

# ARCHER CITY ISD STUDENT CODE OF CONDUCT

## THE PURPOSE OF THE STUDENT CODE OF CONDUCT

The Student Code of Conduct that follows is the District's response to the requirements of Chapter 37 of the Texas Education Code. 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, suspension, placement in or removal from a Disciplinary Alternative Education Program (DAEP), or expulsion from school.

This Student Code of Conduct has been adopted by the *Archer City ISD* Board of Trustees with the advice of its District-level committee. The Student Code of Conduct provides information to parents and students regarding expectations for behavior, consequences of misconduct, and procedures for administering discipline.

In accordance with state law, the Student Code of Conduct will be posted at each school campus or will be available for review at the office of the campus principal. Parents will be notified of any Student Code of Conduct violation that may result in a student being suspended, removed to a DAEP, or expelled from the District.

## CONTENTS

This code is organized into the following sections:

1. Standards for Student Conduct..... pages 2–4
2. General Misconduct Violations ..... pages 5–8
3. Removal from the Regular Educational Setting:
  - a. Suspension ..... page 9
  - b. Placement in a Disciplinary Alternative Education Program ..... pages 10–16
  - c. Expulsion ..... pages 17–21

The **Glossary** at the back of the Student Code of Conduct provides easy access to definitions of legal terms.

In case of conflict between the Student Code of Conduct and the student handbook, the Student Code of Conduct will prevail. The Student Code of Conduct is adopted by the District's Board of Trustees and has the force of policy.

**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.

# STANDARDS FOR STUDENT CONDUCT

Behaviors	Consequences
<p>Each student is expected to:</p> <ul style="list-style-type: none"> <li>• Demonstrate courtesy even when others do not.</li> <li>• Behave in a responsible manner, always exercising self-discipline.</li> <li>• Attend all classes, regularly and on time.</li> <li>• Prepare for each class; take appropriate materials and assignments to class.</li> <li>• Meet District and campus standards of grooming and dress.</li> <li>• Obey all campus and classroom rules.</li> <li>• Respect the rights and privileges of other students and of teachers and other District staff.</li> <li>• Respect the property of others, including District property and facilities.</li> <li>• Cooperate with and assist the school staff in maintaining safety, order, and discipline.</li> <li>• Avoid violations of the Student Code of Conduct.</li> </ul>	<p>A student whose behavior shows disrespect for others, including interference with learning and a safe environment, will be subject to disciplinary action.</p> <p>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.</p> <p>The District has disciplinary authority over a student:</p> <ol style="list-style-type: none"> <li>1. During the regular school day and while the student is going to and from school on District transportation;</li> <li>2. During lunch periods in which a student is allowed to leave campus;</li> <li>3. For certain mandatory DAEP and discretionary expulsion offenses, within 300 feet of school property as measured from any point on the school's real property boundary line;</li> <li>4. While the student is in attendance at any school-related activity, regardless of time or location;</li> <li>5. For any school-related misconduct, regardless of time or location;</li> <li>6. For any mandatory expulsion offense committed while on school property or while attending a school-sponsored or school-related activity of another district in Texas;</li> <li>7. When retaliation against a school employee or volunteer occurs or is threatened, regardless of time or location;</li> <li>8. When the student commits a felony, as provided by Texas Education Code 37.006 or 37.0081; and</li> <li>9. When criminal mischief is committed on or off school property or at a school-related event.</li> </ol> <p>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.</p> <p>The District has the right to search a student's locker whenever there is reasonable cause to believe it contains articles or materials prohibited by the District.</p> <p>A school administrator will report crimes as required by law. A school</p>

<b>Behaviors</b>	<b>Consequences</b>
<p>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.</p>	<p>administrator who suspects that a crime has been committed on campus will call local law enforcement.</p> <p>The District has the right to revoke the transfer of a transfer student for violating the District's Student Code of Conduct.</p> <p>In general, discipline will be designed to correct misconduct and to encourage all students to adhere to their responsibilities as citizens of the school community. Disciplinary action will draw on the professional judgment of teachers and administrators and on a range of discipline management techniques. Disciplinary action will be correlated to the seriousness of the offense, the student's age and grade level, the frequency of misbehavior, the student's attitude, the effect of the misconduct on the school environment, and statutory requirements.</p> <p>The District will take into consideration self-defense as a factor in a decision to order suspension, removal to a DAEP, or expulsion. (See glossary)</p> <p>Because of these factors, discipline for a particular offense (unless otherwise specified by law) may bring into consideration varying techniques and responses.</p> <p>The following discipline management techniques may be used—alone or in combination—for misbehavior violating the Student Code of Conduct or campus or classroom rules:</p> <ul style="list-style-type: none"> <li>• Verbal correction.</li> <li>• Cooling-off time or "time-out."</li> <li>• Seating changes within the classroom.</li> <li>• Counseling by teachers, counselors, or administrative personnel.</li> <li>• Parent-teacher conferences.</li> <li>• Temporary confiscation of items that disrupt the educational process.</li> <li>• Grade reductions as permitted by policy.</li> <li>• Rewards or demerits.</li> <li>• Behavioral contracts.</li> <li>• Detention.</li> <li>• Sending the student to the office or other assigned area, or to in-</li> </ul>

<b>Behaviors</b>	<b>Consequences</b>
	<p>school suspension.</p> <ul style="list-style-type: none"> <li>• Out-of-school suspension, as specified in the suspension section of this Student Code of Conduct.</li> <li>• Placement in a Disciplinary Alternative Education Program (DAEP), as specified in the DAEP section of this Student Code of Conduct.</li> <li>• Expulsion, as specified in the expulsion section of this Student Code of Conduct.</li> <li>• Assignment of school duties such as scrubbing desks or picking up litter.</li> <li>• Withdrawal of privileges, such as participation in extracurricular activities and eligibility for seeking and holding honorary offices, and/or membership in school-sponsored clubs or organizations.</li> <li>• Techniques or penalties identified in individual student organizations' extracurricular standards of behavior.</li> <li>• Withdrawal or restriction of bus privileges.</li> <li>• School-assessed and school-administered probation.</li> <li>• Corporal punishment.</li> <li>• Referral to an outside agency and/or legal authority for criminal prosecution in addition to disciplinary measures imposed by the District.</li> <li>• Other strategies and consequences as specified by the Student Code of Conduct.</li> </ul> <p>Parental questions or complaints regarding disciplinary measures should be addressed to the teacher or campus administration, as appropriate, and in accordance with policy FNG(LOCAL). A copy of the policy may be obtained from the principal's office or the central administration office. Consequences will not be deferred pending the outcome of a grievance.</p>

# GENERAL MISCONDUCT VIOLATIONS

Behaviors	Consequences
<p>The following behaviors are prohibited at all school and school-related activities:</p> <ul style="list-style-type: none"> <li>• Cheating or copying the work of another.</li> <li>• Throwing objects that can cause bodily injury or property damage.</li> <li>• Failing to comply with directives given by school personnel.</li> <li>• Leaving school grounds or school-sponsored events without permission.</li> <li>• Disobeying rules for conduct on school buses.</li> <li>• Directing profanity, vulgar language, or obscene gestures toward another student or District employee.</li> <li>• Fighting or scuffling.</li> <li>• Hazing. (See glossary)</li> <li>• Stealing from students, staff, or the school.</li> <li>• Damaging or vandalizing property owned by others.</li> <li>• Defacing or damaging school property—including textbooks, lockers, furniture, and other equipment—with graffiti or by other means. (See glossary)</li> <li>• Possessing fireworks of any kind, smoke or stink bombs, or any other pyrotechnic device.</li> <li>• Discharging a fire extinguisher.</li> <li>• Possessing a razor, box cutter, chain, or any other object used in a way that threatens or inflicts bodily injury to another person.</li> <li>• Possessing or selling a "look-alike" weapon.</li> <li>• Possessing an air gun or BB gun.</li> <li>• Possessing ammunition.</li> <li>• Possessing a stun gun.</li> <li>• Possessing mace or pepper spray.</li> <li>• Possessing or using any articles not generally considered to be weapons, including school supplies, when the principal or designee determines that a danger exists.</li> <li>• Gambling.</li> </ul>	<p>General misconduct identified in the list of prohibited behaviors will result in application of one or more discipline management techniques consistent with law and the Student Code of Conduct.</p> <p>The principal or appropriate administrator will notify a student's parent by phone or in writing of any violation of the Student Code of Conduct that may result in a suspension, removal to a Disciplinary Alternative Education Program (DAEP), or expulsion. Notification will be made within three school days after the administrator becomes aware of the violation.</p> <p>The discipline of students with disabilities is subject to applicable state and federal law in addition to the Student Code of Conduct. To the extent any conflict exists, state and/or federal law will prevail.</p> <p><b>DISCRETIONARY REMOVAL</b></p> <p>General misconduct violations will not necessarily result in the formal removal of the student from class or another placement but may result in a routine referral, formal removal, or the use of one or more discipline management techniques.</p> <p><b>FORMAL REMOVAL</b></p> <p>Formal removal from class will be initiated by a teacher if:</p> <ol style="list-style-type: none"> <li>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</li> <li>2. The behavior is so unruly, disruptive, or abusive that the teacher cannot teach, and the students in the classroom cannot learn.</li> </ol> <p>A teacher or administrator <u>must</u> 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.</p> <p>A teacher or administrator <u>may</u> remove a student from class for a behavior that the District has determined is a violation of the Student Code of Conduct.</p> <p>Within three school days, the principal will schedule a conference with the student's parent, the student, and the teacher in the case of a teacher, principal, or administrator removal.</p> <p>At the conference, the principal or appropriate administrator will inform</p>

<b>Behaviors</b>	<b>Consequences</b>
<ul style="list-style-type: none"> <li>• Making false accusations or hoaxes regarding school safety.</li> <li>• Falsifying records, passes, or other school-related documents.</li> <li>• Committing extortion, coercion, or blackmail (obtaining money or another object of value from an unwilling person).</li> <li>• Engaging in disruptive actions or demonstrations that substantially disrupt or materially interfere with school activities.</li> <li>• Being insubordinate.</li> <li>• Refusing to accept discipline management techniques assigned by a teacher or principal.</li> <li>• Forcing an individual to act through the use of force or threat of force.</li> <li>• Committing or assisting in a robbery or theft even if it does not constitute a felony according to the Texas Penal Code. (Felony robbery or theft offenses are addressed later in the Student Code of Conduct.)</li> <li>• Bullying, including intimidation by name-calling, using ethnic or racial slurs, or making derogatory statements that could disrupt the school program or incite violence.</li> <li>• Engaging in threatening behavior toward another student or District employee on or off school property.</li> <li>• Engaging in harassment motivated by race, color, religion, national origin, disability, or age and directed toward another student or District employee. (See glossary)</li> <li>• Engaging in any misbehavior that gives school officials reasonable cause to believe that such conduct will substantially disrupt the school program or incite violence.</li> <li>• Engaging in inappropriate verbal, physical, or sexual contact directed toward another student or a District employee.</li> <li>• Engaging in conduct that constitutes sexual harassment or sexual abuse, whether the conduct is by word, gesture, or any other sexual conduct, including requests for sexual favors directed toward another student or a District employee.</li> <li>• Inappropriate or indecent exposure of a student's private body parts.</li> <li>• Possessing or using matches or a lighter.</li> </ul>	<p>the student of the misconduct for which he or she is charged and will give the student an opportunity to give his or her version of the incident. The principal or administrator will notify the student of the consequences of the Student Code of Conduct violation.</p> <p>When a student is removed from the regular classroom by a teacher and a conference is pending, the principal may place a student in:</p> <ul style="list-style-type: none"> <li>• Another appropriate classroom.</li> <li>• In-school suspension.</li> <li>• Out-of-school suspension.</li> <li>• A Disciplinary Alternative Education Program.</li> </ul> <p>When a student has been formally removed from class by a teacher, the principal may not return the student to the teacher's class without the teacher's consent, unless the placement review committee determines that the teacher's class is the best or only alternative available.</p>

<b>Behaviors</b>	<b>Consequences</b>
<ul style="list-style-type: none"> <li>• Possessing, smoking, or using tobacco products.</li> <li>• Possessing or selling look-alike drugs or items attempted to be passed off as drugs or contraband.</li> <li>• Possessing or selling seeds or pieces of marijuana in less than a usable amount.</li> <li>• Possessing, using, giving, or selling paraphernalia related to any prohibited substance. (See glossary)</li> <li>• Abusing the student's own prescription drug, giving a prescription drug to another student, or possessing or being under the influence of another person's prescription drug on school property or at a school-related event.</li> <li>• Violating the District's policy on taking prescription drugs and over-the-counter drugs at school.</li> <li>• Possessing or Using a cellular telephone or other telecommunications device at school during the school day.</li> <li>• Possessing or using a laser pointer for other than an approved use.</li> <li>• Violating computer use policies, rules, or agreements signed by the student, and/or agreements signed by the student's parent.</li> <li>• Using the Internet or other electronic communications to threaten students or employees, or cause disruption to the educational program.</li> <li>• Sending or posting electronic messages that are abusive, obscene, sexually oriented, threatening, harassing, damaging to another's reputation, or illegal.</li> <li>• Engaging in verbal or written exchanges that threaten the safety of another student, a school employee, or school property.</li> <li>• Possessing published or electronic material that is designed to promote or encourage illegal behavior or that could threaten school safety; using e-mail or Web sites at school to encourage illegal behavior; or threatening school safety.</li> <li>• Possessing material that is pornographic.</li> <li>• Violating dress and grooming standards as communicated in the student handbook.</li> <li>• Repeatedly violating other communicated campus or classroom</li> </ul>	

<b>Behaviors</b>	<b>Consequences</b>
<p>standards for behavior.</p> <ul style="list-style-type: none"><li>Public display of affection is not allowed. There will be no kissing, hugging, or any other display of affection that disrupts the learning process.</li></ul> <p><b><i>NOTE: According to law, school employees are obligated to report to the Child Protective Services any inappropriate physical activity, such as kissing, when the age of the participating students has a 3 year or greater difference.</i></b></p>	

<b>Behaviors</b>	<b>Consequences</b>

# REMOVAL FROM THE REGULAR EDUCATIONAL SETTING

## SUSPENSION

<b>Behaviors</b>	<b>Consequences</b>
<p>Students may be suspended for any behavior listed in the Student Code of Conduct as a general misconduct violation, Disciplinary Alternative Education Program placement, or expellable offense.</p>	<p>State law allows a student to be suspended for as many as three school days per behavior violation, with no limit on the number of times a student may be suspended in a semester or school year.</p> <p>A student who is to be suspended will have an informal conference with the principal or appropriate administrator advising the student of the conduct of which he or she is accused. The student will be given the opportunity to explain his or her version of the incident before the administrator's decision is made.</p> <p>The number of days of a student's suspension will be determined by the principal or other appropriate administrator, but will not exceed three school days.</p> <p>The principal or other appropriate administrator will determine any restrictions on participation in school-sponsored or school-related extracurricular and cocurricular activities.</p> <p>Students with disabilities are subject to applicable state and federal law in addition to the Student Code of Conduct. To the extent any conflict exists, state and/or federal law will prevail.</p>

# PLACEMENT IN A DISCIPLINARY ALTERNATIVE EDUCATION PROGRAM

Behaviors	Consequences								
<p><b>A student <u>must</u> be placed</b> in a Disciplinary Alternative Education Program (DAEP) if the student engages in conduct relating to a false alarm or report (including a bomb threat) or a terroristic threat involving a public school. (See glossary)</p> <p><b>A student <u>must</u> be placed</b> in a DAEP for any of the following offenses, if the student commits these 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:</p> <ul style="list-style-type: none"> <li>• Engages in conduct punishable as a felony.</li> <li>• Commits an assault under Penal Code 22.01(a)(1). (See glossary)</li> <li>• Sells, gives, or delivers to another person, or possesses, uses, or is under the influence of marijuana, a controlled substance, or a dangerous drug in an amount not constituting a felony offense. (School-related felony drug offenses are addressed in the expulsion section of this Student Code of Conduct.) (See glossary)</li> <li>• 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 in this Student Code of Conduct.)</li> <li>• Behaves in a manner that contains the elements of an offense relating to abusable volatile chemicals.</li> <li>• Behaves in a manner that contains the elements of the offense of public lewdness.</li> <li>• Behaves in a manner that contains the elements of the offense of indecent exposure.</li> <li>• Engages in expellable conduct, if the student is between six and nine years of age.</li> <li>• Engages in conduct that contains the elements of the offense of retaliation against any school employee on or off school property. (Committing retaliation in combination with another expellable offense is addressed in the expulsion section of this Student Code of Conduct.)</li> </ul>	<p>Removals to a DAEP will be made by <u>the campus principal or a designated administrator</u>.</p> <p>The duration of a student's placement in a DAEP will be determined by the <u>campus principal or designated administrator</u>.</p> <p>The duration of a student's placement in a DAEP will be determined on a case-by-case basis. The maximum period of DAEP placement is as follows:</p> <table style="margin-left: auto; margin-right: auto; border: none;"> <thead> <tr> <th style="text-align: center; border-bottom: 1px solid black;">Conduct</th> <th style="text-align: center; border-bottom: 1px solid black;">Maximum length of time</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">1. First Offense</td> <td style="text-align: center;">20 school days</td> </tr> <tr> <td style="text-align: center;">2. Second Offense</td> <td style="text-align: center;">90 school days</td> </tr> <tr> <td style="text-align: center;">3. Third Offense</td> <td style="text-align: center;">180 school days</td> </tr> </tbody> </table> <p>DAEP placement will be correlated to the seriousness of the offense, the student's age and grade level, the frequency of misbehavior, the student's attitude, and statutory requirements.</p> <p>Students with disabilities are subject to applicable state and federal law in addition to the Student Code of Conduct. To the extent any conflict exists, state and/or federal law will prevail.</p> <p>A student who, on or within 300 feet of school property or at a school-related event on or off school property:</p> <p>The District will decide on a case-by-case basis whether to place in a DAEP or expel a student who</p> <ol style="list-style-type: none"> <li>1. sells, gives, delivers, possesses, uses, or is under the influence of prohibited drugs or alcohol or</li> <li>2. engages in conduct punishable as an offense relating to an abusable volatile chemical</li> </ol> <p>if the conduct is not punishable as a felony.</p> <p>When a student is removed from class by a teacher (formal removal) or an administrator for a mandatory or discretionary DAEP offense, the principal or other 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.</p> <p>Until a conference can be held as a result of a formal teacher removal or administrator removal, the principal may place the student in:</p> <ul style="list-style-type: none"> <li>• Another appropriate classroom.</li> <li>• In-school suspension.</li> </ul>	Conduct	Maximum length of time	1. First Offense	20 school days	2. Second Offense	90 school days	3. Third Offense	180 school days
Conduct	Maximum length of time								
1. First Offense	20 school days								
2. Second Offense	90 school days								
3. Third Offense	180 school days								

Behaviors	Consequences
<ul style="list-style-type: none"> <li>• Engages in conduct punishable as 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:               <ol style="list-style-type: none"> <li>1. The student receives deferred prosecution. (See glossary)</li> <li>2. A court or jury finds that the student has engaged in delinquent conduct. (See glossary)</li> <li>3. The Superintendent or designee has a reasonable belief that the student engaged in the conduct. (See glossary)</li> </ol> </li> </ul> <p>A principal or other appropriate administrator <b>may, but is not required to, place a student</b> in a DAEP for off-campus conduct for which DAEP placement is required by state law if the principal or other appropriate administrator does not have knowledge of the conduct before the first anniversary of the date the conduct occurred.</p> <p>In accordance with state law, <b>a student <u>may</u> be placed</b> in a DAEP for any one of the following offenses:</p> <ul style="list-style-type: none"> <li>• Engaging in conduct punishable as a felony, other than those listed as offenses involving injury to a person in Title 5 of the Texas Penal Code, that occurs off school property and not at a school-sponsored or school-related event, if the student's</li> </ul>	<ul style="list-style-type: none"> <li>• Out-of-school suspension.</li> <li>• A Disciplinary Alternative Education Program.</li> </ul> <p>At the conference, the principal or appropriate administrator will inform the student, orally or in writing, of the reasons for the removal, an explanation of the basis for the removal, and an opportunity to respond to the reasons for the removal.</p> <p>Following valid attempts to require their attendance, the District may hold the conference and make a placement decision regardless of whether the student or the student's parent attends the conference.</p> <p>After the conference, if the student is placed in the DAEP and the length of placement is inconsistent with the guidelines included in the Student Code of Conduct, the DAEP placement order will give notice of the inconsistency.</p> <p>Placement in a DAEP may not exceed one year unless a review by the District determines that:</p> <ol style="list-style-type: none"> <li>1. The student is a threat to the safety of other students or to District employees; or</li> <li>2. Extended placement is in the best interest of the student.</li> </ol> <p>A DAEP placement in accordance with Education Code 37.0081 may be for any length of time determined necessary by the Board or its designee in light of the factors considered before placement. A student placed under this section is entitled to periodic status reviews by the Board or designee at intervals not to exceed 120 days.</p> <p>The Board's designee will send the student and the parents a copy of the DAEP order. Not later than the second business day after the conference, the Board's designee will deliver to the juvenile court a copy of the order placing the student in a DAEP and all information required by Section 52.04 of the Family Code.</p> <p>After the conference, if the student is placed in a DAEP, the appropriate administrator will write a DAEP placement order. A copy of the DAEP placement order will be sent to the student and the student's parent. Parental questions or complaints regarding disciplinary measures should be addressed to the campus administration, in accordance with policy FNG(LOCAL). A copy of this policy may be obtained from the principal's office or the central administration office. Consequences will not be deferred pending the</p>

Behaviors	Consequences
<p>presence in the regular classroom threatens the safety of other students or teachers or will be detrimental to the educational process.</p> <p>In accordance with Education Code 37.0081, after an opportunity for a hearing before the Board or its designee, <b>a student <u>may</u> be placed</b> in a DAEP if:</p> <ul style="list-style-type: none"> <li>• The student receives deferred prosecution for conduct defined as a felony offense in Title 5 of the Texas Penal Code; or</li> <li>• The student has been found by a court to have engaged in delinquent conduct for conduct defined as a felony offense in Title 5 of the Texas Penal Code.</li> </ul> <p>The Board or the Board's designee must determine that the student's presence in the regular classroom:</p> <ol style="list-style-type: none"> <li>1. Threatens the safety of other students or teachers;</li> <li>2. Will be detrimental to the educational process; or</li> <li>3. Is not in the best interest of the District's students.</li> </ol> <p>A student's placement in the DAEP as a result of receiving deferred prosecution or delinquent conduct, as described above, may occur regardless of:</p> <ol style="list-style-type: none"> <li>1. The date on which the student's conduct occurred;</li> <li>2. The location at which the conduct occurred;</li> <li>3. Whether the conduct occurred while the student was enrolled in the District; or</li> <li>4. Whether the student has successfully completed any court disposition requirements imposed in connection with the conduct.</li> </ol> <ul style="list-style-type: none"> <li>• Involvement in gang activity, including participating as a member or pledge, or soliciting another person to become a pledge or member of a gang.</li> <li>• Involvement in a public school fraternity, sorority, or secret society, including participating as a member or pledge, or soliciting another person to become a pledge or member of a public school fraternity, sorority, or secret society.</li> </ul> <ul style="list-style-type: none"> <li>• Any criminal mischief</li> <li>• A federal firearms violation, for a student six years of age or</li> </ul>	<p>outcome of an appeal. The decision to place a student in a DAEP cannot be appealed beyond the Board.</p> <p>State law prohibits students placed in a DAEP for mandatory removal reasons from attending or participating in school-sponsored or school-related extracurricular activities.</p> <p>The District does not permit a student who is placed in a DAEP to participate in any school-sponsored or school-related extracurricular or cocurricular activity including seeking or holding honorary positions and/or membership in school-sponsored clubs and organizations.</p> <p>A student placed in a DAEP will not be provided transportation unless he or she is a student with a disability who has transportation designated as a related service in the student's IEP.</p> <p>If during the term of placement in a DAEP the student engages in additional conduct for which placement in a DAEP or expulsion is required or permitted, additional proceedings may be conducted, and the principal, or other appropriate administrator, or the Board may enter an additional disciplinary order as a result of those proceedings.</p> <p>A student placed in a DAEP will be provided a review of his or her status, including academic status, by <u>the campus principal and school superintendent</u> 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 will also be reviewed. At the review, the student or the student's parent will be given the opportunity to present arguments for the student's return to the regular classroom or campus. The student may not be returned to the classroom of a teacher who removed the student without that teacher's consent.</p> <p>For placement in a DAEP to extend beyond 60 days or the end of the next grading period, whichever is sooner, a student's parent will be given notice and the opportunity to participate in a proceeding before the Board or the Board's designee. Any decision is final and may not be appealed beyond the Board.</p> <p>For placement in a DAEP to extend beyond the end of the school year, <u>the campus principal</u> must determine that:</p> <ol style="list-style-type: none"> <li>1. The student's presence in the regular classroom or campus presents a danger of physical harm to the student or others; or</li> <li>2. The student has engaged in serious or persistent misbehavior that violates the District's Student Code of Conduct.</li> </ol>

Behaviors	Consequences
<p>younger.</p> <p>In addition, the District has determined that the following behaviors <b>may result in a student's placement in a DAEP</b>:</p> <ul style="list-style-type: none"> <li>• Cheating or copying the work of another.</li> <li>• Throwing objects that can cause bodily injury or property damage.</li> <li>• Failing to comply with directives given by school personnel.</li> <li>• Leaving school grounds or school-sponsored events without permission.</li> <li>• Disobeying rules for conduct on school buses.</li> <li>• Directing profanity, vulgar language, or obscene gestures toward other students or a District employee.</li> <li>• Fighting.</li> <li>• Hazing.</li> <li>• Stealing from students, staff, or the school.</li> <li>• Damaging or vandalizing property owned by others.</li> <li>• Defacing or damaging school property—including textbooks, lockers, furniture, and other equipment—with graffiti or by other means.</li> <li>• Possessing fireworks of any kind, smoke or stink bombs, or any other pyrotechnic device.</li> <li>• Discharging a fire extinguisher.</li> <li>• Possessing a razor, box cutter, chain, or any other object used in a way that threatens or inflicts bodily injury to another person.</li> <li>• Possessing or selling a "look-alike" weapon.</li> <li>• Possessing an air gun or BB gun.</li> <li>• Possessing ammunition.</li> <li>• Possessing a stun gun.</li> <li>• Possessing mace or pepper spray.</li> <li>• Possessing or using any articles not generally considered to be a weapon, including school supplies, when the principal or designee determines that a danger exists.</li> <li>• Gambling.</li> </ul>	<p>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.</p> <p>When a student violates the District's 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 DAEP placement order is completed, the District may complete the proceedings and issue a DAEP 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 principal, or other appropriate administrator, or the Board fails to issue a DAEP placement order after the student withdraws, the next district in which the student enrolls may complete the proceedings and issue a DAEP placement order.</p> <p>The District will decide on a case-by-case basis the placement of a student who enrolls in the District and was assigned to a DAEP in another district, including a district in another state (if the behavior committed is a reason for DAEP placement in the receiving district), or an open-enrollment charter school. The District may place the student in the District's DAEP or a regular classroom setting.</p> <p>If the student was placed in a DAEP by a school district in another state for a period that exceeds one year, this District, by state law, will reduce the period of the placement so that the total placement does not exceed one year unless, after a review, the District determines that the student is a threat to the safety of other students or employees or the extended placement is in the best interest of the student.</p> <p>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 will be the last instructional day, and the student <b>will</b> be allowed to participate in the graduation ceremony and related graduation activities unless otherwise specified in the DAEP placement order.</p> <p>The office of the prosecuting attorney will notify the District if a student was placed in a DAEP and:</p> <ol style="list-style-type: none"> <li>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</li> </ol>

Behaviors	Consequences
<ul style="list-style-type: none"> <li>• Making false accusations or hoaxes regarding school safety.</li> <li>• Falsifying records, passes, or other school-related documents.</li> <li>• Committing extortion, coercion, or blackmail (obtaining money or another object of value from an unwilling person).</li> <li>• Engaging in disruptive actions or demonstrations that substantially disrupt or materially interfere with school activities.</li> <li>• Being insubordinate.</li> <li>• Refusing to accept discipline management techniques assigned by a teacher or principal.</li> <li>• Forcing an individual to act through the use of force or threat of force.</li> <li>• Committing or assisting in a robbery or theft even if it does not constitute a felony according to the Texas Penal Code. (Felony robbery or theft offenses are addressed elsewhere in the Student Code of Conduct.)</li> <li>• Bullying, including intimidation by name-calling, using ethnic or racial slurs, or making derogatory statements that could disrupt the school program or incite violence.</li> <li>• Engaging in threatening behavior toward another student or District employee, on or off school property.</li> <li>• Engaging in harassment motivated by race, color, religion, national origin, disability, or age and directed toward another student or a District employee.</li> <li>• Engaging in any misbehavior that gives school officials reasonable cause to believe that such conduct will substantially disrupt the school program or incite violence.</li> <li>• Engaging in inappropriate verbal, physical, or sexual contact directed toward another student or a District employee.</li> <li>• Engaging in conduct that constitutes sexual harassment or sexual abuse whether the conduct is by word, gesture, or any other sexual conduct, including requests for sexual favors directed toward another student or a District employee.</li> <li>• Inappropriate or indecent exposure of a student's private body parts.</li> <li>• Possessing or using matches or a lighter.</li> </ul>	<p>prosecution will be initiated; or</p> <p>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.</p> <p>If a student was placed in a DAEP for conduct other than a false alarm or report or terroristic threat involving a public school or conduct on or within 300 feet of school property for which DAEP placement is required by law, on receiving the notice from the prosecutor, the Superintendent or designee will review the student's placement in the DAEP and schedule a review of the student's placement 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.</p> <p>After reviewing the notice and receiving information from the student's parent, the Superintendent or designee may continue the student's placement in the DAEP 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.</p> <p>The Board will, at the next scheduled meeting, review the notice from the prosecutor and receive information from the student, the student's parent, and the Superintendent or designee, and confirm or reverse the decision of the Superintendent or designee. The Board will make a record of the proceedings.</p> <p>If the Board confirms the decision of the Superintendent or designee, the Board will inform the student and the student's parent of the right to appeal to the Commissioner of Education. The student may not be returned to the regular classroom pending the appeal.</p>

Behaviors	Consequences
<ul style="list-style-type: none"> <li>• Possessing, smoking, or using tobacco products.</li> <li>• Possessing or selling look-alike drugs or items attempted to be passed off as drugs or contraband.</li> <li>• Possessing or selling seeds or pieces of marijuana in less than a usable amount.</li> <li>• Possessing, using, giving, or selling paraphernalia related to any prohibited substance.</li> <li>• Abusing the student's own prescription drug, giving a prescription drug to another student, or possessing or being under the influence of another person's prescription drug on school property or at a school-related event.</li> <li>• Violating the District's policy on taking prescription drugs and over-the-counter drugs at school.</li> <li>• Using a cellular telephone or other telecommunications device at school during the school day, during lunch, or between classes.</li> <li>• Possessing or using a laser pointer for other than an approved use.</li> <li>• Violating computer use policies, rules, or agreements signed by the student, and/or agreements signed by the student's parent.</li> <li>• Using the Internet or other electronic communications to threaten students, employees, or cause disruption to the educational program.</li> <li>• Sending or posting electronic messages that are abusive, obscene, sexually oriented, threatening, harassing, damaging to another's reputation, or illegal.</li> <li>• Engaging in verbal or written exchanges that threaten the safety of another student, a school employee, or school property.</li> <li>• Possessing published or electronic material that is designed to promote or encourage illegal behavior or that could threaten school safety, using e-mail or Web sites at school to encourage illegal behavior, or threatening school safety.</li> <li>• Possessing material that is pornographic.</li> <li>• Violating dress and grooming standards as communicated in the student handbook.</li> <li>• Repeatedly violating other communicated campus or classroom</li> </ul>	<p>When an emergency placement occurs, the student will be given oral notice of the reason for the action. Not later than the tenth day after the date of the placement, the student will be given the appropriate conference required for placement in a DAEP. If emergency placement involves a student with disabilities who receives special education services, the term of the student's emergency removal is subject to the requirements of federal law.</p> <p><b><i>Cameras and Cellular Phone Use: Depending on the nature of the photo, students who take questionable or inappropriate pictures with cameras or cellular phone cameras may have felony charges filed.</i></b></p>

Behaviors	Consequences
<p>standards of behavior.</p> <ul style="list-style-type: none"> <li>• <b><i>Students who accumulate 15 days in ISS will be assigned to DAEP for 20 days.</i></b></li> </ul> <p>In an emergency, the principal or the principal's designee <u>may</u> order the immediate placement of a student in a DAEP for any reason for which placement in a DAEP may be made on a nonemergency basis.</p>	

# EXPULSION

Behaviors	Consequences
<p><b>A student <u>must</u> be expelled</b> 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:</p> <ul style="list-style-type: none"> <li>• Bringing to school a firearm, as defined by federal law. “Firearm” under federal law includes:               <ol style="list-style-type: none"> <li>1. Any weapon (including a starter gun) that will, is designed to, or may readily be converted to expel a projectile by the action of an explosive.</li> <li>2. The frame or receiver of any such weapon.</li> <li>3. Any firearm muffler or firearm weapon.</li> <li>4. Any destructive device, such as any explosive, incendiary or poison gas bomb, or grenade.</li> </ol> </li> <li>• Using, exhibiting, or possessing the following, as defined by the Texas Penal Code:               <ol style="list-style-type: none"> <li>1. A firearm (any device designed, made, or adapted to expel a projectile through a barrel by using the energy generated by an explosion or burning substance or any device readily convertible to that use).</li> <li>2. An illegal knife, such as a knife with a blade over 5½ inches; hand instrument, designed to cut or stab another by being thrown; dagger, including but not limited to a dirk, stiletto, and poniard; bowie knife; sword; or spear.</li> <li>3. A club such as an instrument specially designed, made, or adapted for the purpose of inflicting serious bodily injury or death by striking a person with the instrument, including a blackjack, nightstick, mace, and tomahawk. (See glossary)</li> <li>4. A prohibited weapon, such as an explosive weapon; a machine gun; a short-barrel firearm; a firearm silencer; a switchblade knife; knuckles; armor-piercing ammunition; a chemical dispensing device; or a zip gun. (See glossary)</li> </ol> </li> <li>• Behavior containing elements of the following offenses under the Texas Penal Code:               <ol style="list-style-type: none"> <li>1. Aggravated assault, sexual assault, or aggravated sexual assault.</li> <li>2. Arson. (See glossary)</li> </ol> </li> </ul>	<p>Students with disabilities are subject to applicable state and federal law in addition to the Student Code of Conduct. To the extent any conflict exists, state and/or federal law will prevail.</p> <p>When a student under the age of ten engages in behavior that is expellable behavior, the student will not be expelled, but will be placed in a Disciplinary Alternative Education Program (DAEP). Students under age six will not be removed from class or placed in a DAEP unless the student commits a federal firearm offense.</p> <p>State and federal law require a student to be expelled from the regular classroom for a period of at least one calendar year for bringing a firearm, as defined by federal law, to school. However, the Superintendent or other appropriate administrator may modify the length of the expulsion on a case-by-case basis, and/or the District may provide educational services to the expelled student in a DAEP. The District must provide educational services in the DAEP if the student is less than ten years of age.</p> <p>If a student is believed to have committed an expellable offense, the principal or other appropriate administrator will schedule a hearing within a reasonable time. The student's parent will be invited in writing to attend the hearing.</p> <p>Until a hearing can be held, the principal may place the student in:</p> <ul style="list-style-type: none"> <li>• Another appropriate classroom.</li> <li>• In-school suspension.</li> <li>• Out-of-school suspension.</li> <li>• A Disciplinary Alternative Education Program.</li> </ul> <p>The duration of a student's expulsion will be determined on a case-by-case basis. Maximum expulsion term will be 1 calendar year.</p> <p>The length of an expulsion will be correlated to the seriousness of the offense, the student's age and grade level, the frequency of misbehavior, the student's attitude, and statutory requirements.</p> <p>A student facing expulsion will be given appropriate due process. The student is entitled to:</p> <ol style="list-style-type: none"> <li>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.</li> <li>2. An opportunity to testify and to present evidence and witnesses in</li> </ol>

Behaviors	Consequences
<ol style="list-style-type: none"> <li>3. Murder, capital murder, or criminal attempt to commit murder or capital murder.</li> <li>4. Indecency with a child.</li> <li>5. Aggravated kidnapping.</li> <li>6. Aggravated robbery.</li> <li>7. Manslaughter.</li> <li>8. Criminally negligent homicide.</li> <li>9. Behavior punishable as a felony that involves the selling, giving, or delivering to another person, 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.</li> <li>10. Retaliation against a school employee combined with one of the above-listed offenses on or off school property or at a school-related activity.</li> </ol> <p><b>A student <u>may</u> be expelled</b> for engaging in conduct relating to a false alarm or report (including a bomb threat) or a terroristic threat involving a public school.</p> <p><b>A student <u>may</u> be expelled</b> for 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 at a school in another district in Texas.</p> <p><b>A student <u>may</u> be expelled</b> 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:</p> <ul style="list-style-type: none"> <li>• Selling, giving, or delivering to another person, or possessing, using, or being under the influence of any amount of marijuana, a controlled substance, or a dangerous drug, if the conduct is not punishable as a felony.</li> <li>• Selling, giving, or delivering to another person, or possessing, using, or being under the influence of any amount of alcohol; or committing a serious act or offense while under the influence of alcohol, if the conduct is not punishable as a felony.</li> </ul>	<p>the student's defense.</p> <ol style="list-style-type: none"> <li>3. An opportunity to question the District's witnesses.</li> </ol> <p>The Board delegates to the <u>campus principal and/or school superintendent</u> authority to expel students.</p> <p>A student expelled by the <u>principal or Superintendent</u> after the due process hearing may request that the Board review the expulsion decision. The student or parent must submit a written request to the Superintendent within seven days after receipt of the written decision. The Superintendent must provide the student or parent written notice of the date, time, and place of the meeting at which the Board will review the decision. Consequences will not be deferred pending the outcome of the hearing.</p> <p>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.</p> <p>The Board will review the record of the expulsion hearing in a closed meeting unless the parent requests in writing that the matter be held in an open meeting. The Board may also hear a statement from the student or parent and from the Board's designee.</p> <p>The Board will hear statements made by the parties at the review and will base its decision on evidence reflected in the record and any statements made by the parties at the review. The Board will make and communicate its decision orally at the conclusion of the presentation. Consequences will not be deferred pending the outcome of the hearing.</p> <p>After the due process hearing, if the student is expelled, the Board or its designee will deliver to the student and the student's parent a copy of the order expelling the student.</p> <p>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. An expulsion may not exceed one year unless, after review, the District determines that:</p> <ol style="list-style-type: none"> <li>1. The student is a threat to the safety of other students or to District employees; or</li> <li>2. Extended expulsion is in the best interest of the student.</li> </ol> <p>When a student has violated the District's Student Code of Conduct in a way that requires or permits expulsion from the District and the</p>

Behaviors	Consequences
<ul style="list-style-type: none"> <li>• Engaging in conduct that contains the elements of an offense relating to abusable volatile chemicals.</li> <li>• Engaging in conduct that contains the elements of assault under Section 22.01(a)(1) against an employee or a volunteer.</li> <li>• Engaging in deadly conduct. (See glossary)</li> </ul> <p><b>A student <u>may</u> be expelled</b> for the following conduct while within 300 feet of school property, as measured from any point on the school's real property boundary line:</p> <ul style="list-style-type: none"> <li>• Committing aggravated assault, sexual assault, or aggravated sexual assault.</li> <li>• Committing arson.</li> <li>• Committing murder, capital murder, or criminal attempt to commit murder or capital murder.</li> <li>• Committing indecency with a child, aggravated kidnapping, manslaughter, criminally negligent homicide, or aggravated robbery.</li> <li>• Committing a felony drug- or alcohol-related offense.</li> <li>• Using, exhibiting, or possessing a firearm (as defined by state law, an illegal knife, a club, or prohibited weapon, or possessing a firearm (as defined by federal law).</li> </ul> <p><b>A student <u>may</u> be expelled</b> if the student engages in the following conduct no matter where the conduct takes place:</p> <ul style="list-style-type: none"> <li>• Engaging in conduct that contains the elements of assault under Penal Code 22.01(a)(1) in retaliation against a school employee or volunteer.</li> <li>• Engaging in criminal mischief, if punishable as a felony.</li> </ul> <p><b>A student <u>may</u> be expelled</b> if the student engages in conduct that contains the elements of one of the following offenses against another student, without regard to where the conduct occurs:</p> <ul style="list-style-type: none"> <li>• Aggravated assault.</li> <li>• Sexual assault.</li> <li>• Aggravated sexual assault.</li> <li>• Murder.</li> <li>• Capital murder.</li> </ul>	<p>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 principal, another appropriate administrator, or the Board fails to issue an expulsion order after the student withdraws, the next district in which the student enrolls may complete the proceedings. 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 principal, another appropriate administrator, or the Board may issue an additional disciplinary order as a result of those proceedings.</p> <p>Not later than the second business day after the hearing, the <u>campus principal or school superintendent</u> will deliver to the juvenile court a copy of the order expelling the student and the information required by Section 52.04 of the Family Code.</p> <p>Students who commit offenses that require expulsion at the end of one school year may be expelled into the next school year to complete the term of expulsion.</p> <p>Expelled students are prohibited from being on school grounds or attending school-sponsored or school-related activities during the period of expulsion.</p> <p>No District academic credit will be earned for work missed during the period of expulsion (unless the student is enrolled in a Juvenile Justice Alternative Education Program or another District-approved program).</p> <p>The District will continue the expulsion of any student expelled from another district during the period of the expulsion order</p> <p>The District will continue the expulsion of any student expelled from another open-enrollment charter school during the period of the expulsion order.</p> <p>If a student expelled in another state enrolls in the District, the District may continue the expulsion under the terms of the expulsion order, may place the student in a DAEP for the period specified in the order, or may allow the student to attend regular classes if:</p>

Behaviors	Consequences
<ul style="list-style-type: none"> <li>• Criminal attempt to commit murder or capital murder.</li> <li>• Aggravated robbery.</li> </ul> <p><b>A student <u>may</u> be expelled</b> for engaging in serious or persistent misbehavior that violates the District's Student Code of Conduct, while placed in a DAEP. The District defines "persistent" as two or more violations of the Student Code of Conduct in general or repeated occurrences of the same violation. Serious offenses include, but are not limited to, the following:</p> <ul style="list-style-type: none"> <li>• Murder.</li> <li>• Vandalism.</li> <li>• Robbery or theft.</li> <li>• Extortion, coercion, or blackmail.</li> <li>• Disruptive actions or demonstrations that substantially disrupt or materially interfere with school activities.</li> <li>• Hazing.</li> <li>• Insubordination.</li> <li>• Profanity, vulgar language, or obscene gestures directed toward teachers or other school employees.</li> <li>• Fighting, committing physical abuse, or threatening physical abuse.</li> <li>• Possession or distribution of pornographic materials.</li> <li>• Leaving school grounds without permission.</li> <li>• Sexual harassment of a student or District employee.</li> <li>• Possession of or conspiracy to possess any explosive or explosive device.</li> <li>• Falsification of records, passes, or other school-related documents.</li> <li>• Refusal to accept discipline management techniques assigned by the teacher or principal.</li> </ul>	<ol style="list-style-type: none"> <li>1. The out-of-state district provides the District with a copy of the expulsion order, and</li> <li>2. The offense resulting in the expulsion is also an expellable offense in the District in which the student is enrolling.</li> </ol> <p>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:</p> <ol style="list-style-type: none"> <li>1. The student is a threat to the safety of other students or District employees; or</li> <li>2. Extended placement is in the best interest of the student.</li> </ol> <p>When an emergency expulsion occurs, the student will be given verbal notice of the reason for the action. Within ten days after the date of the emergency expulsion, the student will be given appropriate due process required for a student facing expulsion. If emergency expulsion involves a student with disabilities who receives special education services, the term of the student's emergency expulsion is subject to the requirements of federal law.</p>

<b>Behaviors</b>	<b>Consequences</b>
<p>In an emergency, the principal or the principal's designee <u>may</u> order the immediate expulsion of a student for any reason for which expulsion may be made on a nonemergency basis.</p>	

# GLOSSARY

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

**Arson** occurs when a person starts a fire, regardless of whether the fire continues after ignition, or causes an explosion with intent to destroy or damage:

1. Any vegetation, fence, or structure on open-space land; or
2. Any building, habitation, or vehicle:
  - a. Knowing that it is within the limits of an incorporated city or town;
  - b. Knowing that it is insured against damage or destruction;
  - c. Knowing that it is subject to a mortgage or other security interest;
  - d. Knowing that it is located on property belonging to another;
  - e. Knowing that it has located within it property belonging to another; or
  - f. When the person is reckless about whether the burning or explosion will endanger the life of some individual or the safety of the property of another.

**Assault** is defined in part by Texas Penal Code 22.01(a)(1). A person commits an assault if the person intentionally, knowingly, or recklessly causes bodily injury to another.

**Chemical dispensing device** is a device, other than a small chemical dispenser sold commercially for personal protection, designed, made, or adapted for the purpose of causing an adverse psychological or physiological effect on a human being.

**Club** is an instrument specially designed, made, or adapted for the purpose of inflicting serious bodily injury or death by striking a person with the instrument, including a blackjack, mace, and tomahawk.

**Deadly conduct** occurs when a person commits an offense by recklessly engaging in conduct that places another in imminent danger of serious bodily injury or by knowingly discharging a firearm in the direction of an individual, habitation, building, or vehicle.

**Deferred adjudication** may be offered to a student who is 17 or older, as an alternative to seeking a conviction in court.

**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. Delinquent conduct also includes conduct that violates certain juvenile court orders, including probation orders. Delinquent conduct does not, however, include violations of traffic laws.

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

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

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

**Graffiti** is making marks with aerosol paint or an indelible marker on tangible property of the owner without the effective consent of the owner. The markings may include inscriptions, slogans, drawings, or paintings.

**Harassment** means repeated unwelcome and offensive slurs, jokes, or other oral, written, graphic, or physical conduct related to an individual's race, color, religion, national origin, disability, or age that creates an intimidating, hostile, or offensive educational or work environment.

**Hazing** involves any knowing, intentional, or reckless act, occurring on or off the campus, by one person alone or acting with others, directed against a student, that endangers the mental or physical health or safety of a student for the purposes of pledging, initiation into, affiliation with, holding office in, or maintaining membership in an organization.

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

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

**Paraphernalia** is any device that can be used to inhale, ingest, inject, or otherwise introduce a controlled substance into a human body.

**Possession** means to have on a student's person or in the student's personal property, including but not limited to the student's clothing, purse, or backpack; in any private vehicle used by the student for transportation to or from school or school-related activities, including but not limited to an automobile, truck, motorcycle, or bicycle; or any other school property used by the student, including but not limited to a locker or desk.

**Reasonable belief** determination can be made by the Superintendent or designee using all available information, including the information furnished under Article 15.27 of the Code of Criminal Procedure. Administrators may place a student in a Disciplinary Alternative Education Program (DAEP) if they have reasonable belief that the student has engaged in felony conduct under Title 5. Administrators also may place a student in a DAEP if they have reasonable belief that the student has committed felony conduct that is not a Title 5 offense, if the Superintendent believes the student's continued presence in the regular classroom threatens the safety of other students or teachers, or will be detrimental to the educational process.

**Self-defense** is using force against another when and to the degree a person reasonably believes the force is immediately necessary to protect himself or herself.

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

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

**Terroristic threat** occurs when a person threatens to commit any offense involving violence to any person or property with intent to:

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

**Title 5 offenses** involve injury to a person and include murder; kidnapping; assault; sexual assault; unlawful restraint; coercing, soliciting, or inducing gang membership if it causes bodily injury to a child; indecency with a child; injury to a child, an elderly person, or a disabled person; abandoning or endangering a child; deadly conduct; terroristic threat; aiding a person to commit suicide; and tampering with a consumer product.

**Under the influence** means not having the normal use of mental or physical faculties; however, the student need not be legally intoxicated. Impairment of a person's physical and/or mental faculties may be evidenced by a pattern of abnormal or erratic behavior and/or the presence of physical symptoms of drug or alcohol use.

**Use** means that a student has voluntarily introduced into his or her body by any means a prohibited substance recently enough that it is detectable by the student's physical appearance, actions, breath, or speech.

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

