



# **STUDENT CODE OF CONDUCT AND DRESS**

**2018 – 2019**

**WEST INDEPENDENT SCHOOL DISTRICT**

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# STUDENT CODE OF CONDUCT

## Accessibility

If you have difficulty accessing the information in this document because of disability, please contact David Truitt, Superintendent, at (254) 981-2000.

## Purpose

The Student Code of Conduct (“Code”) is the district’s response to the requirements of Chapter 37 of the Texas Education Code.

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

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

This Student Code of Conduct has been adopted by the West ISD 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 summer school and at all school-related events and activities outside the school year until an updated version adopted by the Board becomes effective for the next school year.

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

Because the Student Code of Conduct is adopted by the district’s Board of Trustees, it has the force of policy; therefore, in case of conflict between the Code and the Student Handbook, the Code shall prevail.

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

## **School District Authority and Jurisdiction**

As required by law, a person at each campus must be designated to serve as the campus behavior coordinator. The designated person may be the principal of the campus or any other campus administrator selected by the principal. The Campus Behavior Coordinator is primarily responsible for maintaining student discipline. The district maintains a current list of the persons serving as a campus behavior coordinator in the student handbook or on the West ISD district website at [www.westisd.net](http://www.westisd.net).

**Please note:** In 2015, House Bill 1842 created a law that allowed for the designation of Districts of Innovation (DOI). The law can be found in Chapter 12A of the Texas Education Code (TEC). This chapter provides that a traditional school district that is rated acceptable or better may create a district-level innovation plan, potentially including exemptions from the vast majority of the TEC, which constitutes the state's regulatory framework and statutory safety net for public schools.

In May 2017, the West ISD Board of Trustees approved a DOI plan that included flexibility in regards to the designation of a Campus Behavior Coordinator on each West ISD campus. The flexibility of exemption from the statute requiring each school to have a designated Campus Behavior Coordinator will allow a team-approach to discipline across West ISD. The relationships that are established between the campus administrator, counselor, student, and parent are the foundation for promoting and maintaining positive behavior. Utilizing a local district process allows the administrator who currently has a relationship with the parent and student to be the person to make parental contact. The administrator or counselor could then notify the parent of discipline or behavior concerns, rather than waiting to have contact from the Campus Behavior Coordinator. In West ISD, the administrative team all works and meets with all students. From the Superintendent to the Counselors to the Assistant Principals to the Principals, everyone assists with the district's Discipline Management Plan.

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 or desk when there is reasonable cause to believe it contains articles or materials prohibited by the district.

**Reporting Crimes**

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

**"Parent" Defined**

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

**Participating in Graduation Activities**

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

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

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



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

See DAEP-Restrictions during Placement on page 19 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 West ISD Board Policy FNG(LOCAL) or GF(LOCAL), as appropriate.

## **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 West ISD Student Code of Conduct.

## **General Conduct Violations**

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

Students shall not:

- Fail to comply with directives given by school personnel (insubordination).
- Leave school grounds or school-sponsored events without permission.
- Disobey rules for conduct on district vehicles.

**Disregard for  
Authority**

**Mistreatment of Others**

- Refuse to accept discipline management techniques assigned by a teacher or principal.

Students shall not:

- Use profanity or vulgar language or make obscene gestures.
- Fight or scuffle. (For assault see DAEP Placement and Expulsion.)
- Threaten a district student, employee or volunteer, including off school property if the conduct causes a substantial disruption to the educational environment.
- Engage in bullying, cyberbullying, harassment, or making hit lists. (See glossary for all four terms.)
- Release or threaten to release intimate visual material of a minor or a student who is 18 years of age or older without the student's consent.
- Engage in conduct that constitutes sexual or gender- based harassment or sexual abuse, whether by word, gesture, or any other conduct directed toward another person, including a district student, employee or volunteer.
- Engage in conduct that constitutes dating violence. (See glossary.)
- Engage in inappropriate or indecent exposure of private body parts.
- Participate in hazing. (See glossary.)
- Cause an individual to act through the use of or threat of force (coercion).
- Commit extortion or blackmail (obtaining money or an object of value from an unwilling person).
- Engage in inappropriate verbal, physical, or sexual conduct directed toward another person, including a district student, employee or volunteer.
- Record the voice or image of another without the prior consent of the individuals being recorded or in any way that disrupts the educational environment or invades the privacy of others.

**Property Offenses**

Students shall not:

- Damage or vandalize property owned by others. (For felony criminal mischief see DAEP Placement or Expulsion.)
- Deface or damage school property—including textbooks, technology and electronic resources, lockers, furniture, and other equipment—with graffiti or by other means.
- Steal from students, staff, or the school.

**Possession of Prohibited Items**

- Commit or assist in a robbery or theft even if it does not constitute a felony according to the Texas Penal Code. (For felony robbery and theft see DAEP Placement and Expulsion.)

Students should not possess or use:

- fireworks of any kind, smoke or stink bombs, or any other pyrotechnic device;
- a razor, box cutter, chain, or any other object used in a way that threatens or inflicts bodily injury to another person;
- a “look-alike” weapon that is intended to be used as a weapon or could reasonably be perceived as a weapon;
- an air gun or BB gun;
- ammunition;
- a location-restricted knife;
- a hand instrument designed to cut or stab another by being thrown;
- a firearm;
- a stun gun;
- a pocketknife or any other small knife;
- mace or pepper spray;
- pornographic material;
- tobacco products; e-cigarettes and any component, part or accessory for an e-cigarette device;
- matches or a lighter;
- a laser pointer for other than an approved use; or
- any articles not generally considered to be weapons, including school supplies, when the principal or designee determines that a danger exists. (For weapons and firearms, see DAEP Placement and Expulsion. In most circumstances, possession of these items is punishable by mandatory expulsion under federal or state law.)

**Possession of Telecommunications or Other Electronic Devices**

Students shall not:

- Display, turn on, or use a telecommunication device, including a cellular telephone or other electronic device on school property during the school day, unless approved by the instructor or administrator.

**Illegal, Prescription, and Over the Counter Drugs**

Students shall not:

- Possess, use, give, or sell alcohol or an illegal drug. (Also see DAEP Placement and Expulsion for mandatory and permissive consequences under state law.)
- Possess or sell seeds or pieces of marijuana in less than a usable amount.

- Possess, use, give, or sell paraphernalia related to any prohibited substance. (See glossary for “paraphernalia.”)
- Possess, use, abuse, or sell look-alike drugs or attempt to pass items off as drugs or contraband.
- Abuse the student’s own prescription drug, give a prescription drug to another student, or possess or be under the influence of another person’s prescription drug on school property or at a school-related event. (See glossary for “abuse.”)
- Abuse over-the-counter drugs. (See glossary for “abuse.”) Be under the influence of prescription or over-the-counter drugs that cause impairment of the physical or mental faculties. (See glossary for “under the influence.”)
- Have or take prescription drugs or over-the-counter drugs at school other than as provided by district policy.

**Misuse of Technology  
Resources and the Internet**

Students shall not:

- Violate computer use policies, rules, or agreements signed by the student or the student’s parent.
- Attempt to access or circumvent passwords or other security-related information of the district, students, or employees or upload or create computer viruses, including off school property if the conduct causes a substantial disruption to the educational environment
- Attempt to alter, destroy, or disable district computer 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.
- Use the Internet or other electronic communications to threaten district students, employees, volunteers, Board members, 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.
- Send or post electronic messages that are abusive, body shaming, obscene, sexually oriented, threatening, harassing, damaging to another’s reputation, or illegal, including off school property if the conduct causes a substantial disruption to the educational environment or infringes on the rights of another student at school.
- Use the Internet or other electronic communication to engage in or encourage illegal behavior or threaten schools 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.

## **Safety Transgressions**

Students shall not:

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

## **Miscellaneous Offenses**

Students shall not:

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

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

## **Discipline Management Techniques**

Discipline will be designed to improve conduct and to encourage students to adhere to their responsibilities as members of the school community. Disciplinary action will draw on the professional judgment of teachers and administrators and on a range of discipline management techniques; including restorative discipline practices. Discipline 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.

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

**Students with Disabilities**

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

In accordance with the Education Code, a student who is enrolled in a special education program may not be disciplined for conduct meeting the definition of bullying, 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 will take into consideration a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct.

**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 "time-out."
- 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 area, or to in-school suspension.

- Assignment of school duties such as cleaning or picking up litter.
- Withdrawal of privileges, such as participation in extracurricular activities, eligibility for seeking and holding honorary offices, or membership in school-sponsored clubs and organizations.
- Penalties identified in individual student organizations' extracurricular standards of behavior.
- Restriction or revocation of district transportation privileges.
- School-assessed and school-administered probation.
- Out-of-school suspension, as specified in the Out-of-School Suspension section of this Code.
- Placement in a DAEP, as specified in the DAEP section of this Code.
- Placement and/or expulsion in an alternative educational setting, as specified in the Placement and/or Expulsion for Certain Offenses section of this Code.
- Expulsion, as specified in the Expulsion section of this Code.
- Referral to an outside agency or legal authority for criminal prosecution in addition to disciplinary measures imposed by the district.
- Coaches and physical education teachers may use reasonable physical exercises as a disciplinary measure in their classes and activities; however, no other employee may use exposure to the physical elements, e.g., standing outside in heat or cold, or physical exertion, e.g., running, sit-ups, etc., as a disciplinary measure.
- Other strategies and consequences as determined by school officials.

#### **Notification**

The campus behavior coordinator shall promptly notify a student's parent by phone or in person of any violation that may result in in-school or out-of-school suspension, placement in a DAEP, placement in a JJAEP, or expulsion. The campus behavior coordinator shall also notify a student's parent if the student is taken into custody by a law enforcement officer under the disciplinary provisions of the Education Code. A good faith effort shall be made 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 behavior coordinator shall send written notification by U.S. Mail. If the campus behavior coordinator is not able to provide notice to the parent, the principal or designee shall provide the notice.

Before the principal or appropriate administrator assigns a student under 18 to detention outside regular school hours, notice shall be given to the



student's parent to inform him or her of the reason for the detention and permit arrangements for necessary transportation.

#### **Appeals**

Parental questions regarding disciplinary measures should be addressed to the teacher or campus administration, or campus behavior coordinator as appropriate. Appeals or complaints regarding the use or 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, central administration office, or through Policy Online at the following address: [www.westisd.net](http://www.westisd.net).

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

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

A bus driver may refer a student to the principal's office or the 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.

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

### **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 Code to maintain effective discipline in the classroom.

#### **Formal Removal**

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

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

Within three school days of the formal removal, the campus behavior coordinator or appropriate administrator shall schedule a conference with the student's parent; the student; the teacher, in the case of removal by a teacher; and any other administrator.

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

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

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

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

### **Returning Student to Classroom**

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

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

## Out-of-School Suspension

### Misconduct

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

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

A student in grade 2 or below 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 weapons 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 drug as defined by federal or state law.

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

### Process

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

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

The number of days of a student's suspension will be determined by the campus behavior coordinator, but will 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, and
3. The student's disciplinary history.

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

## **Disciplinary Alternative Education Program (DAEP) Placement**

The DAEP shall be provided in a setting other than the student's regular classroom. An elementary school student may not be placed in a DAEP with a student who is not an elementary school student. The West ISD DAEP is located at 801 N. Reagan St.

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

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

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

In deciding whether to order placement 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.

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

### **Discretionary Placement: Misconduct That May Require DAEP Placement**

#### ***Misconduct Identified in State Law***

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

- Engaging in bullying that encourages a student to commit or attempt to commit suicide.
- Inciting violence against a student through group bullying.

- Releasing or threatening to release intimate visual material of a minor or a student who is 18 years of age or older without the student’s consent.
- Involvement in a public school fraternity, sorority, or secret society, including participating as a member or pledge, or soliciting another person to become a pledge or member of a public school fraternity, sorority, secret society or gang. (See glossary)
- Involvement in criminal street gang activity. (See glossary)
- Any criminal mischief, including a felony.
- Assault (no bodily injury) with threat of imminent bodily injury.
- Assault by offensive or provocative physical contact.

In accordance with state law, a student **may** be placed in a DAEP if the Superintendent or the Superintendent’s designee has reasonable belief (see glossary) that the student has engaged in conduct punishable as a felony, other than aggravated robbery or those listed as offenses 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.

**Mandatory Placement:  
Misconduct That  
Requires DAEP  
Placement**

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

- Engages in conduct relating to a false alarm or report (including a bomb threat) or a terroristic threat involving a public school. (See glossary.)
- Commits the following offenses on school property or within 300 feet of school property as measured from any point on the school’s real property boundary line, or while attending a school-sponsored or school-related activity on or off school property:
  - Engages in conduct punishable as a felony.
  - Commits an assault (see glossary) under Texas Penal Code 22.01(a) (1).
  - Sells, gives, or delivers to another person, or possesses, uses, or is under the influence of marijuana, a controlled substance, or a dangerous drug in an amount not constituting a felony offense. A student with a valid prescription for low-THC cannabis as authorized by Chapter 487 of the Health and Safety Code does not violate this provision. (School-related felony drug offenses are

addressed in the Expulsion section.) (See glossary for “under the influence.”)

- Sells, gives, or delivers to another person an alcoholic beverage; commits a serious act or offense while under the influence of alcohol; or possesses, uses, or is under the influence of alcohol, if the conduct is not punishable as a felony offense. (School-related felony alcohol offenses are addressed in the Expulsion section.)
- Behaves in a manner that contains the elements of an offense relating to abusable volatile chemicals.
- Behaves in a manner that contains the elements of the offense of public lewdness or indecent exposure.
- Engages in expellable conduct and is between six and nine years of age.
- Commits a federal firearms violation and is younger than six years of age.
- Engages in conduct that contains the elements of the offense of retaliation against any school employee or volunteer on or off school property. (Committing retaliation in combination with another expellable offense is addressed in the Expulsion section of this Code.)
- 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:
  1. The student receives deferred prosecution (see glossary),
  2. A court or jury finds that the student has engaged in delinquent conduct (see glossary), or
  3. The Superintendent or designee has a reasonable belief (see glossary) that the student engaged in the conduct.

**Sexual Assault and  
Campus Assignments**

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

**Process**

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

When a student is removed from class for a DAEP offense, the campus behavior coordinator 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, campus behavior coordinator will inform the student, orally or in writing, of the reasons for the removal and will give the student an explanation of the basis for the removal and an opportunity to respond to the reasons for the removal.

Following valid attempts to require attendance, the district may hold the conference 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:

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

***Placement Order***

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

Not later than the second business day after the conference, the Board's designee or DOI designee will deliver to the juvenile court a copy of the placement order and all information required by Section 52.04 of the Family Code.

If the student is placed in the DAEP and the length of placement is inconsistent with the guidelines included in this Code, the placement order 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.

***Length of Placement***

The duration of a student's placement in a DAEP will be determined by the campus behavior coordinator or DOI designee.

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 misconduct, the student's attitude, and statutory requirements.

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

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

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

***Exceeds One Year***

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

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

***Exceeds School Year***

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

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

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

***Exceeds 60 Days***

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

**Appeals**

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

Student or parent appeals regarding a student's placement in DAEP, should be addressed in accordance with policy FNG(LOCAL). A copy of this policy may be obtained from the principal's office, the behavior coordinator's office or the central administration office or through Policy Online at the following address: [www.westisd.net](http://www.westisd.net).

Appeals shall begin at Level One with the principal.

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.



**Restrictions during Placement**

The district does not permit a student who is placed in a DAEP to participate in any school-sponsored or school-related extracurricular or co-curricular activity including seeking or holding honorary positions and/or membership in school-sponsored clubs and organizations.

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.

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

**Placement Review**

A student placed in a DAEP will be provided a review of his or her status, including academic status, by the campus behavior coordinator or the Board's designee at intervals not to exceed 120 days. In the case of a high school student, the student's progress toward graduation and the student's graduation plan 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.

**Additional Misconduct**

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

**Notice of Criminal Proceedings**

When a student is placed in a DAEP for certain offenses, the office of the prosecuting attorney will 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 will review the student's placement and schedule a review with the student's parent not later than the third day after the Superintendent or designee receives notice from the prosecutor. The student may not be returned to the regular classroom pending the review.

After reviewing the notice and receiving information from the student's parent, the Superintendent or designee may continue the student's

placement if there is reason to believe that the presence of the student in the regular classroom threatens the safety of other students or teachers.

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

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

**Withdrawal during Process**

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

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

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

**Emergency Placement Procedure**

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 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 assignment to a DAEP.

#### Placement and/or Expulsion for Certain Offenses

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

### **Registered Sex Offenders**

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

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

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

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

### **Review Committee**

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

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

### **Newly Enrolled Student**

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

### **Appeal**

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

## **Certain Felonies**

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 or the campus behavior coordinator makes certain findings and the following circumstances exist in relation to a felony offense under Title 5 (see glossary) of the Texas Penal Code. The student must:

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

**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

## **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.

**Discretionary  
Expulsion:  
Misconduct That May  
Result in Expulsion**

***Any Location***

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)

A student **may** be expelled for:

- Engaging in bullying that encourages a student to commit or attempt to commit suicide.
- Inciting violence against a student through group bullying.
- Releasing or threatening to release intimate visual material of a minor or a student who is 18 years of age or older without the student's consent.
- Conduct that contains the elements of assault under Penal Code 22.01(a) (1) in retaliation against a school employee or volunteer.
- Criminal mischief, if punishable as a felony.
- Engaging in conduct that contains the elements of one of the following offenses against another student:
  - Aggravated assault.
  - Sexual assault.
  - Aggravated sexual assault.
  - Murder.
  - Capital murder.

- Criminal attempt to commit murder or capital murder.
- Aggravated robbery.
- Breach of computer security. (See glossary)
- Engaging in conduct relating to a false alarm or report (including a bomb threat) or a terroristic threat involving a public school.

***At School, Within  
300 Feet, or at  
School Event***

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

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

***Within 300 Feet of  
School***

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

- Aggravated assault, sexual assault, or aggravated sexual assault.
- Arson. (See glossary.)
- Murder, capital murder, or criminal attempt to commit murder or capital murder.
- Indecency with a child, aggravated kidnapping, manslaughter, criminally negligent homicide, or aggravated robbery.
- Continuous sexual abuse of a young child or children.
- Felony drug- or alcohol-related offense.

- Carrying on or about the student’s person a handgun, a location-restricted knife, or a club, as these terms are defined by state law. (See glossary.)
- Possessing, manufacturing, transporting, repairing, or selling a prohibited weapon, as defined by state law. (See glossary.)
- Possession of a firearm, as defined by federal 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 engaging in documented serious misbehavior that violates the district’s Code of Conduct, despite documented behavioral interventions while placed in a DAEP. For purpose of discretionary expulsion from a DAEP, serious misbehavior means:

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

**Mandatory Expulsion: Misconduct That Requires Expulsion**

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

***Under Federal Law***

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

***Under the Texas  
Penal Code***

- Bringing to school a firearm, as defined by federal law. “Firearm” under federal law includes:
  - Any weapon (including a starter gun) that will, is designed to, or may readily be converted to expel a projectile by the action of an explosive.
  - The frame or receiver of any such weapon.
  - Any firearm muffler or firearm weapon.
  - Any destructive device, such as any explosive, incendiary or poison gas bomb, or grenade.
- Carrying on or about the student’s person the following, as defined by the Texas Penal Code:
  - A handgun, defined by state law as any firearm designed, made, or adapted to be used with one hand. (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 Texas Penal Code:
  - Aggravated assault, sexual assault, or aggravated sexual assault.
  - Arson. (See glossary)
  - Murder, capital murder, or criminal attempt to commit murder or capital murder.
  - Indecency with a child.
  - Aggravated kidnapping.
  - Aggravated robbery.
  - Manslaughter.
  - Criminally negligent homicide.
  - Continuous sexual abuse of a young child or children.



- Behavior punishable as a felony that involves selling, giving, or delivering to another person, or possessing, using, or being under the influence of marijuana, a controlled substance, a dangerous drug, or alcohol; or committing a serious act or offense while under the influence of alcohol.
- Engaging in retaliation against a school employee or volunteer combined with one of the above-listed mandatory expulsion offenses.

**Under Age Ten**

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

**Process**

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

Until a hearing can be held, the 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 Superintendent’s 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 review the expulsion decisions. The student or parent must submit a written request to the Superintendent within seven days after receipt of

the written decision. The Superintendent must provide the student or parent written notice of the date, time, and place of the meeting at which the Board will review the decision.

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

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

**Expulsion Order**

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

- Self-defense (see glossary),
- Intent or lack of intent at the time the student engaged in the conduct, and
- The student's disciplinary history.

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.

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

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

**Length of Expulsion**

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

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

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

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

State and federal law require a student to be expelled from the regular classroom for a period of at least one calendar year for bringing a firearm,

as defined by federal law, to school. However, the Superintendent may modify the length of the expulsion on a case-by-case basis.

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

**Withdrawal during Process**

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

If the student then 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 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 campus behavior coordinator or the Board may issue an additional disciplinary order as a result of those proceedings.

**Restrictions during Expulsion**

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

No district academic credit 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 expelled in another state enrolls in the district, the district may continue the expulsion under the terms of the expulsion order, may place the student in a DAEP for the period specified in the order, or may allow the student to attend regular classes if:

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

If a student is expelled by a district in another state for a period that exceeds one year and the district continues the expulsion or places the student in a DAEP, the district will reduce the period of the expulsion or

DAEP placement so that the entire period does not exceed one year, unless after a review it is determined that:

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

**Emergency Expulsion Procedures**

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 will be given appropriate due process required for a student facing expulsion.

**DAEP Placement of Expelled Students**

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

## **West ISD Discipline Management Offense Classifications**

### **Class I**

#### ***Offenses (At the Bus Stop, School, Within 300 Feet of the School, or at a School Event or Activity)***

1. Commits misconduct (not abusive, threatening, or violent).
2. Commits a tardy to school or class.
3. Violates the Dress Code.
4. Litters.
5. Runs or makes excessive noise in the hall, classroom, or building.
6. Neglects to bring required materials or assigned work to class.
7. Eats or drinks in an undesignated area.
8. Uses food in an inappropriate manner.
9. Fails to follow classroom/cafeteria rules.
10. Possesses or chews gum.
11. Commits a violation of the telecommunication device guidelines.

#### ***Disciplinary Options***

- Verbal correction, oral or written.
- Cooling-off time or “time-out” in a separate setting from other students that is not locked and from which the student is not physically prevented from leaving.
- Seating changes within the classroom.
- Phone calls or e-mail home.
- Home visits.
- Positive Behavior Interventions.
- Behavioral contracts.
- Confiscation of items that disrupt the educational process.
- Counseling by teachers, counselors, or coach or extracurricular sponsor of that student.
- Assignment of an essay or letter of apology, etc. relating to the offense.

- Parent-teacher conferences.
- Teacher assigned and supervised detention, including outside regular school hours.
- Sending the student to the office or other assigned area for the rest of the period/lesson.
- Assignment of school duties such as cleaning or picking up litter.
- Withdrawal of privileges not to affect academic activities. (Elementary example: withdrawing being the line leader for the day, but not withholding library time.)
- Penalties identified in individual student organizations' extracurricular standards of behavior.
- Other strategies and consequences as determined by school officials.

### **Class II**

#### ***Offenses (At the Bus Stop, School, Within 300 Feet of the School, or at a School Event or Activity)***

1. Commits persistent Class I offenses.
2. Commits repeated violations of the Dress Code.
3. Commits repeated tardiness to school and class.
4. Engages in conduct that is disrespectful to a teacher, district employee, or volunteer.
5. Fails to serve detention.
6. Engages in an act of familiarity with another and/or inappropriate public display of affection.
7. Loiters in an area without authorization.
8. Abuses the use of a hall pass.
9. Tells a falsehood to an adult (not associated with an investigation).
10. Violates parking, biking to and from school, and/or walking to and from school rules/procedures.
11. Commits scholastic dishonesty, which includes but is not limited to, cheating on a test, plagiarism, or unauthorized collaboration with another person in preparing written or computer generated work. (See glossary)
12. Possesses lighters, matches, tobacco-less cigarettes, electronic cigarettes, electronic vaporizing devices, or tobacco-related paraphernalia.
13. Displays, turns on, or uses a cellular telephone or other telecommunication device(s) on school property during the school day (TEC 37.082) without the permission of the classroom teacher during a prescribed telecommunication device learning activity.

- Each offense: Confiscation (including all cell phone components).
  - After school parent pick up. Second offense will result in a \$15 fine at release of device.
  - West ISD is not responsible for lost or stolen cellular telephones.
14. Fails to disclose possession of any over-the-counter medications or personal prescriptions to the school nurse at the beginning of the school day; including natural and/or homeopathic-like substances, dietary supplements, or energy pills.
  15. Posts or distributes unauthorized publications.
  16. Disobeys rules of conduct while on a school bus.
  17. Encourages or promotes a fight.

### *Disciplinary Options*

- Temporary confiscation of items that disrupt the educational process.
- Phone calls or e-mail home.
- Home visits.
- Positive Behavior Interventions
- Restorative Discipline
- Behavioral contracts.
- Confiscation of items that disrupt the educational process.
- Counseling by teachers, counselors, or coach or extracurricular sponsor of that student, or administrative personnel.
- Parent-teacher conferences or parent-administrator conferences.
- Grade penalties for cheating, plagiarism, and as otherwise permitted by policy.
- Detention, including outside regular school hours.
- Sending the student to the office or other assigned area, or to in-school suspension.
- Assignment of school duties such as cleaning or picking up litter.
- Withdrawal of privileges, such as participation in extracurricular activities, eligibility for seeking and holding honorary offices, or membership in school-sponsored clubs and organizations.
- Penalties identified in individual student organizations' extracurricular standards of behavior.
- Withdrawal or restriction of bus privileges.

- Out-of-school or overnight suspension, as specified in the Suspension section of this Code. (Overnight includes all afternoon or evening activities for the day of suspension.)
- Other strategies and consequences as determined by school officials.

### **Class III**

#### ***Offenses (At the Bus Stop, School, Within 300 Feet of the School, or at a School Event or Activity)***

1. Commits persistent Class II offenses.
2. Disrupts the school environment or educational process.
3. Interferes with school activities, including trespassing, boycotting, and group demonstrations.
4. Fails to disclose information, hides/covers up information/evidence for self or others, commits perjury, or lies as a witness.
5. Intentionally or knowingly makes libelous or slanderous remarks (written or verbal) toward a district student, employee, or volunteer.
6. Forges or alters school records such as progress reports, report cards, passes, parent notes, Student ID, forms, or other school/home communications.
7. Gambles.
8. Commits extortion, coercion, or blackmail (obtaining money or another object of value from an unwilling person).
9. Commits insubordination; noncompliance with the directives of a member of the school staff.
10. Violates district or classroom safety guidelines, policies, or rules.
11. Engages in conduct that constitutes sexual or gender-based harassment or sexual abuse, whether by word, gesture, or any other conduct, directed toward a district student, employee, or volunteer.
12. Uses profane, lewd or vulgar language; vulgar body language and/or obscene gesture; threatening language or gesture.
13. Uses a laser pointer without permission from the supervising adult.
14. Possesses or uses tobacco products.
15. Uses tobacco-less cigarettes, electronic cigarettes, or any other electronic vaporizing device.



16. Possesses ammunition.
17. Uses ethnic, racial, or gender-related slurs (verbal or written) or inappropriate acts toward a specific racial/ethnic person/group.
18. Possesses or distributes fireworks of any kind, poppers, smoke or stink bombs, or any other pyrotechnic device.
19. Engages in bullying, cyberbullying, body shaming, hazing, harassment, or stalking (non-sexual). (through an investigation) (See glossary for all terms.)
20. Records the voice or image of another, including school personnel, without the prior consent of the individuals being recorded or in any way that disrupts the educational environment or invades the privacy of others.
21. Vandalizes, defaces or damages school property, including non-felony graffiti—including textbooks, lockers, furniture, and other equipment. (For felony criminal mischief, see Class IV and V; The parent/guardian and/or student may be responsible for financial restitution for any and all damage.)
22. Uses lighters or matches. (For arson or other related infractions, see Class IV and V)
23. Possesses a chain (including chains attached to wallets).
24. Skips school or leaves school grounds after arrival.
25. Tamper with security surveillance equipment, a fire extinguisher, an Automated External Defibrillator (AED), or the AED storage cabinet.
26. Violates policies, rules, or agreements signed by the student or the student's parent regarding the use of technology resources.
27. Commits theft of  $\leq$  \$50.
28. Causes an individual to act through the use of or threat of force (coercion).

### ***Disciplinary Options***

- Temporary confiscation of items that disrupt the educational process.
- Phone calls or e-mail home.
- Home visits.
- Behavioral contracts.
- Confiscation of items that disrupt the educational process.
- Counseling by teachers, counselors, or administrative personnel.
- Parent-teacher conferences or parent-administrator conferences.
- Grade reductions for cheating, plagiarism, and as otherwise permitted by policy.

- Detention, including outside regular school hours.
- Sending the student to the office or other assigned area, or to in-school suspension.
- Assignment of school duties such as cleaning or picking up litter.
- Withdrawal of privileges, such as participation in extracurricular activities, eligibility for seeking and holding honorary offices, or membership in school-sponsored clubs and organizations.
- Penalties identified in individual student organizations' extracurricular standards of behavior.
- Withdrawal or restriction of bus privileges.
- School-assessed and school-administered probation.
- Out-of-school or overnight suspension, as specified in the Suspension section of this Code. . (Overnight includes all afternoon or evening activities for the day of suspension.)
- Placement in a DAEP, as specified in the DAEP 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.

***Class IV - Disciplinary Alternative Education Program (DAEP) Placement (At the Bus Stop, School, Within 300 Feet of the School, or at a School Event or Activity)***

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

1. Engages in bullying that encourages a student to commit or attempt to commit suicide.
2. Incites violence against a student through group bullying.
3. Releases or threatens to release intimate visual material of a minor or a student who is 18 years of age or older without the student's consent.
4. Takes part in a public school fraternity, sorority, or secret society, including participating as a member or pledge, or soliciting another person to become a pledge or member of a public school fraternity, sorority, secret society, or gang. (See glossary.)
5. Engages in criminal street gang activity. (See glossary.)
6. Commits criminal mischief, not punishable as a felony. (< \$2,500.)
7. Commits an assault (no bodily injury) with threat of imminent bodily injury.

8. In accordance with state law, a student may be placed in a DAEP if the Superintendent or the Superintendent's designee has reasonable belief (see glossary) that the student has engaged in conduct punishable as a felony, other than aggravated robbery or those listed as offenses 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 appropriate administrator may, but is not required to, place a student in a DAEP for off-campus conduct for which DAEP placement is required by state law if the administrator does not have knowledge of the conduct before the first anniversary of the date the conduct occurred.

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

9. Engages in conduct relating to the pulling of a fire alarm. (See glossary)
10. 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:
  - a. Engages in conduct punishable as a felony.
  - b. Commits an assault (see glossary) under Texas Penal Code 22.01(a)(1).
  - c. Sells, gives, or delivers to another person, or possesses, uses, or is under the influence of marijuana, a controlled substance, or a dangerous drug in an amount not constituting a felony offense. (School-related felony drug offenses are addressed in the Expulsion section.) (See glossary)
  - d. 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.)
  - e. Behaves in a manner that contains the elements of an offense relating to abusable volatile chemicals. (Sections 485.031 through 485.034 of the Texas Penal Code)
  - f. Behaves in a manner that contains the elements of the offense of public lewdness or indecent exposure. (Sections 21.07 through 21.08 of the Texas Penal Code)
11. Engages in expellable conduct and is between six and nine years of age.
12. Commits a federal firearms violation and is younger than six years of age.
13. Engages in conduct that contains the elements of the offense of retaliation against any school employee or volunteer on or off school property. (Committing retaliation in

combination with another expellable offense is addressed in the Expulsion section of this Code.)

14. 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:
  - a. The student receives deferred prosecution (see glossary),
  - b. A court or jury finds that the student has engaged in delinquent conduct (see glossary), or
  - c. The Superintendent or designee has a reasonable belief (see glossary) that the student engaged in the conduct.
15. If a student has been convicted of continuous sexual abuse of a young child or children or convicted of or placed on deferred adjudication for sexual assault or aggravated sexual assault against another student on the same campus, and if the victim's parent or another person with the authority to act on behalf of the victim requests that the Board transfer the offending student to another campus, the offending student shall be transferred to a DAEP since there is only one campus in the district serving each grade level.

### ***General Conduct Violations***

A student may be placed in a DAEP for the following behaviors:

16. Commits persistent Level III offenses.
17. Engages in a fight. (All fights will be investigated thoroughly by a campus administrator. If a fight is determined to be consensual, all participants will be assigned to DAEP. If a student is found to have acted in self-defense, a self-defense provision will be implemented.)
18. Engages in conduct that constitutes dating violence. (See glossary)
19. Possesses a pocketknife, any other small knife, or any sharp object that could be used as a weapon.
20. Possesses a razor or box cutter.
21. Possesses, delivers, or uses a look-alike weapon.
22. Possesses any device, not included as a removable or expellable offense by statute, that is designed to propel a projectile either by a spring-type mechanism, air, or gas; This includes, but is not limited to, items such as BB-guns, pellet guns, paintball guns, slingshots, etc.
23. Uses fireworks of any kind, poppers, smoke or stink bombs, or any other pyrotechnic device.

24. Sells, gives, or delivers to another person, possesses, or uses look-alike drugs or items attempted to be passed off as drugs or contraband (Examples: nonprescription drug, K2, or bath salts).
25. Sells, gives, or delivers to another person, or possesses, uses, or is under the influence of a prescription drug on school property or at a school-related event. (See glossary)
26. Possesses, distributes, or uses a nonprescription drug.
27. Sells, gives, or delivers to another person, possesses, or uses seeds or pieces of marijuana (less than a usable amount).
28. Sells, gives, or delivers to another person, or possesses paraphernalia related to any prohibited substance. (See glossary)
29. Sells, gives, or delivers to another person, or possesses or creates pornographic or sexually-oriented material.
30. Engages in inappropriate or indecent exposure of private body parts.
31. Uses the Internet or other electronic communications to threaten a district student, employee, or volunteer, or threaten school safety, including off school property if the conduct causes a substantial disruption to the educational environment.
32. Threatens a district student, employee, or volunteer, including off school property, if the conduct causes a substantial disruption to the educational environment.
33. Engages in repeated acts of misconduct that constitutes sexual or gender-based harassment or sexual abuse, whether by word, gesture, or any other conduct, directed toward a district student, employee, or volunteer.
34. Attempts to access or circumvent passwords or other security-related information of the district, students, or employees, or uploads or creates computer viruses, including off school property if the conduct causes a substantial disruption to the educational environment.
35. Sends, posts, or possesses 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 school property, the conduct causes a substantial disruption to the educational environment.
36. Uses e-mail or websites to engage in or encourage illegal behavior or threaten school safety, including off school property if the conduct causes a substantial disruption to the educational environment.
37. Commits or assists in a robbery or theft under Section 29.02 of the Texas Penal Code, against another student, district employee or West ISD campus, without regard to whether the conduct occurs on or off of school property or while attending a school-sponsored or school-related activity on or off of school property, if the conduct is not punishable as a felony offense.

38. Possesses or distributes counterfeit money.
39. Engages in making a hit list. (See glossary.)
40. Engages in repeated acts of hazing, harassment, or stalking (non-sexual). (See glossary for all three terms.)
41. Engages in conduct that contains the elements of the offense of retaliation against a student who, in good faith, makes a report of bullying, serves as a witness, or otherwise participates in an investigation.
42. Makes a false accusation or perpetrates a hoax regarding school safety.
43. Commits multiple incidents of confirmed bullying or cyberbullying (confirmed through investigation). (See glossary for terms.)

### ***Disciplinary Options***

- Confiscation of items that disrupt the educational process.
- Withdrawal of privileges, such as participation in extracurricular activities, eligibility for seeking and holding honorary offices, or membership in school-sponsored clubs and organizations.
- Penalties identified in individual student organizations' extracurricular standards of behavior.
- Withdrawal or restriction of bus privileges.
- School-assessed and school-administered probation.
- Out-of-school or overnight suspension, as specified in the Suspension section of this Code.
- Placement in a DAEP, as specified in the DAEP 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.

All Non-Title and Title V felonies may result in placement in DAEP until adjudicated or the completion of probation. The potential change in placement and subsequent return date will be determined by the District-level Hearing Committee.

For all students with disabilities, an ARD will be held regarding a potential change in placement. Proper authorities may be notified for all Class IV offenses.

***Expulsion (See Code of Conduct for Misconduct for Students over Age 10 that may Result in Discretionary or Mandatory Expulsion to JJAEP.)***

# **WEST ISD FREEDOM FROM BULLYING POLICY**

## ***Overview from West ISD Board Policies FFH(LOCAL) and FFI(LOCAL)***

It is the policy of West ISD to provide a learning environment that is free from bullying and cyber-bullying (similar policies exist and define sexual harassment and hazing). It is a violation of this policy for any student to engage in bullying or cyber-bullying, or for any employee of West ISD to condone or fail to report acts of bullying or cyber-bullying that they witness or become aware of (i) on school grounds and property immediately adjacent to school grounds; (ii) at school-sponsored or school-related activities, functions or programs, whether on or off school grounds; (iii) at school bus stops; (iv) on school buses or other vehicles owned, leased or used by the school district; or (v) through the use of technology or an electronic device owned, leased or used by the District.

It is also a violation of this policy for any student to engage in bullying or cyber-bullying at a location, activity, function or program that is not school-related, or through the use of technology or an electronic device that is not owned, leased or used by the school district, if the bullying creates a hostile environment at school for the victim, infringes on the rights of the victim at school, or materially and substantially disrupts the education process or orderly operation of the school, as determined by school administrators.

## ***Retaliation***

West ISD will not tolerate retaliation against a person who reports bullying or cyber-bullying, provides information during an investigation of bullying or cyber-bullying, or witnesses or has reliable information about bullying or cyber-bullying.

## ***Reporting***

It is the responsibility of every student, parent and employee of West ISD to recognize acts of bullying, cyber-bullying, and retaliation. Any student who believes that he or she has been the victim of bullying, cyber-bullying or retaliation should report it immediately to any West ISD staff member. Safety Alert forms are available in every classroom or office across West ISD. The online anonymous Skylert Quick Tip is also available on the front page of the West ISD website at [www.westisd.net](http://www.westisd.net). Students, parents and West ISD staff members (including but not limited to educators, administrators, school nurses, cafeteria workers, custodians, bus drivers, coaches, advisors, advisors to an extracurricular activity, or paraprofessionals), who witness or become aware of bullying, cyber-bullying or retaliation should immediately report it to the campus principal or department head.

Reports of bullying or cyber-bullying will be promptly investigated. If the campus administrator determines that bullying or retaliation has occurred, the campus administrator will (i) notify the police if the campus administrator believes that criminal charges may be pursued against the perpetrator; (ii) take appropriate disciplinary action; (iii) notify the parents or guardians of the perpetrator; and (iv) notify the parents or

guardians of the victim, and to the extent consistent with state and federal law, notify them of the action taken to prevent any further acts of bullying or retaliation.

### ***Staff Training and Classroom Instruction***

West ISD will provide age-appropriate instruction on bullying prevention and provide professional development to build the skills of staff members, as required by law. The Superintendent will develop a Bullying Prevention and Intervention Plan which shall set forth the administrative guidelines and procedures for the implementation of this policy. Such Bullying Prevention and Intervention Plan shall include, but not be limited to: procedures for reporting, responding to and investigating reports of bullying or retaliation; the range of disciplinary actions that may be taken against a perpetrator for bullying or retaliation or against someone for making a false accusation of bullying; procedures for remedying incidents of bullying and restoring a sense of safety for a victim and assessing that victim's needs for protection; strategies for protecting from bullying or retaliation a person who reports bullying or provides information during an investigation; any notification requirements consistent with state and federal law; a strategy for providing counseling or referral to appropriate services for perpetrators, victims and family members; and provisions for educating and informing parents about bullying and the District's bullying prevention curriculum.

### ***Notice***

Students and parents or guardians will receive notice of the relevant student-related section of the prevention plan annually via the Student Code of Conduct, and all West ISD staff members shall be trained annually on the plan applicable to their specific campus. Each campus administrator shall be responsible for the implementation and oversight of the plan at his or her campus. The campus administration team shall assist students, parents, and employees of the district who seek guidance or support in addressing matters relating to any form of bullying, cyber-bullying or retaliation. Each year, the plan will be included in the Employee Handbook and Student Handbooks. Also, the information will be posted on the West ISD website at [www.westisd.net](http://www.westisd.net).

### ***False Reports***

Any student who knowingly makes a false accusation of bullying or retaliation will be subject to disciplinary action including, but not limited to reprimand, detention, loss of privileges, and/or suspension. An educational component will be part of the actions taken. If the false accusations have civil and/or criminal elements then further actions may be taken by appropriate law enforcement agencies. Any staff member, parent, and/or community member who knowingly engage in false accusations will be subject to appropriate consequences administered by the school system and/or law enforcement agencies. Complaints of bullying or retaliation may be made anonymously; however, no disciplinary action shall be taken against a student, staff member, parent, or community member solely on the basis of an anonymous report.



# WEST ISD TELECOMMUNICATION DEVICE GUIDELINES

## *Purpose*

Providing students and staff with a 21st century digital learning environment is part of the West ISD core beliefs. The West ISD Board of Trustees approved a proposal to allow all grades 6-12 students to bring their own telecommunication devices (i.e., laptops, smart phones, eReaders, iPads, etc.) to use to enhance their learning at specified times during the school day. Use of these devices to enhance learning in the classroom will be pursued when deemed appropriate at individual teacher discretion. With teacher approval, students may use their devices in the classroom to access and save information from the Internet, collaborate with other learners, and utilize the productivity tools available to them.

Telecommunication devices are those that emit an audible signal, vibrate, display a message, or otherwise summon or deliver a communication to the possessor.

Telecommunication devices are defined as items such as, but not limited to, cell phones, smart phones, electronic readers, tablets, and laptops with the capability of sending and receiving messages or information, and any related accessories (including but not limited to wires, headphones, and ear clips).

West ISD provides students with access to the district's electronic communications system for educational purposes. The electronic communications system is defined as the district's network, servers, computers, mobile devices, peripherals, applications, databases, online resources, Internet access, email, and any other technology designated for use by students. With this educational opportunity comes responsibility.

While the district uses filtering technology and protection measures to restrict access to inappropriate material, it is not possible to absolutely prevent such access. It will be each student's responsibility to follow the rules for appropriate and responsible use. Access to the West ISD network is a privilege and campus administrators and staff may review files and messages to maintain system integrity and ensure that users are acting responsibly.

## *Initiative Overview*

Elementary students in Pre-Kindergarten through grade 5 shall not display, turn on, or use a telecommunication device during the instructional day (Elementary: 7:45 am to 3:30 pm). Students in grades 2-5 may possess telecommunication devices in the classroom under the direction of a classroom teacher for a specific classroom instructional purpose. These devices should be turned off and remain out of sight (i.e., inside a backpack, book bag, locker, etc.) at all other times. The classroom teacher must receive permission from the campus principal for the use of student telecommunication devices for a specific lesson or activity. All parents or guardians will be notified in writing of each special circumstance. A Bring Your Own Device, or BYOD, User

Agreement must be signed by both the student and a parent or guardian before use in the classroom.

Middle and high school students in grades 6-12 are allowed to possess telecommunication devices with certain restrictions. At the middle school level, telecommunication devices may only be used for educational purposes at the direction of the teacher. Middle school students will not be allowed to use these devices in the hallways during passing periods or during lunch. While most students are respectful of the rules related to telecommunication devices in the school setting, campus administrators still report many problems associated with the misuse of telecommunication devices. Problems include: the devices ring during class causing disruptions, headphones being worn by students while the teacher is teaching/giving instructions or during an emergency situations, students are distracted from instruction because they are sending/receiving text messages, and the devices are used to cheat on tests and other classroom work. Students are also using this technology to take inappropriate photos/videos, partake in acts of cyberbullying, scan tests and other classroom work, etc.

In order to allow telecommunication devices on campus during the school day, the following guidelines will be required of high school students who choose to bring these devices to school:

- **Instructional Time.** Telecommunication devices may be used throughout the instructional day primarily for educational purposes at the direction of the teacher. Devices that include phone and texting features should be in silent or vibrate mode during the instructional day or while riding to/from school on district transportation. Students should not use the devices to receive or place personal calls or send/read personal messages during engaged instructional time. High school students will be allowed to use these devices in the hallways during passing periods and at lunch. Each teacher will designate the BYOD expectations for the class period using a stoplight.



**Red:** All devices must be POWERED OFF, not just on silent or vibrate, and put away. The teacher will remind students once at the start of class to power off their devices. NOTE: The teacher will confiscate a device from a student who is using the device during a “red” class period, and a consequence will be assigned.

**Yellow:** All devices are FACE DOWN on the corner of the desk. They must be on silent or vibrate. Devices will only be touched with permission from the teacher. Students may ask

to use their devices when they feel it is appropriate to enhance the lesson or their learning.

**Green:** Students may have devices out and in use AS LONG AS they are used to enhance the lesson/assignment. Student must stay on task. All devices must be on silent or vibrate.

- **Locker Rooms and Restroom Areas.** The use of the photo/video components of any telecommunication device in a locker room and restroom area at any time while at school or at a school-related or school-sponsored event is strictly prohibited.
- **After School Use.** Students must go into a foyer or outside prior to using a telecommunication device at an indoor afterschool event such as a fine arts event and other types of assembly in which common courtesy dictates that talking is prohibited.
- **Responsibility.** If a student brings a telecommunication device to school, it is the student's responsibility to keep the item secure. The school will not be responsible for telecommunication devices that are damaged, lost or stolen.
- **School Emergencies and Safety Restrictions.** Students are asked to refrain from using all telecommunication devices and not make phone calls or send/receive text messages during an emergency situation that occurs at school until the crisis stage is over unless they are instructed to do so by a staff member or an emergency responder. Students may use their cell phones to contact 911, but all updates and action plans will be communicated to parents and the district by the Superintendent.
- **Photos, Video, and Recorded Conversations.** Under no circumstances should telecommunication devices be used to take photos/video or record conversations in any school facility other than for instructional purposes under the direction of a teacher or at an event open to the public. If a campus administrator suspects that a device may contain photos/video taken at school or inappropriate photos/video, the telecommunication device will be confiscated. The photos/video may be reviewed in the presence of the student and/or parent or guardian prior to the device being returned to the student. Students will be required to delete school-related photos/video taken in violation of these guidelines. Additionally, police will be contacted if a campus administrator has reason to believe that a photo/video might be a violation of law.

Likewise, if a campus administrator suspects that a telecommunication device was used in violation of these guidelines and/or for cheating, the campus administrator may review the call history and/or text messages in the presence of the student and/or parent/guardian prior to the device being returned to the student. For additional

information, please review the Class III and IV Offenses and Disciplinary Options sections of the West ISD Student Code of Conduct.

- **State or Advanced Placement Assessments.** Violation of the telecommunication device guidelines during the administration of any state or major course assessment (i.e., STAAR, and TELPAS; AP or Dual Credit final exams) may result in an invalid assessment and/or will be regarded as cheating. The student's test will be invalidated with appropriate disciplinary action assessed.
- **Noncompliance.** The following will occur when a student is not in compliance with the guidelines:
  - The telecommunication device will be confiscated for the remainder of the school day. Depending on the level of noncompliance, the telecommunication device may be turned over to a campus administrator for investigation purposes.
  - The student who violates the telecommunication device guidelines will be assessed a disciplinary consequence (i.e., detention) at Level II for first and second offense(s) and at Level III for third and subsequent offense(s) (i.e., in-school suspension) as outlined in the West ISD Student Code of Conduct. (Note: Participation in many extracurricular organizations is impacted by Level II and Level III offenses. Please review organizational guidelines and understand the ramifications that may occur due to noncompliance.)
  - Failure to relinquish a telecommunication device when asked to do so will result in additional disciplinary consequences for noncompliance.
  - For additional information, please review the Class I-IV Offenses and Disciplinary Options sections of the West ISD Student Code of Conduct.
- **Unclaimed Telecommunication Devices: West ISD Board Policy FNCE(LEGAL).** If a telecommunication device is not reclaimed by the parent/guardian within 30 days of the date of notification or the end of the school year (whichever is later), notice will be given to the company whose name and address or telephone number appears on the telecommunication device indicating that the device will be disposed of as allowed by State law.

## WEST ISD STATE ASSESSMENT CELL PHONE POLICY

In order to maintain a safe and secure testing environment for all students, the Texas Education Agency (TEA) has stated that all districts must develop and implement procedures for preventing the use of cell phones during any state testing administration (i.e., STAAR).

All West ISD students are prohibited from having cell phones or other electronic media devices in their possession during state testing. West ISD strongly encourages all students to leave all cell phones at home on state testing days. If a cell phone or other electronic media device is brought to the testing site, all students will be required to follow the district collection procedures:

- Students will place the device in a baggie and write their name on the card in the bag.
- All devices will be kept in a box/tub during testing, away from the students (i.e., behind/under teacher desk).
- At the end of testing, each cell phone will personally be returned (based on the recorded name on the card) to each student. Students will not be allowed to retrieve their own cell phone from the box/tub.

Any student found to be in possession of a cell phone or other electronic device during the testing session may be subject to the following:

1. The student's test will be invalidated (Coded "O"). A Code O will be assigned even if the student's test is completed and turned in to the test administrator. This code designates a test administration irregularity and determines that the test will not be scored by the state.
2. The student's cell phone will be confiscated on the spot. An investigation must take place, and the cell phone will be part of the reporting process.
3. All responsible parties will complete documentation summarizing the security violation.
4. Any further disciplinary actions will be decided at the campus level by the appropriate campus administrator.

This policy was developed to comply with the TEA's mandate stated in the *2012 District and Campus Coordinator Manual, Test Security Supplement* that states: "Students are not permitted to have cell phones turned on during testing. Districts are required to have procedures in place to prevent the use of cell phones during test administrations" (p.19). This policy was further developed to help maintain and preserve the security and confidential integrity of the Texas Student Assessment Program (see Texas Education Code, Chapter 39, Subchapter B, for a further definition of the secure testing program).

## WEST ISD TRANSPORTATION GUIDELINES

The District makes school bus transportation available to all students residing in the district two or more miles from school. This service is provided at no cost to students. Under some circumstances, such as student safety, the District may permit students who live within two miles of the school to use school transportation. A fee may be charged for this service. Bus routes and any subsequent changes are posted at the schools.

### *Expectations for Student Behavior*

Students being transported in school-owned vehicles shall comply with the Student Code of Conduct. Any student who fails to comply with the Student Code of Conduct or other rules of conduct while on school transportation may be denied or limited access to transportation services and shall be subject to disciplinary action. See the Student Code of Conduct for provisions regarding transportation to the Disciplinary Alternative Education Program.

Student safety is very important and this is, of course, a primary concern on school buses. Student behavior plays the most significant role in the welfare and safety of students on the buses. In order to ensure the safety of all students on the buses, we need the help of our parents. If a child's behavior warrants notification to the principal, the principal will determine the discipline procedures and consequences for the behavior problem.

Bus drivers may send a student to the principal's office to maintain effective discipline on the bus. The principal shall respond by employing appropriate discipline management techniques consistent with the Student Code of Conduct. Serious offenses are punishable by removal from the bus for a period of time to be determined by the principal. If the incident occurs in the last grading period of a semester, a student's removal from the bus may extend through the following semester. Examples of serious offenses include, but are not limited to:

- Fighting or other physical altercations;
- Serious Disrespect to the bus driver, the aide, or other students;
- Continuous violation or disregard of bus rules.

Students are expected to assist District staff in ensuring that buses remain in good condition and that transportation is provided safely. When riding in District vehicles, students are held to behavioral standards established in these Transportation Guidelines, the Student Parent/Student Handbook, and the Student Code of Conduct. Students must:

- Follow the driver's directions at all times;
- Enter and leave the bus or van in an orderly manner at the designated stop nearest their home;

- Keep books, band instrument cases, and other objects out of the aisle;
- Not deface the bus, van, or its equipment;
- Not extend head, hands, arms, or legs out of the window, hold any object out of the window, or throw objects within or out of the district vehicle.
- Be seated while the vehicle is moving;
- When riding in a school-operated vehicle equipped with seat belts, all riders must use the seat belts at all times. Wait for the driver's signal upon leaving the district vehicle before crossing in front of the vehicle;
- Have the bus driver's and/or aide's permission to use handheld electronic equipment or devices, including cell phones, handheld video gaming systems, tablets, laptops, recording devices, and any other electronic devices.

*A person (including students and parents) commits an offense if the person intentionally disrupts, prevents, or interferes with the lawful transportation of student stop and from school or an activity sponsored by a school on a vehicle owned or operated by a county or independent school district. An offense under this section is a Class C misdemeanor and a fine of \$500 may be levied under Chapter 37.126 of the Texas Education Code.*

### ***Pick-Up and Drop-Off Procedures***

Each student bus rider must have a designated drop-off location, which may be a childcare facility or a grandparent's residence. Any drop-off location must be located at an approved stop or route.

Bus drivers are not required to wait for a child in the morning who is not at the designated bus stop at the appropriate time. The bus should arrive at your house at about the same time each day. Please have your child ready for pick-up on time in order to keep the buses on schedule so that students arrive on time.

The buses are normally filled to capacity and taking on extra riders can sometimes make it difficult to transport all the regular riders. Usually 1 to 2 students riding home with a friend can be accommodated, but if several children are coming to your home, please make arrangements to pick them up at school. All students must deliver a note to their teacher or principal before the end of the school day (preferably before noon) if they are riding a different bus.

## **WEST ISD RANDOM STUDENT DRUG TESTING**

Current law allows school districts to implement a drug testing program if students voluntarily agree to participate in a random drug testing program as a condition for their participation school-sponsored extracurricular activities or to qualify for parking privileges.

On June 6, 2018, the West ISD Board of Trustees approved a new Board policy to conduct random drug tests on students in Grades 7-12 who participate in school-sponsored extracurricular activities (both UIL and non-UIL sanctioned). The new policy also includes students who park a vehicle on a West ISD campus. West ISD and the Board of Trustees believe that the opportunity to participate in extracurricular activities is a privilege offered to eligible students on an equal-opportunity basis. The use of drugs or alcohol by any student presents a hazard to their health, safety, and welfare. By using random drug testing, the District is able to detect and prevent illegal drug and alcohol use among students.

To be eligible to participate in any school-sponsored extracurricular activities or park at a West ISD campus, a secondary student (Grades 7-12) must agree to participate in a drug-testing program that includes random testing during the school year. A signed consent form must be on file for each student before they are able to participate in extracurricular activities or park at a West ISD campus. The consent form does require signatures from both the participating student and their parent/guardian.

### ***Frequently Asked Questions***

*What is a “school-sponsored extracurricular activity”?*

School-sponsored extracurricular activities for which testing is required include without limitation, all interscholastic athletics, cheerleading, drill team, academic clubs, special interest clubs, musical performance, dramatic productions, student government and any other activity or group that participates in contests, competitions, or community service projects on behalf of or as a representative of West ISD.

*What is the purpose of the drug-testing program?*

The purposes of the drug-testing program are to prevent injury, illness, and harm resulting from the use of illegal and performance-enhancing drugs or alcohol; help enforce a drug-free educational environment; deter student use of illegal and performance-enhancing drugs or alcohol; help students avoid peer pressure; educate students regarding the harm caused by the use of illegal and performance-enhancing drugs or alcohol; and remind students that the opportunity to participate in school-sponsored extracurricular activities is a privilege offered to eligible students on an equal-opportunity basis.



*How will students be chosen for testing?*

The third-party testing company West ISD has contracted with uses a software program to randomly choose a list of students to be tested at various times throughout the school year.

*How will students be tested?*

Students will provide a urine sample to a certified technician of the same gender. Samples will be taken under conditions that are no more intrusive to students than the conditions experienced in a public restroom. Students will provide their samples in the privacy of a restroom stall.

*What drugs will be detected by the test?*

The drug-testing laboratory shall test for the presence of, but is not limited to: marijuana, cocaine, methaqualone, benzodiazepines, phencyclidine (PCP), methadone, barbiturates, propoxyphene, amphetamines, and metabolites of any of these substances.

*What happens if a student tests positive?*

All positive results must be confirmed by a second, more definitive, test before being reported as positive. The same sample will be used to conduct the second test. When there is a positive, confirmed test result, the following steps will be taken:

1. The school official to whom results are reported will notify the principal and student drug testing program designee.
2. The principal or district administrator will notify the student's parent/guardian, the student, and the sponsor or coach of the affected activity. The principal will inform the parent of the opportunity to respond to a positive test. The principal will schedule a meeting with the appropriate campus counselor, the parent/guardian, the student, and the student's physician to develop a plan of assistance for the student.
3. At the meeting, the principal and student drug testing program designee will give the student and parent a copy of the test results and provide them an opportunity to offer an explanation for the results. Parents may also request a retest of the original specimen to confirm the results, but the retest will be at the parent's expense. A request to retest must be made in writing within two school days of the meeting with the principal and student drug testing program designee, and payment for the retest must be included with the request.

*Will results be reported to law enforcement?*

Results of any drug test administered under West ISD's drug testing policy will be used only to determine eligibility for participation in school-sponsored extracurricular activities. Results will not be placed in student records. Results will be kept confidential and disclosed only to the student, his/her parent/guardian, and school officials with a

need to know (as designated by the Superintendent). Test results will not be provided to districts outside of West ISD for any reason, including through the withdrawal process.

*Will students be punished apart from becoming ineligible for extracurricular activities?*

No, there will be no other action taken against the student except for suspension from participating in extracurricular activities. West ISD also has service, counseling, and education components as part of the suspension plan for positive drug tests.

*How can parents appeal a removal from extracurricular activities?*

An appeal of the sanction may be instituted by the parent/guardian by giving written notice to the principal within five days. The student shall be ineligible for participation pending the appeal. All appeals shall utilize the procedures outlined in West ISD Board Policy FNG(LOCAL).

*If a student does test positive and it is confirmed they have been using drugs, will they be able to participate in extracurricular activities again?*

Upon a first offense of receiving a confirmed positive drug test, a student shall be suspended from any extracurricular activity, and the student's parking permit shall be suspended, for 15 school days following the date the student and parent are notified of the test results. During the period of suspension, the student may participate in practices but not in any competitive activities or performances. Any student who tests positive, completes all program components, and is reinstated will be retested each random test dates for as long as he or she participates in school-sponsored extracurricular activities for the remainder of the school year.

*What if there are additional offenses?*

Upon a second offense of receiving a confirmed positive drug test, a student shall be suspended from any extracurricular activity, and the student's parking permit shall be suspended, for 45 school days following the date the student and parent are notified of the test results. During the period of suspension, the student may participate in practices but not in any competitive activities or performances.

Upon a third offense of receiving a confirmed positive drug test, a student shall be suspended from participation in any extracurricular activity, and the student's parking permit shall be suspended, for 90 school days following the date the student and parent are notified of the test results. During the period of suspension, the student may participate in practices but not in any competitive activities or performances.

Upon a fourth offense of receiving a confirmed positive drug test, a student shall be suspended from participation in any extracurricular activity, and the student's parking permit shall be suspended for one calendar year.

Again, any student who tests positive, completes all program components, and is reinstated will be retested each random test dates for as long as he or she participates in school-sponsored extracurricular activities for the remainder of the school year.

*What if a parent or guardian refuses to sign the consent form?*

Without a signed consent form on file, a student will not be allowed to participate in any school-sponsored extracurricular activity or park on a West ISD campus.

*What happens if a student refuses to be tested?*

Any student who refuses to be tested or who tampers with, or assists in tampering with, any sample, will be removed from extracurricular activities or not allowed to park on a West ISD campus. If a student is in school and fails to report for testing at the appointed time, he/she will be removed from extracurricular activities or not allowed to park on a West ISD campus.

*Will advance notice be given when the district plans to conduct testing?*

No, students will not be notified in advance of any drug test.

## WEST ISD STUDENT DRESS CODE

The West Independent School District (ISD) is committed to providing an excellent educational opportunity for each student in the district. Efforts are made to ensure the highest standards of performance for all West ISD students and to promote a safe and secure environment.

The District's dress code is used to promote grooming and hygiene, instill discipline, prevent disruption, help avoid safety hazards, and teach respect for authority. In addition, dress and grooming standards shall promote community values and good citizenship, enhance a safe orderly educational environment, and not infringe on any individual's religious beliefs or protected free speech.

The desire of the district is to present changes in a positive format; however, the most effective manner in which to explain the changes is to list the prohibited dress and/or grooming practices. The cooperation of parents and students and the consistent and fair enforcement of this policy by teachers and administrators are essential to the effectiveness of the dress code. **The campus principal has the final decision as to what constitutes appropriate school attire. The campus principal also has the discretion to determine the appropriateness of attire and grooming for religious and/or medical necessities.**

### ***The following modes of Dress or Grooming are prohibited:***

#### ***General***

- Any aspect of a student's appearance or attire that is inappropriate for the school setting or likely to distract or disrupt the learning environment, including images or messages that are illegal, inappropriate, lewd, vulgar, sexually suggestive, containing profanity, or promoting violation of school rules (i.e., promoting drugs, tobacco use, alcohol, violence, gangs, death, sex, profanity, or hate).
- Holes or tears in jeans, pants, or shorts above fingertip length with arms in normal position (i.e., arms hanging naturally as student is standing straight and upright).

#### ***Shirts, Tops, and Blouses***

- Sleeveless shirts or blouses that are not hemmed or have a shoulder width less than 2 inches.
- Spaghetti straps, halter tops, tank tops, tube tops, unbuttoned shirts and blouses, and overalls (unless worn over appropriate garments).
- Exposed midriff or cleavage.
- See-through clothing (e.g., thin or mesh; unless worn over appropriate garments).
- Backless tops.

### ***Dresses, Skirts, Shorts, and Pants***

- Dresses, skirts, or slits in skirts shorter than fingertip length with arms in normal position (i.e. arms hanging naturally as student is standing straight and upright).
- Pants, shorts, and skirts worn below waist (i.e., “sagging” garments).
- Underwear as outerwear or exposed underwear or nightwear.
- Leggings, leotards, or hosiery worn with only a blouse, sweater, or dress that is shorter than fingertip length with arms in normal position (i.e. arms hanging naturally as student is standing straight and upright).
- Wind, athletic, or running shorts that expose underwear.
- Dresses, shorts, skirts, or pants that are not hemmed.

### ***Outerwear***

- Trench coats, dusters, and one-piece jump suits.

### ***Accessories***

- Jewelry, which displays sex, violence, drugs, tobacco, profanity, alcohol, death, or that promote hate and/or violence.
- Chains on clothing or wallets.
- Studs or earrings on male students (Female students may wear earrings in their ears. All other visible pierced jewelry is prohibited. Students may not wear band-aides, gages, plastic spacers, sticks, bars, etc. to conceal piercings.).
- Heavy or spiked jewelry (e.g., dog collars, spiked bracelets or belts, etc.).
- Visible tattoos deemed disruptive or inappropriate (must be covered at all times).

### ***Footwear***

- House shoes, bare feet, shoes with metal cleats, or shoes with wheels.

### ***Grooming***

- Sunglasses inside (except with a signed note from the school nurse).
- Sweatbands during the school day.
- Hats, caps, bandannas, hoods, or other head coverings inside the campus buildings.
- Hairstyles that are disruptive (e.g., spikes, Mohawks, etc.).
- Non-natural colored hair (e.g., green, blue, purple, orange, etc.).
- Beards or mustaches (Facial area must be clean shaven.).
- Hair covering the eyes.
- Hair longer than the shirt collar on male students.

# GLOSSARY

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

**Abuse** is improper or excessive use.

**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 other person is:
  - a. 65 years of age or older, or
  - b. A disabled person.

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

**Arson** is defined in part by Texas Penal Code 28.02 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:
    - 1) Knowing that it is within the limits of an incorporated city or town;
    - 2) Knowing that it is insured against damage or destruction;
    - 3) Knowing that it is subject to a mortgage or other security interest;
    - 4) Knowing that it is located on property belonging to another;
    - 5) Knowing that it has located within it property belonging to another; or
    - 6) When the person starting the fire is reckless about whether the burning or explosion will endanger the life of some individual or the safety of the property of another.
2. A crime that involves recklessly starting a fire or causing an explosion while manufacturing or attempting to manufacture a controlled substance and the fire or explosion damages any building, habitation, or vehicle; or
3. A crime that involves intentionally starting a fire or causing an explosion and in so doing:

- a. Recklessly damages or destroys a building belonging to another, or
- b. Recklessly causes another person to suffer bodily injury or death.

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

**Body Shaming** is the practice of making critical, potentially humiliating comments about a person's body size or weight.

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

**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 and imbalance of power and involves engaging in written or verbal expression, expression through electronic means, or physical conduct that:

1. Has the effect or will have the effect of physically harming a student, damaging a student's property, or placing a student in reasonable fear of harm to the student's person or of damage to the student's property;
2. Is sufficiently severe, persistent, or pervasive enough that the action or threat creates an intimidating, demeaning, 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 a 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 Texas 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.

**Club** is defined by Texas Penal Code 46.01 as an instrument specially designed, made, or adapted for the purpose of inflicting serious bodily injury or death. A blackjack, mace, and tomahawk are in the same category.

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

**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.

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

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

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

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

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

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

**E-cigarette** means an electronic cigarette or any other device that simulates smoking by using a mechanical heating element, battery, or electronic circuit to deliver nicotine or other substances to the individual inhaling from the device. The term includes any device that is manufactured, distributed, or sold as an e-cigarette, e-cigar, or e-pipe or under



another product name or description and a component, part, or accessory for the device, regardless of whether the component, part, or accessory is sold separately from the device.

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

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

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

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

**Felony Criminal Mischief** results in damage to property of \$1,500 or more.

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

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

Such term does not include an antique firearm.

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

**Graffiti** are markings with paint, an indelible pen or marker, or an etching or engraving device on tangible property without the effective consent of the owner. The markings may include inscriptions, slogans, drawings, or paintings.

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

**Harassment** is:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Public lewdness** is defined by Texas Penal Code 21.07 as an offense that occurs when a person knowingly engages in an act of 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 seek to perpetuate itself by taking additional members from the students enrolled in school based on a decision of its membership rather than on the free choice of a qualified student. Educational organizations listed in Section 37.121(d) of the Education Code are exempted from this definition.

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

**Scholastic dishonesty** is giving or receiving information or help on a test; possession of any unauthorized material during a test; copying another student's assignment or knowingly allowing another unauthorized student to copy from his/her assignment; working with others on a project that is meant to be done individually; unauthorized possession of test or quiz questions and/or answer sheets; completing an assignment, test or quiz on behalf of another student; submitting duplicate work; having someone else complete an assignment, test, or quiz on behalf of the student, or accessing a teacher edition. Using electronic devices to send or receive information as described above is also classified as cheating.

Plagiarism, the use of another's ideas or products as one's own, shall also be defined as cheating. Plagiarism is any failure to give credit for information found and used. It may involve word-for-word copying, paraphrasing, or simply using ideas and information.

The penalty for scholastic dishonesty will be a zero for work involved and the student will be subject to other appropriate disciplinary action which may include lowering the conduct grade one level. In scholastic dishonesty offenses, all students involved shall be subject to disciplinary action.

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

**Serious misbehavior means:**

1. Deliberate violent behavior that poses a direct threat to the health or safety of others;
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, Texas Penal Code; or
4. Conduct that constitutes the offense of:
  - a. Public lewdness under Section 21.07, Texas Penal Code;
  - b. Indecent exposure under Section 21.08, Texas Penal Code;
  - c. Criminal mischief under Section 28.03, Texas Penal Code;
  - d. Personal hazing under Section 37.152, Education Code; or
  - e. Harassment under Section 42.07(a)(1), Texas Penal Code, of a student or district employee.

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

- Behavior that is grounds for permissible expulsion or mandatory DAEP placement.
- Behavior identified by the district as grounds for discretionary DAEP placement.
- Actions or demonstrations that substantially disrupt or materially interfere with school activities.
- Refusal to attempt or complete school work as assigned.

- Insubordination.
- Profanity, vulgar language, or obscene gestures.
- Leaving school grounds without permission.
- Falsification of records, passes, or other school-related documents.
- Refusal to accept discipline assigned by the teacher or principal.

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

**Stalking** is the unwanted pursuit of another person, such as following a person, appearing at a person's home, making harassing phone calls, leaving written messages or objects, or vandalizing a person's property. By its nature, stalking is not a one-time event. The individual's actions must be considered in connection with other actions to determine if someone is being stalked. It includes repeated harassing or threatening behavior toward another person, whether that person is a total stranger, slight acquaintance, or anyone else.

**Switchblade** is any knife with a blade that folds, closes, or retracts into the handle or sheath and that opens automatically by pressing a button or by the force of gravity or centrifugal force. The term does not include a knife that has a spring, detent, or other mechanism designed to create a bias toward closure and that requires exertion applied to the blade by hand, wrist, or arm to overcome the bias toward closure and open the knife.

**Terroristic threat** is 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 service;
5. Place the public or a substantial group of the public in fear of serious bodily injury; or
6. Influence the conduct or activities of a branch or agency of the federal government, the state, or a political subdivision of the state (including the district).

**Tire deflation device** is defined in part of Section 46.01 of the Texas 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 that involve injury to a person and include

- Murder, manslaughter, or homicide under Sections 19.02, – .05, Texas Penal Code;
- Kidnapping under Section 20.03, Texas Penal Code;
- Trafficking of persons under Section 20A.02, Texas Penal Code;
- Smuggling or continuous smuggling of persons under Sections 20.05 – .06, Texas Penal Code;
- Assault under Section 22.01, Texas Penal Code;
- Aggravated assault under Section 22.02, Texas Penal Code;
- Sexual assault under Section 22.011, Texas Penal Code;
- Aggravated sexual assault under Section 22.021, Texas Penal Code;
- Unlawful restraint under Section 20.02, Texas Penal Code;
- Continuous sexual abuse of a young child or children under Section 21.02, Texas Penal Code;
- Bestiality under Section 21.09, Texas Penal Code;
- Improper relationship between educator and student under Section 21.12, Texas Penal Code;
- Voyeurism under Section 21.17, Texas Penal Code;
- Indecency with a child under Section 21.11, Texas Penal Code;
- Invasive visual recording under Section 21.15, Texas Penal Code;;
- Disclosure or promotion of intimate visual material under Section 21.16, Texas Penal Code;
- Sexual coercion under Section 21.18, Texas Penal Code;
- Injury to a child, an elderly person, or a disabled person of any age under Section 22.04, Texas Penal Code;
- Abandoning or endangering a child under Section 22.041, Texas Penal Code;
- Deadly conduct under Section 22.05, Texas Penal Code;
- Terroristic threat under Section 22.07, Texas Penal Code;
- Aiding a person to commit suicide under Section 22.08, Texas Penal Code; and
- Tampering with a consumer product under Section 22.09, Texas Penal Code. [See FOC(EXHIBIT).]

**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 or the presence of physical symptoms of drug or alcohol

use, or by admission. A student “under the influence” need not be legally intoxicated to trigger disciplinary action.

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

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