 5 felony offense or aggravated robbery

and the CBC or administrator determines the student's presence in the regular classroom either threatens the safety of other students or teachers, is detrimental to the educational process, or is not in the best interests of the District's students.

In this circumstance, expulsion to an alternative setting may be ordered regardless of: (1) the date on which the conduct occurred, (2) the location at which the conduct occurred, (3) whether the student was enrolled in the District at the time the conduct occurred, or (4) whether the student successfully completed any court disposition requirements regarding the conduct.

A student may be subject to an expulsion under this circumstance until: (1) the student graduates from high school, (2) the charges are dismissed or reduced to a misdemeanor, (3) the student completes the term of the placement, or (4) the District assigns the student to a another program. The student will be entitled to the same periodic review afforded to other students in alternate settings. An expulsion ordered in this case is final and may not be appealed beyond the Board of Trustees.

Emergency Expulsion

The CBC or administrator may order the immediate expulsion of a student if the CBC or administrator reasonably believes the emergency expulsion is necessary to protect persons or property from imminent harm. The reason for the emergency expulsion must also be a reason for which expulsion could be ordered on a non-emergency basis. At the time of the emergency expulsion, the student will be told the reason for the action. No later than the tenth day after the date of emergency expulsion, the student will be given a hearing as required for a regular expulsion; see below.

Procedure for Expulsion

Hearing. Students alleged to have committed an expellable offense will receive a hearing before the FBISD Director of Student Affairs within a reasonable time following the alleged misconduct. The student's parent/guardian will be informed of the basis for the proposed expulsion and will be invited in writing to attend the hearing. After making an effort to inform the student and parent/guardian of the hearing, the District may hold the hearing regardless of whether the student or the student's parent/guardian attends. At the hearing, the student is entitled to:

- Representation by an adult, including the student's parent/guardian, who can provide guidance to the student and who is not an employee of the District;
- An opportunity to question the District's witnesses; and
- An opportunity to testify and to review and present evidence and witnesses in the student's defense.

Additional proceedings may be conducted and additional discipline may be imposed if the student engages in additional misconduct while the student is already expelled.

Interim Placement. Until an expulsion hearing can be held, the student may be placed in another appropriate classroom, in-school suspension, out-of-school suspension, and/or DAEP.

Expulsion Order. If the outcome of the expulsion hearing is that the student will be expelled, the appropriate CBC or administrator will issue an expulsion order and provide a copy to the student and the student's parent/guardian. If the duration of the expulsion differs from the guidelines in the SCC, the expulsion order will give notice of the inconsistency.

The District will send a copy of the expulsion order to the juvenile court no later than the second business day after the expulsion hearing. A copy of the expulsion order will be included with any records sent to a school where the student seeks to enroll. The enrolling school district has discretion to enforce the expulsion order.

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

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

The Board shall hear statements made by the parties at the review and will 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.

Length of Expulsion

The duration of the expulsion will be determined on a case-by-case basis using the criteria identified in the "Discipline Considerations" section of this SCC. Both mandatory and discretionary expulsions will result in expulsion for up to one calendar year. Students who bring a firearm (as defined by federal law) to school will be expelled from the regular classroom for at least one calendar year except as modified by the CBC or administrator on a case-by-case basis.

An expulsion will not exceed one calendar 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.

Students expelled at the end of one school year may be required to complete the term of their expulsion at the beginning of the next school year.

District Expulsion Program (DEP)

The District Expulsion Program is a self-contained, separate disciplinary placement from the DAEP that maintains the expelled student on the FBISD alternative campus rather than placed off site at the JJAEP. This expulsion option is available for consideration by the expulsion hearing officer when a student has an extenuating circumstance that makes placement at the JJAEP inappropriate.

Other Expulsion Issues

Academic Impact. Students will not receive academic credit for work missed during the period of expulsion unless the student is enrolled in a Juvenile Justice Alternative Education Program (JJAEP), District Expulsion Program (DEP), or other District-approved program or as required by IDEA or Section 504.

Participation in Activities. Expelled students are prohibited from being on school grounds or attending or participating in school-sponsored or school-related activities while expelled.

Age Restrictions. Students under the age of ten that engage in expellable behavior will not be expelled, but will be placed in DAEP. A student under age six shall not be placed in a DAEP, unless the student commits a federal firearm offense. Contact the Department of Student Affairs for more information.

Effect of Student Withdrawal. If a student withdraws from the District before the expulsion hearing is conducted, the District may proceed with conducting the hearing after sending written notice to the parent/guardian and student. If the student re-enrolls during the same or subsequent school year the District may enforce the expulsion order at that time; students will be credited for any expulsion period that was served by the student while enrolled in another district.

If the CBC or administrator does not issue an expulsion order after the student withdraws, the next district in which the student enrolls may complete the proceedings and issue an expulsion order.

Student Transfers. The District will continue the expulsion of students expelled from either another Texas school district or from an out-of-state school district for behavior that is also a reason for expulsion in the enrolling district, until the term of expulsion has been served. If the out-of-state expulsion exceeds one year, the District will reduce the period of the expulsion so that the total expulsion does not exceed one year unless the District determines that the student is a threat to the safety of others or extended placement is in the best interest of the student.

State and Federal Law require one calendar year expulsion for possession of a firearm on campus. The District superintendent can modify this requirement on a case by case basis.

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 appropriate CBC or administrator or the Board may issue an additional disciplinary order as a result of the proceedings.

Newly Enrolled Students. The District shall continue the expulsion of any newly enrolled student expelled from another district or an open-enrollment charter school until the period of the expulsion is complete. 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:

- The out-of-state district provides the District with a copy of the expulsion order; and
- 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 review it is determined that:

- The student is a threat to the safety of other students or District employees; or
- Extended placement is in the best interest of the student

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

In accordance with the Education Code, a student who is enrolled in a special education program 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.

A student with disabilities being served in special education may be expelled for engaging in conduct that would warrant such action for a student without disabilities only if the ARD committee determines the misconduct is not related to the disability or inappropriate placement.

In determining whether a student's disruptive behavior was related to the student's disability, the ARD committee shall base its decision on currently effective evaluation and assessment data and on review of the current IEP documentation rather than on established eligibility or previous committee decisions. The ARD committee shall consider whether the student's behavior indicated the need for new assessment or evaluation data. Unless the parents agree otherwise, the student must be returned to his or her current placement after ten days while additional assessments are being conducted.

The ARD committee shall determine the instructional and related services to be provided during the time of expulsion. The student's IEP shall include goals and objectives designed to assist in returning the student to school and preventing significant regression.

Generally, a student with a disability cannot be suspended from school for more than 10 days if the misconduct was a manifestation of his/her disability. School personnel may remove a student with a disability who violates the student code of conduct from his/her current placement to an appropriate interim alternative educational setting, another setting, or suspension, for not more than 10 consecutive school days (to the extent those alternatives are applied to children without disabilities). If the ARD committee determines that the student's disruptive behavior is a manifestation of the student's disability the student shall not be removed from the instructional setting. A manifestation of the student's disability occurs when the disruptive behavior is caused by, or has a direct and substantial relationship to, the child's disability; or is the direct result of the district's failure to implement the IEP. If the disruptive behavior on the part of the student indicates it is related to the student's disability and the ARD committee determines that the student is in an inappropriate placement, the ARD committee shall review the placement and recommend alternatives. If the ARD committee determines that the behavior was related to the disability, it shall revise the IEP to address the student's behavior and educational need.

If the student's misconduct includes bringing a weapon or drugs to school, or the student has inflicted serious bodily injury on someone at school or at a school function, then different rules governing removal of a student with a disability apply. In such circumstances, the district may unilaterally place a student with a disability in an interim alternative educational setting for not more than 45 school days, without regard to whether the behavior is determined to be a manifestation of the student's disability.

For a student not previously identified by the District as a student potentially in need of special education, a parental request for an evaluation or due process hearing after a disciplinary removal has commenced does not obligate the District to return the student to the pre-discipline placement. The educational placement that will be subject to the "stay-put" provision will be the disciplinary placement, which shall continue until either the resolution of due process proceedings, completion or consideration of evaluation data by the ARD committee, or expiration of the disciplinary sanction term, whichever may apply.

A student with a disability who has brought a firearm to school may be placed in an interim alternative educational setting for up to 45 calendar days by an ARD meeting. However, if the student's parents initiate a due process hearing and if the parties cannot agree on another placement, the student must remain in that interim placement during the authorized review proceedings. In this situation, the student could remain in the interim alternative education setting for more than 45 calendar days. (For more information, consult Special Education Operating Guidelines available through the Special Education Department.)

Expulsion Appeals

An expelled student may appeal the expulsion decision to the Board of Trustees as provided by policy. The student or student's parent/guardian must submit a written appeal to the Superintendent within seven days after receipt of the expulsion order or decision. The Superintendent will give the student or the student's parent/guardian written notice of the date, time, and location of the meeting at which the Board will review the decision. Consequences will not be delayed pending the outcome of the appeal.

Definitions

ABUSABLE VOLATILE CHEMICALS: Those substances as defined in Texas Health and Safety Code § 485.001.

ALCOHOLIC BEVERAGE: Those substances as defined in Texas Alcoholic Beverage Code § 1.04.

ARMOR-PIERCING AMMUNITION: Handgun ammunition that is designed primarily for the purpose of penetrating metal or body armor and to be used primarily in pistols and revolvers or other firearms.

ASSAULT: For student discipline purposes, intentionally, knowingly, or recklessly causing bodily injury to another.

BODILY INJURY: Physical pain, illness, or impairment of a physical condition.

BULLYING: Written or verbal expression, including electronic communication, 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 exploits an imbalance of power and interferes with a student's education or substantially disrupts the operation of a school, and either (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 enough that the action or threat creates an intimidating, threatening, or abusive educational environment for a student. See District policy FFI for additional information regarding bullying.

CHEMICAL DISPENSING DEVICE: A device other than a small chemical dispenser sold commercially for personal protection that is designed, made, or adapted for the purpose of dispensing a substance capable of causing an adverse psychological or physiological effect on an individual.

CLUB: An instrument specially designed, made, or adapted for the purpose of inflicting serious bodily injury or death by striking a person with the instrument, including a blackjack, nightstick, mace, and tomahawk.

CONTROLLED SUBSTANCE: Controlled substance: Substances that include a drug, adulterant, dilutant, or other substance identified under Penalty Group 1, 1-A, 2, 2-A, 3 or 4 of Chapter 481 of the Health and Safety Code or schedules I-V of the Controlled Substances Act (21 U.S.C. Section 801 et seq).

CRIMINAL STREET GANG: Three or more persons having a common identifying sign or symbol or an identifiable leadership which continuously or regularly associate in the commission of criminal activities.

CYBERBULLYING: Using any electronic communications device to engage in bullying or intimidation.

DANGEROUS DRUG: A device or a drug that is unsafe for self-medication and that is not included in Schedules I through V or Penalty Groups 1 through 4 of Chapter 481 (Texas Controlled Substances Act). The term includes a device or a drug that bears or is required to bear the legend:

(A) "Caution: federal law prohibits dispensing without prescription" or "Rx only" or another legend that complies with federal law; or

(B) "Caution: federal law restricts this drug to use by or on the order of a licensed veterinarian." Refer to Chapter 483 of the Texas Health & Safety Code.

DEADLY CONDUCT: Recklessly engaging in conduct that places another in imminent danger of serious bodily injury or by knowingly discharging a firearm in the direction of an individual, habitation, building, or vehicle.

EXPLOSIVE WEAPON: Any explosive or incendiary bomb, grenade, rocket, or mine 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. It includes a device designed, made or adapted for delivery or shooting an explosive weapon.

FALSE ALARM OR REPORT: Knowingly initiating, communicating, or circulating a report of a present, past, or future bombing, fire, offense, or other emergency that is known to be 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, place of assembly, publicly accessible place, or mode of conveyance such as an automobile.

FIGHTING: Two or more persons engaged in any mutual violent or physically aggressive contact toward each other such as scuffling, pushing, shoving, or hitting.

FIREARM (Federal law): (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, grenade, missile, rocket, or mine.

FIREARM (State law): Any device designed, including but not limited to a handgun, that is designed, made, or adapted to expel a projectile through a barrel by using the energy generated by an explosion or burning substance or any device readily convertible to that use.

FIREARM SILENCER: Any device designed, made, or adapted to muffle the report of a firearm.

GANG: An organization, combination, or association of persons composed wholly or in part of students that: (1) seeks to perpetuate itself by taking in additional members on the basis of the decision of the membership rather than on the free choice of the individual, or (2) that engages in illegal and/or violent activities. In identifying gangs and associated gang attire, signs, or symbols, the District will consult with law enforcement authorities.

GRAFFITI: Making marks of any kind on the tangible property of another without the effective consent of the owner.

HARASSMENT: Threatening to cause harm or bodily injury to another, engaging in intimidating conduct, causing physical damage to the property of another, subjecting another to physical confinement or restraint, maliciously taking any action that substantially harms another's physical or emotional health or safety, or other conduct prohibited by District policy FFH or DIA that is so severe, persistent, or pervasive that it has the purpose or effect of substantially or unreasonably interfering with a student's performance; creates an intimidating, threatening, hostile, or offensive educational environment; affects a student's ability to participate in or benefit from an educational program or activity; or otherwise adversely affects the student's educational opportunities.

HAZING: Any act, occurring on or off the campus, by one person alone or acting with others, directed against a student, that endangers the mental or physical health or safety of a student for the purposes of pledging, initiation into, affiliation with, holding office in, or maintaining membership in an organization. Hazing includes soliciting, encouraging, directing, aiding, or attempting to aid another student in engaging in hazing, as well as having firsthand knowledge of the planning or occurrence of a specific student hazing incident without reporting the incident to a CBC or school administrator in writing. Consent to or acquiescence in the hazing activity does not excuse the student of responsibility for the misconduct.

HIT LIST: List of people targeted to be harmed using a firearm, knife, or any other object to be used with intent to cause bodily harm.

ILLEGAL KNIFE: A knife with a blade over 5 ½ inches; hand instrument designed to cut or stab another by being thrown; dagger, including but not limited to a dirk, stiletto, and poniard; bowie knife; sword; or spear.

INDECENT EXPOSURE: Those acts defined in Texas Penal Code § 21.08.

INTENT: The design, resolve, determination, or state of mind with which a person acts, ordinarily proven through inferences drawn from the act and/or circumstances surrounding the act. Intent includes the conscious objective or desire to engage in the conduct or cause the result, an awareness that the conduct is reasonably certain to cause the result, or disregard of a substantial and justifiable risk when there is an awareness that the circumstances exist or the result will occur. The fact that a student may not have been motivated by a desire to violate the SCC does not preclude imposing a disciplinary consequence so long as the student intended to engage in the underlying conduct that violated the SCC.

KNIFE: A bladed hand instrument that is capable of inflicting serious bodily injury or death by cutting or stabbing, including a switchblade.

KNUCKLES: Any instrument consisting of finger rings or guards made of a hard substance that is designed, made, or adapted for the purpose of inflicting serious bodily injury or death by striking a person with a fist enclosed in the knuckles.

MACHINE GUN: Any firearm capable of shooting more than two shots automatically, without manual reloading, by a single function of the trigger.

PARAPHERNALIA: Any article or device used or intended for use to inject, ingest, inhale, or otherwise introduce marijuana, a controlled substance, a dangerous drug, or an alcoholic beverage into the human body, including but not limited to roach clips, rolling papers, needles, baggies with residue, razor blades, or pipes.

PERSISTENT: Three or more violations of the SCC or repeated occurrences of the same violation.

POSSESSION: To have in or on: (1) a student's person or in the student's personal property, such as the student's clothing, purse, or backpack; (2) in any conveyance used by the student for transportation to or from school or school-related activities, such as an automobile, truck, motorcycle, or bicycle; or (3) any other school property used by the student, such as a locker or desk.

PROHIBITED WEAPONS: A prohibited weapon includes the following items: armor-piercing ammunition, chemical dispensing device, explosive weapon, firearm silencer, knuckles, machine gun, short-barrel firearm, zip gun, or tire deflation device.

PUBLIC LEWDNESS: Those acts defined in Texas Penal Code § 21.07.

REASONABLE BELIEF: A determination that misconduct occurred made by the CBC or administrator using all available factual and legal information, including information furnished under Article 15.27 of the Code of Criminal Procedure.

RETALIATION: Harming or threatening to harm another: (1) on account of their service as a District employee or volunteer, (2) to prevent or delay another's service to the District, or (3) because the person intends to report a crime.

SELF-DEFENSE: To claim self-defense, the student must (1) be without fault in provoking the encounter and not act as the aggressor, and (2) use the minimum force required to remove himself or herself from immediate danger of harm. Actions that escalate or continue the encounter will not be considered self-defense. Interactions prior to the encounter will also be considered.

SERIOUS MISBEHAVIOR: To engage in (1) deliberate violent behavior that poses a direct threat to the health or safety of others, (2) extortion to gain money or other property by force or threat, (3) coercion, meaning to threaten to either commit an offense; inflict bodily harm; accuse a person of any offense; expose a person to hatred, contempt, or ridicule; or to harm the credit of any person, (4) public lewdness as defined in Texas Penal Code § 21.07, (5) indecent exposure as defined in Texas Penal Code § 21.08, (6) criminal

mischief as defined in Texas Penal Code § 28.03, (7) personal hazing as defined in Texas Education Code § 37.152, or (8) harassment of a student or District employee as defined in Texas Penal Code § 42.07(a)(1).

SEX OFFENDER: A student required to register as a sex offender under Chapter 62 of the Code of Criminal Procedure for an offense committed on or after September 1, 2007. The term does not include a student who: (1) is no longer required to register as a sex offender under Chapter 62, (2) is exempt from registering as a sex offender under Chapter 62, or (3) receives an early termination of the obligation to register as a sex offender under Chapter 62.

SEXUAL HARASSMENT: Unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature, or conduct prohibited by District policy FFH or FNC that is so severe, persistent, or pervasive that it has the purpose or effect of substantially or unreasonably interfering with a student's performance; creates an intimidating, threatening, hostile, or offensive educational environment; affects a student's ability to participate in or benefit from an educational program or activity; or otherwise adversely affects the student's educational opportunities.

SHORT-BARREL FIREARM: 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 if, as altered, has an overall length of less than 26 inches.

SWITCHBLADE KNIFE: Any knife with a blade that folds, closes, or retracts into the handle or sheath and that opens automatically by pressing a button or other device located on the handle or opens or releases a blade from the handle or sheath by the force of gravity or centrifugal force. It does not include a knife that has a spring, detent, or other mechanism designed to create a bias toward closure and that requires exertion applied to the blade by hand, wrist, or arm to overcome the bias toward closure and open the knife (also known as one-handed openers or assisted openers).

TELECOMMUNICATIONS DEVICE: Any type of device that: (1) emits an audible signal, vibrates, displays a message, or otherwise summons or delivers a communication to the possessor, or (2) permits the recording, transmission, and/or receipt of messages, voices, images, or information in any format or media, electronic or otherwise. It does not include an amateur radio under control of someone with an amateur radio license.

TERRORISTIC THREAT: Threats to commit any offense involving violence to any person or property with intent to: (1) cause a reaction 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, place to which the public has access, place of employment or occupation, aircraft, automobile, or other form of conveyance, or other public place; (4) cause impairment or interruption of public communications, public transportation, public water, gas, or power supply or other public service; (5) place the public or a substantial group of the public in fear of serious bodily injury; or (6) influence the conduct or activities of a branch or agency of the federal government, the state, or a political subdivision of the state (including the District).

TITLE 5 FELONY OFFENSES: Criminal offenses against the person that, depending on the circumstances, may include murder; capital murder; manslaughter; criminally negligent homicide; unlawful restraint; kidnapping; aggravated kidnapping; trafficking of persons; unlawful transport; assault; aggravated assault; sexual assault; aggravated sexual assault; improper relationship between educator and student; indecency with a child; injury to a child, an elderly person, or a disabled person; abandoning or endangering a child; improper photography or visual recording; deadly conduct; terroristic threat; aiding a person to commit suicide; harassment by a person in a correctional facility; continuous sexual abuse of a young child or children; and tampering with a consumer product.

UNDER THE INFLUENCE: When in the employee's professional judgment, the student does not have the normal use of mental or physical faculties likely attributable to the student's use of a prohibited substance. Such impairment may be evidenced by the symptoms typically associated with drug or alcohol use or other abnormal or erratic behavior or by the student's admission. The student need not be legally intoxicated.

USE: With respect to substances, voluntarily injecting, ingesting, inhaling, or otherwise introducing a prohibited substance into the body. With respect to objects or devices, putting into action or service or carrying out an action or purpose with the object or device.

ZIP GUN: A device or combination of devices that was not originally a firearm and is 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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Appendix A: Examples of Infractions Regarding Buses

Level I	Level II	Level III	Level IV
<ul style="list-style-type: none"> • Standing up while bus is moving • Out of assigned seat • Loud voice • Not seated “on pockets” • Gum • Food • Getting on/off at the wrong stop 	<ul style="list-style-type: none"> • Throwing objects on the bus • Arguing/disrespectful toward the bus driver • Profanity • Inappropriate physical contact • Verbal altercation with another student • Persistent Level I offenses 	<ul style="list-style-type: none"> • Profanity directed at the bus driver • Physical altercation: slapping, kicking, hitting, pushing • Throwing objects out of the bus • Throwing items at or near the bus driver • Vandalism to the bus • Any action that necessitates a delay in completing the route • Threats toward a student • Possession of a knife • Bullying • Persistent Level II offenses 	<ul style="list-style-type: none"> • PSUU of drugs, alcohol or tobacco • Assault of a student • Assault of the bus driver • Threats toward the bus driver • Possession of an illegal knife • Persistent Level III offenses

Consequences

	Elementary Grades (Pre-K to 5)	Secondary Grades (6 to 12)
Level I	Driver documents and conferences with student	Driver documents and conferences with student
1st Referral Consequences		
	Elementary Grades (Pre-K to 5)	Secondary Grades (6 to 12)
Level II, 1st Offense	Discipline referral by Transportation to school administration and parent contact by school	Discipline referral by Transportation to school administration and parent contact by school
Level II, Additional Offenses	1 Day Bus Suspension	3 Day Bus Suspension
Level III	3 Day Bus Suspension	5 Day Bus Suspension
Level IV	5 Day Bus Suspension	10 Day Bus Suspension
Second and Third Referral Consequences		
	Elementary Grades (Pre-K to 5)	Secondary Grades (6 to 12)
Level II	3 Day Bus Suspension	5 Day Bus Suspension
Level III	5 Day Bus Suspension	10 Day Bus Suspension
Level IV	10 Day Bus Suspension	15 Day Bus Suspension

*** Severe and repeated infractions may result in immediate and permanent bus removal.