Clint Independent School District

Student Code of Conduct

2011– 2012

"Together…We Build Tomorrow"

CLINT INDEPENDENT SCHOOL DISTRICT

2011 - 2012 SCHOOL CALENDAR

EMPLOYEE/STUDENT CALENDAR

JULY 2011

S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
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31						

AUGUST 2011

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SEPTEMBER 2011

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OCTOBER 2011

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NOVEMBER 2011

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DECEMBER 2011

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July 4-8 Independence Day Holiday

Aug. 8-11 New Teacher Training

Aug.15-19 Teacher Staff Development (full days)

Aug. 22 First Day of School

Sept. 5 Labor Day Holiday

Oct. 7 Teacher Staff Development (full day)

Nov. 21-25 Thanksgiving Holidays

Dec. 16 End of 1st Semester

Dec. 19-30 Christmas/New Year Holiday

Jan. 2 Teacher Staff Development (full day)

Jan. 3 Start of 2nd Semester

Jan. 16 Martin L. King Holiday

Feb. 24 Teacher Staff Development (full day)

Mar. 12-16 Spring Break

Apr. 6 Easter Holiday

May 28 Memorial Day Holiday

Jun. 1 End of 2nd Semester

Jun. 2 Teacher Workday

Jan. 16/Apr. 6 Inclement Weather Make-up Days

Instructional Days: 178 (78/100)

Staff Development Days: 9

- Holidays
- Staff Development/Student Holiday
- New Teacher In-service
- First/Last Day of Semester
- First/Last Day of Six Weeks
- < > Waiver Days
- District Closed
- Open House
- State Assessment Days
- Paydays

JANUARY 2012

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29	30	31				

FEBRUARY 2012

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MARCH 2012

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APRIL 2012

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MAY 2012

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JUNE 2012

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Clint ISD Board approved 2-16-2011

Clint Independent School District

"Together…We Build Tomorrow"

Student Code of Conduct

2011- 2012

CISD

Board of Trustees

James R. Pendell, President

Mary Macias, 1st Vice-President

Fernando Sepulveda, 2nd Vice-President

Janice Armstrong, Secretary

Robert Lara, Member

Fred Martinez, Member

Patricia Randleel, Member

Dr. Edward L. Gabaldon, Superintendent

14521 Horizon Blvd.

El Paso, Texas 79928

Phone: (915) 926-4000

Fax: (915) 926-3244

Public Notification of Nondiscrimination

It is the policy of Clint ISD not to discriminate on the basis of race, color, national origin, sex, handicap or age in its employment practices as required by Title VI of the Civil Rights Act of 1964, as amended; Title IX of the Education Amendments of 1972; and Section 504 of the Rehabilitation Act of 1973, as amended.

For information about your rights or grievance procedures, contact the district's Title IX Coordinator Esther McCarthy at 14521 Horizon Boulevard, El Paso, Texas, 79928, (915) 926-4000 and/or Section 504 Contact Tania Mendoza at 14521 Horizon Boulevard, El Paso, Texas, 79928, (915) 926-4000.

Clint Independent School District
Student Code of Conduct
Agreement

_____ _____
Date Print Student's Name

_____
Student's I.D. Number

Failure to sign this contract does not take away the responsibility of the student to abide by the Student Code of Conduct. The offenses and sanctions included in this handbook are not all inclusive. While an attempt has been made to list major concerns, it is a reference source for students, teachers and parents. More specific information may be obtained from Board Policy which is available in the Principal's office of each school.

STUDENT
I have received, read or have had read to me the Student Code of Conduct and agree to follow the code.

_____
Student Signature

PARENTS (GUARDIAN OR PERSONS RESPONSIBLE)
I have carefully reviewed the Student Code of Conduct with my child and agree to help my child abide by the code. I have read, understand and agree to comply with the Texas Compulsory Attendance Law.

_____
Parent Signature

PRINCIPAL
I have reviewed my responsibilities as listed in the Student Code of Conduct and agree to administer this Code as fairly and consistently as possible.

****

Código de Conducta
ACUERDO

_____ _____
Fecha Nombre de estudiante en letra de molde

_____
Numero de identificación

El hecho de no firmar este contrato no retira la responsabilidad del estudiante de obedecer el Código de Conducta del Estudiante. Las ofensas y sanciones incluidas en este folleto no incluyen todo. Aunque se ha hecho el esfuerzo de incluir las preocupaciones principales, este documento es una fuente de referencia para estudiantes, maestros y padres. Se puede obtener información más específica de la Política de la Mesa Directiva la cual está disponible en la oficina del principal de cada escuela.

ESTUDIANTE
Yo he recibido, leído o me han leído el Código de Conducta del Estudiante y acepto obedecer el Código.

_____
Firma del estudiante

PADRES (TUTOR O PERSONAS RESPONSABLES)
Yo he examinado con cuidado el Código de Conducta del Estudiante con mi hijo o hija y convengo en ayudar a mi hijo o hija a respetar el Código. Yo he leído, comprendo y acepto cumplir con la Ley de Asistencia Obligatoria de Texas.

_____
Firma de Padres/Madre

DIRECTOR/A: Yo he examinado mis responsabilidades enumeradas en el Código de Conducta del Estudiante y acepto administrar este Código lo más justa y constantemente posible.

Return the signed form to your campus/teacher.

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STANDARDS OF CONDUCT

Standards for Student Conduct

Each student is expected to:

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

Purpose

General

The principal has the responsibility for assessing and implementing the Discipline Management Plan on his/her campus. Information regarding Clint I.S.D.'s Discipline Management Plan is set forth in this Code of Conduct. The disciplinary consequences which a Principal or his/her designee may use to discipline students may include, but are not limited to the following: conducting student and/or parent conferences, removing student privileges, assigning detention, changing a student's class assignment, suspending a student for a maximum of three days per serious offense, removing a student to an alternative placement, and expulsion of a student. The initial expulsion decision is made by the campus Principal, and the decision to expel is appealable to the Board's designee.

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

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

This Student Code of Conduct has been adopted by the Clint Independent School District Board of Trustees and developed with the advice of the district-level committee. This Code provides information to parents and students regarding standards of conduct, consequences of misconduct, and procedures for administering discipline.

In accordance with state law, the Code will be posted at each school campus or will be available for review at the office of the campus principal. Additionally, the Code will be posted on the district's Web site. Parents will be notified of any conduct violation that may result in a student being suspended, placed in a DAEP, or expelled.

Contents

This Code is organized into the following sections:

1. Standards for Student Conduct ..... page 8
2. School District Authority and Jurisdiction ..... page 9
3. General Conduct Violations and Discipline Management Techniques ..... page 11
4. Removal from the Regular Educational Setting ..... page 20

5. Out-of-School Suspension ..... page 21
6. DAEP Placement ..... page 22
7. Placement and/or Expulsion for Certain Serious Offenses ..... page 29
8. Expulsion ..... page 31
9. Glossary ..... page 37

Because the Student Code of Conduct is adopted by the District's Board of Trustees, it has the force of policy; therefore, in case of conflict between the Code and the student handbook, the Code will prevail.

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

SCHOOL DISTRICT AUTHORITY AND JURISDICTION

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

The district has disciplinary authority over a student:

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

The district has the right to search a vehicle driven to school by a student and parked on school property whenever there is reasonable cause to believe it contains articles or materials prohibited by the district.
The district has the right to search a student's locker or desk when there is reasonable cause to believe it contains articles or materials prohibited by the district. (FNF Local)

Reporting Crimes

Legal Requirements
When a student commits an offense, the student is subject to disciplinary action by school officials. Texas law requires schools to report certain administrative actions taken against students for violations of the Student Code of Conduct.

School administrators will report crimes as required by law and will call local law enforcement when an administrator suspects that a crime has been committed on campus.

Searches, Questioning, and Police Intervention

Students shall have a diminished expectation of privacy while under the jurisdiction of the District. School administrators may search a student's outer clothing, pockets, or property by establishing reasonable suspicion or securing the student's voluntary consent. Vehicles on school property are also subject to search.

Areas such as lockers, which are owned by the District and jointly controlled by the District and student, may be searched, and school Administrators may routinely conduct blanket locker searches. Students shall not place, keep, or maintain any article or material in school-owned lockers that is forbidden by District Policy or that would lead school officials to reasonably believe that it would cause a substantial disruption on school property or at a school-sponsored function.

Students are responsible for any prohibited items found in their possession, in their lockers, or in vehicles parked on school property, and shall be subject to appropriate school disciplinary action in accordance with this CISD Student Code of Conduct and/or prosecution.

Random Drug Search

In order to ensure a drug-free learning environment, the District conducts random drug searches of the school facilities, using the district's own drug dog. During these random drug searches, lockers, hallways, classrooms, grounds, vehicles, etc. are subject to drug checks by trained dogs at any time. If a dog alerts to a locker, a vehicle, or an item in a classroom, that locker, vehicle, or item may be searched by school officials.

Questioning of Students

Students are expected to cooperate with administrative staff in the investigation of disciplinary cases and to volunteer information within the students' knowledge relating to violations of the CISD Student Code of Conduct. Administrators, teachers, and other professional personnel have the right to question students regarding their conduct or the conduct of others. Students may be requested to submit a written statement describing their knowledge of an incident.

Police Questioning of Students or Taking Students into Custody

Law enforcement officers or other lawful authorities have the authority to question or interview a student at school. Law enforcement officers also have the authority to arrest or take a student into custody at school.

The following guidelines shall apply when law enforcement officers or other lawful authorities desire to question or interview a student at school for any purpose other than a child abuse investigation:

1. The Principal shall verify and record the identity of the officer or other authority and request an explanation of the need to question or interview the student at school.
2. The Principal ordinarily shall make reasonable efforts to notify the student's parents or other person having lawful control of the student. If the interviewer raises what the Principal considers to be a valid objection to the notification, parents shall not be notified.
3. The Principal or a Designee ordinarily shall be present during the questioning or interview. If the interviewer raises what the Principal considers to be a valid objection to a third party's presence, the interview shall be conducted without that person's presence.

Firearm Violations

State and Federal Law require a student to be expelled from the regular classroom for a period of at least one calendar year for bringing a firearm to school. However, the Superintendent or other appropriate Administrator may modify the length of the expulsion on a case-by-case basis. The District may provide services to an expelled student who is older than ten years of age in a Disciplinary Alternative Education Program.

Additionally, it is a criminal offense to intentionally exhibit, use, or threaten to exhibit or use a firearm in a manner intended to cause alarm or personal injury to another person or to damage school property in or on any property,

including a parking lot, parking garage, or other parking area, that is owned by a private or public school; or an a school bus being used to transport children to and from school-sponsored activities of a private or public school.

Gang-free Zones

Certain criminal offenses, including those involving organized criminal activity such as gang-related crimes, will be enhanced to the next high category of offense if they are committed in a gang-free zone. For purposes of the district, a gang-free zone includes a school bus and a location in, on, or within 1000 feet of any district-owned or leased property or campus playground.

Revoking Transfers

The district has the right to revoke the transfer of a nonresident student for violating the district's Student Code of Conduct.

General Conduct Violations & Discipline Management Techniques

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

Dress Code

In General

The District's dress code is established to teach grooming, hygiene, instill discipline, prevent disruption, avoid safety hazards, and teach respect for authority. Students shall be dressed and groomed in a manner that is clean and neat and that will not be a health or safety hazard to themselves or others. In order to maintain an orderly environment conducive to the attainment of the educational mission and purpose of the District, students shall be required to conform to a reasonable dress and grooming code. The provisions of the dress and grooming code shall be enforced equitably with regard to all students.

The District stresses moderation in dress and the avoidance of distractions in the classroom. Any student inappropriately dressed shall be given the opportunity to correct the problem or be subject to appropriate discipline consequences. Parents may bring students appropriate clothing, but students shall not be allowed to attend class until they are dressed according to "Dress for Success". All new students enrolling in the District in Pre-Kindergarten through grade 12, shall be given a grace period of no more than ten days to comply with "Dress for Success".
The Board has determined that the use of school uniforms will improve the learning environment at the District and has adopted the use of student uniforms as specified in the rules. The district prohibits any clothing or grooming that, in the Principal's judgment, may reasonably be expected to cause disruption of or interference with normal school operations. A campus handbook may list specific examples of appropriate and inappropriate clothing, hair, jewelry, or manner of dress.

The student and parent may determine the student's personal dress and grooming standards, provided that they comply with the general guidelines set out above and the District's dress code for students in the Student Code of Conduct Discipline Management Plan. The Principal, in cooperation with the sponsor, coach, or other person in charge of an extracurricular activity, may regulate the dress and grooming of students who participate in the activity. Students who violate those standards may be removed or excluded from the activity for a period determined by the Principal or sponsor and may be subject to other disciplinary action.

DRESS FOR SUCCESS

The following guidelines shall apply to all students:

1. No baggy style pants shall be allowed. Pants or jeans shall not be baggy or exceed three inches of excess fabric at mid-thigh and must be worn no more than 1" below belly button. Pants or jeans may not be torn or frayed. Hardship cases shall be referred to the counselor. Pants will not be excessively tight (to include, but not limited to, "skinny jeans" and/or "jeggings") for all students.
2. The District prohibits pictures, emblems, or writings on clothing and/or personal property to include, but not limited to, necklaces, earrings, backpacks and purses, etc. that are determined by the administration:
   a. Are lewd, offensive, vulgar, or obscene.
   b. Display advertising depicting tobacco products, alcohol beverages, drugs, or other substances prohibited by district policy.
   c. Evidence or membership of affiliation in any gang. Because such evidence fluctuates, a list of specific apparel not otherwise prohibited by the "Dress For Success" dress code that is considered by the administration to be evidence of gang affiliation will be made available to all students in the campus office.
3. Earrings may be worn only by female students and only on the ear lobes and must not bring undue attention to student. No jewelry, hardware, gauges or temporary materials may be worn on visible body piercing/tongue piercing.
4. Male student's hair length should be off the collar (measured as if wearing a collared shirt) and cut above the ears. No ponytails/rat-tails will be allowed.
5. Sideburns may be worn if they do not extend below the earlobe.
6. Hairstyles (no Mohawks or Mohawk-styles, no spiked hair longer than 1½" or any hairstyles that draw undue attention and extend more than 1½" from scalp) will not be allowed. Unnatural hair colors/cuts/designs that draw undue attention to a student are not allowed. (Natural hair colors: black, brown, blonde, natural red). Bangs no longer than to eyebrows.
7. Overall pants or overall shorts are not allowed.
8. Jogging suits or sweats are not allowed.
9. Canvas belts are not allowed. Belts will be worn at all times. Belts of excess length are not allowed. Belt buckles with initials or that draw undue attention are not allowed.
10. Medallions/chains shall not be worn outside the shirt.
11. Shower shoes, flip-flops, heelies and steel toe boots/shoes are not allowed.

MALE STUDENTS

The following guidelines apply to all male students:

1. Tank tops and half T-shirts shall not be worn. "Long-handled" underwear shirts are unacceptable as an outer garment. Any color T-shirt (with or without pockets) is considered acceptable. White under shirts will not be worn as outer garments. Shirts will not be buttoned to top button
2. Shirts shall be worn tucked in and staff members should be able to see the student's belt loops.
3. Chains that hang outside the pants pocket or from the wallet shall not be allowed.
4. Male students shall not wear facial hair.
5. Excessively tight pants for male students (to include but not limited to "skinny jeans" and/or "jeggings") are not allowed.

FEMALE STUDENTS

The following guidelines apply to all female students:

1. No bare midriffs will be allowed (no visible navels). Half T-shirts shall not be worn. Tank-top straps must be three inches wide at the shoulder. Bras are required when deemed necessary by appropriate personnel.
2. Any garment that is considered overly revealing by appropriate personnel shall be prohibited.
3. Sun dresses, tops and other apparel shall have a three-inch wide shoulder strap and shall not be made of transparent materials.
4. If tights or stirrup pants are worn, an outer garment must be worn and meet the guidelines for a length of a dress or skirt.

5. Excessively tight pants for female students (to include but not limited to “skinny jeans” and/or “jeggings”) are not allowed.

ELEMENTARY/JUNIOR HIGH/MIDDLE SCHOOL UNIFORMS (Pre-Kindergarten - Grade 8)

A student’s appearance has much to do with personal pride, conduct, and the way students respond to each other. Student success and a positive learning atmosphere are also affected by appearance. Because of this, the District is requiring “Dress for Success” for students in Pre-Kindergarten-Grade 8 as follows:

1. Uniform shorts may be worn throughout the school year. Shorts will be walking type and not below the knee.
2. Dresses, skirts, skorts, or shorts shall measure no shorter than two inches above the knee. Skorts and shorts will not be below the knee. Dress/skirts/skorts/shorts/pants that are navy, plain and undecorated denim, black or khaki may be worn.
3. Elementary students must wear closed shoes. No steel toe boots/shoes, heelie shoes or sandals are allowed. Middle/junior high school students may wear sandals. Students in grade 6 or 9 will follow the dress code of the particular campus where they are enrolled.
4. All shirts or blouses must be “Polo” style (No more than 3 button Polo Shirts). They must be tucked in at all times with the belt showing. Belts must be worn.
5. Shirts/blouses in solid school approved color(s) shall be selected from district approved colors: black, royal blue, navy blue, white, gray or red. (Undershirts – plain school approved colors only).
6. School spirit shirts may be worn on designated days as determined by the Principal.
7. No visible tattoos will be allowed.
8. Collared shirts/polo shirts shall not be unbuttoned below the second button from the collar or buttoned to top button on collar. This includes garments worn in place of a shirt. Shirts shall be worn tucked inside the pants. This does not include sweaters that will be allowed. Shirts or sweaters with hoods are allowed, but the hood should not cover the student’s head inside the building. Shirts will not be buttoned to top button.

JR. HIGH/MIDDLE SCHOOL DRESS CODE

1. Male students shall not wear facial hair.
2. Male student’s hair length should be off the collar (measured as if wearing a collared shirt) and above the ears.
3. No pony or rat-tails allowed.

HIGH SCHOOL (GRADES 9-12)

A student’s appearance has much to do with personal pride, with conduct, and with the way students respond to each other. Student success and a positive learning atmosphere are also affected by appearance. Because of this, Clint Independent School District is requiring “Dress for Success”.

1. Slacks, shorts, pants or jeans of any color may be worn.

They will not be wider than 3 inches at mid-thigh. Females may wear laced pants from the knee down, and material must cover all skin above the knee. Capri, crop, flood, cargo, and carpenter pants are allowed.

2. Shorts will be walking type. Shorts/skorts/skirts will not exceed 3 inches above the knee or be below the top of the calf muscle. Shorts that are not acceptable include cut-off, home-made and athletic styles.
3. Sandals will be allowed. No steel toe boots/shoes, heelies, slippers or shower shoes will be allowed. Closed shoes are highly recommended.
4. Appropriate maternity attire must be worn.
5. Female students may wear collared shirts or non-collared blouses that do not expose cleavage.
6. High school students are allowed to wear necklaces.
7. Students are not allowed to wear any out of the ordinary attire (e.g. bandanas, spikes, gloves or dental grills). Hats will not be worn inside the building.

* If a student wishes to wear a hat or head covering for religious purposes, prior approval from the campus administrator may be acquired.

8. Students must wear gender appropriate attire and accessories.
9. Students may wear shorts year-round.
10. No visible tattoos.
11. Excessively tight pants for all students are not allowed (to include but not limited to “skinny jeans” and/or “jeggings”).

DRESS CODE VIOLATIONS
If the Administrator determines that a student's grooming or clothing violates the dress code, the students shall be given an opportunity to correct the problem at school if the occurrence is the first or second offense during the school year. If not corrected, or if the violation is a third offense within the school year, the student shall be assigned to in-school suspension, or be subject to other appropriate discipline consequences as determined by the Administrator, for the remainder of the day or until the problem is corrected. Repeated dress code violations may result in more serious disciplinary action. Appropriate discipline procedures shall be followed in all cases FNCA (LOCAL).

General Violation: Levels I-IV

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

LEVEL I MINOR OFFENSES

The following offenses are prohibited at school or school related activities and may be punishable by any of the disciplinary options listed below. Students who commit minor offenses will be assessed discipline penalties commensurate with the offenses. Persistent misbehavior may be punishable by more serious disciplinary consequences including any of the disciplinary techniques listed under serious offenses of this Code of Conduct. Parents/Guardians will be notified in writing.

Level I Minor Offenses
1. Cheating or copying work of another student.
2. Failing to conform to classroom rules.
3. Violating safety rules.
4. Engaging in public display of affection (including, but not limited to, kissing and/or necking).
5. Possessing or using matches or a lighter.
6. Tardies (3 or less).
7. Violating dress and grooming code standards.
8. Loitering or trespassing on school grounds. Students should be on campus for an educationally related purpose, such as tutorials or extracurricular activities. Students who are waiting for a ride home shall not be considered to be loitering.
9. Possessing, using or exhibiting school supplies (i.e., pencils, pens, scissors) or any other item in a manner that threatens to inflict or actually inflicts bodily harm to another person.
10. Engaging in conduct that constitutes a disruption of classes or lawful assemblies, activities, or transportation.
11. Defacing/Damaging school property including textbooks, lockers, furniture and other equipment with graffiti or by other means.
12. Possessing or using skateboards, inline skates, heelies or similar items.
13. Engaging in any other conduct that disrupts the school environment or educational process but that the Principal/designee determines is a minor offense.
14. Running, pushing, shoving, littering, throwing objects (which are not part of supervised activity) or cutting in line.
15. Eating, drinking, gum chewing in unauthorized areas.
16. Failing to complete assignments, have needed materials, or return school forms.

LEVEL I Disciplinary Options at this level but not limited to:
1. Verbal reprimand/warning
2. Student/teacher conference
3. Time-out in classroom
4. Withdrawal of privileges
5. Changing seat assignment
6. Telephone call or note to parent/guardian

7. Parent/teacher conference
8. Detention
9. Community service assignment
10. Behavioral management plan/contract
11. Confiscation of disruptive items
12. Suspension
13. In-school detention
14. Saturday school
15. Assignment of school duties other than class tasks
16. Withdrawal of extracurricular or honorary privileges
17. Other similar disciplinary management techniques included in this Student Code of Conduct

LEVEL II SERIOUS OFFENSES

The following actions constitute "serious misbehavior" where that term appears in this CISD Student Code of Conduct. These offenses are considered to be more serious than Level I – Minor Offenses listed in this Code.

Thus, in most cases, the offenses listed in this section will warrant greater consequences than listed in the Level I – Minor Offenses section. (Example: serious offenses should warrant a greater number of days spent in in-school suspension than minor offenses). Students who commit serious offenses will be assessed discipline penalties commensurate with the offense. In some cases, the offenses listed in this section may also meet the definition of conduct which warrants DAEP placement or expulsion. Under such circumstances, the offense in question will be elevated to a Level III or IV offense and the campus administration may consider DAEP placement or expulsion as appropriate.

The following offenses are prohibited at school or school related activities and may be punishable by any of the disciplinary options listed below. Parents/Guardians will be notified in writing.

Level II Serious Offenses

1. Engaging in verbal abuse, (i.e., name-calling, using profane, vulgar, or obscene language, making racial or ethnic slurs, derogatory statements, or oral statements, which are abusive or confrontational).
2. Fighting, committing physical abuse, or threatening physical abuse (i.e., conduct that does not meet the definition of assault in *Texas Penal Code* §22.01(a) (a)).
3. Possessing or distributing of pornographic materials.
4. Refusal to accept discipline management techniques proposed by a teacher or by administration.
5. Selling or trading, on campus, any item not authorized by the Principal.
6. Violating any rule set forth in this Code of Conduct pertaining to computers and the Internet.
7. Possessing, smoking or using tobacco products and/or Drug Paraphernalia.
8. Possessing a laser pointer when not required by a teacher for school use (in some cases the use of a laser pointer may be classified as an assault and may cause bodily injury – Level III).
9. Engaging in any other conduct that disrupts the school environment or educational process.
10. Repeated minor violations of classroom/school rules/dress code.
11. Excessive tardies (more than 3).
12. Excessive first period tardies (more than 15 minutes late) may be subject to court action.
13. Violating bus rules.
14. Truancy / persistent tardies/unexcused absences/ (no more than 5 parental notes allowed).
15. Use of certain prohibited articles during regular school day such as: cellular phones, pagers, beepers, stereo headsets, cassette players, CD players, Play Station Player's, MP3's and IPod's or any electronic devices, not limited to cameras. Article will be confiscated from student and will be returned to parent/guardian ONLY. We will not allocate staff resources to recover lost, stolen, or broken Electronic Devices (prohibited devices). Parents/Guardians and Students assume 100% of risk.
16. Damaging school property up to a value of $20.00.
17. Gambling.
18. Leaving school grounds, event or an educational setting without permission.
19. Trespassing or vandalizing school property.

20.Engaging in any other comparable offense that disrupts the school environment or education process that requires administrative action.
21.Bullying including cyberbullying, harassment, and making/compiling hit list.
22.Razorblades/sharp instruments/bladed objects are prohibited.
23.Pepper spray of any capacity is prohibited.
24.Possession of permanent marker.
25.Being insubordinate.
26.Leaving class during instructional time without permission.
27.**In possession of Drug Paraphernalia (to include but not limited to cigarette lighter).**

Level II **Disciplinary Options** at this level, but are not limited to:
1. Administrative conference with student
2. Restitution for damage
3. Parent conference
4. Telephone call or note to parent/legal guardian
5. Loss of privileges
6. Detention
7. Confiscation of electronic device. There will be a $15.00 return fee for confiscated device.
8. Reassignment of classes
9. In-School suspension (SAC)
10.Loss of bus privileges
11.Special assignments, community service
12.Notification of outside agency and/or police, with filing of charges when appropriate.
13.Other similar disciplinary management techniques, included in this Code of Conduct
14.Saturday school
15.Suspension
16.Detention
17.Assignment of duties other than class tasks
18.Withdrawal of extracurricular or honorary privileges
19. Filing with the court for attendance violations

LEVEL III and LEVEL IV OFFENSES ARE DESCRIBED IN THE SECTIONS PERTAINING TO DAEP PLACEMENT AND EXPULSIONS. (See pages 22 and 31)

Bus Behavior

Students are to follow these general rules when they are on school buses or other public transportation, which may carry students to and from school:

1. Follow the driver's instructions at all times.
2. Board and leave the bus in an orderly manner at the designated bus stop.
3. Exhibit good manners toward all others on the bus: do not use profanity, vulgar language, obscene gestures, insults, racial slurs, bullying, harassment, or exhibit other disruptive or abusive behavior.
4. Do not fight, push, or engage in other inappropriate physical or sexual contact.
5. Do not exhibit any gang-related behavior, including throwing gang signs, gestures, verbal threats, etc.
6. District rules apply regarding prohibited items or substances and will be strictly enforced; do not possess or use any alcohol, cigarettes, drugs, weapons, matches, lighters or flammable substances, etc. on the bus.
7. Remain seated when the bus is in motion if seats are available.
8. Keep books, band instrument cases, feet, and other objects out of the aisle of the bus.
9. Keep the vehicle clean; do not deface or vandalize the bus and/or its equipment.
10.Maintain safety near windows; do not extend head, hand, arm, or leg out of the window nor hold any object out of the window.
11.Do not throw any objects within the bus or out of the bus.
12.Comply with all other behavior expectations in the District Student Code of Conduct and Campus Handbook.

13.Students must be at their scheduled bus stop 5 to 10 minutes prior to pick up time.
14.Students must board and get off at their scheduled bus stop.
15.Students must ride on their assigned bus; no student will be allowed to ride a different bus with a friend or relative.

Violations may result in the withdrawal or restriction of bus privileges or other disciplinary consequences as listed in this CISD Student Code of Conduct. Note: A change in transportation services for a student with a disability for whom transportation is a related service requires ARD Committee action; a change in transportation services for Section 504 students requires Section 504 committee action. Students may only get off at assigned stop and only ride designated bus.

Additionally, it is a criminal offense to intentionally exhibit, use, or threaten to exhibit or use a firearm in a manner intended to cause alarm or personal injury to another person or to damage school property in or on any property, including a parking lot, parking garage, or other parking area, that is owned by a private or public school; or on a school bus being used to transport children to and from school-sponsored activities of a private or public school.

Bus Transportation: 14585 Darrington; 852-8383

Mistreatment of Others

Clint ISD prohibits conduct that consists of bullying or harassment. In addition to the penalties and consequences set forth in this Student Code of Conduct, pursuant to State Law, on the request of a parent or other person with authority to act on behalf of a student who is a victim of bullying, a student who is a victim of such conduct as determined by the Board of Trustees, may receive a transfer to another classroom at the campus which the victim was assigned at the time the bullying occurred; or a campus in the school district other than the campus to which the victim was assigned at the time the bullying occurred.

The Board of Trustees or the Board's Designee shall verify that a student has been a victim of bullying before transferring the student under this section. Past student behavior may be considered when identifying bullying. The determination by the Board of Trustees or the Board's Designee is final and may not be appealed. The District is not required to provide transportation to a student who transfers to another campus. There are no Hearings and Appeals for a transfer due to bullying behavior.

Although the District respects a student's right to freedom of expression under the First Amendment, a student may be disciplined for conduct constituting Cyber-Bullying as defined in this Student Code of Conduct.

Possession of Telecommunications or Other Electronic Devices

Telecommunication Devices

District prohibits the display, turning on, or use of telecommunication devices (cellular phones, pagers and any electronic devices) at school during normal school hours of the school day. Paging Device is a telecommunication device that emits a signal-without regard to whether the signal is audible, vibrates, displays a message, or otherwise summons or delivers a communication to the possessor. If the student violates policy FNCE (LOCAL), student is subject to disciplinary measures. Telecommunication device will be confiscated and held by District for a period of 30 days after notification has been made. District employees shall confiscate any telecommunication device found to be in violation of this policy. Parents or telecommunication companies may obtain release of telecommunication device for a fee of not more than $15.00. The release of telecommunication device may be made prior to 30 day period after the $15.00 fee is paid. After the 30 day period has expired, the District shall dispose of the telecommunication device. Disposal of a confiscated paging device in any reasonable manner provided the student's parent and the paging company whose name and address appear on the device are given 30 days' notice of the intent to dispose of the device prior to the disposal of any such device.

Misuse of Computers and the Internet

Cyber-Bullying – abusive behavior including, but not limited to, tormenting, threatening, taunting, stalking, intimidating, harassing, sexting, humiliating, and/or coercing by one or more individuals against other students or employees using Internet websites (i.e. My Space, personal Web sites, etc.) and/or any other communication technologies (i.e. email, mobile phones, text messaging, instant messaging, etc.) which materially and substantially disrupts the educational process and/or endangers the general health, safety and welfare of District students and/or employees regardless of where the communication originates or which contains the elements of "online harassment" or "use of computer for unauthorized purpose."

Additional Discipline Management Techniques

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

Because of these factors, discipline for a particular offense, unless otherwise specified by law, may bring into consideration varying techniques and responses.

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

- Verbal correction, oral or written.
- Cooling-off time or "time-out."
- Seating changes within the classroom.
- Temporary confiscation of items that disrupt the educational process.
- Rewards or demerits.
- Behavioral contracts.
- Counseling by teachers, counselors, or administrative personnel.
- Parent-teacher conferences.
- Grade reductions for cheating, plagiarism, and as otherwise permitted by policy.

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

***Detention**

For violations of the Student Code of Conduct or other policies and regulations, teachers may assign lunch detention or detain students after school hours. Before assigning students to detention, the teacher will get approval from the campus administration for the detention assigned. The teacher shall inform the student of the conduct that allegedly constitutes the violation, and the student shall be given an opportunity to explain his or her version of the incident. The period of time for which a teacher assigns a student to detention shall be used for educational purposes.

When after school detention is assigned, notice shall be given to the student's Parent or Legal Guardian to inform the parent of the reason for the detention and permit arrangements for the necessary transportation of the student. Except in the case of the student who is 18 or older living apart from parents and emancipated minors, the detention shall not begin until the Parent has been notified. The student's Parent(s) or Guardian, if the student is a minor, may be required to provide transportation when the student has been assigned to detention.

Physical Restraint

Physical restraint will not be used as a disciplinary measure. Within the scope of an employee's duties, a District employee may physically restrain a student if the employee reasonably believes restraint is necessary in order to:
1. Protect a person, including the person using physical restraint, from physical injury.
2. Obtain possession of a weapon or other dangerous object.
3. Prevent a student from fleeing when fleeing would put the student or others in danger.
4. Protect property from serious damage.
5. Remove from a specific location a student refusing a lawful command of a school employee, including from a classroom or other school property, in order to restore or impose disciplinary measures. (However, an employee is not allowed to use physical restraint as a disciplinary measure).
6. Control an irrational student.

Students with Disabilities

The discipline of students with disabilities, including Section 504 of the Rehabilitation Act, is subject to applicable state and federal law in addition to the Student Code of Conduct. To the extent any conflict exists, state and/or federal law will prevail.

A student with a disability being served in Special Education may be placed in a DAEP for engaging in conduct that would warrant such action for a student without a disability only if the manifestation determination review Admissions, Review, and Dismissal (ARD) Committee determines that the misconduct is not linked to the student's disability. A student with a disability may be placed into an interim alternative education setting for drug and/or weapons offenses or an offense causing serious bodily injury for up to 45 days regardless of whether the student's behavior is linked to his or her disability. In determining whether a student's behavior is related to the student's disability, the ARD Committee shall base its decision on current evaluation and/or assessment data and on a review of the IEP's currently in effect rather than on established eligibility or previous ARD Committee decisions. If the ARD Committee determines that new evaluation or assessment data is necessary, unless the parents agree otherwise, the student will be returned to his or her placement pending the results of any new testing. If the ARD committee determines that a manifestation exists, they shall conduct a functional behavioral assessment and implement or modify a currently existing behavioral intervention plan. The student should return to the original placement or the parent and district may decide to change the placement to a mutually agreeable option (except in cases related to the allowed 45 day removal). If the ARD Committee determines that the student's conduct is related to his or her disability, changes in the student's placement, IEP and/or behavior plan may be made as appropriate. In the event that the student is removed from his or her regular placement and placed in a Disciplinary Alternative Education Program or expelled, the ARD Committee will determine the services necessary for the student to continue to progress in the general curriculum.

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 will take into consideration a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct.

Appeals

Parental questions or complaints regarding disciplinary measures should be addressed to the teacher or campus administration, as appropriate, and in accordance with policy FNG (LOCAL). A copy of the policy may be obtained from the principal's office or the central administration office or through Policy On-Line at the following address: www.clintweb.net.

Consequences will not be deferred pending the outcome of a complaint/grievance.

Removal from the Regular Educational Setting

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

Teacher Removal

A teacher may send a student to the Principal's office with **APPROPRIATE DOCUMENTATION** in order to maintain effective discipline in the classroom. The Principal or Designee shall respond by employing appropriate Discipline Management Techniques consistent with this CISD Student Code of Conduct and Local Policy.

A teacher may remove from class a student who (1) has been documented by the teacher to repeatedly interfere with the teacher's ability to communicate effectively with the students in the class or with the ability of the student's classmates to learn; or (2) whose behavior the teacher determines is so unruly, disruptive or abusive that it seriously interferes with the teacher's ability to communicate effectively with the students in the class or with the student's classmates to learn.

If the teacher removed the student from class because the student has engaged in conduct that contains the element of any offense listed in Section 37.006(a)(2)(B) or Section 37.007 (a)(2)(A) or (b)(2)(C) against a teacher (assaultive offenses), the student may not be returned to the teacher's class without the teacher's consent. The teacher may not be coerced to consent.

The terms of the removal may prohibit the student from attending or participating in school-sponsored or school-related activities.

Conference and Review Requirements for Students Removed from Class

Not later than the third class day after the day in which the student is removed from the class by the teacher under *Texas Education Code* §37.002(b) or (d), or by the Principal or other appropriate Administrator under *Texas Education Code* §37.006, the Principal or other appropriate Administrator shall schedule a conference among the Principal or other appropriate Administrator, a Parent or Guardian of the student, the teacher removing the student from class, if any, and the student. At the conference, the student is entitled to written or oral notice of the reasons for the removal, an explanation of the basis for the removal, and an opportunity to respond to the reason for removal. The student may not be returned to the regular classroom pending the conference. Following the conference, and whether or not all requested parties are in attendance after valid attempts to require their attendance, the Principal shall order the placement of the student as provided by the *Texas Education Code* §37.002 or 37.006, as applicable, for a period consistent with the CISD Student Code of Conduct.

Students with disabilities may not be removed in violation of specific IEP/IAP provisions or for more than 10 consecutive school days in a school year or a series of removals that constitute a pattern because they cumulate to more than 10 school days, without ARD/504 Committee approval. The Principal may not return the student to the classroom of the teacher who removed the student without the teacher's consent unless the Placement Review Committee determines that such placement is the best or only alternative available.

Routine Referral

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

Formal Removal

A teacher or administrator **may** remove a student from class for a behavior that violates this Code to maintain effective discipline in the classroom. A teacher **may** also initiate a formal removal from class if:

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

A student Discipline Report will be filled out by a school employee for every offense.

For classroom misbehavior, intervention should be immediate and consistent and should be handled by the teacher, paraprofessional, clerk, campus security or administrator who observes the misbehavior.

The 8 Step Discipline Log may be used by the classroom teacher and, if so, information regarding the 8 Step Discipline Log will be available at that campus.

The Principal or designee determines whether a student's conduct constitutes a Level I, II, III or IV offense. The Principal or designee reviews the report at Level II, III, and IV and if necessary, investigates the infraction and confers with the person making the report.

A teacher or administrator **must** remove a student from class if the student engages in behavior that under the Education Code requires or permits the student to be placed in a DAEP or expelled. When removing for those reasons, the procedures in the subsequent sections on DAEP or expulsion will be followed. Otherwise, within three school days of the formal removal, the appropriate administrator will schedule a conference with the student's parent; the student; the teacher, in the case of removal by a teacher; and any other administrator.

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

When a student is removed from the regular classroom by a teacher and a conference is pending, the principal may place the student in:

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

Returning Student to Classroom

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

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

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Out-of-School Suspension

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

Students may be suspended for a period not to exceed three school days for engaging in any minor or serious offenses as described and set forth in this CISD Student Code of Conduct. Additionally, students may be suspended pending DAEP placement or expulsion.

A Principal or other appropriate Administrator may suspend a student prior to (but not in lieu of) placement in a Discipline Alternative Education Program or prior to (but not in lieu of) expulsion, where a student's conduct requires such placement or expulsion.

Before suspending a student, the Principal or Designee shall consider reasonable alternatives, including appropriate Discipline Management Techniques. If the Principal or Designee determines that a suspension is the most appropriate alternative, no other disciplinary action need precede suspension.

When student is suspended, student will not participate in any extra-curricular activities.

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

1.Self-defense (see glossary),

2.Intent or lack of intent at the time the student engaged in the conduct, and

3.The student's disciplinary history.

Process

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

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

Notice to Parents

A student's Parent shall be notified by telephone or other appropriate means, as soon as reasonably practicable, of a suspension. Parents of students who have been suspended shall be advised that it is their responsibility to provide adequate supervision for the student during the period of suspension. Furthermore, the student is not allowed on the home campus or any other school campus or at any school-related activity during the period of suspension. If a student violates this prohibition, the student can be charged with illegal trespass, a Class C Misdemeanor.

Disciplinary Alternative Education Program (DAEP)

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

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

A student who is expelled for an offense that otherwise would have resulted in a DAEP placement does not have to be placed in a DAEP in addition to the expulsion.

A. Discretionary Placement: Misconduct That May Result in DAEP Placement

Level III Offenses for Discretionary DAEP Placement

A student may be placed in a DAEP for the following conduct violations committed on campus or while attending a school-sponsored or school-related activity on or off campus:

1.Has been documented by the teacher to repeatedly interfere with the teacher's ability to communicate effectively with the students in the class or with the ability of the student's classmates to learn.
2.Engages in behavior that the Principal or designee determines is so unruly, disruptive or abusive that it seriously interferes with the teacher's ability to communicate effectively with the students in the class or with the ability of the student's classmates to learn.
3.Following a previously documented offense (Level II), engages in gang activity, including participation as a member or pledge or soliciting another person to become a pledge or member of a gang. (In some cases it may be punishable as a felony offense. See Glossary).
4.Following a previously documented offense (Level II), engages in a public school fraternity, sorority, or secret society, including participation as a member or pledge, or soliciting another person to become a pledge or member of a public school fraternity, sorority, or secret society.
5.Engages in conduct constituting misdemeanor criminal mischief (vandalism), graffiti, [See Glossary] or otherwise engages in conduct that damages or tampers with the property of another causing substantial inconvenience or pecuniary. (Loss up to and including $1,499.99).
6.Engages in unruly, disruptive, disrespectful, or abusive conduct, at any location on campus (e.g., the cafeteria, auditorium, parking lots, or in front of or behind campus) or at a school-related event that substantially interferes with the orderly operation of the campus or school-related event.
7.Repeated or combined Level I, II, or III offenses.
8.Displaying or distributing materials not approved by school officials.
9.Forgery or any tampering with notes or school documents.
10.Insubordination (failing to comply with the lawful directions of school personnel).
11. Any involvement in or association with a fight.
12. Membership, pledged membership, or solicitation for membership in a school fraternity, sorority, secret society or gang as defined in the Texas Education Code (37.121).
13. Robbery or theft.
14. Intentionally engaging in disruptive activities on a campus, school property or at a school-sponsored activity.
15. Disruption of lawful transportation of students to or from school or school sponsored activities.
16. Sexual harassment.
17. Extortion, coercion, blackmail.
18. Hazing as defined by the Texas Education Code, (Section 37.151 through 37.154).
19. Engaging in any comparable offense that disrupts the school environment or education process that requires administrative action.
20. Violation of acceptable use policies regarding the use of technology.
21. Uses, exhibits, or possess a knife less than 5 ½ inch blade.
22. Possessing ammunition.
23. Possession of a replica weapon. (i.e. dye cast, plastic)
24. Involvement in a public school fraternity, sorority, or secret society, including participating as a member or pledge, or soliciting another person to become a pledge or member of a public school fraternity, sorority, secret society, or gang. (See glossary.)
25.Involvement in criminal street gang activity. (See glossary.)
26.Criminal mischief, not punishable as a felony.

In accordance with state law, a student **may** also be placed in a DAEP if the Superintendent or the Superintendent's Designee has reasonable belief (see glossary) that the student has engaged in conduct punishable as a felony, other than those listed as offenses involving injury to a person in Title 5 (see glossary) of the Texas Penal Code or the felony offense of aggravated robbery under Title 7 of the Texas Penal Code, that occurs off school property and not at a school-sponsored or school-related event, if the student's presence in the regular classroom threatens the safety of other students or teachers or will be detrimental to the educational process.
The appropriate administrator **may**, but is not required to, place a student in a DAEP for off-campus conduct for which DAEP placement is required by state law if the administrator does not have knowledge of the conduct before the first anniversary of the date the conduct occurred.

LENGTH OF DISCRETIONARY PLACEMENT

Discretionary Placements
These students are assigned for a maximum of 18 school weeks. After each 6 weeks grading period student will be evaluated. A student's evaluation [academics (70%), attendance (90% rule) and discipline] qualifies the student to be dismissed, if not, student will continue placement and will be evaluated at end of following 6 weeks. They will be returned to home campus at the end of a 6 weeks grading period.

General Guidelines for Assessing Disciplinary Penalties and Length of Term of Placement in the DAEP or Expulsion.

When imposing discipline and setting the length of the term of placement in a DAEP or for expulsion, District personnel shall adhere to the following guidelines:

1. Discipline shall be administered when necessary to protect student, school employees, or property, maintain essential order and discipline, and to teach students proper conduct.
2. Students shall be treated fairly and equitably. Discipline shall be based on a careful assessment of the circumstances of each case. Factors to consider shall include:
   a. Seriousness of the offense.
   b. Student's age.
   c. Grade level.
   d. Frequency of misconduct.
   e. Student's attitude.
   f. Potential effect of the misconduct on the school environment.
   g. Statutory requirements.
   h. Student's disabling condition, if any.
   i. Self-defense will be considered as a factor in a decision to order suspension, removal to a DAEP, or expulsion.
   j. Intent or lack of intent at the time the student engages in the conduct will be considered as a factor in making a disciplinary decision to order suspension, removal to a DAEP, or expulsion;
   k. A student disciplinary history should be considered as a factor in making a disciplinary decision to order suspension, removal to a DAEP, or expulsion;
   l. A disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct will be considered as a factor in making a disciplinary decision to order suspension, removal to a DAEP, or expulsion.

Because of these factors, discipline for a particular offense (unless otherwise specified by law) may bring into consideration varying techniques and responses. Generally, academic sanctions shall not be used as discipline. However, when the disciplinary infraction is academically related, such as cheating or plagiarism, academic sanctions determined by the teacher may be imposed.

If the length of the term of placement in a DAEP or the period of expulsion is inconsistent with the guidelines set forth above, the DAEP placement order or the expulsion order will give notice of the inconsistency.

Successful completion of all DAEP assignments:
1.Student did not have attendance problems.
2.Completed all academic assignments.
3.Did not receive more than 4 disciplinary referrals. Must attain at least "Progress Level" of Boys/Girls Town Program.

Student may return to home campus upon successfully completing entire assignment. All students will be provided a Review Hearing at their scheduled return to home campus or within 120 days of their assignment to the DAEP.

During the Review Hearing, attendance, academics and discipline will be addressed with Parent/Guardian, student, home campus Administrator and designated DAEP personnel. If the student does not successfully complete DAEP assignment, student will continue placement. Student will be evaluated at end of every 6 week grading period after the initial18 week (maximum) discretionary placement.

B. Mandatory Placement: Misconduct That Requires DAEP Placement

Level III Offenses Requiring Mandatory DAEP Placement

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

- Engages in conduct relating to a false alarm or report (including a bomb threat) or a terroristic threat involving a public school. (See glossary.)
- Commits the following offenses on school property or within 300 feet of school property as measured from any point on the school's real property boundary line, or while attending a school-sponsored or school-related activity on or off school property:
  - ♦ Engages in conduct punishable as a felony.
  - ♦ Commits an assault (see glossary) under Texas Penal Code 22.01(a) (1).
  - ♦ Sells, gives, or delivers to another person, or possesses, uses, or is under the influence of marijuana, a controlled substance, or a dangerous drug in an amount not constituting a felony offense. (School-related felony drug offenses are addressed in the Expulsion section.) (See glossary for "under the influence.")
  - ♦ Sells, gives, or delivers to another person an alcoholic beverage; commits a serious act or offense while under the influence of alcohol; or possesses, uses, or is under the influence of alcohol, if the conduct is not punishable as a felony offense. (School-related felony alcohol offenses are addressed in the Expulsion section.)
  - ♦ Behaves in a manner that contains the elements of an offense relating to abusable volatile chemicals.
  - ♦ Behaves in a manner that contains the elements of the offense of public lewdness or indecent exposure.
- Engages in expellable conduct and is between six and nine years of age.
- Commits a federal firearms violation and is younger than six years of age.
- Engages in conduct that contains the elements of the offense of retaliation against any school employee or volunteer on or off school property. (Committing retaliation in combination with another expellable offense is addressed in the Expulsion section of this Code.)

Offenses Occurring on Campus or at School-Related Activities

A student must be placed in a Disciplinary Alternative Education Program if the student commits the following on or within 300 feet of school property, as measured from any point on the school's real property boundary line, or while attending a school-sponsored or school-related activity on or off school property:

1. Engages in conduct that contains elements of assault causing bodily injury or a terroristic threat [see Glossary for explanation of various threats].
2. Sells, gives, or delivers to another person, or possesses, uses or is under the influence of:
   (a) Marijuana or a controlled substance.
   (b) A dangerous drug.
3. Sells, gives, or delivers to another person an alcoholic beverage; commits a serious act or offense while under the influence of alcohol, or possesses, uses or is under the influence of alcohol.
4. Engages in conduct that contains the elements of an offense relating to an abusable volatile chemical(s) under Section 485.031 through 485.034 of the Health and Safety Code.
5. Engages in conduct that contains the elements of the offense of public lewdness [See Glossary] or indecent exposure.
6. Engages in conduct that is punishable as a felony. Felony conduct may include, but not be limited to, bomb hoaxes, bomb threats, other false reports, and graffiti [See Glossary].
7. Engages in conduct, which is not a level III offense but is punishable as a felony (Section 37.006[a]).
8. Possession of drug paraphernalia [see Glossary].
9. An incendiary device [see Glossary].
10. Any breach of computer security.

Offenses Occurring off Campus/Not at School-Related Activities

Additionally, a student shall be removed from class and placed in a Disciplinary Alternative Education Program based on conduct occurring off campus and while the student is not in attendance at a school-sponsored or school-related activity if the student:

1.Engages in any activity on the way to or from school that would ordinarily be grounds for Disciplinary Alternative Education placement or expulsion if the activity had occurred on campus; or

2. Is truant or has left campus without authorization for any portion of the instructional day and the student engages in an activity while off campus that would ordinarily be grounds for Disciplinary Alternative Education placement or expulsion.

3.Retaliates against a school employee, when not combined with another offense, either on or off school property. A student may be removed from class and placed in a Disciplinary Alternative Education Program based on conduct occurring off campus and while the student is not in attendance at a school-sponsored or school-related activity.

4.The Superintendent or the Superintendent's Designee has a reasonable belief that the student has engaged in conduct defined as a felony offense other than those offenses defined in Title 5 of the Texas Penal Code or the felony offense of aggravated robbery under Title 7 of the Texas Penal Code and the continued presence of the student in the regular classroom threatens the safety of other students or teachers or will be detrimental to the educational process.

5. A student may be expelled to the Juvenile Justice Alternative Education Program or shall be placed at the district's Disciplinary Alternative Education Program for conduct involving Title 5 felony offenses or the felony offense of aggravated robbery under Title 7 of the Texas Penal Code. Details regarding DAEP placements under these conditions are set forth below under the heading Certain Felonies.

A principal or other appropriate administrator may, but is not required to, remove and place to a disciplinary alternative education program or expel to a JJAEP a student for off campus conduct for which removal is required by state law if the principal or other appropriate administrator does not have knowledge of the conduct before the first anniversary of the date the conduct occurred.

Emergencies

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

Process

Removals to a DAEP will be made by the campus principal or designee.

Conference

When a student is removed from class for a DAEP offense, the appropriate administrator will schedule a conference/hearing within three school days with the student's parent, the student, and the teacher, in the case of a teacher removal.

At the conference/hearing, the appropriate administrator will inform the student, orally or in writing, of the reasons for the removal and will give the student an explanation of the basis for the removal and an opportunity to respond to the reasons for the removal.

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

Placement Order

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

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

Length of Mandatory Placement – General Requirements

Mandatory Placement
The student will be assigned to the DAEP for a minimum of 18 consecutive school weeks. In order to allow the student to complete assignments and receive grades, the student will be dismissed at the end of the 6 weeks period following the completion of the 18 school weeks. Students will not be sent back to the home campus during the middle of a 6 weeks period. Before being dismissed, student must meet the criterion for being dismissed; academics (70%), attendance (90% rule) and good discipline.

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

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

Exceeds School Year

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

For placement in a DAEP to extend beyond the end of the school year, the principal or designee must determine that:

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

Exceeds 60 Days

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

Appeals

Questions from parents regarding disciplinary measures should be addressed to the campus administration. Appeals regarding the decision to place a student in a DAEP should be addressed to Dr. Don Schulte, District's Arbitrator, in accordance with policy FOC (LEGAL). All other appeals regarding a placement in a DAEP should be addressed in accordance with policy FNG (LOCAL). A copy of this policy may be obtained from the Principal's Office or the Central Administration Office or through policy on-line at the following address: www.clintweb.net.

Disciplinary consequences will not be deferred pending the outcome of an appeal. The decision to place a student in a DAEP cannot be appealed beyond the Board of Trustees.

Restrictions during Placement

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

A student placed in a DAEP 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.

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

Placement Review

Review of Student's Status in a Disciplinary Alternative Education Program (for Students Placed in an Alternative Education Program for 120 Days or More)

A student placed in a Disciplinary Alternative Education Program shall be provided a review of the student's status, including a review of the student's academic status, by the Board's Designee at intervals not to exceed 120 days. In the case of a high school student, the Board's Designee, with the student's parent or guardian, shall review the student's progress toward meeting high school graduation requirements and shall establish a specific graduation plan for the student. The District is not required under this subsection to provide, in the District Alternative Education Program, a course not specified under §37.008(a) of the Texas Education Code. At the review, the student or parent or guardian must be given an opportunity to present arguments for the student's return to the regular classroom or campus.

Credit during Disciplinary Process

Students shall receive full credit for assignments completed in a Disciplinary Alternative Education Program, including in-school suspension.

Students suspended from school are entitled to make up assignments or tests, regardless of the reason for suspension.

Teachers are to inform students of the time allotted for completion of the work.

Students are responsible for obtaining the assignments and completing the work within the time allotted, and students are allowed to make up both class work and homework.

A student who has been placed in a DAEP shall be offered an opportunity to complete course work before the beginning of the next school year through the following methods but not limited to: summer school, distance learning or credit by exam (with or without prior instruction).

Students who have been removed from the regular classroom and placed in in-school suspension or another setting other than a DAEP shall be offered the opportunity to complete each course in which the student was enrolled at the time of the removal before the beginning of the next school year through the following methods but not limited to: summer school, distance learning or credit by exam (with or without prior instruction).

Additional Misconduct

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

Notice of Criminal Proceedings

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

1. Prosecution of a student's case was refused for lack of prosecutorial merit or insufficient evidence and no formal proceedings, deferred adjudication (see glossary), or deferred prosecution will be initiated; or
2. The court or jury found a student not guilty, or made a finding that the student did not engage in delinquent conduct or conduct indicating a need for supervision, and the case was dismissed with prejudice.

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

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

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

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

Withdrawal During Process

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

Newly Enrolled Students

The district will 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 will 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, will reduce the period of the placement so that the total placement does not exceed one year. After a review, however, the placement may be extended beyond a year if the district determines that the student is a threat to the safety of other students or employees or the extended placement is in the best interest of the student.

Emergency Placement Procedure

Emergency Placement in a Disciplinary Alternative Education Program
The Principal or the Principal's Designee may order the immediate placement of a student in the Disciplinary Alternative Education Program if the Principal or the Principal's Designee reasonably believes the student's behavior is so unruly, disruptive, or abusive that it seriously interferes with the teacher's ability to communicate effectively with the students in a class, with the ability of the student's classmates to learn, or with the operation of school or a school-sponsored activity. The reason must be a reason for which placement in a Disciplinary Alternative Education Program may be made on a non-emergency basis.

At the time of the emergency placement, the student shall be given oral notice of the reason for the action. Within a reasonable time after emergency placement but not later than the 10th day after the date of the placement, the student shall be accorded the appropriate due process. Students with disabilities are subject to applicable Federal and State Law regarding the term of the student's emergency.

Placement and/or Expulsion for Certain Serious Offenses

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

Sexual Assault and Campus Assignments

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

Registered Sex Offenders

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

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

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

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

Review Committee

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

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

Newly Enrolled Student

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

Appeal

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

Certain Felonies

Title 5 Offenses and the Title 7 Felony Offense of Aggravated Robbery

Regardless of whether the conduct occurs on or off campus, a student may be placed into the District's Disciplinary Alternative Education Program or expelled and placed into the district's Juvenile Justice Alternative Education Program for the following:

- Deferred prosecution under Family Code § 53.03 found by a court or jury to have engaged in delinquent conduct under Family Code § 54.03 for conduct defined as a Title 5 felony offense or the felony offense of aggravated robbery under Title 7 of the Texas Penal Code;

- Charged with engaging in conduct defined as a Title 5 felony offense or the felony offense of aggravated robbery under Title 7 of the Texas Penal Code;
- Referred to a juvenile court for allegedly engaging in delinquent conduct under Family Code § 54.03 for conduct defined as a Title 5 felony offense or the felony offense of aggravated robbery under Title 7 of the Texas Penal Code;
- Received probation or deferred adjudication or convicted or arrested or charged with a Title 5 felony offense or the felony offense of aggravated robbery under Title 7 of the Texas Penal Code;

A student who is placed in an alternative setting under these circumstances will be given the opportunity for a Hearing. A placement will not be made unless the Board or the Board's designee determines that the student's presence in the regular classroom either:

(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.

The expulsion or DAEP placement may be without regard for the date or location of the offense or enrollment status of the student or court disposition and the student is subject to the placement until one of the following occurs:

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

The placement continues regardless of whether the student transfers to another district in the state. Students are entitled to periodic 120 day review provided for other disciplinary placements. In the event of a conflict, any provision in the Student Code of Conduct that derives from Texas Education Code § 37.007 will prevail.

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

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

Expulsion

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

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

A. Discretionary Expulsion: Misconduct That May Result in Expulsion

The following actions constitute offenses that shall or may result in expulsion. The principal shall suspend a student for these offenses, and may place a student in in-school suspension, pending a complete investigation and recommendation for expulsion. Parent will be notified in writing.

Discretionary Expellable Offenses

A student may be expelled if the student:

1. Engages in conduct involving a public school that contains the elements of the offense of false alarm or report (including bomb threat) or terroristic threat as defined by the Texas Penal Code.

2. While on or within 300 feet of school property, as measured from any point on the school's real property boundary line, or while attending a school-sponsored or school related activity on or off of school property:

a. Sells, gives or delivers to another person or possesses, uses, or is under the influence of any amount of marijuana or a controlled substance, as defined by Chapter 481, Health and Safety Code, or by 21 U.S.C. Section 801 et. seq.; a dangerous drug, as defined by Chapter 483, Health and Safety Code; or an alcoholic beverage, as defined by Section 1.04 Alcoholic Beverage Code or committing a serious act or offense while under the influence of alcohol if the conduct is punishable as a felony.

b. Engages in conduct that contains the elements of an offense relating to an abusable volatile chemical under Section 485.031 through 485.034, of the Health and Safety Code.

c. Engages in conduct that contains the elements of an assault causing bodily injury under the Texas Penal Code against a school district employee or volunteer.

d. Engages in conduct that contains the elements of the offense of deadly conduct under the Texas Penal Code.

e. Retaliates against any employee or volunteer in retaliation for or as a result of the person's employment or association with a school district while engaging in conduct that contains the elements of assault causing bodily injury.

f. Engages in a sexual assault against another student regardless of whether the conduct occurred on or off of school property. There are no limitations on the term of placement of a student who has engaged in conduct that constitutes a sexual assault.

3.Engages in conduct that would constitute a mandatory expellable offense while within 300 feet of school property, as measured from any point on the school's real property boundary line.

4.Possess a firearm, as defined by 18 U.S.C. Section 921 while within 300 feet of school property, as measured from any point on the school's real property boundary line.

5. Continues to engage in serious or persistent misbehavior that violates the Clint I.S.D. Student Code of Conduct while placed in a Disciplinary Alternative Education Program.

6. Engages in conduct that contains the elements of aggravated robbery, aggravated assault, sexual assault, aggravated sexual assault, murder, capital murder, or criminal attempt to commit murder against another student without regard to whether the conduct occurs on or off school property or while attending a school-sponsored or school-related activity on or off school property.

7. Engages in conduct that contains the elements of criminal mischief if the conduct is punishable as a felony. The student shall be referred to the authorized officer of the juvenile court regardless of whether the student is expelled.

8. Engaging in conduct that contains the elements of assault under Section 22.01(a) (1) against an employee or a volunteer.

9. Engages in conduct that contains the elements of the offense of breach of computer security under Texas Penal Code 33.02 if the conduct involves accessing a computer, computer network, or computer system owned by or operated on behalf of a school district and the student knowingly alters, damages, or deletes school district property or information or commits a breach of any other computer, computer network, or computer system.

Property of Another District

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

While in DAEP

- Engaging in serious offenses or persistent misbehavior (see glossary) that violates the district's Code, while placed in a DAEP.

B. Mandatory Expulsion: Misconduct That Requires Expulsion

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

Federal Law

- Bringing to school a firearm, as defined by federal law. "Firearm" under federal law includes:
  - 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.
  - The frame or receiver of any such weapon.
  - Any firearm muffler or firearm weapon.
  - Any destructive device, such as any explosive, incendiary or poison gas bomb, or grenade.

Texas Penal Code

- Using, exhibiting, or possessing the following, as defined by the Texas Penal Code:
  - A firearm (any device designed, made, or adapted to expel a projectile through a barrel by using the energy generated by an explosion or burning substance or any device readily convertible to that use), unless the use, exhibition, or possession of the firearm occurs at an off-campus approved target range facility while participating in or preparing for a school-sponsored shooting sports competition or a shooting sports educational activity that is sponsored or supported by the Parks and Wildlife Department or a shooting sports sanctioning organization working with the department.
  - An illegal knife, such as a knife with a blade over 5½ inches; hand instrument, designed to cut or stab another by being thrown; dagger, including but not limited to a dirk, stiletto, and poniard; bowie knife; sword; or spear.
  - A club (see glossary) such as an instrument specially designed, made, or adapted for the purpose of inflicting serious bodily injury or death by striking a person with the instrument, including a blackjack, nightstick, mace, and tomahawk.
  - A prohibited weapon, such as an explosive weapon, a machine gun, a short-barrel firearm, a firearm silencer, a switchblade knife, knuckles, armor-piercing ammunition, a chemical dispensing device, or a zip gun. (See glossary.)
- Behaving in a manner that contains elements of the following offenses under the Texas Penal Code:
  - Aggravated assault, sexual assault, or aggravated sexual assault.
  - Arson. (See glossary.)
  - Murder, capital murder, or criminal attempt to commit murder or capital murder.
  - Indecency with a child.
  - Aggravated kidnapping.
  - Aggravated robbery.
  - Manslaughter.
  - Criminally negligent homicide.
  - Continuous sexual abuse of a young child or children.
  - Behavior punishable as a felony that involves selling, giving, or delivering to another person, or possessing, using, or being under the influence of marijuana, a controlled substance, a dangerous drug, or alcohol; or committing a serious act or offense while under the influence of alcohol.
- Engaging in retaliation against a school employee or volunteer combined with one of the above-listed mandatory expulsion offenses, with the exception of a federal firearm offense, on or off school property or at a school-related activity.

Under Age Ten

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

Process

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

Until a hearing can be held, the principal may place the student in:

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

Hearing

A student facing expulsion will be given a hearing with appropriate due process. The Campus Principal will serve as the Hearing Officer although he or she has the discretion to designate another administrator who is an impartial party to serve as hearing officer in the event that the principal believes that he or she is not impartial. During the hearing, the student is entitled to:

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

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

The decision to appeal an expulsion order can be made by the parent/guardian or adult student by filing a written notice of appeal within three school days of the date of the Hearing Officer's decision. The appeal shall be filed with the District's Arbitrator. The Arbitrator will review the decision of the Hearing Officer and may alter the expulsion order subject to State and Federal Law.

Board Review of Expulsion

After the due process hearing and appeal decision, the expelled student may request that the board review the expulsion decision. In order to appeal, the student or parent must submit a written request to the Superintendent within seven days after receipt of the written decision by the District's Arbitrator. The Superintendent must provide the student or parent written notice of the date, time, and place of the meeting at which the Board of Trustees will review the decision.

The Board of Trustees will 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 of Trustees will 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. A copy of the Board's decision will be delivered to the student and the student's parent/guardian. Consequences will not be deferred pending the outcome of the hearing.

The decision of the Clint ISD Board of Trustees may be appealed to the State District Court of El Paso County.

Expulsion Order

After the due process hearing, if the student is expelled, the Campus Principal will deliver to the student and the student's parent/guardian a copy of the order expelling the student.

Not later than the second business day after the hearing, the Director of Student Services will deliver to the juvenile court a copy of the expulsion order and the information required by Section 52.04 of the Family Code.

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

Length of Expulsion

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

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

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

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

State and federal law require a student to be expelled from the regular classroom for a period of at least one calendar year for bringing a firearm, as defined by federal law, to school. However, the Superintendent or other appropriate administrator may modify the length of the expulsion on a case-by-case basis.
Students who commit offenses that require expulsion at the end of one school year may be expelled into the next school year to complete the term of expulsion.

Withdrawal during Process

If a student is expelled from Clint I.S.D. and enrolls in another school district, Clint I.S.D. will provide to the district in which the student enrolls, at the same time other records of the student are provided, a copy of the expulsion order and the referral to the authorized officer of the juvenile court.

When a student has violated the district's Code in a way that requires or permits expulsion from the district and the student withdraws from the district before the expulsion hearing takes place, the district may conduct the hearing after sending written notice to the parent and student.

If the student then reenrolls in the district during the same or subsequent school year, the district may enforce the expulsion order at that time, less any expulsion period that has been served by the student during enrollment in another district.

If the appropriate administrator or the Board of Trustees fails to issue an expulsion order after the student withdraws, the next district in which the student enrolls may complete the proceedings.

Additional Misconduct

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

Restrictions during Expulsion

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

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

Newly Enrolled Students

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

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

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

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

Emergency Expulsion Procedures

In an emergency, the Principal or the Principal's Designee **may** order the immediate expulsion of a student for any reason for which expulsion may be made on a nonemergency basis.

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

DAEP Placement of Expelled Students

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

Placement in the Juvenile Justice Alternative Education Program

Students who are expelled are referred for enrollment in the Juvenile Justice Alternative Program, the school for expelled students. The Juvenile Justice Alternative Education Program (JJAEP) was developed as a unique alternative for high-risk youth, their families, and their community. A collaborative endeavor between the El Paso County Juvenile Probation Department and Clint Independent School District and the other county school districts provide the optimum mix of services necessary to meet the needs of youth.

The JJAEP operates on a year-round calendar. The students participate in the program and their parents are directed by the juvenile court judge to support their efforts. A student enrolled in Clint I.S.D. shall attend the Juvenile Justice Alternative Education Program upon order of the Juvenile Court, Juvenile Board, or Juvenile Board's Designee and/or District's recommendations. For more information, contact the El Paso County Juvenile Probation Department at 849-2515.

A High School Equivalency program is available. Funds transferred from the district for the Juvenile Justice Alternative Education Programs shall be expended on Juvenile Justice Alternative Education Program.

No fees, including entrance or supply fees, will be charged by the JJAEP for participating in the program.

Glossary

The glossary provides legal definitions and locally established definitions and is intended to assist in understanding terms related to the Student Code of Conduct.

Abuse is improper or excessive use.

Aerosol paint (used for graffiti) is an aerosolized paint product.

Aggravated assault is an assault, which causes serious bodily injury to another; or an assault during which the person uses or exhibits a deadly weapon.

ARD: Admissions, Review, and Dismissal is a committee which serves to make decisions regarding the educational program of students who qualify for Special Education Services.

Armor-piercing ammunition is handgun ammunition used in pistols and revolvers and designed primarily for the purpose of penetrating metal or body armor.

Arson is:

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

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

BIP: Behavior Intervention Plan is a behavior plan developed for some students who receive Special Education services to meet their individual needs.

Behavior improvement program is an educational program offered by the District to meet the behavior needs of some eligible Special Education students.

Board policies are statements adopted by the CISD Board of Education that govern the District. The policies are based on laws and other official authority, such as the U.S. and Texas constitutions, federal statutes, the *Texas Education Code*, and other state laws, etc. A copy of the *Policies, Rules, and Regulations of the Clint Independent School District* is available at every school, in the Public Library, and on the CISD Home Page at **www.clint.net**

Bullying is engaging in written or verbal expression, expression through electronic means, or physical conduct that occurs on school property, at a school-sponsored or school-related activity, or in a vehicle operated by the district and that:

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

Conduct described constitutes bullying if it exploits an imbalance of power between the student perpetrator and the student victim through written or verbal expression or physical conduct and interferes with a student's education or substantially disrupts the operation of a school

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

Citation ("Ticket") is a notice of disorderly conduct, tobacco use or other legal violation that may be issued by law enforcement personnel when a student engages in certain conduct; this is an action separate from any school disciplinary action.

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

Controlled substance is a substance which is illegal to possess or be under the influence of, or to sell, give, or deliver to another person, without the legal authorization to do so. Controlled substances include, but are not limited to, cocaine, LSD, marijuana, Valium, Xanax. For more complete information refer to the *Texas Health & Safety Code.*

Corporal punishment is to deliberate infliction of physical pain by hitting, paddling, spanking, slapping, or any other physical force used as a means of discipline. The term does not include physical pain from reasonable physical activities associated with athletic training, competition or P.E. or the use of restraint authorized elsewhere in law.

Criminal mischief (vandalism) is an act without the effective consent of the owner, (a) intentionally or knowingly damaging or destroying the tangible property of the owner; (b) intentionally or knowingly tampering with the tangible property of the owner and causing pecuniary loss or substantial inconvenience to the owner or a third person; or (c) intentionally or knowingly making markings, including inscriptions, slogans, drawings, or paintings, on the tangible property of the owner. (See also GRAFFITI)

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

Dating violence is the intentional use of physical, sexual, verbal, or emotional abuse by a person to harm, threaten, intimidate, or control another person with whom the student has or has had a dating relationship, as defined by Section 71.0021 of the Family Code.

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

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

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

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

Disciplinary Alternative Education Program (DAEP) is an educational program provided by the School District for students who have engaged in serious misconduct, such as assault, drug-or alcohol-related offenses, public lewdness, glue or paint abuse, and unruly, disruptive or abusive classroom behavior. DAEPs are located off the regular campus so that students in DAEPs are separated from students in the regular program. The DAEP provides supervision and counseling and focuses on English language arts, mathematics, science, history, and self-discipline.

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

Disruptive activities (TEC 37.123):

(a) A person commits an offense if the person, alone or in concert with others, intentionally engages in disruptive activity on the campus or property of any private or public school.
(b) For the purposes of this section, disruptive activity is:
(1) Obstructing or restraining the passage of persons in an exit, entrance or hallway of a building without the authorization of the administration of the school:
(2) Seizing control of a building or portion of a building to interfere with an administrative, educational, research, or other authorized activity;
(3) preventing or attempting to prevent by force or violence or the threat of force or violence a lawful assembly authorized by the school administration so that a person attempting to participate in the assembly is unable to participate due to the use of force or violence or due to a reasonable fear that force or violence is likely to occur;
(4) Disrupting by force or violence or the threat of force or violence a lawful assembly in progress; or
(5) Obstructing or restraining the passage of a person at an exit or entrance to the campus or property or preventing or attempting to prevent by force or violence or by threats of force or violence the ingress or egress of a person to or from the property or campus without the authorization of the administration of the school.
(c) An offense under this section is a Class B misdemeanor.
(d) Any person who is convicted the third time of violating this section is ineligible to attend any institution of higher education receiving funds from the state before the second anniversary of the third conviction;
(e) This section may not be construed to infringe on any right of free speech or expression guaranteed by the constitution of the United States or this state.

Disruption of classes (TEC37.124-):

(a) A person commits an offense if the person, on school property or on public property within 500 feet of school property, alone or in concert with others, intentionally disrupts the conduct of classes or other school activities
(b) An offense under this section is a Class C misdemeanor
(c) In this section:
(1) "Disrupting the conduct of classes or other school activities" includes:
(A) Emitting noise of an intensity that prevents or hinders classroom instruction:
(B) Enticing or attempting to entice a student away from a class or other school activity that the student is required to attend;
(C) Preventing or attempting to prevent a student from attending a class or other school activity that the student is required to attend; and
(D) Entering a classroom without the consent of either the principal or the teacher and, through either acts of misconduct or the use of loud or profane language disrupting class activities.
(2) "Public property" includes a street, highway, alley, public park, or sidewalk.
(3) "School property" includes a public school campus or school grounds on which a public school is located and any grounds or buildings used by a school for an assembly or other school-sponsored activity.

District or School: Includes an independent school district, a home-rule school district, a campus or campus program charter holder, or an open-enrollment charter school.

Drug paraphernalia includes but not limited to mirrors, razor blades, pipes, rolling paper clips, apples, lighters, and any other equipment that is used to produce, conceal and consume illicit drugs.

Due process hearing is a hearing provided any student who is recommended for expulsion at which time the student and parent/guardian can present evidence and testimony in the student's defense. The Hearing Officer makes the decision regarding expulsion based upon the evidence presented at the hearing. [See Section III of the CISD Student Code of conduct in this handbook for complete details of the due process hearing.]

Earrings include but not limited to earrings, gauges or any other article that may be attached to ear.

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

Expulsion is an act of the District administration, which prohibits a student from attending school for a period in excess of three school days. Expulsions can be periods for as long as a semester or a school year. In serious cases, an expulsion can be longer than one school year.

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

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

Felony offense is an offense that is considered grave and that is designated as a felony by law or is punishable by death or confinement in a penitentiary; an offense more serious than a misdemeanor.

Firearm: Under Federal law, includes:

1. Any weapon (including a starter gun), which will or is designed to or which 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.
4. Any destructive device, such as any explosive, incendiary or poison gas bomb or grenade.

Firearm silencer means any device designed, made, or adapted to muffle the report of a firearm.

Gang is an organization composed, in whole or in part of students, which seeks to perpetuate itself by taking in additional members from the student population on the basis of the decision of the organization's membership as a whole, rather than on the free choice of the individual student.

Gang activities and secret societies are **s**tudents who participate in gang activities shall be subject to disciplinary action as outline in the Student Code of Conduct. In addition, a person who coerces, solicits, or induces gang membership may be charged

with a state jail felony or a third degree felony in accordance with state law. The following activities may be considered to be gang-related:

1. Wearing, possessing, using, distributing, displaying or selling any clothing, jewelry, emblems, badges, symbols, signs graffiti or other affiliation in any gang;
2. Committing any act or omission or using any speech, either verbal or non-verbal (gestures, handshakes, etc.), showing membership or affiliation in a gang;
3. Using any speech or committing any act or omission in furtherance of interest in any gang or gang activity, including, but not limited to:
   a. Coercing, inducing or soliciting others for membership in any gang;
   b. Requesting any person to pay for protection or otherwise intimidating or threatening any person;
   c. Inciting other students to act with physical violence upon any other person;
   d. Engaging in conduct with others in intimidating, fighting, assaulting, or threatening to assault others;
   e. Committing any other illegal acts or other violations of District policies.

Graffiti are markings with paint, an indelible pen or marker, or an etching or engraving device on tangible property without the effective consent of the owner. The markings may include inscriptions, slogans, drawings, or paintings. The offense of graffiti may fall into two categories:

1. A person commits an offense if, with aerosol paint or an indelible marker and without the effective consent of the owner, intentionally or knowingly makes markings, including inscriptions, slogans, drawings, or paintings, on the tangible property of the owner. If the marking is made on a school and pecuniary loss to real or tangible property results, the offense is a felony.

2. Graffiti that is made with items other than aerosol paint or an indelible marker may be categorized as criminal mischief and may be punishable as a felony or misdemeanor, depending upon the extent of the damage and/or other application of the law. (See also **Criminal mischief, vandalism**)

Harassment is:

1. Conduct that meets the definition established in district policies DIA(LOCAL) and FFH(LOCAL); or

2. Conduct that threatens to cause harm or bodily injury to another student, is sexually intimidating, causes physical damage to the property of another student, subjects another student to physical confinement or restraint, or maliciously and substantially harms another student's physical or emotional health or safety.

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

Hit list is a list of people targeted to be harmed, using a firearm, a knife, or any other object to be used with intent to cause bodily harm.

IEP: Individual Education Plan is developed for each student who receives Special Education services to meet the student's individual needs.

Incendiary devices include but not limited to fireworks, bottle rockets, party snaps, smoke bombs, etc.

Indelible marker (used for graffiti) is a device that makes a mark with a paint or ink product that is specifically formulated to be more difficult to erase, wash out, or remove than ordinary paint or ink products.

Inhalants (Abusable Glue or Aerosol Paint) is glue or aerosol paint that is (a) packaged in a container holding a pint or less by volume or less than two pounds by weight; and (b) labeled in accordance with the labeling requirements concerning precautions against inhalation established by *the Federal Hazardous Substances Act* (15 U.S.C § 1261, *et seq.*) and under regulations adopted under that Act.

In-School Suspension (ISS): is an alternative placement on the regular school campus for students officially removed from the regular classroom for disciplinary reasons. The school administration may place a student in ISS for a temporary period in accordance with the Student Code of Conduct.

Jurisdiction: The sphere of authority or control; the territorial range over which District authority extends.

Juvenile Justice Alternative Educational Program: An alternative school administered by the El Paso County Juvenile Justice Board that provides education services to students who are expelled.

Knives: Knives fall into three categories in relation to offenses in this Student Code of Conduct:

1. An Illegal Knife – Level IV Offense: (a) A knife with a blade over 5 ½ inches; (b) a hand instrument designed to cut or stab another by being thrown (includes Martial Arts throwing stars); (c) a dagger, including, but not limited to, a dirk, stiletto and poniard (regardless of the length of the blade); (d) a Bowie knife; (e) a sword; or (f) a spear.

2. A Prohibited Weapon – Level IV Offense: A switchblade knife, butterfly knife, or similar knife is classified as a prohibited weapon.
3. Other Knives: Possession of any other knife, with a blade length up to and including 5 ½ inches, is prohibited by the Student Code of Conduct.

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

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

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

Martial arts objects are various objects that may be used as weapons, such as shurikan (throwing stars), nunchakus ("nunchucks"), tonfa (wooden weapon), staff, baton (short stick), bolo (long cord with weights at each end). Many of these objects are within the definitions of illegal knives or prohibited weapons under the *Texas Penal Code* and their possession or use may constitute a Level III or IV offense.

Misdemeanor offense is an offense so designated by law or punishable by fine, by confinement in jail, or by both fine and confinement in jail; less serious than a felony.

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

Parent is the term used throughout this document, to refer to a parent, guardian or other person having lawful control under court order.

Persistent misbehavior is two or more violations of the Code in general or repeated occurrences of the same violation.

Possession means to have an item on one's person or in one's personal property, including but not limited to clothing, purse, or backpack; a private vehicle used for transportation to or from school or school-related activities, including but not limited to an automobile, truck, motorcycle, or bicycle; or any other school property used by the student, including but not limited to a locker or desk. Knowledge is not required for administrative purposes; any student who accepts possession of an illegal or prohibited item and who does not submit it immediately to a school official shall be considered to be in possession of the item and shall be subject to appropriate disciplinary action.

Privilege is permission or authorization to participate and/or hold membership in school-related or extra-curricular activities, including, but not limited to, the following: honor and scholarship clubs/societies and activities, or other school-related clubs/societies and activities; school assemblies, graduation exercises, school dances, Junior/Senior Proms, class or group trips (other than instructional field trips which are part of the curriculum); theater organizations, plays, presentations/performances, and talent shows; student body government, class organizations; and participation in field days, carnivals, or other school-related celebrations.

Prohibited weapon is a weapon including, but not limited to, an explosive weapon; a machine gun; a short-barrel firearm; a firearm silencer; a switchblade or butterfly knife; knuckles; armor piercing ammunition; a chemical dispensing device; or a zip gun.

Prohibition is a rule, law, order or decree that forbids something.

Public lewdness is knowingly engaging in certain acts of a sexual nature in a public place, or, if not in a public place, being reckless about whether another is present who will be offended or alarmed by such acts, including but not limited to, sexual intercourse and other acts of sexual contact. (See *Texas Penal Code §21.07* for the legal definition of "public lewdness")

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

Reasonable suspicion is an awareness of facts about a particular student or students, which reasonably suggests a violation of the Student Code of Conduct or other school policies or rules.

Restraint is the use of physical force or a mechanical device to significantly restrict the free movement of all or a portion of a student's body.

Retaliation is intentionally or knowingly harming or threatening another by an unlawful act in retaliation for or on account of the service of that person as a public servant (e.g. teacher), witness, informant, or one who has reported the occurrence of a crime

Sexual Harassment is unwanted or unwelcome verbal or physical conduct of a sexual nature directed toward another person, whether by word, gesture, or any other sexual conduct, including request for sexual favors. Sexual harassment of a student by an

employee includes any welcome or unwelcome sexual advances, requests for sexual favors, and other verbal, written, physical or visual conduct of a sexual nature. It can include, but is not limited to, such activities as engaging in sexually oriented conversations for the purpose of personal sexual gratification, telephoning a student at home or elsewhere to solicit inappropriate social relationships, physical contact that would reasonably be construed as sexual in nature, and enticing or threatening a student to engage in sexual behavior for grades or other benefit.

School Days are days the schools are in session according to the official District calendar adopted by the Board of Education.

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

Serious bodily injury is bodily injury that involves one or more of the following: a substantial risk of death; extreme physical pain; protracted and obvious disfigurement; or protracted loss or impairment of the function of a bodily member, organ or mental facility.

Serious offenses include but are not limited to:

- Murder.
- Vandalism.
- Robbery or theft.
- Extortion, coercion, or blackmail.
- Actions or demonstrations that substantially disrupt or materially interfere with school activities.
- Hazing.
- Insubordination.
- Profanity, vulgar language, or obscene gestures.
- Fighting, committing physical abuse, or threatening physical abuse.
- Possession or distribution of pornographic materials.
- Leaving school grounds without permission.
- Sexual harassment of a student or district employee.
- Possession of or conspiracy to possess any explosive or explosive device.
- Falsification of records, passes, or other school-related documents.
- Refusal to accept discipline assigned by the teacher or principal.

Sexting is using a cell phone or other personal communication device to send text or e-mail messages or possessing text or e-mail messages containing images reasonably interpreted as indecent or sexually suggestive while at school or at a school-related function. In addition to any disciplinary action, phones will be confiscated and students should be aware that any images suspected to violate criminal laws will be referred to law-enforcement authorities.

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

Suspension (out of school) is an act of the school administration taken as a disciplinary action which prohibits a student from attending school for one, two or three school days. The student is not allowed on the home campus or any other school campus or at any school-related activity during the period of suspension. If the student violates this prohibition, the student can be charged with illegal trespass, a Class C Misdemeanor.

Switchblade is any knife with a blade that folds, closes, or retracts into the handle or sheath and that opens automatically by pressing a button or by the force of gravity or centrifugal force. The term 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.

Terroristic threat is a threat of violence to any person or property with intent to:

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

The 8 Step Discipline Process provides teachers the opportunity to handle less serious behavior situations in their classroom. Continued misconduct by student will result in a more serious response and possible placement at D.A.E.P.

Threats may be a bomb threat and other threats may be classified as a "false alarm or report," which is a felony offense.

Time out is a behavior technique in which, to provide a student with an opportunity to regain self-control, the student is separated from other students for a limited period in a setting that is not locked and from which the exit is not physically blocked by furniture, a closed door held shut from the outside, or another inanimate object.

Title 5 offenses are those that involve injury to a person and include murder; kidnapping; assault; aggravated assault; sexual assault; aggravated sexual assault; unlawful restraint; indecency with a child; injury to a child, an elderly person, or a disabled person; abandoning or endangering a child; deadly conduct; terroristic threat; aiding a person to commit suicide; and tampering with a consumer product.

Trespassing is a person entering or remaining on property or in a building without effective consent and the person had notice that the entry was forbidden or received oral or written notice to depart but failed to do so.

Truancy is failure of a student to attend school or class when the student's absence has not been excused by the School District.

Vandalism is an act of destruction or damage to property. Parents or Guardians of students guilty of damaging school property shall be liable for damages in accordance with law, and may be subject to criminal penalties. (See also Criminal Mischief, Graffiti)

Volatile Chemicals are harmful chemicals such as chloroform, acetone, ketone, methanol, toluene, etc. (See *Texas Health and Safety Code* §484).

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

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

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