



KEMP INDEPENDENT SCHOOL DISTRICT

STUDENT CODE OF CONDUCT

2018-2019

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STUDENT CODE OF CONDUCT

Accessibility

If you have difficulty accessing the information in this document because of disability, please contact district employee Toni Miller, Special & Federal Programs Coordinator at toni.miller@kempisd.org or call 903-498-1340.

Purpose

The Student Code of Conduct 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), or expulsion from school.

This Student Code of Conduct has been adopted by the Kemp 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 of 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 posted on the district's website. Parents shall be notified of any conduct violation that may result in a student being suspended, placed in a DAEP, or expelled.

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

Campus Behavior Coordinator

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

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 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 shall 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 of Conduct.

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

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

The valedictorian and salutatorian may also have speaking roles at graduation. No student shall be eligible to have 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.

Unauthorized Persons

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

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

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

See **DAEP—Restrictions During Placement** on page 22, for information regarding a student assigned to DAEP at the time of graduation.

Standards for Student Conduct

Each student is expected to:

- Demonstrate courtesy, even when others do not.

- Behave in a responsible manner, always exercising self-discipline.
- Attend all classes, regularly and on time.
- Prepare for each class; take appropriate materials and assignments to class.
- Meet district and campus standards of grooming and dress.
- Obey all campus and classroom rules.
- Respect the rights and privileges of students, teachers, and other district staff and volunteers.
- Respect the property of others, including district property and facilities.
- Cooperate with and assist the school staff in maintaining safety, order, and discipline.
- Adhere to the requirements of the Student Code of Conduct.

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.

Disregard for Authority

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 school buses.

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

Mistreatment of Others

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.
- 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, aggravated robbery, and theft see DAEP Placement and Expulsion.)

Possession of Prohibited Items

Students shall 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 stun gun;
- A pocketknife or any other small knife;

- A location-restricted knife;
- A hand instrument designed to cut or stab another by being thrown;
- A firearm;
- Mace or pepper spray;
- Pornographic material;
- Tobacco products, cigarettes; 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:

- Use a telecommunications device, including a cellular telephone, or other electronic device in violation of district and campus rules.

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 any form, including less than a usable amount. Possess, use, give, or sell paraphernalia related to any prohibited substance. (See glossary for “paraphernalia.”)
- Possess 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 policies, rules, or agreements signed by the student or the student's parent regarding the use of technology resources.
- 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 technology resources including but not limited to computers and related equipment, district data, the data of others, or other networks connected to the district's system, including off school property if the conduct causes a substantial disruption to the educational environment or infringes on the rights of another student.
- Use the Internet or other electronic communications to threaten district students, employees, or volunteers, including off school property if the conduct causes a substantial disruption to the educational environment.
- Send, post, deliver, or possess electronic messages that are abusive, obscene, sexually oriented, threatening, harassing, damaging to another's reputation, or illegal, including cyberbullying and "sexting," either on or off 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 school safety, including off school property if the conduct causes a substantial disruption to the educational environment or infringes on the rights of another student at school.

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.

Dress Code

General Guidelines

The District's dress code is established to teach grooming and personal hygiene, prevent disruption, and minimize safety hazards. Students and parents may determine students' personal dress and grooming standards, provided that they comply with the following:

- All clothing should fit properly. Clothing should be worn in the way it is designed to be worn. The waistband of all pants, shorts and skirts shall be worn no lower than the waist.
- Clothing displaying vulgar or suggestive words, symbols, and/or the name of any alcoholic beverage, drug, or tobacco product may not be worn on campus. When clothing is deemed inappropriate, campus administration will follow campus procedures to facilitate compliance.
- Clothing that either displays bare skin where normally it would be covered, sagging, or is otherwise deemed immodest is prohibited. (i.e., slit skirts, off-the-shoulder blouses, tank-tops, crop-tops, sundresses, etc.). A crop-top is anything that exposes the midriff. Jackets may not be used to cover tops that are not in compliance with the dress code. A top is too short if the midriff is exposed when the student's hands are fully extended overhead. For students in grades 7-12, all shirts (tops) must have sleeves.
- All clothing must be clean and neat.
- Ripped jeans are required to meet the following standards: Ripped jeans below the knee are permissible. Ripped jeans above the knee exposing skin are not permissible. If the jeans are ripped above the knee, undergarments are required to cover the rips and exposed skin.
- No cut-offs are permitted.
- No pajama type clothing may be worn.
- No swim trunks may be worn.
- When stretch leggings are worn, the top, blouse, skirt or dress worn over the leggings must be mid-thigh.

- Appropriate shoes must be worn at all times. Some classes may require closed-toe shoes for safety purposes. No house shoes or slippers are allowed.
- Hats, head coverings, and sunglasses are not to be worn inside the school buildings. Prior to first period, these items should be placed in lockers and not carried from class to class.
- Visible body piercing jewelry, other than earrings, including spacers, is not permitted.
- Contacts should be a natural eye color.
- Shirts will be buttoned to an appropriate level.
- Exposed or “hanging” chains are not permitted.
- Appropriate personal hygiene should be practiced.
- If a student has a tattoo, that tattoo must be covered by clothing or in some other manner at all times.
- Hair should be clean and neatly styled with no inappropriate/unnatural colors, designs or styles (including the notching of eyebrows). No Mohawks or designs shaved into the hair will be allowed.
- Concerning extra-curricular activities, the sponsor, coach, or other person in charge of the activity may regulate more stringent dress or grooming of students who participate in the activity.
- The coach, sponsor, or other person in charge of an activity may allow temporary exemptions for the Dress and Grooming policy for the purpose of student incentive and success. These exemptions will be brought forth and approved by the campus principal.
- In any disputed infraction of the dress code, the principal shall have final authority to determine appropriate dress and grooming. Students who do not comply with the dress code shall be subject to disciplinary action in accordance with the Student Code of Conduct.

Boys: Additional Guidelines

- Hair for males must not extend past the base of the neck in back, past the bottom of the ears on the side or below the eyebrows in front.
- Neatly trimmed moustaches are permitted but shall not extend past the corners of the mouth. Beards are allowed; males must be clean shaven/neatly groomed and is left to the discretion of the administration of Kemp High School. Sideburns should not extend past the earlobes.
- Only one small earring worn per earlobe is acceptable for males.

Girls: Additional Guidelines

- Any form of dress or grooming that either reveals cleavage, midriff, or an undergarment or provides a disruptive influence to the normal function of the school is inappropriate.
- Girls must wear sufficient undergarments.
- Shorts, Dresses, and skirts (including slits in skirts) must be at mid-thigh.

Enforcement Procedures

All teachers must enforce the dress and grooming code by counseling and/or informing students who, in the teacher's judgment, are not in compliance with the guidelines. School officials have the authority to take up from students any items that are not allowed to be worn or carried in their possession.

If any teacher is unsuccessful in gaining student cooperation and conformity to the dress and grooming guidelines, the teacher will refer the student(s) to the principal's office. Students whose dress/grooming appropriateness is questionable will also be referred to the principal's office. If the principal, or designee, determines the student's dress and/or grooming is inappropriate, he/she will advise the student of why the student's dress/grooming fails to conform to the guidelines and allow the student to give an explanation.

The principal, or designee, shall notify one of the parents or the legal guardian of the student whose dress/grooming is inappropriate. Students who are found to be in violation of the student dress code may be subject to Student code of conduct consequences.

Actions or threats of actions which constitute verbal or physical abuse of any employee or volunteer of the Kemp Independent School District by a student shall not be tolerated. Appropriate measures necessary to correct these situations may be taken by the School District, including reassignment to a disciplinary alternative education program or expulsion.

Computer Resources and Network Services Acceptable Use Guidelines

Access to computer resources and network services is now available to students in the Kemp Independent School District (KISD). These services are a vital asset for accessing vast, diverse, and unique resources. Our goal in providing these resources is to promote educational excellence in KISD.

KISD has taken precautions to restrict access to controversial information with the use of filtering software. However, it is impossible to control all materials, and an industrious user may discover inappropriate resources. The District believes that the valuable information and interaction available on this worldwide network far outweigh the possibility that users may discover material that is not consistent with the educational goals of the district. Ultimately, parents and guardians of minors are responsible for setting and conveying the standards that their children should follow when using media and information sources.

Rules of Acceptable Use

A. General Use

- The use of an account must be in support of education and research and be consistent with the educational objectives of the Kemp Independent School District.
- Do not give user passwords to any other individual or attempt to use anyone else's account.
- Unless part of the approved KISD curriculum, the following rules also apply:

- Students are prohibited from changing any computer settings and/or configurations.
- Students may not install any software, including but not limited to commercial software, shareware, freeware, original software and/or utilities onto school computers or networks.
- Students are not allowed to open computer cases (CPU's) or make modifications to computers.

B. Internet/Electronic Communications Use

- Students are expected to understand that electronic communications are not private. Network administrators may review electronic communications and logs of Internet sites visited to verify appropriate use.
- Use network etiquette by communicating politely with appropriate language. Abusive messages to others, swearing, and use of vulgarities and other inappropriate language is not permitted.
- Do not reveal personal information, except with teacher permission or to request college information.
- Do not reveal names, personal addresses and/or phone numbers of others.
- If a user identifies or has knowledge of a security problem on the network, the user must notify the teacher immediately. The security problem should not be shown or demonstrated to other users.
- Photos of students are permitted; however, no information providing individual identification should be included.
- Students are to visit only Internet sites that are appropriate for students and support District learning objectives.
- Students are to notify their teacher immediately if they should encounter any material or electronic communication that is inappropriate, including pornographic material or bomb threats.
- Students must not respond to any electronic messages that are inappropriate.
- Students are prohibited from pretending to be someone else.
- Students are prohibited from transmitting and/or displaying obscene messages or pictures (pornography).
- Students may not access or download any programs, files, or information without permission from a teacher.
- All Webpages created for a KISD website must be submitted to the campus principal or designee for approval. Only authorized KISD employees may be allowed to post pages to KISD websites. Students are prohibited from attempting to bypass or bypassing internet blocks on district computers or networks to enter unapproved files or sites.

C. Computer Ethics

- Students are expected to observe copyright law in their use of electronic media.
- Transmission of any material in violation of any U. S. or state law is prohibited. This includes, but is not limited to copyrighted material, threatening or obscene material, or material protected by trade secret.
- Illegal activities are strictly prohibited.
- Use for commercial activities is not acceptable.
- Use for product advertisement or political lobbying is also prohibited.
- Do not use the network in such a way that would disrupt the use of the network by other users (e.g. uploading and/or downloading huge files using prime time; sending frivolous mass e-mails, such as chain letters; annoying other users electronically).

- Vandalism will result in cancellation of privileges. Vandalism is defined as any malicious attempt to harm or destroy equipment, data of another user, the KISD network, or other networks that are connected to the KISD services. This includes, but is not limited to, the uploading or creation of computer viruses.

D. Consequences

Violation of the Rules of Acceptable Use may result in disciplinary action, possibly including:

- Loss of computer privileges for any length of time, up to the remainder of the school year, as determined by the building principal and in consultation with the Technology Department.
- Detentions
- In School Suspension
- Suspension
- Placement at the DAEP
- Expulsion
- Financial responsibility for all costs associated with system restoration including labor, hardware or Software repair/replacement and restoring the integrity of data.
- Criminal charges.

E. Disclaimer of Liability

The KISD offers no warranties of any kind, whether expressed or implied, for the services provided. The District will not be responsible for damages suffered, such as loss of data resulting from delays, non-deliveries, mis-deliveries, or service interruptions caused by the district's or user's errors or omissions. Use of any information obtained via the KISD network is at user's own risk. KISD has no claim for the accuracy or quality of information obtained through network services.

Discipline Management Techniques

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

In accordance with the Education Code, a student who receives special education services may not be disciplined for conduct meeting the definition of bullying, cyberbullying, harassment, or

making hit lists (see glossary) until an ARD committee meeting has been held to review the conduct.

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

Techniques

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

- Verbal correction, oral or written.
- Cooling-off time or “time-out.”
- Seating changes within the classroom 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, 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.
- Withdrawal or restriction of bus privileges.
- School-assessed and school-administered probation.
- Corporal punishment, unless the student's parent or guardian has provided a signed statement prohibiting its use.

- 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.
- 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

Questions from parents regarding disciplinary measures should be addressed to the teacher, campus administration, or campus behavior coordinator, as appropriate. Appeals or complaints regarding the use of specific discipline management techniques should be addressed in accordance with policy FNG(LOCAL). A copy of the policy may be obtained from the principal's office, the campus behavior coordinator's office, or the central administration office or through Policy On Line at the following address: www.kempisd.org.

Consequences shall 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 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** also initiate a formal removal from class if:

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

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

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

In deciding whether to order out-of-school suspension, the campus behavior coordinator shall take into consideration:

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

The appropriate administrator shall determine any restriction 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.

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

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

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

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

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

Discretionary Placement: Misconduct That May Result in DAEP Placement

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

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.)
- Criminal mischief, not punishable as a felony.
- 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 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:
 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 shall be transferred to a DAEP.

Process

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

Conference

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

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

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

Consideration of Mitigating Factors

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

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

Placement Order

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

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

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 shall 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 shall be determined by the campus behavior coordinator.

The duration of a student's placement shall be determined on a case-by-case basis. DAEP placement shall be correlated to the seriousness of the offense, 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 days or longer in accordance with established district administrative procedures for administering other diagnostic or benchmark assessments.

Each credited full day of attendance in DAEP counts towards the student's DAEP service time.

Each DAEP student also has the opportunity to accrue $\frac{1}{4}$ day additional DAEP service time for each Successful Day earned while in DAEP.

A Successful Day can be earned when both of the following conditions are met on the same DAEP school day:

1. The DAEP student must be credited with attending the entire DAEP school day, **and**
2. the DAEP student must have earned 90% of possible checkmarks on the DAEP Tracking Sheet on that same day.

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 shall be given notice and the opportunity to participate in a proceeding before the board or the board's designee.

Appeals

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

Student or parent appeals regarding a student's placement in a DAEP should be addressed in accordance with FNG(LOCAL). A copy of this policy may be obtained from the principal's office, the campus behavior coordinator's office, the central administration office, or through Policy On Line at the following address: www.kempisd.org

Appeals shall begin at:

1. Level One: with the campus principal,
2. Level Two: with the superintendent,
3. Level Three: with the school board.

Disciplinary consequences shall 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

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

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

For seniors who are eligible to graduate and are assigned to a DAEP at the time of graduation, the last day of placement in the program shall be the last instructional day, and the student shall be allowed to participate in the graduation ceremony and related graduation activities unless otherwise specified in the DAEP placement order.

Placement Review

A student placed in a DAEP shall 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 shall also be reviewed. At the review, the student or the student's parent shall 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 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 shall notify the district if: 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

3. The court or jury found a student not guilty, or made a finding that the student did not engage in delinquent conduct or conduct indicating a need for supervision, and the case was dismissed with prejudice.

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

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

The student or the student's parent may appeal the superintendent's decision to the board. The student may not be returned to the regular classroom pending the appeal. In the case of an appeal, the board shall, at the next scheduled meeting, review the notice from the prosecutor and receive information from the student, the student's parent, and the superintendent or designee, and confirm or reverse the decision of the superintendent or designee. The board shall 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 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 decide on a case-by-case basis whether to continue the placement of a student who enrolls in the district and was assigned to a DAEP in an open-enrollment charter school or another district. The district may place the student in the district's DAEP or a regular classroom setting.

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

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

Emergency Placement Procedure

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

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 shall 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 shall recommend whether the student should return to the regular classroom or remain in the placement. Absent a special finding, the board or its designee must follow the committee's recommendation.

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

Newly Enrolled Student

If a student enrolls in the district during a mandatory placement as a registered sex offender, the district may count any time 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 campus behavior coordinator

makes certain findings and the following circumstances exist in relation to aggravated robbery or a felony offense under Title 5 (see glossary) of the Texas Penal Code.

The student must:

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

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

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

Hearing and Required Findings

The student must first have a hearing before the board 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

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

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)

Any Location

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 a School Event

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

- 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, 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 for engaging in documented serious misbehavior that violates the district's Code, despite documented behavioral interventions while placed in a DAEP. For purposes of discretionary expulsion from a DAEP, serious misbehavior means:

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

- 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(LEGA).).

- 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 shall not be expelled, but shall be placed in a DAEP. A student under age six shall 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 shall schedule a hearing within a reasonable time. The student's parent shall 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 shall 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 district's witnesses.

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

The board of trustees delegates to the Superintendent or designee authority to conduct hearings and expel students.

Board Review of Expulsion

After the due process hearing, the expelled student may request that the board 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 shall base its decision on evidence reflected in the record and any statements made by the parties at the review. The board shall make and communicate its decision orally at the conclusion of the presentation. Consequences shall not be deferred pending the outcome of the hearing.

Expulsion Order

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

1. Self-defense (see glossary),
2. Intent or lack of intent at the time the student engaged in the conduct,
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.

If the student is expelled, the board or its designee shall deliver to the student and the student's parent a copy of the order expelling the student.

Not later than the second business day after the hearing, the Superintendent or designee 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 shall give notice of the inconsistency.

Length of Expulsion

The length of an expulsion shall 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 shall be determined on a case-by-case basis. The maximum period of expulsion is one calendar year except as provided below.

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

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

State and federal law require a student to be expelled from the regular classroom for a period of at least one calendar year for bringing a firearm, 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 the 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 shall 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 shall 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 shall be given verbal notice of the reason for the action. Within ten days after the date of the emergency expulsion, the student shall be given appropriate due process required for a student facing expulsion.

DAEP Placement of Expelled Students

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

Equal Opportunity Policy Statements

No administrative officer or employee of the Kemp Independent School District, acting in his/her official capacity, may discriminate on the basis of ethnicity, religion, sex, age, national origin, disability, military status, or any other basis prohibited by law regarding such personnel practices as assigning, hiring, promoting, compensating, and discharging employees; use of facilities; awarding contracts; and participating in programs.

No qualified handicapped person shall, on the basis of handicap, be excluded from participation in, be denied the benefits of, or otherwise be subject to discrimination under any program or activity sponsored by this school district as specifically provided by law in Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act of 1990, and in the Title IX Implementing Regulations.

Inquiries regarding any of these policies should be directed to the Superintendent of Schools, Phil Edwards, 905 S. Main Street, Kemp, TX 75143, whose office phone number is (903)498-1312.

This document has been adopted by the Board of Education as official policy.

Grievance Procedure Under Equal Opportunity Policies

A complaint involving a discriminatory act carried out by employees, other students, or third parties under employee and student School Board policies, state law regarding same (Section 21051, Texas Labor Code), Equal Opportunity Act, Title VI and VII of the Civil Rights Act of 1964, Title II of the Americans with Disabilities Act, Section 504 of the Rehabilitation Act, and/or Title IX of the Education Amendments of 1972 Rules and Regulations will be handled according to the following procedures, if it cannot be resolved at the campus level.

The Superintendent of Schools is hereby designated as the responsible employee to coordinate overall efforts to comply with and carry out the responsibilities under these policies including any investigation of any complaint alleging noncompliance. This designation does not preclude the delegation of certain details to other personnel.

A person alleging such a complaint shall submit in writing to the Superintendent a description of the alleged violation including the date, time, place and circumstances, together with the name of the person being complained about. Upon receipt of the complaint, the Superintendent of Schools will provide a copy of the complaint procedures to the complaining party.

The process shall begin with the immediate supervisor of the person complained about. The supervisor shall schedule a conference to be held between the immediate supervisor of the person complained of and the complaining party within seven (7) school days from the date the Superintendent of Schools received the complaint. This conference will include only those as appropriate to protect the dignity of the parties involved. The complaining party may present witnesses and other evidence. Following the conference, the administrative officer shall render a written decision within seven (7) school days.

In the event the aggrieved person is not satisfied with the disposition of his/her grievance after review with the Administrative Officer, he/she may request a hearing before the Superintendent of Schools, Kemp Independent School District, 905 S. Main St., Kemp, Texas 75143 within seven (7) school days of receipt of the administrative officer's decision. The deputy superintendent or assistant superintendent may serve as the Superintendent's designee. Within seven (7) school days, the Superintendent or designee shall render a written decision.

In the event the aggrieved person is not satisfied with the disposition of his/her grievance at the Superintendent level, he/she may request the Superintendent to schedule a hearing before the Kemp Independent School District Board of Trustees at its next regular meeting. The request shall be in writing and must be filed within seven (7) days following receipt of the written response from the Superintendent's level.

The Superintendent/designee shall inform the aggrieved person of the date, time, and place of the meeting.

The Superintendent/designee shall provide the Board with copies of the aggrieved person's original grievance, all responses, and any written documentation previously submitted by the

employee and the administration. The Board is not required to consider documentation not previously submitted or issues not previously presented.

The presiding officer may set reasonable time limits. The Board shall hear the grievance and may request a response from the administration. The District shall make an audiotape record of the proceeding of the Board.

The Board shall then make and communicate its decision orally or in writing at any time up to and including the next regularly scheduled Board meeting. These grievance procedures should not extend beyond sixty (60) school days from the date the letter of complaint was received by the Superintendent. To receive consideration, the complaint must be filed within ninety (90) days from the date of the alleged violation.

If the aggrieved person is not satisfied with the decision of the Board, he/she may appeal the Board's ruling to the Commissioner of Education of the State of Texas. [Texas Association of School Boards]

The District designates the following employee to coordinate its efforts in accordance with Sexual Harassment Policy 517 to comply with Title IX of the Education Amendments of 1972, as amended:

Name: Dr. Lisa A. Gonzales
Position: Superintendent
Address: 905 S. Main Street, Kemp, TX 75143
Telephone: (903) 498-1312

The District designates the following employee to coordinate its efforts to comply with Section 504 of the Rehabilitation Act of 1973 as amended:

Name: Toni Miller
Position: Special & Federal Programs Coordinator
Address: 905 S. Main Street, Kemp, TX 75143
Telephone: (903) 498-1340

The District designates the following employee to coordinate its efforts to comply with Title II of the Americans with Disabilities Act of 1990, which incorporates and expands upon the requirements of Section 504 of the Rehabilitation Act of 1973:

Name: Toni Miller
Position: Special & Federal Programs Coordinator
Address: 204 West 17th St., Kemp, TX 75143
Telephone: (903) 498-1340

Complaints regarding Title VI and Title VII should be directed to the Superintendent of Schools, 905 S. Main Street, Kemp, TX 75143, whose office phone number is 903-498-1312.

If the complaint is substantiated at any level, the district will take steps to prevent recurrence of any discrimination and to correct the discriminatory effects on the complainant and others, as appropriate.

Kemp ISD Transportation Procedures and Regulations

Only eligible students are permitted to ride a bus, and they must ride their assigned bus. Only in emergency situations will students be allowed to ride a bus other than their normal bus. In these cases, parents must notify the campus or Scott Ellis, Transportation Director. Campus principal or transportation director must approve the change.

The purpose of School Transportation is to safely transport students to and from school. School transportation is a privilege, not a state requirement. School bus safety regulations must be followed.

School campus administrators are responsible for the students while on the bus and reserve the right to resolve discipline problems that occur between home and campus.

Bus drivers are charged with maintaining proper student conduct, including assigning individual seats and video recording when necessary. Students are expected to conduct themselves on buses in the same manner as in the classroom. If the driver cannot, by reasonable means, obtain cooperation from a student, the following actions will be taken:

1. For infraction of rules, the driver will file an incident report, which will be processed by the Transportation department and sent to the campus administration.
2. When damage to the school bus is involved, reimbursement for the damage will be part of the penalty assessed. The Student will not be allowed to ride until the reimbursement has taken place.
3. Following are penalties for misconduct (include but are not limited to):
 - Parents are notified by the campus administration and the student will receive a verbal and/or written warning.
 - Age appropriate campus discipline.
 - Campus discipline may include suspension from riding the bus for 3-5 days.
 - Campus discipline may include suspension from riding the bus for 5-10 days.
 - Campus discipline may include suspension from riding the bus for remainder of semester or school year.

Campus administration has the authority to make changes to consequences based on severity of infraction.

In extreme cases, the driver may notify the Transportation Director who may take immediate action, including suspension, until the campus administrator can handle the incident. Examples of extreme cases include but are not limited to: fighting, flammable items, illegal drugs, profanity toward driver, weapons, verbal and sexual harassment, and other disciplinary infractions as deemed necessary by administration.

SCHOOL BUS RIDER SAFETY REGULATIONS MUST BE ADHERED TO:

1. Students will cooperate with the bus driver at all times.
2. Students may have an assigned seat on the bus by the driver and/or monitor.
3. Students will stay seated and face forward.
4. Students will not talk loudly, yell or cause loud noises on the bus.
5. Students will not use profanity or obscene gestures.
6. Students will not extend any body part or objects out the window.
7. Students may not eat, drink, or use tobacco products, drugs, or alcohol on the bus.
8. Students will not damage any part of the school bus.
9. Students will not fight on the bus or at the bus stop.
10. Students will not open the back door. (For emergency use only)
11. Students will not be dropped off at any other stop.
12. Students will not throw any object on/from the bus.

Disciplinary Policies & Procedures

Levels of Misconduct

The Kemp Independent School District Discipline Management Program classifies student misconduct into six levels. Appropriate types of disciplinary techniques are listed for each level. Appeal procedures for parents are also given.

Level I

Examples (including but not limited to):

Inappropriate behavior (**not** abusive, threatening, violent)
Tardiness
Chewing gum
Being in an unauthorized area
Leaving campus
Failure to attend detention
Failure to attend class
Public Display of Affection
Failure to comply with standard dress/dress code policy
Cheating

Appropriate Disciplinary Actions (including but not limited to):

Loss of privileges
Detentions
Corporal Punishment, unless the student's parent or guardian has provided a signed statement prohibiting its use
In-School Suspension

* Disciplinary actions may be used individually or in combination for any offense.

Conference/Appeal Procedure:

The appeal of Level I decisions is exhausted at the campus principal level. In cases where the student is reassigned to in-school suspension, the parent shall be notified as soon as is reasonably possible. Procedural due process shall be provided. Parental questions regarding disciplinary measures should be addressed to campus administration, as appropriate, and in accordance with policy FNG (LOCAL). A copy of the policy may be obtained from the principal's office or the central administration office or through Policy on Line at the following address:
<http://www.tasb.org/policy/pol/private/129904/>.

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

Level II

Examples (including but not limited to):

Persistent Level I offenses
Disrespect of school personnel and persons in authority

Inappropriate behavior (abusive, threatening)
Hazing, harassment, or bullying of students (verbal)
Possession or use of tobacco
Possession of matches, lighters, etc.
Use of profanity
Violation of ISS rules
Gang activity
Gambling
Refusal to follow directive of school personnel (insubordination)
Threats — verbal or written
Forgery of school documents
Cheating

Appropriate Disciplinary Actions (including but not limited to):

Level I disciplinary techniques
In-School Suspension
Out-of-School Suspension
Police Citation
Corporal Punishment, unless the student's parent or guardian has provided a signed statement prohibiting its use

* Disciplinary actions may be used individually or in combination for any offense.

Conference/Appeal Procedure:

In cases where the student is reassigned to a DAEP, in-school suspension or suspended, the parent shall be notified as soon as is reasonably possible. Procedural due process shall be provided. Parental questions regarding disciplinary measures should be addressed to campus administration, as appropriate, and in accordance with policy FNG (LOCAL). A copy of the policy may be obtained from the principal's office or the central administration office or through Policy on Line at the following address: <http://www.tasb.org/policy/pol/private/129904/>.

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

Level III

Examples (including but not limited to):

Persistent Level II offenses
Verbal abuse
Willful destruction of school or personal property and/or vandalism
Interference with school discipline or activities
Inappropriate behavior (violent or threat of being violent)
Hazing/bullying (physical)
Sexual harassment (verbal and/or physical)
Racially, ethnically or culturally motivated inappropriate behavior

Theft

Possessing, distributing, or accessing pornographic materials in any media format

Possession of drug paraphernalia

Fighting/mutual combat

Insensitivity to others

Assault - contact against someone other than a school district employee or volunteer

Failure to comply with conditions of ISS placement

Bypassing of internet blocks on district computers or networks to enter unapproved sites

Gang activity

Appropriate Disciplinary Actions (including but not limited to):*

Students who are at least 10 years old on the date of the offense:

In-School Suspension

Out-of-School Suspension

DAEP

Police Citation

Students who are at least 6 years old, but less than 10 years old on the date of the offense:

Level I disciplinary techniques

In-School Suspension

Out-of-School Suspension

DAEP

Students who are less than 6 years old on the date of the offense:

Level I disciplinary techniques

In-School Suspension

Out-of-School Suspension

*Disciplinary actions may be used individually or in combination for any offense.

Conference/Appeal Procedure:

In cases where the student is reassigned to a DAEP, in-school suspension or suspended, the parent shall be notified as soon as is reasonably possible. Procedural due process shall be provided.

Parental questions regarding disciplinary measures should be addressed to campus administration.

Appeals regarding the decision to place a student in a DAEP should be addressed to the Assistant Superintendent in accordance with policy FNG (LOCAL). All other appeals regarding placement

in a DAEP should be addressed- in accordance with policy FNG (LOCAL). A copy of the policy may be obtained from the principal's office or the central administration office or through Policy

on Line at the following address:

<http://www.tasb.org/policy/pol/private/129904/>.

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

Level IV (Discretionary DAEP)

Examples (including but not limited to):

Persistent Level III offenses

Weapon – not expellable

Non-illegal knife

Threat against a school employee

Burglary of a motor vehicle on campus

Gives, delivers, possesses, uses or is under the influence of a simulated controlled substance

Gives or abuses over-the-counter or prescription medications, nutritional supplements, dietary supplements, etc. (may be considered a Level III offense at the discretion of the principal)

Deliberate destruction of or tampering with computer data or networks of the KISD

Death threat – verbal or written

Hit list - targeted for harm using firearm, knife or any other object to be used with intent for bodily harm.

Disruptive activity

After teacher removal with administrative recommendation

Inappropriate sexual conduct

On campus felonies that are not more specifically defined by another infraction

Criminal mischief, if punishable as a felony.

Abuse of volatile chemical

Public lewdness or indecent exposure

Retaliation (non-felony) against a school employee

Assault-bodily injury against someone other than a school district employee or volunteer

Gang activity

Title V felonies occurring off campus (See Policy FOC(EXHIBIT) for a list of Title V felonies)

Setting or attempting to set a fire on a school property (not arson)

Appropriate Disciplinary Actions (including but not limited to):*

Students who are at least 10 years old on the date of the offense:

In-School Suspension

Out-of-School Suspension

DAEP

Police Citation

Corporal Punishment

Students who are at least 6 years old, but less than 10 years old on the date of the offense:

Level I disciplinary techniques

In-School Suspension

Out-of-School Suspension

DAEP

Students who are less than 6 years old on the date of the offense:

Level I disciplinary techniques

In-School Suspension

Out-of-School Suspension

* Disciplinary actions may be used individually or in combination for any offense.

Conference/Appeal Procedure:

In cases where the student is reassigned to a DAEP, in-school suspension or suspended, the parent shall be notified as soon as is reasonably possible. Procedural due process shall be provided. Parental questions regarding disciplinary measures should be addressed to campus administration. Appeals regarding the decision to place a student in a DAEP should be addressed to the Assistant Superintendent in accordance with policy FNG (LOCAL). All other appeals regarding placement in a DAEP should be addressed- in accordance with policy FNG (LOCAL). A copy of the policy may be obtained from the principal's office or the central administration office or through Policy on Line at the following address: <http://www.tasb.org/policy/pol/private/129904/>.

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

Level V (Mandatory DAEP or Discretionary Expulsion)

Examples (including but not limited to):

Sells, gives, or delivers to another person, or uses, or is under the influence of marijuana, a controlled substance, or a dangerous drug, in an amount not constituting a felony offense.

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 an alcohol, if the conduct is not punishable as a felony offense.

Behaves in a manner that contains the elements of an offense relating to abusive, volatile chemicals.

Engages in conduct relating to a false alarm or report (including a bomb threat) or a terroristic threat involving a public school.

Criminal mischief against student [Expulsion is for felony offenses only]

Criminal mischief against staff [Expulsion is for felony offenses only]

Criminal mischief against school [Expulsion is for felony offenses only]

Terroristic threat against student

Terroristic threat against staff

Assault of a school district employee or volunteer

Engaging in conduct relating to a false alarm / false report including a bomb threat or a

Terroristic threat involving a public school.

Selling or distributing marijuana, inhalants or dangerous drugs

Engages in deadly conduct

Gang activity

Criminal mischief, if punishable as a felony.

Appropriate Disciplinary Actions (including but not limited to):*

Students who are at least 10 years old on the date of the offense:

Out-of-School Suspension

DAEP

Expulsion

Police Citation

Students who are at least 6 years old, but less than 10 years old on the date of the offense:

Level I disciplinary techniques
In-School Suspension
Out-of-School Suspension
DAEP

Students who are less than 6 years old on the date of the offense:

Level I disciplinary techniques
In-School Suspension
Out-of-School Suspension

* Disciplinary actions may be used individually or in combination for any offense.

Conference/Appeal Procedure:

In cases where the student is reassigned to a DAEP, in-school suspension or suspended, the parent shall be notified as soon as is reasonably possible. Procedural due process shall be provided. Parental questions regarding disciplinary measures should be addressed to campus administration. Appeals regarding the decision to place a student in a DAEP should be addressed to the Assistant Superintendent in accordance with policy FNG (LOCAL). All other appeals regarding placement in a DAEP should be addressed- in accordance with policy FNG (LOCAL). A copy of the policy may be obtained from the principal's office or the central administration office or through Policy on Line at the following address: <http://www.tasb.org/policy/pol/private/129904/>.

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

Level VI (Mandatory Expulsion)

Examples (including but not limited to):

Felony retaliation against a school employee on campus
Used, exhibited or possessed a firearm on campus [Expulsion is for 1 calendar year]
Used, exhibited or possessed an illegal knife on campus
Used, exhibited or possessed an illegal club on campus
Used, exhibited or possessed a prohibited weapon on campus
Arson on campus
Murder, capital murder, criminal attempt to commit murder or capital murder on campus
Indecency with a child on campus
Aggravated kidnapping on campus
Aggravated assault against someone other than a school employee or volunteer on campus
Aggravated assault against a school employee or volunteer on campus
Sexual assault or aggravated sexual assault against someone other than a school employee or volunteer on campus
Sexual assault or aggravated sexual assault against a school employee or volunteer on campus
Continuous sexual abuse of a young child or children.
Felony marijuana, controlled substance or dangerous drug violation on campus
Felony alcohol violations on campus

Aggravated robbery on campus
Manslaughter on campus
Criminally negligent homicide on campus

Appropriate Disciplinary Actions (including but not limited to):

Students who are at least 10 years old on the date of the offense:

Expulsion

Students who are at least 6 years old, but less than 10 years old on the date of the offense:

Expulsion to a DAEP

Students who are less than 6 years old on the date of the offense:

In-School Suspension

Out-of-school Suspension

Expulsion to a DAEP (federal firearm offense)

Conference/Appeal Procedure:

In cases where the student is reassigned to a DAEP, in-school suspension or suspended, the parent shall be notified as soon as is reasonably possible. Procedural due process shall be provided. Parental questions regarding disciplinary measures should be addressed to campus administration. Appeals regarding the decision to place a student in a DAEP should be addressed to the Assistant Superintendent in accordance with policy FNG (LOCAL). All other appeals regarding placement in a DAEP should be addressed- in accordance with policy FNG (LOCAL). A copy of the policy may be obtained from the principal's office or the central administration office or through Policy on Line at the following address: <http://www.tasb.org/policy/pol/private/129904/>.

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

Parent/Guardian Rights Under the Family Educational Rights and Privacy Act (FERPA)

The Family Educational Rights and Privacy Act (FERPA) afford parents and students over 18 years of age (“eligible students”) certain rights with respect to the student’s education records. These rights are as follows:

1. The right to inspect and review the student’s education records within 45 days of the day the School receives a request for access. Parents or eligible students should submit to the School principal [or appropriate school official] a written request that identifies the record(s) they wish to inspect. The School official will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected.
2. The right to request the amendment of the student’s education records that the parent or eligible student believes is inaccurate or misleading. Parents or eligible students may ask the School to amend a record that they believe is inaccurate or misleading. They should write the School principal [or appropriate official], clearly identify the part of the record they want changed, and specify why it is inaccurate or misleading. If the School decides not to amend the record as requested by the parent or eligible student, the School will notify the parent or eligible student of the decision and advise them of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.
3. The right to consent to disclosures of personally identifiable information contained in the student’s education records, except to the extent that FERPA authorizes disclosure without consent. One exception, which permits disclosure without consent, is disclosure to school officials with legitimate educational interests. A school official is a person employed by the School as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the School Board; a person or company with whom the School has contracted to perform a special task (such as an attorney, auditor, medical consultant, or therapist); or a parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility. Upon request, the School discloses education records without consent to officials of another school district in which a student seeks or intends to enroll.
4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the School to comply with the requirements of FERPA. The name and address of the Office that administers FERPA are:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-4605

Rights Under the Protection of Pupil Rights Amendment (PPRA)

PPRA affords parents and student who are 18 or emancipated minors (“eligible students”) certain rights regarding our conduct of surveys, collection and use of information for marketing purposes, and certain physical exams. These include the right to:

- Consent before students are required to submit to a survey that concerns one or more of the following protected areas (“protected information survey”) if the survey is funded in whole or in part by a program of the U. S. Department of Education (ED) –
 1. Political affiliations or beliefs of the student or student’s parent;
 2. Mental or psychological problems of the student or student’s family;
 3. Sex behavior or attitudes;
 4. Illegal, anti-social, self-incriminating, or demeaning behavior;
 5. Critical appraisals of others with whom respondents have close family relationships;
 6. Legally recognized privileged relationships, such as with lawyers, doctors, or ministers;
 7. Religious practices, affiliations, or beliefs of the student or parents; or
 8. Income, other than as required by law to determine program eligibility.
- Receive notice and an opportunity to opt a student out of –
 1. Any other protected information survey, regardless of funding;
 2. Any non-emergency, invasive physical exam or screening required as a condition of attendance, administered by the school or its agent, and not necessary to protect the immediate health and safety of a student, except for hearing, vision, or scoliosis screenings, or any physical exam or screening permitted or required under State law; and
 3. Activities involving collection, disclosure, or use of personal information obtained from student for marketing or to sell or otherwise distribute the information to others.
- Inspect, upon request and before administration or use –
 1. Protected information surveys of students;
 2. Instruments used to collect personal information from students for any of the above marketing, sales, or other distribution purposes; and
 3. Instructional material used as part of the educational curriculum.

Kemp Independent School District has developed and adopted policies, in consultation with parents, regarding these rights, as well as arrangements to protect student privacy in the administration of protected surveys and the collection, disclosure, or use of personal information for marketing, sales, or other distribution purposes. Kemp Independent School District will directly notify parents and eligible students of these policies at least annually at the start of each school year and after any substantive changes. Kemp Independent

School District will also directly notify parents and eligible students, such as through U. S. Mail or e-mail, at least annually at the start of each school year of the specific or approximate dates of the following activities and provide an opportunity to opt a student out of participating in:

- Collection, disclosure, or use of personal information for marketing, sales and other distribution.
- Administration of any protected information survey not funded in whole or in part by ED.
- Any non-emergency, invasive physical examination or screening as described above.

Parents/eligible students who believe their rights have been violated may file a complaint with:

Family Policy Compliance Office
U. S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202-4605

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.

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, damaged, or deletes school district property or information; or commits a breach of any other computer, computer network, or computer system.

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

4. Is sufficiently severe, persistent or pervasive enough that the action or threat creates an intimidating, threatening, or abusive educational environment for a student.
5. Materially and substantially disrupts the educational process or the orderly operation of a classroom or school: or
6. 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 school-sponsored or school-related activity on or off school property; 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.
2. 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, nightstick, 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, and 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 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 Panel Code 21.08 as an offense that occurs when a person exposes his or hers 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; telecommunications or electronic devices; 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 improved explosive device; or
8. A firearm silencer, unless classified as a curio or relic by the U.S. Departments 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 seeks to perpetuate itself by taking additional members from the students enrolled in school based on a decision of its membership rather than on the free choice

of a qualified student. Educational organizations listed in Section 37.121(d) of the Education Code are accepted from this definition.

Reasonable 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.

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; 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.

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 by 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 crimes listed in Title 5 of the Texas Penal Code that typically involve injury to a person and may include:

- Murder, manslaughter, or homicide under Sections 19.02 - .05, Texas Penal Code;
- Kidnapping under Section 20.03, Texas Penal Code;
- Trafficking of 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 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 22.05, 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, 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.