



Together  
*We Build Tomorrow!*

# Student Code of Conduct 2020-2021

DR. JUAN I. MARTINEZ  
Superintendent



## Student Code of Conduct

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### Public Notification of Nondiscrimination

It is the policy of the District not to discriminate on the basis of race, color, national origin, gender, religion, disability 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 Rene Chavez at 14521 Horizon Boulevard, El Paso, Texas, 79928, (915) 926-4061 and/or Section 504 Coordinator, Margarita Flores at 14521 Horizon Boulevard, El Paso, Texas, 79928, (915) 926-4041.

### ***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.

#### **Accessibility**

If you have difficulty accessing the information in this document because of disability, please contact: Margie Flores.

#### **Purpose**

The Student Code of Conduct is the district's response to the requirements of Chapter 37 of the Texas Education Code.

The principal or campus behavior coordinator has the responsibility for assessing and implementing the Discipline Management Plan on campus. The principal or campus behavior coordinator determines the seriousness of the student's offense. Parents shall be notified of any conduct violation that may result in a student being placed in SAC, suspended, placed in a DAEP, or expelled.

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

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

This Student Code of Conduct has been adopted by the 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. It remains in effect during the summer school and at all school-related activities outside of the school year until an updated version adopted by the Board of Trustees becomes effective for the next school year.

## Student Code of Conduct

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

Because the Student Code of Conduct is adopted by the District's Board of Trustees, it has the force of policy; therefore, in case of conflict between the Code and the Student Handbook, the Code 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 or a school-sponsored or school-related activity on district transportation;
2. During lunch periods in which a student is allowed to leave campus;
3. While the student is in attendance at any school-related activity, regardless of time or location;
4. For any school-related misconduct, regardless of time or location;
5. When retaliation against a school employee, board member, or volunteer occurs or is threatened, regardless of time or location;
6. When a student engages in cyberbullying, as provided by Education Code 37.0832;
7. When criminal mischief is committed on or off school property or at a school-related event;
8. For certain offenses committed within 300 feet of school property as measured from any point on the school's real property boundary line;
9. For certain offenses committed while on school property or while attending a school-sponsored or school-related activity of another district in Texas;
10. When the student commits a felony, as provided by Education Code 37.006, or 37.0081; and
11. When the student is required to register as a sex offender.

The district has the right to search a vehicle driven to school by a student and parked on school property 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, desk, backpack, or belongings when there is reasonable cause to believe it contains articles or materials prohibited by the district.

### **Campus Behavior Coordinator**

As required by law, a person at each campus must be designated to serve as the campus behavior coordinator. The designated person may be the principal of the campus or any other campus administrator selected by the principal. The campus behavior coordinator is primarily responsible for maintaining student discipline. The district shall post on its website and in the Student Handbook, for each campus, the email address and telephone number of the person serving as campus behavior coordinator. Contact information may be found at [www.clint.net](http://www.clint.net).

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

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

### **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.

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

### **Security Personnel**

To ensure sufficient security and protection of students, staff, and property, the Board of Trustees employs school resource officers (SROs), and/or security personnel. In accordance with law, the Board of Trustees has coordinated with the campus behavior coordinator and other district employees to ensure appropriate law enforcement duties are assigned to security staff.

Law enforcement school resource officers are placed on campuses to be a resource for campus administration in the areas of safety, support, and informational presentations for our students. Law enforcement officers, at appropriate times, may have to enforce adherence to laws, detain students, cite students, or arrest students. The law enforcement duties of district personnel are to help monitor students, support campus administration, and work with law enforcement officers (SRO's) to maintain the safety of our students at all times.

### **Searches**

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

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

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

### **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 K-9 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 the classroom, that locker, vehicle, or item may be searched by school officials.

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### **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 Student Code of Conduct. Administrators, teachers, and other professional personnel, to include School Resource Officers, 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 Student 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 purposes other than a child abuse investigation:

1. The Principal shall verify and record the identity of the officer or other authority & 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. The superintendent or designee 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 damage school property in or on any property, including parking lot, parking garage, or other parking areas, that is owned by a private or public school; or on a school vehicle 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 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.

### **'Parent' Defined**

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

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### Participating in Graduation Activities

The district has the right to limit a student's participation in graduation activities for violating the Student Code of Conduct. Participation might include a speaking role, as established by district policy and procedures.

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

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

See section on DAEP Restrictions during Placement for information regarding a student assigned to DAEP at the time of graduation.

### Unauthorized Persons

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

1. The person poses a substantial risk of harm to any person; or
2. The person behaves in a manner that is inappropriate for a school setting, and the person persists in the behavior after being given a verbal warning that the behavior is inappropriate and may result in refusal of entry or ejection.

Appeals regarding refusal of entry or ejection from district property may be filed in accordance with FNG (LOCAL) or GF (LOCAL), as appropriate.

### 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 & 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.

Students will be given an opportunity to correct their out of dress code status and the campus administrator will determine the consequence for those who are not in compliance with the "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 (10) days to comply with "Dress for Success."

The Board of Trustees has determined that the use of school uniforms will improve the learning environment 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

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operations. A campus handbook may list specific examples of appropriate and inappropriate clothing, hair, jewelry, or manner of dress within the scope of Student Code of Conduct.

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. 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

**All Students:** 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 (3) inches of excess fabric at mid-thigh and must be worn no more than 1" below belly button. Pants or jeans may be frayed if they do not draw undue attention, show any visible skin, or if the frayed portion is from the student's waist, to the thigh area. The frayed areas should be minimal and any student who has gaping holes due to the frayed areas will change. Students may wear undergarments under frayed pants, but must still meet the criteria above. 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, and/or articles to include, but not limited to, necklace, earrings, backpacks and purses, etc. that are determined by the administration as:
  - a. Lewd, offensive, vulgar, or obscene,
  - b. Displaying advertising depicting tobacco products, alcohol beverages, drugs, or other substances prohibited by district policy,
  - c. Evidence or membership of affiliation in any gang/crew. Since 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 by female and male high school students - only on the ear lobe and must not bring undue attention to the student. Male high school students' earrings must be of a "stud" type earring that is no larger than a pencil eraser and the earlobe must be visible. 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. Students may wear their hair in a "Manbun" that must be off the collar and may not draw undue attention. No rattails will be allowed.
5. Sideburns may be worn if they do not extend below the earlobe
6. Hairstyles, including but not limited to Mohawks or Mohawk styles, spiked hair longer than 1 ½ inches or any hairstyles that draw undue attention and extend more than 1 ½ inches from scalp will not be allowed. Hair colors/cuts/designs/hair extensions that distracts others in a manner that interferes with instructional activities are not allowed. (Natural hair colors: black, brown, blonde, natural red) Bangs no longer than to eyebrows for both boys and girls.
7. Overall pants and overall shorts are not allowed.
8. Jogging sweats or sweats are not allowed, but may be approved by the campus administrator for special events.
9. Belts of excess length are not allowed. Belt buckles with initials or that distracts others in a manner that interferes with instructional activities are not allowed.
10. Shower shoes, flip-flops, heelys and steel toe boots/shoes are not allowed.
11. No visible tattoos will be allowed.
12. 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 must be acquired.
13. Footwear shall be worn at all times.
14. Students will be allowed to wear their game day uniform to include sweat suits on the designated day established by the campus and approved by the campus administration.

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**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. Chains that hang outside the pant pocket or from the wallet shall not be allowed.
3. Male students shall not wear facial hair.
4. Students will not be allowed to wear skinny jeans. Male students will not wear caps or hats inside the building.

**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. Tight pants for female students (to include but not limited to “skinny jeans” and/or “jeggings”) are not allowed. A pant is considered tight when unable to pull 1” from the thigh without pinching the skin.

**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; therefore, 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, heelys 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 campus principal.
7. 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.
8. Hoodies, that are the pull over style, may not be worn inside the building for all middle school students.

**Junior High/Middle School Dress Code:** The following guidelines apply to Junior High/Middle School students.

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. Male students shall not be allowed to wear their hair in rattail style.

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**High School (Grades 9-12):** The following guidelines apply to high school students only.

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. Students may wear shorts year-round. 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. Shower shoes, flip-flops, heelys and steel toe boots/shoes are not allowed.
4. Appropriate maternity attire must be worn at the discretion of administration.
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 must wear gender appropriate attire and accessories.
8. Students must “Dress for Success” at graduation. All students should make the effort to dress for the occasion. Male students must have no facial hair, may not wear any piercings, and should have tattoos covered for the event. Female students must have appropriate attire, no piercings except those on the earlobes as listed above, and should have hair color that is a natural color as listed above. Any student who does not “Dress for Success” at graduation will not be allowed to participate in the ceremony.

### **Dress Code Violations**

If the administrator determines that a student’s grooming or clothing violates the dress code, the student shall be given an opportunity to correct the problem at school. If not corrected, the student shall be subject to other appropriate discipline consequences as determined by the administrator for the remainder of the day or until the problem is corrected. Repeat dress code violations may result in more serious disciplinary action. Habitual dress code offender may be assigned a uniform at the discretion of the administration. Appropriate discipline procedures shall be followed in all cases. See policy FNCA (LOCAL).

### ***GENERAL CONDUCT VIOLATIONS***

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

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.

## Student Code of Conduct

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### 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 offense. Persistent misbehavior may be punishable by more serious disciplinary consequences including any of the disciplinary techniques listed under serious offenses of this Student Code of Conduct. Parents/guardians shall be provided documentation of the discipline referral.

1. Cheating or copying work of another student.
2. Repeatedly violate other communicated campus or classroom standards of conduct.
3. Violating any safety rules.
4. Engaging in public display of affection (including, but not limited to, kissing and/or necking).
5. Tardies (3 or more).
6. Violating dress and grooming code standards as communicated in the Clint ISD Student Handbook and Student Code of Conduct.
7. Loitering or trespassing on school grounds. Students should be on campus for an educational related purpose, such as tutorials or extracurricular activities. Students who are waiting for a ride home shall not be considered to be loitering.
8. Any articles not generally considered to be weapons, including school supplies (i.e. pencils, pens, scissors) or any item in a manner that threatens to inflict or actually inflicts bodily harm to another person when the principal or designee determines that a danger exists.
9. Engaging in conduct that constitutes a disruption of classes or lawful assemblies, activities, or transportation.
10. Defacing/damaging school property including textbooks, technology, and electronic resources, lockers, furniture and other equipment with graffiti or by other means.
11. Possessing or using skateboards, inline skates, heelys or similar items.
12. Engaging in any other conduct that disrupts the school environment or educational process but that the principal/designee determines a minor offense.
13. Running, pushing, shoving, littering, throwing objects (which are not part of supervised activity) or cutting in line.
14. Eating, drinking, gum chewing in unauthorized areas.
15. Failing to comply with directives given by school personnel (insubordination), and the following: completing assignments, having needed materials, and/or return school forms.
16. Making false statements.

### Level I: Disciplinary Options

These options at this level are not assigned in any particular order. The 8 Step Process will be used to document the options but are not limited to:

1. Verbal reprimand/warning
2. Student/teacher conference
3. Time-out in classroom
4. Withdrawal of privileges
5. Changing seat assignments
6. Telephone call or note to parent/guardian
7. Parent/teacher conference
8. Detention
9. Campus assigned and campus based community service assignment
10. Behavioral management plan/contract, stay/away contract
11. Confiscation of disruptive items
12. Out of school suspension

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13. In-school suspension
14. Friday or 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 a Level I-Minor Offenses.

Thus, in most cases, the offenses listed in this section will warrant great consequences than listed in the Level I-Minor Offenses. Students who commit serious offenses will be assessed discipline penalties commensurate with the offense. (Example: Serious offenses should warrant greater number of days spent in In-School Suspension than minor offenses.) 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 offenses in question will be elevated to a Level III or IV offense. The campus administrator may consider DAEP placement or expulsion as deemed appropriated. The following offenses are prohibited at school or school related activities and may be punishable by any of the disciplinary options listed below. Parent/guardian shall be provided documentation of discipline referral.

1. Engaging in verbal abuse (i.e. name-calling, using profanity, vulgar or obscene language & gestures, making racial or ethnic slurs, derogatory statements or statements which are abusive or confrontational).
2. Fighting or scuffle. (For assault, see DAEP Placement and Expulsion.)
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 rules set forth in the Student Code of Conduct pertaining to computers and the internet.
7. Possessing, smoking or using tobacco products; cigarettes; e-cigarettes; and any component, part, or accessory for an e-cigarette device to also include hookah pens.
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. Engage in any conduct that school officials might reasonably believe will substantially disrupt the school environment/program, educational process or incite violence.
10. Repeated minor violations of classroom/school rules/dress code.
11. Disobey rules for conduct on district vehicles, buses.
12. Truancy/persistent tardies/unexcused absences. (No more than 5 parental/guardian notes allowed for habitual offenders).
13. Display, turn on, or use of telecommunication devices on school property during regular school day such as: cellular phones, pagers, beepers, stereo headsets, cassette players, CD players, Play Station Players, MP3s, I-Pods, cameras or any other electronic device. Article will be confiscated from student and will be returned to parent/guardian ONLY. The district will not allocate staff resources to recover lost, stolen or broken electronic devices (prohibited devices). Use of certain electronic devices will be permitted such as I-Pads, chrome books, and tablets for academic purposes during the instructional day. Parents/guardians and students assume 100% risk.
14. Damage or vandalize property owned by others. (For felony criminal mischief, see DAEP Placement or Expulsion.)
15. Gambling
16. Leaving school grounds or school sponsored events without permission.
17. Trespassing or vandalizing school property.
18. Engaging in any other comparable offense that disrupts the school environment or education process that requires administrative action.
19. Engage in bullying, cyberbullying, harassment, and making/making hit lists. (See glossary for all four terms.)

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20. Razorblades/sharp instruments/bladed objects, box cutter, chain or any other object used in a way that threatens or inflicts bodily injury to another student are prohibited.
21. Pepper spray or mace of any capacity is prohibited.
22. Possession of permanent marker.
23. Being insubordinate.
24. Leaving class during instructional time without permission.
25. In possession of a lighting device, cigarette lighter and/or matches.
26. In possession of incendiary devices to include fireworks of any kind, smoke or stink bombs or any other pyrotechnic device.
27. Gang activity (first offense).
28. Membership and/or pledged membership, involvement or solicitation for membership in a school fraternity, sorority, secret society, or gang as defined in Texas Education Code 37.121 (first offense).
29. Engage in conduct that constitutes dating violence. (See glossary.)
30. Engage in verbal (oral or written) exchanges that threaten the safety of another student, a school employee, or school property.
31. Makes false accusations or perpetuates hoaxes regarding school safety.
32. Throw objects that can cause bodily injury or property damage.
33. Discharge a fire extinguisher without valid cause.
34. Abuse over the counter drugs. (See glossary for “abuse.”) Be under the influence or over the counter drugs that cause impairment of the physical or mental faculties. (See glossary for “under the influence.”)
35. Have or take prescription drugs or over the counter drugs at school other than as provided by district policy.
36. Engages in inappropriate verbal, physical or sexual conduct directed toward another person, including district student, employee or volunteer.
37. Record the voice or image of another without prior consent of the individuals being recorded or in any way that disrupts the educational environment or invades the privacy of others.
38. Steal from students, staff or the school.
39. Violate policies, rules or agreements signed by the student or the student’s parent/guardian regarding the use of technology resources.
40. Use of the internet or other electronic communications to threaten or harass district students, employees, board members, or volunteers, including off school property, if the conduct causes a substantial disruption to the education environment or infringes on the rights of another student at school.
41. Send, post, deliver, or possess electronic messages that are abusive, obscene, sexually oriented, threatening, harassing, damaging to another’s reputation, or illegal, including cyberbullying and “sexting,” either on or off property, if the conduct causes a substantial disruption to the educational environment or infringes on the rights of another student at school.
42. Use the Internet or other electronic communication to engage in or encourage illegal behavior or threatens school safety, including off school property if the conduct causes a substantial disruption to the educational environment or infringes on the rights of another student at school.
43. Plagiarism
44. Failure to turn in electronic devices during local and state testing.

### **Level II: Disciplinary Options**

These options at this level are not assigned in any particular order. The 8 Step Process will be used to document the options but are not limited to:

1. Administrative conference with student
2. Restitution for damage
3. Parent conference
4. Telephone call or note to parent/guardian

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5. Loss of privileges
6. Detention
7. Confiscation of electronic devices. A \$15.00 return fee will be administered for a confiscated device.
8. Reassignment of classes or campus
9. In-School Suspension (ISS/SAC)
10. Loss of bus privileges
11. Special assignments, campus assigned and campus based 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 Student Code of Conduct
14. Friday or Saturday school
15. Out of School Suspension
16. Assignment of duties other than class tasks
17. Withdrawal of extracurricular or honorary privileges
18. Filing with the court for attendance violations

### **Bus Behavior**

Students are to follow these general rules when they are on school buses or other public transportation which may transport 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 the bus driver and all other students on the bus. Students will 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. Students cannot 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. Students are not to block the aisle of the school bus with any of their belongings. Large instrument cases are not allowed in the bus for safety reasons.
9. Keep the bus clean, do not deface or vandalize the bus and/or its equipment.
10. Maintain safety near windows. Students cannot extend head, hand, arm or leg out of the window nor hold any object out of the window.
11. Do not throw any object(s) inside or out of the bus.
12. Comply with all other behavior expectations in the Student Code of Conduct and Campus Handbook.
13. Students must be at their scheduled/designated bus stop 5 to 10 minutes prior to pick up time.
14. Students must board and get off at their scheduled/designated bus stop.
15. Students must ride on their assigned bus. Students will not be allowed to ride a different bus with a friend or relative.

### **Removal from the School Bus**

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

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Since the district's primary responsibility in transporting students in district vehicles is to do so as safely as possible, the operator of the vehicle must focus on driving and not have his or her attention distracted by a student's misbehavior. Therefore, when appropriate disciplinary management techniques fail to improve student behavior or when specific misconduct warrants immediate removal, the principal or the campus behavior coordinator may restrict or revoke a student's transportation privileges, in accordance with law.

Bus Transportation: 14585 Darrington, 926-4900

### **Mistreatment of Others**

Clint ISD prohibits conduct that consists of bullying or harassment. In addition to the penalties and consequences set forth in the Student Code of Conduct, pursuant to State Law, on the request of a person or other person with authority to act on behalf of a student who is a victim of bullying, the Board of Trustees or the Board's Designee may transfer a student who engaged in bullying to: ***(1) another classroom at the campus to which the victim was assigned at the time of the bullying occurred; (2) 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. A review of interventions, administrative remedies as well as their outcome will be taken into consideration before a transfer is made under this provision. Past student behavior may be considered when identifying the 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. Additional responsibilities or campus restrictions may be imposed upon a student who has engaged in bullying behavior or who is transferred to another campus due to bullying behavior.

Bullying occurs when a student or group of students engages in written or verbal expression, expression through electronic means or physical conduct that occurs on school property, at a school-sponsored or school-related activity or in a vehicle operated by the district and 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.***

This conduct is considered bullying if it: ***(1) exploits an imbalance of power between the student perpetrator and the student victim through written or verbal expression or physical conduct; and (2) interferes with a student's education or substantially disrupts the operation of a school.***

Bullying includes, but not limited to, hazing, threats, taunting, teasing, confinement, assault, demands for money, destruction of property, and theft of valued possessions, name calling, rumor spreading and ostracism. The District prohibits retaliation by a student or District employee against any person who in good faith makes a report of bullying, serves as a witness or participates in an investigation. Examples of retaliation may include threats, rumor spreading, ostracism, and assault, destruction of property, unjustified punishments or unwarranted grade reductions. Unlawful retaliation does not include petty slights or annoyances.

A student who intentionally makes a false claim, offers false statements or refuses to cooperate with a District investigation regarding bullying shall be subject to appropriate disciplinary action.

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 the Student Code of Conduct.

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Cyber-bullying is defined as abusive behavior including, but limited to, tormenting, threatening, taunting, stalking, intimidating, harassing, humiliating, and/or coercing by one or more individuals against other students or employees using Internet websites (i.e. My Space, personal websites, etc.) and/or any other communication technologies (i.e. e-mail, mobile phones, text messaging, instant messaging, etc.) which materially and substantially disrupts the educational process and/or endangers the general health, safety & welfare of District students and/or employees or which contains the elements of “online harassment” or “use of computer for unauthorized purpose” regardless of where the communication originates.

**David’s Law or Senate Bill 179** makes it a Class A misdemeanor when someone harasses a student 18 or younger through text message, social media, websites or other electronic means. David’s Law will empower schools, parents and law enforcement to tackle cyberbullying.

Clint ISD ensures that district employees will enforce all prohibitions against bullying, harassment, and making hit lists. Additionally, options for managing students in the classroom and on school grounds, disciplining students, and preventing & intervening in student discipline problems, including bullying, harassment, and making hit lists are included in the Clint ISD Employee Handbook. Federal and state laws regarding the discipline of students who are enrolled in a special education program apply. See glossary to view the definition for “Hit List.”

### Possession of Telecommunications or Other Electronic Devices

**Telecommunication devices:** District prohibits the display, turning on or use of telecommunications devices (see page 8, #13 for a list of electronic devices) at school during normal school hours of the school day. **Use of certain electronic devices will be permitted for academic purposes during the instructional day.**

**Noncompliance may result in suspension of access or termination of privileges and other disciplinary action consistent with District policies. See policies DH, FN series, FO series, and the Student Code of Conduct.** 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 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 the 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. The district will not be held financially responsible for any stolen items.

### Discipline Management Techniques

Discipline shall be designed to improve conduct and to encourage students to adhere to their responsibilities as members of the school community. Disciplinary action shall draw on the professional judgment of teachers and administrators and on a range of discipline management techniques, including restorative discipline practices. Discipline shall be based on the seriousness of the offense (Level 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. **Campuses will use the 8 Step Discipline Process to document interventions and techniques.**

### Techniques

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

- Verbal correction, oral or written.
- Cooling- off time or a brief “time-out” period, in accordance with law.

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- Seating changes within the classroom or vehicles owned or operated by the district.
- Temporary confiscation of items that disrupt the educational process.
- Rewards or demerits.
- Behavioral contracts.
- Counseling by teachers, school counselors or administrative personnel.
- Parent-teacher conferences.
- Behavior coaching.
- Anger management classes.
- Mediation (victim-offender).
- Classroom circles.
- Family group conferencing.
- Grade reductions for cheating, plagiarism and as otherwise permitted by policy.
- Detention, including outside regular school hours.
- Sending the student to the office or other assigned areas 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.
- Revocation or restriction of district transportation privileges.
- School-assessed and school-administered probation.
- Out-of-school suspension, as specified in the Out-of-School Suspension section of this Code.
- DAEP placement, 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.
- Citation as determined by law official.
- File complaint with court.

### **Prohibited Aversive Techniques**

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

- Using techniques designed or likely to cause physical pain, other than corporal punishment as permitted by district policy. (See policy FO (LOCAL)).
- Using techniques designed or likely to cause physical pain by electric shock or any procedure involving pressure points or joint locks.
- Directed release of noxious, toxic, or unpleasant spray, mist, or substance nears a student's face.
- Denying adequate sleep, air, food, water, shelter, bedding, physical comfort, supervision, or access to a restroom facility.
- Ridiculing or demeaning a student in a manner that adversely affects or endangers the learning or mental health of the student or constitutes verbal abuse.
- Employing a device, material, or object that immobilizes all four of a student's extremities, including prone or supine floor restraint.

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- Impairing the student's breathing, including applying pressure to the student's torso or neck or placing something in, on, or over the student's mouth or nose or covering the student's face.
- Restricting the student's circulation.
- Securing the student to a stationary object while the student is standing or sitting.
- Inhibiting, reducing, or hindering the student's ability to communicate.
- Using chemical restraints.
- Using time-out in a manner that prevents the student from being able to be involved in and progress appropriately in the required curriculum or any applicable individualized education program (IEP) goals, including isolating the student by the use of physical barriers.
- Depriving the student of one or more of the student's senses, unless the technique does not cause the student discomfort or complies with the student's IEP or behavior intervention plan (BIP).

**Detention:** For violations of the Student Code of Conduct or other policies & 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 them of the reason for the detention and permit arrangements for the transportation of the student. Except in the case of an 18 year old student or older living apart from parents & 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 the restraint is necessary in order to:

1. Protect a person, including the person using the physical restraint from physical injury.
2. Obtain possession of a weapon or other dangerous object.
3. Remove a student refusing a lawful command of a school employee from a specific location, including a classroom or other school property, in order to restore order or to impose disciplinary measures.
4. Protect property from serious damage.
5. Control an irrational student.

A District employee may restrain a student with a disability who receives special education services only in accordance with law. [See FOF (LEGAL)]

### Notification

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

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

### **Students with Disabilities**

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

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

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

### **Appeals**

Parental questions or complaints regarding disciplinary measures should be addressed to the teacher or campus administration, or campus behavior coordinator as appropriate. Appeals or complaints regarding the use of specific discipline management techniques should be addressed in accordance with policy FNG (LOCAL). A copy of the policy may be obtained from the principal's office, the campus behavior coordinator's office or the Central Administrative Offices or through Policy-On-Line at the following address: [www.clintweb.net](http://www.clintweb.net)

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

#### **Routine Referral**

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

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### Formal Removal

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

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

(\*) The 8 Step Discipline Process shall be used by the classroom teacher to document the procedure for formal student removal. For classroom misbehavior, intervention should be immediate and consistent and should be handled by the teacher.

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

At the conference, the campus behavior coordinator or appropriate administrator shall inform the student of the alleged misconduct and the proposed consequences. The student shall have an opportunity to respond to the allegations.

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

- Another appropriate classroom.
- In-school suspension (ISS/SAC).
- Out-of-school suspension.
- DAEP.

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

### Returning 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. The teacher may not be forced to consent.

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

### ***OUT-OF-SCHOOL SUSPENSION***

#### **Misconduct**

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

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

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

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

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

Students may be suspended for a period not to exceed three school days (**full or partial**) for engaging in any minor or serious offenses as described and set forth in the Student Code of Conduct. Additionally students may be suspended (**not to exceed 3 days**) pending DAEP placement or expulsion.

#### **Process**

State law allows a student to be suspended for **no more than three school days (full or partial)** 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 campus behavior coordinator or appropriate administrator, who shall advise the student of the alleged misconduct. The student shall have the opportunity to respond to the allegation before the administrator makes a decision.

The number of days of a student's suspension shall be determined by the campus behavior administrator but shall not exceed three school days. In deciding whether to order out-of-school suspension, the campus behavior coordinator shall take into consideration:

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

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

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### Coursework During Suspension

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

A student removed from the regular classroom to in-school suspension or another setting, other than a DAEP, will have an opportunity to complete before the beginning of the next school year each course the student was enrolled in at the time of removal from the regular classroom. The district may provide the opportunity by any method available, including a correspondence course, another distant learning option, or summer school. The district will not charge the student for any method of completion provided by the district.

### Notice to Parents

A student's parent shall be notified by telephone or in writing within three school days 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 will face additional disciplinary consequences or warrant law enforcement intervention.

### ***DISCIPLINARY ALTERNATIVE EDUCATION PROGRAM***

The DAEP shall be provided in a setting other than the student's regular classroom. An elementary school student may not be placed in a DAEP with a student who is not an elementary student.

For purposes of DAEP, elementary classification shall be kindergarten-5th and secondary classification shall be 6th – 12th. ***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.

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

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

## ***MISCONDUCT RESULTING IN A DISCRETIONARY DAEP PLACEMENT***

A student may be placed in a DAEP for behaviors prohibited in the General Violations sections of the Student Code of Conduct. **The 8 Step Discipline Process will be used to document the options and interventions for a discretionary placement.**

### **Level III: Offenses for Discretionary 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 which includes 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 which includes 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 \$1499.99)
6. Engages in unruly, disruptive, disrespectful or abusive conduct at any location on campus (e.g. cafeteria, auditorium, parking lots or in front of or behind campus) or at school related event that substantially interferes with the orderly operation of the campus or school-related event.
7. Repeated or combined Level I, II, III offenses.
8. Possess, display or distribute published or electronic materials not approved by school officials which are designed to promote or encourage illegal behavior or that could threaten school safety.
9. Forgery or falsifying records, passes or school-related documents.
10. Insubordination (failing to comply with the lawful directions of school personnel).
11. Any involvement in or association with a fight.
12. Commit or assist in a robbery or theft even if it does not constitute a felony according to the Penal Code. (For information on felony robbery, aggravated robbery and theft, please see section on DAEP Placement and Expulsion.)
13. Intentionally engaging in disruptive activities on a campus, school property or at a school sponsored activity.
14. Disruption of lawful transportation of students to or from school or school sponsored activities.
15. Engage in conduct that constitutes sexual or gender based harassment or sexual abuse whether by word, gesture, or any other conduct directed toward another person including a district student, employee, board member, or volunteer.
16. Cause an individual to act through the use of or threat of force (coercion).
17. Commit extortion or blackmail (obtaining money or an object of value from an unwilling person).
18. Participate in hazing. (See glossary.)
19. Engages in actions or demonstrations that substantially disrupt or materially interfere with school activities.
20. Violate policies, rules, or agreements signed by the student or the student's parent regarding the use of technology resources.
21. Uses, exhibits or possesses a knife less than 5 ½ inch blade, pocketknife or any other small knife.
22. Possession of ammunition.
23. Possession of "look-alike" weapon that is intended to be used as a weapon or could reasonably be perceived as weapon, air gun, BB gun, or stun gun, pellet gun.

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24. Involvement in a public school fraternity, sorority or secret society which includes participation 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.)
25. Criminal mischief, not punishable as a felony.
26. Possess, use give or sell paraphernalia related to any prohibited substance. (See glossary for paraphernalia.)
27. Assault (no bodily injury) with threat or imminent bodily injury.
28. Assault by offensive or provocative physical contact.
29. Threaten a district student, employee or volunteer including off school property if the conduct causes a substantial disruption to the educational process.
30. Possess, use, abuse, or sell look-alike drugs or attempt to pass items off as drugs or contraband.
31. Possess, use, give, or sell alcohol or an illegal drug. (Also see DAEP Placement and Expulsion for mandatory and permissive consequences under state law.)
32. Possess or sell seeds or pieces of marijuana in less than a usable amount.
33. Attempt to access or circumvent passwords or other security-related information of the district, students or employees or upload or create computer viruses including off school property if the conduct causes a substantial disruption to the educational environment.
34. Attempt to alter, destroy or disable district technology resources including but not limited to computers and related equipment, district data, the data of others, or other networks connected to the district's system, including off school property if the conduct causes a substantial disruption to the educational environment.
35. Abuse the student's own prescription drug, give a prescription to another student or possess or be under the influence of another person's prescription drug on school property or at a school-related event. (See glossary for "abuse.")
36. Releasing or threatening to release intimate visual material of a minor or a student who is 18 years of age or older without the student's consent.
37. Engaging in bullying that encourages a student to commit or attempt suicide.
38. Inciting violence against a student through group bullying.
39. Involvement in criminal street gang activity.
40. A club.
41. A hand instrument designed to cut or stab another by being thrown.
42. A location restricted knife.

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

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

### ***LENGTH OF DISCRETIONARY PLACEMENT***

**Discretionary Placements:** The duration of a student's placement in DAEP shall be determined by the campus behavior coordinator. The duration of a student's placement shall be determined on a case-by-case basis. DAEP placement shall be correlated to the seriousness of the offense, student's age, and grade level, the frequency of misconduct, the student's attitude, and statutory requirements.

Students are assigned for a maximum of 9 consecutive school weeks (45 school days). After each three and six weeks grading period, student will be evaluated for any early exit.

Students will be considered for an early exit based on the following: passing grades, zero referrals, and 90% attendance while at DAEP. If the student meets the early exit criteria, student's placement may be reduced. Student will be returned to the home campus at the end of the next three, six or nine weeks grading period.

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Student returning to DAEP for additional offenses committed within the same school year are not eligible to be considered for an early exit.

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

### **General Guidelines: Assessing Disciplinary Penalties and Length of Term/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 & 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:
  - 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 DAEP or expulsion.
  - k. A student's disciplinary history should be considered as a factor in making 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.

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 DAEP.

Parent/guardian, student, home campus administrator, and designated DAEP personnel will address attendance, academics, and discipline during the review hearing. If student does not successfully complete the DAEP assignment, student's placement will continue. Student will be evaluated at the end of every 3, 6 week grading period after the initial 9 week (maximum) discretionary placement.

## ***MISCONDUCT REQUIRING A MANDATORY DAEP PLACEMENT***

**Level III: Offenses for Mandatory Placement** A student **must** be placed in a DAEP if the student:

1. Engages in conduct relating to a false alarm or report (including a bomb threat) or a terroristic threat involving a public school. (See glossary.)
2. 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. A student with a valid prescription for low – THC cannabis as authorized by Chapter 487 of the Health and Safety Code does not violate this provision. Vape containing THS oil. (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 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 conduct that contains the elements of an offense of harassment against an employee under Penal Code 42.07(a)(1), (2), (3), or (7).
3. Engages in expellable conduct and is between six and nine years of age.
4. Commits a federal firearms violation and is younger than six years of age.
5. 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 the SCOC.)
6. Engages in conduct punishable as aggravated robbery or a felony listed under Title 5 (see glossary) of the Texas Penal Code when the conduct occurs off school property and not at a school sponsored or school related event and:
  - The student receives deferred prosecution (see glossary).
  - A court or jury finds that the student has engaged in delinquent conduct (see glossary), or
  - The superintendent or designee has a reasonable belief (see glossary) that the student engaged in the conduct;

## ***LENGTH OF MANDATORY PLACEMENTS***

**Mandatory placements:** A student's placement in a DAEP shall be determined by the campus behavior coordinator. The duration of a student's placement will be determined on a case by case basis. DAEP placement will be correlated to the seriousness of the offense, the student's age and grade level, the frequency of the misconduct, the student's attitude, and statutory requirements. A student requiring a mandatory DAEP placement will be assigned a minimum of 18 consecutive school weeks (90 school days). In order to allow the student to complete assignments and receive grades, the student will be dismissed at the end of the grading period.

Students will be considered for an early exit based on the following criteria: passing grades, zero discipline referrals and 90% attendance while at DAEP. If the student meets the early exit criteria, student's placement will be reduced to 45 school days and released at the end of the grading period.

Students returning to DAEP for additional offenses committed within the same school year are not eligible to be considered for an early exit. The maximum period of DAEP placement shall be one calendar year except as provided below.

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

### **Exceeds One Year**

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

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

### **Exceeds School Year**

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

For placement in a DAEP to extend beyond the end of the school year, the campus behavior coordinator or the Board of Trustee's designee must determine that:

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

### **Exceeds 60 days**

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

### **Appeals**

Questions from parents regarding disciplinary measures should be addressed to the campus administration. Student or parent appeals regarding a student's placement in a DAEP should be addressed in accordance with FNG (LOCAL).

A copy of this policy may be obtained from the principal's office, the campus behavior coordinator's office, or the Central Administration Office or through policy on line at the following address: [www.clintweb.net](http://www.clintweb.net)

Appeals shall begin at Level I with the lowest level administrator who has the authority to remedy the alleged problem.

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.

### **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 of Trustees transfer the offending student to another campus, the offending student shall be transferred to another campus in the district. If there is no other campus in the district serving the grade level of the offending student, the offending student shall be transferred to DAEP.

### **Process**

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

### **Conference**

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

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

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

### **Consideration of Mitigating Factors**

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

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, or
4. A disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct.
5. A student's status in the conservatorship of the Department of Family and Protective Services (foster care), or
6. A student's status as homeless.

### **Placement Order**

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

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

## Student Code of Conduct

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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.

### **Coursework Notice**

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

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

### **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 shall not be provided transportation unless he or she is a student with a disability who has transportation designated as a related service in the student's IEP or Section 504 plan.

**For seniors who are eligible to graduate and are assigned to a DAEP at the time of graduation, the last day of placement in the program shall be the last instructional day, and participation in graduation ceremony and related graduation activities will be determined by the superintendent on a case by case basis.**

### **Placement Review**

A student placed in a Disciplinary Alternative Education Program shall be provided a review of his or her status, including academic status by the campus behavior coordinator or the Board of Trustee's Designee at intervals not to exceed 120 days. In the case of a high school student, the student's progress toward graduation and the student's graduation plan shall also be reviewed. At the review, the student, parent or guardian shall be given an opportunity to present arguments for the student's return to the regular classroom or campus. The student may not be returned to the classroom of a teacher who removed the student without that teacher's consent.

### **Additional Misconduct**

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

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### **Notice of Criminal Proceedings**

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

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

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

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

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

The board will make a record of the proceedings.

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

### **Withdrawal during Process**

When a student violates the Student Code of Conduct in a way that requires or permits the student to be placed in a DAEP and the student withdraws from the district before a placement order is completed, the campus behavior coordinator may complete the proceedings and issue a placement order. If the student then 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 campus behavior coordinator or the Board fails to issue a placement order after the student withdraws, the next district in which the student enrolls may complete the proceedings and issue a placement order.

### **Newly Enrolled Students**

The district 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 shall be placed as any other newly enrolled student if the behavior committed is a reason for DAEP placement in the receiving district.

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

## **Emergency Placement Procedure**

When an emergency placement is necessary because the student's behavior is so unruly, disruptive, or abusive that it seriously interferes with classroom or school operations, the student shall be given an oral notice of the reason for the action. Not later than the tenth day after the date of the placement, the student shall be given the appropriate conference required for assignment to a DAEP.

## **Transition Services**

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

## ***PLACEMENT AND/OR EXPULSION FOR CERTAIN SERIOUS OFFENSES***

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

### **Registered Sex Offenders**

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

If the student is under any form of court supervision, including probation, community supervision, or parole, the placement 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 shall recommend whether the student should return to the regular classroom or remain in the placement. Absent a special finding, the board or its designee must follow the committee's recommendation.

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

### **Newly Enrolled Student**

If a student enrolls in the district during a mandatory placement as a registered sex offender, the district may count any time 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 of Trustees or its designee under this section is final and may not be appealed.

### **Certain Felonies**

Regardless of whether placement or expulsion is required or permitted by one of the reasons in the DAEP Placement or Expulsion sections, in accordance with Education Code 37.0081, a student **may** be expelled and placed in either DAEP or JJAEP if the Board of Trustees or campus behavior coordinator makes certain findings and the following circumstances exist in relation to aggravated robbery or a felony offense under Title 5 (see glossary) of the Texas Penal Code. The student must:

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

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

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

### **Hearing and Required Findings**

The student must first have a hearing before the Board of Trustees, or its designee, who must determine that in addition to the circumstances above that allow for the expulsion, the student's presence in the regular classroom:

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

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

### **Length of Placement**

The student is subject to the placement until:

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

### **Placement Review**

A student placed in a DAEP or JJAEP under these circumstances is entitled to a review of his or her status, including academic status, by the campus behavior coordinator or board's designee at intervals not to exceed 120 days. In the case of a high school student, the student's progress toward graduation and the student's graduation plan shall also be reviewed. At the review, the student or the student's parent shall have the opportunity to present arguments for the student's return to the regular classroom or campus.

### **Newly Enrolled Students**

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

### ***EXPULSION***

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

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, or
4. A disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct.
5. A student's status in the conservatorship of the Department of Family and Protective Services (foster care), or
6. A student's status as homeless.

### ***DISCRETIONARY EXPULSION: MISCONDUCT RESULTING IN EXPULSION***

Some of the following types of misconduct may result in mandatory placement in a DAEP, whether or not a student is expelled. (See DAEP Placement)

#### **Level IV: Offenses for Discretionary Expulsion**

The actions outlined in this section constitute offenses that shall or may result in expulsion. The campus behavior coordinator shall suspend a student for these offenses, and may place a student in in-school suspension (SAC) pending complete investigation and recommendation for expulsion. Parent will be notified in writing.

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### Any Location

A student **may** be expelled for:

1. Conduct that contains the elements of assault under Penal Code 22.01(a) (1) in retaliation against a school employee or volunteer.
2. Criminal mischief, if punishable as a felony.
3. Engaging in conduct that contains the elements of one of the following offenses against another student: aggravated assault, sexual assault, aggravated sexual assault, murder, capital murder, criminal attempt to commit murder or capital murder, aggravated robbery.
4. Breach of computer security.
5. Engaging in conduct relating to false alarm or report (including a bomb or threat) or a terroristic threat involving a public school.
6. Engaging in bullying that encourages a student to commit or attempt to commit suicide.
7. Inciting violence against a student through group bullying.
8. Releasing or threatening to release intimate visual material of a minor or a student who is 18 years of age or older without the student's consent.

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

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

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

### Within 300 Feet of School

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

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

### **Property of another District**

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

### **While in DAEP**

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

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

### ***MANDATORY EXPULSION: MISCONDUCT RESULTING IN EXPULSION***

#### **Level IV: Offenses for Mandatory Expulsion**

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

#### **Under Federal Law**

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

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

## Student Code of Conduct

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### Under Texas Penal Code

Unlawfully carrying on or about the student's person the following, in the manner prohibited by Penal Code 46.02:

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

Behaving in a manner that contains elements of the following offenses under the Penal Code:

- Aggravated assault, sexual assault or aggravated sexual assault.
- Arson. (See glossary.)
- Murder, capital murder or criminal attempt to commit murder or capital murder.
- Indecency with a child.
- Aggravated kidnapping.
- Aggravated robbery.
- Manslaughter.
- Criminally negligent homicide.
- Continuous sexual abuse of a young child or children.
- Behavior punishable as a felony that involves selling, giving or delivering to another person, or possessing, using or being under the influence of marijuana, a controlled substance, a dangerous drug or alcohol; or committing a serious act or offense while under the influence of alcohol.

Engaging in retaliation against a school employee or volunteer combined with one of the above listed mandatory expulsion offenses.

### Under Age Ten

When a student under the age of ten engages in behavior that is expellable behavior, the student shall not be expelled, but shall be placed in another disciplinary alternative education placement (i.e. in-school suspension, transfer to another classroom or campus). A student under age six shall not be placed in a disciplinary alternative education placement unless the student commits a federal firearm offense.

## Student Code of Conduct

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### **Process**

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

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

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

### **Hearing**

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

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

After providing notice to the student and parent of the hearing, the district may hold the hearing regardless of whether the student or the student's parent attends. The Board of Trustees delegates to the Superintendent or designee authority to conduct hearings and expel students.

### **Board Review of Expulsion**

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

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

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

### **Expulsion Order**

Before ordering the expulsion, the Board of Trustees or campus behavior coordinator shall take into consideration:

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

If the student is expelled, the Board of Trustees or its designee shall deliver to the student and the student's parent a copy of the order expelling the student. Not later than the second business day after the hearing, the Director of Student Services shall deliver to the juvenile court a copy of the expulsion order and the information required by Section 52.4 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 the expulsion will be based on the seriousness of the offense, the student's age and grade level, the frequency of misbehavior, the student's attitude and statutory requirements.

The duration of a student's expulsion shall be determined on a case- by- case basis. The maximum period of expulsion is one calendar year, except as provided below. An expulsion may not exceed one year unless, after review, the district determines that:

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, to school as defined by federal law. However, the superintendent may modify the length of 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 the expulsion.

### **Withdrawal during Process**

If a student is expelled from Clint ISD and enrolls in another school district, Clint ISD will provide to the district in which the student enrolls a copy of the expulsion order along with official school records and also the referral to the authorized officer of the juvenile court.

When a student has violated the Student Code of Conduct 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 campus behavior coordinator 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 campus behavior coordinator 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**

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

If a student is 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 employee, or
2. Extended placement is in the best interest of the student.

### **Emergency Expulsion Procedures**

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

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

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

**Transition Services**

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

**Placement in the Juvenile Justice Alternative Education Program**

Students who are expelled are referred for enrollment in the Juvenile Justice Alternative Education Program. 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 ISD shall attend the Juvenile Justice Alternative Education Program upon order of the Juvenile Court, Juvenile Board or Juvenile’s Board Designee and/or the District’s recommendation. For more information, contact the El Paso County Juvenile Probation Department at (915) 849-2500.

### *Glossary*

The glossary provides legal 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.

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

**Aggravated robbery** is defined in part by Texas Penal Code 29.03(a) when a person commits robbery, and;

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

**Admission, Review, Dismissal (ARD)** is a committee which serves to make decisions regarding the educational program of students who qualify for Special Education Services.

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

**Arson** is defined as:

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

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

**Behavior Intervention Plan (BIP)** is a behavioral plan developed for some students who receive Special Education services to meet their individual needs.

**Behavioral Academic Class (BAC)** is an educational program offered by the District to meet the behavioral needs of some eligible Special Education students.

**Board Policies** are rules and regulations adopted by the CISD Board of Trustees 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 library and on the CISD home page at [www.clint.net](http://www.clint.net)

**Breach of Computer Security** includes knowingly accessing a computer, computer network, or computer system without the effective consent of the owner as defined in Penal Code 33.02, if the conduct involves accessing a computer, computer network, or computer system owned by or operated on behalf of a school district; and the student knowingly alters, damages, or deletes school district property or information; or commits a breach of any other computer, computer network, or computer system.

**Bullying** is defined in Section 37.0832 of the Education Code as a single significant act or a pattern of acts by one or more students directed at another student that exploits an imbalance of power and involves engaging in written or verbal expressions, expression through electronic means or physical conduct that:

1. Has the effect or will have the effect of physically harming a student, damaging a student's property or placing a student in reasonable fear of harm to the student's person or of damage to the student's property; 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.
3. Materially and substantially disrupts the educational process or the orderly operation of a classroom or school; or
4. Infringes on the rights of the victim at school.

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

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

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

**Citation** ("Ticket") is a notice of 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 defined by Penal Code 46.01 as an instrument specially designed, made or adapted for the purpose of inflicting serious bodily injury or death. A blackjack, nightstick, mace and tomahawk are in the same category.

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**Controlled Substance** means a substance, including a drug, an adulterant, and a dilutant, listed in Schedules I through V or Penal Group 1, 1-A, 2, 2-A, 3, or 4 of the Texas Controlled Substances Act. The term includes the aggregate weight of any mixture, solution, or other substance containing a controlled substance. The term does not include hemp, as defined by Agriculture Code 121.001, or the tetrahydrocannabinols (THS) in hemp.

**Corporal Punishment** is 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 Physical Education 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. (Also see GRAFFITI.)

**Criminal Street Gang** is defined by Penal Code 71.01 as three or more persons having a common identifying sign or symbol or an identifiable leadership who continuously or regularly associate in the commission of criminal activities.

**Cyberbullying** is defined by Section 37.0832 of the Education Code as bullying that is done through the use of any electronic communication device, including through the use of a cellular or other type of telephone, a computer, a camera, electronic mail, instant messaging, text messaging, a social media application, an Internet website, or any other Internet-based communication tool.

**Dangerous Drug** is defined by Health and Safety Code 483.001 as a device or a drug that is unsafe for self-medication and that is not included in Schedule 1 through V or Penalty Groups 1 through 4 of the Texas Controlled Substances Act. The term includes a device or drug that federal law prohibits dispensing without prescription or restricts to use by or on the order of a licensed veterinarian.

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

**David's Law or Senate Bill 179** makes it a Class A misdemeanor when someone harasses a student 18 or younger through text message, social media, websites or other electronic means. David's Law will empower schools, parents, and law enforcement to tackle cyberbullying.

**Deadly Conduct** under Penal Code 22.05 occurs when a person recklessly engages in conduct that places another in imminent danger of serious bodily injury such as knowingly discharging a firearm in the direction of an individual, habitation, building or vehicle.

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

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

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

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**Disciplinary Alternative Education Program (DAEP)** is an education program provided by the school district for students who have engaged in serious misconduct such as an 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 the DAEP are separated from students in the regular program. The DAEP provides supervision and counseling & focuses on English Language Arts, mathematics, science, history and self-discipline.

**Discretionary** means that something is left 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 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** (TEC 37.124):

- (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" include:
    - (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.
- (c) It is an exception to the application of Subsection (a) that at the time the person engaged in conduct prohibited under that subsection, the person was a student in the sixth grade or lower grade level.

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**District or School** includes an independent school district, a home-ruled 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 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 the section on Due Process Hearing for complete details in the Student Code of Conduct.]

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

**E-cigarette** means an electronic cigarette or any other device that stimulates smoking by using a mechanical heating element, battery, or electronic circuit to deliver nicotine or other substances to the individual inhaling from the device. The term includes any device that is manufactured, distributed, or sold as an e-cigarette, e-cigar, or e-pipe or under another product name or description and a component, part, or accessory for the device, regardless of whether the component, part, or accessory is sold separately from the device.

**Explosive weapon** is defined by Penal Code 46.01 as an explosive or incendiary bomb, grenade, rocket, or mine and its delivery mechanism 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 periods as long as a semester or a school year. In serious cases, an expulsion can longer than one school year.

**False Alarm or Report** under Penal Code 42.06 occurs when a person knowingly initiates, communicates or circulates a report of a present, past or future bombing, fire, offense or other emergency that he or she knows is false or baseless and that would ordinarily:

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. It is an offense more serious than a misdemeanor.

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

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; or

Any destructive device, such as any explosive, incendiary or poison gas bomb or grenade.

Such term does not include an antique firearm.

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

**Gang** is an organization composed in whole or in part of students whom seek 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.

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**Gang Activities & Secret Societies** are students who participate in gang activities shall be subject to disciplinary action as outlined 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 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.) or by 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** includes markings with paint, an indelible pen or marker, or an etching or engraving device on tangible property without the effective consent of the owner. The markings may include inscriptions, slogans, drawings or paintings.

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

**Harassment** is:

1. Conduct that meets the definition established in district policies DIA (LOCAL) and FFH (LOCAL); or
2. Conduct that threatens to cause harm or bodily injury to another person, including a district student, employee, board member, or volunteer; is sexually intimidating, causes physical damage to the property of another student, subjects another student to physical confinement or restraint or maliciously and substantially harms another student's physical or emotional health or safety, as defined in Section 37.001 (b) (2) of the Education Code.
3. Conduct that is punishable as a crime under Penal Code 42.07, including the following types of conduct if carried out with the intent to harass, annoy, alarm, abuse, torment, or embarrass another:
  - Initiating communication and, in the course of the communication, making a comment, request, suggestion, or proposal that is obscene, as defined by law;
  - Threatening in a manner reasonably likely to alarm the person receiving the threat, to inflict bodily injury on the person or to commit a felony against the person, a member of the person's family or household, or the person's property;
  - Conveying, in a manner reasonably likely to alarm the person receiving the report, a false report, which is known by the conveyor to be false, that another person has suffered death or serious bodily injury; and
  - Sending repeated electronic communications in a manner reasonably likely to harass, annoy, alarm, abuse, torment, embarrass, or offend another.

**Hazing** is defined by Section 37.151 of the Education Code as an intentional, knowing, or reckless act, on or off campus, by one person alone or acting with others, directed against a student for the purpose of pledging, initiation into, affiliation with, holding office in, or maintaining membership in an organization if the act meets the elements in Education Code 37.151, including:

- Any type of physical brutality;
- An activity that subjects the student to an unreasonable risk of harm or that adversely affects the student's mental or physical health, such as sleep deprivation, exposure to the elements, confinement to small spaces, calisthenics, or consumption of food, liquids, drugs, or other substances;
- An activity that induces, causes, or requires the student to perform a duty or task that violates the Penal Code; and
- Coercing a student to consume a drug or alcoholic beverage in an amount that would lead a reasonable person to believe the student is intoxicated.

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

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**Individualized Education Plan (IEP)** is developed for each student who receives Special Education services to meet the student's individual needs.

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

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

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

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

**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/SAC)** 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.

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

**Jurisdiction** is the sphere of authority or control and/ or the territorial range over which District authority extends.

**Juvenile Justice Alternative Education Program (JJAEP)** is an alternative school administered by the El Paso County Juvenile Justice Board that provides education services to students who are expelled.

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

- 1) **Illegal Knife:** (a) A knife with a blade over 5 ½ inches; (b) a hand instrument designed to cut or stab another by being thrown (to include 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) Bowie knife; (e) a sword; or (f) spear.
- 2) **Prohibited Weapon:** A butterfly knife or similar knife 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** means any instrument consisting of finger rings or guards made of a hard substance and designed or adapted for inflicting serious bodily injury or death by striking a person with a fist enclosed in the knuckles.

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

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

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

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

**Martial Arts Objects** are various objects that may be used as weapons such shuriken (throwing stars), nunchakus (nunchucks), tonfa (wooden weapon), staff baton (short stick), and 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.

**Misdemeanor Offense** is an offense so designated by law or punishable by fine, by confinement in jail or by both fine & confinement in jail. Offense is 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 the document to refer to a parent, guardian or other person having lawful control under court order.

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

**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 & activities or other school related clubs/societies & activities, school assemblies, graduation exercises, school dances, Junior/Senior Prom, class or group trips (other than instructional field trips which are part of the curriculum). Also to include theater organizations, plays, presentations/performances & talent shows, student body government, class organizations & participation in field days, carnivals or other related celebrations.

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

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

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

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**Public lewdness** is defined by Penal Code 21.07 as an offense that occurs when person knowingly engages in an act of a sexual intercourse, deviate sexual intercourse, or sexual contact in a public place or, if not in a public place, is reckless about whether another is present who will be offended or alarmed by the act.

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

**Reasonable Belief** is that which an ordinary person of average intelligence and sound mind would believe. Chapter 37 requires certain disciplinary decisions when the superintendent or designee has a reasonable belief that a student engaged in conduct punishable as a felony offense. In forming such a reasonable belief, the Superintendent or Designee may use all available information, including the notice of a student's arrest under Article 15.27 of the Code of Criminal Procedures.

**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.

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

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

**Serious Bodily Injury** is bodily injury that involves one or more of the following: 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 faculty.

**Serious Misbehavior** means:

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

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**Serious or persistent misbehavior** includes but not limited to:

- Behavior that is grounds for permissible expulsion or mandatory DAEP placement.
- Behavior identified by the district as grounds for discretionary DAEP placement.
- Actions or demonstrations that substantially disrupt or materially interfere with school activities.
- Refusal to attempt or complete school work as assigned.
- Insubordination.
- Profanity, vulgar language or obscene gestures.
- Leaving school grounds without permission.
- Falsification of records, passes or other school-related document.
- 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.

**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 unwelcomed 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 benefits.

**Short –Barrel Firearm** is defined by Texas Penal Code 46.01 as a rifle with a barrel length of less than 16 inches or a shotgun with a barrel length of less than 18 inches or any weapon made from a rifle or shotgun that, as altered, has an overall length of less than 26 inches.

**Suspension (Out of School)** is an act of the school administration taken as a disciplinary action which prohibits a student from attending one, two or three school days. The student 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 which is a Class C misdemeanor.

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

1. Cause a reaction of any type by an official or volunteer agency organized to deal with emergencies;
2. Place any person in fear of imminent serious bodily injury;
3. Prevent or interrupt the occupation or use of a building, room, place of assembly, or place to which the public has access, place of employment or occupation, aircraft, automobile or other form of conveyance or other public place;
4. Cause impairment or interruption of public communications, public transportation, public water, gas or power supply or other public services;
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).

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**The 8 Step Discipline Process /Plan** shall be used by the classroom teacher & campus administration to document the procedure for formal student removal. 8 Step Discipline Process/Plan will be used as documentation for a DAEP placement.

**Clint ISD 8-Step Discipline Plan:**

1. Teacher/Student Conference
2. Teacher/Student Conference-Notify Parent
3. Teacher/Student Conference-Notify Parent (Documentation Parent Notification)
4. Teacher/Student/Parent Conference-Evidence of Interventions and Strategies
5. Teacher/Student/Parent/Counselor Conference-Counselor's Intervention Plan
6. Referral to Administrator-8 Step Documentation Log Required
7. Referral to Administrator-8 Step Documentation Log Reviewed/Placement Review Committee to consider discipline management options.
8. Administrative Conference-Review PRC decision and make recommendation.

**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.

**Tire Deflation Device** is defined in part by Section 46.01 of the Penal Code as a device, including a caltrop or spike strip, that when driven over impedes or stops the movement of a wheeled vehicle by puncturing one or more of the vehicle's tires.

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

- Murder, manslaughter, or homicide under Sections 19.02, -05;
- Kidnapping under Section 20.03;
- Trafficking of persons under Section 20A.02,;
- Smuggling or continuous smuggling of persons under Sections 20.05 - , 06;
- Assault under Section 22.01;
- Aggravated assault under Section 22.02;
- Sexual assault under Section 22.011;
- Aggravated sexual assault under Section 22.021;
- Unlawful restraint under Section 20.02;
- Continuous sexual abuse of a young child or children under Section 21.02;
- Bestiality under Section 21.09;
- Improper relationship between educator and student under Section 21.12;
- Voyeurism under Section 21.17;
- Indecency with a child under Section 21.11;
- Invasive visual recording under Section 21.15;
- Disclosure or promotion of intimate visual material under Section 21.16;
- Injury to a child, elderly person or disabled person of any age under Section 22.04;
- Abandoning or endangering a child under Section 22.041;
- Deadly conduct under Section 22.05;

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- Terroristic threat under Section 22.07;
- Aiding a person to commit suicide under Section 22.08; and
- Tampering with a consumer product under Section 22.09;. [See FOC (EXHIBIT)]
- Sexual coercion under Section 21.18.

**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.

**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.

**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. (Also see Criminal Mischief and/ or Graffiti.)

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

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