



Student Code of Conduct

Point Isabel Independent School District

2019 - 2020

If you have difficulty accessing the information in this document because of disability, please contact Mr. Juan Lopez at jlopez@pi-isd.net or 956-943-0018

“PIISD does not discriminate on basis of race, color, national origin, sex, religion, age or disability in employment or provision of services, programs or activities.”

**2019-2020 POINT ISABEL ISD
STUDENT CODE OF CONDUCT ACKNOWLEDGMENT**

Dear Student and Parent:

As required by state law, the board of trustees has officially adopted the Student Code of Conduct in order to promote a safe and orderly learning environment for every student.

We urge you to read this publication thoroughly and to discuss it with your family. If you have any questions about the required conduct and consequences for misconduct, we encourage you to ask for an explanation from the student's teacher or appropriate campus administrator.

The student and parent should each sign this page in the space provided below, and then return the page to the student's school.

Thank you.

Theresa Alarcon
Superintendent of Schools

My child and I have been offered the option to receive a paper copy of the Point Isabel Independent School District Student Code of Conduct for the 2019–2020 school year or to electronically access it on the district's website at www.pi-isd.net. We accept responsibility for accessing the Student code of Conduct by visiting the web address above. We understand that the Student Code of Conduct contains information that my child and I may need during the school year. We understand that students will be held accountable for their behavior and will be subject to the disciplinary consequences outlined in the Code. If my child or I have any questions regarding the Student Code of Conduct, we will direct those questions to the campus principal. We have chosen to:

- Receive a paper copy of the Student Code of Conduct.
- Accept responsibility for accessing the Student Code of Conduct on the district's website.

Print name of student: _____

Signature of student: _____

Print name of parent: _____

Signature of parent: _____

Date: _____

School: _____ Grade level: _____

Note: The student must return this form to the homeroom teacher immediately after signing it on the day provided. Failure to sign and return this receipt does not take away the responsibility to abide by the contents of the 2019-2020 Student Code of Conduct.

COMPULSORY ATTENDANCE LAW

State law requires students who are at least six years of age, or who have been previously enrolled in first grade, and who have not yet reached their 19th birthday shall attend school for the entire period the program is offered, unless exempted. Students enrolled in prekindergarten or kindergarten shall attend school.

A student who voluntarily attends or enrolls after his or her 19th birthday is required to attend each school day until the end of the school year. If a student 19 or older has more than five unexcused absences in a semester the district may revoke the student's enrollment. The student's presence on school property thereafter would be unauthorized and may be considered trespassing. [Texas Education Code 37.107.]

Truancy Court Notice to Parents:

If a student is absent from school on ten or more days or parts of days within a six-month period in the same school year, the student's parent is subject to prosecution under Education Code 25.093, and the student is subject to referral to a truancy court for truant conduct under Family Code 65.003(a).

NOTICE OF PARENT RIGHTS

Under the **Family Education Rights and Privacy Act (FERPA)**, the District shall give parents of students in attendance and eligible students in attendance annual notification of their rights under FERPA. Parents or eligible students who have the right to:

1. Inspect and review the student's education records;
2. Seek amendment of the student's education records that the parent or eligible student believes to be inaccurate, misleading, or otherwise in violation of the student's privacy rights;
3. Consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that the Act and 34 CFR 99.31 authorize disclosure without consent; and
4. File with the United States Department of Education a complaint under 34 CFR 99.63 and 99.64 concerning alleged failures by the District to comply with the requirements of the Act and 34 CFR part 99.

If you would like to exercise any of the above rights, please speak to the campus principal.

**NOTICE REGARDING DIRECTORY INFORMATION AND
PARENT'S RESPONSE REGARDING RELEASE OF STUDENT INFORMATION**

State law requires the district to give you the following information: Certain information about district students is considered directory information and will be released to anyone who follows the procedures for requesting the information unless the parent or guardian objects to the release of the directory information about the student. If you do not want **Point Isabel ISD** to disclose directory information from your child's education records without your prior written consent, you must notify the district in writing, **within ten school days of your child's first day of instruction for this school year.**

This means that the district must give certain personal information (called "directory information") about your child to any person who requests it, unless you have told the district in writing not to do so. In addition, you have the right to tell the district that it may, or may not use certain personal information about your child for specific school-sponsored purposes. The district is providing you this form so you can communicate your wishes about these issues.

For the following school-sponsored purposes—all District publications and announcements—directory information shall include student name; address; telephone listing; photograph; major field of study; degrees, honors, and awards received; grade level; most recent school previously attended; enrollment status; and participation in officially recognized activities and sports.

I object to the release of one or more of the following categories of my child's directory information by Point Isabel ISD during the 2019-2020 school year for school-sponsored purposes:

_____ Name	_____ Major Field of Study	_____ Enrollment Status
_____ Address	_____ Degrees	_____ Grade Level
_____ Telephone Listing	_____ Honors and Awards Received	_____ Activities & Sports
_____ Photograph	_____ Most Recent School Previously Attended	

For all other purposes, directory information shall include student name; address; major field of study; degrees, honors, and awards received; grade level; most recent school previously attended; enrollment status; and participation in officially recognized activities and sports.

Please be advised that federal law requires districts receiving assistance under the Elementary and Secondary Education Act of 1965 to provide a military recruiter or an institution of higher education, on request, with the name, address, or telephone number of a secondary student unless the parent has advised the District that the parent does not want the student's information disclosed without the parent's prior written consent.

If the parent or guardian objects to the release of directory information, please complete the following information and return to the campus principal.

- I object to any release of my child's directory information by Point Isabel ISD during the 2019 -2020 school year.**
- I only object to the release of my secondary child's directory information to a military recruiter or institution of higher education by Point Isabel ISD during the 2019-2020 school year.**

Print Name of Parent/Guardian

Signature of Parent/Guardian

Date

Student directory information will be released by Point Isabel ISD if no form is received.

DISTRICT'S TECHNOLOGY RESOURCES

PARENT: Please mark an X next to your selection.

I have read the District's technology resources policy, associated administrative guidelines, and this user agreement. In consideration for the privilege of my child using the District's technology resources, including internet access, I hereby release the District, its operators, and any institutions with which they are affiliated from any and all claims and damages of any nature arising from my child's use of, or inability to use, these resources, including, without limitation, the type of damage identified in the District's policy and administrative guidelines.

- I give permission for my child to access all of the District's technology resources and certify that the information contained on this form is correct.**

OR

- I do not give permission for my child to access the District's technology resource for internet usage.** I understand that my child may still have an account login to use school computers for more traditional tasks, such as word processing, e-books for reading or web-based software directly related to instruction/assessments, but no internet usage will be allowed during the school day. I hereby release the District, its operators, and any institutions with which they are affiliated from any and all claims and damages of any nature arising from my child's use of, or inability to use, these resources, including, without limitation, the type of damage identified in the District's policy and administrative guidelines.

Print Name of Parent/Guardian

Signature of Parent/Guardian

Date

STUDENT:

I understand that my use of the District's technology resources is not private and that the District will monitor my activity.

I have read the District's technology resources policy, associated administrative guidelines, and this user agreement and agree to abide by their provisions. I understand that violation of these provisions may result in suspension or revocation of access to the District's technology resources.

School

Grade

Print Name of Student

Signature of Student

Date

Note: The student must return this form to the homeroom teacher immediately after signing it on the day provided.

**PERSONAL USE OF ELECTRONIC DEVICES FOR
INSTRUCTIONAL PURPOSES**

STUDENT: I wish to use the following personal electronic devices for instructional purposes while on campus:

- Laptop/Netbook** **e-Reader** **Mobile Tablet** **Other** _____

I understand my use of the District’s technology resources is not private and the District will monitor my activity. Personal telecommunication devices such as cell phones are not permitted for use during the school day.

I understand my personal electronic device may be searched by “appropriate” District administrators in accordance with policy FNF (Legal).

I have read the applicable District policies, associated administrative guidelines and this user agreement regarding the District’s technology resources and use of student-owned electronic devices and agree to abide by their provisions. I understand that violation of these provisions may result in suspension or revocation of system access and/or suspension or revocation of permission to use my personal electronic device for **instructional purposes** while on campus.

School

Grade

Print Name of Student

Signature of Student

Date

PARENT: Please mark an x next to your selection.

I understand my child’s use of the District’s technology resources, is not private and the District will monitor his/her activity. My child’s personal telecommunication device such as a cell phone is not permitted for use during the school day.

I have read the applicable District policies, associated administrative guidelines, and this user agreement regarding the District’s technology resources and use of student-owned electronic devices. I understand the district will not offer technical support for my child’s personal electronic device. In consideration for the privilege of my child using their personal electronic device for instructional purposes, I hereby release the District, its operators, and any institutions with which they are affiliated from any and all claims and damages of any nature arising from my child’s use of, or inability to use, these resources, including, without limitation, the type of damage identified in the District’s policies and administrative guidelines.

I am aware the District is not responsible for damage to or loss of my child’s personal devices brought from home. I am aware the District will not provide technical support for my child’s personal electronic devices.

- I give permission for my child to use his or her personal electronic device(s) at school for instructional purposes while on campus.

OR

- I do not give permission for my child to use his or her personal electronic device(s) at school for instructional purposes while on campus.

Print Name of Parent/Guardian

Signature of Parent/Guardian

Date

The student must return this signed form in order to use personal electronic devices for instructional purposes.

**DISPLAYING A STUDENT’S ARTWORK, PHOTOS, AND
OTHER ORIGINAL WORK**

PARENT: Please mark an X next to your selection.

Teachers may display students’ work in classrooms or elsewhere on campus as recognition of student achievement. However, the district will seek parental consent before displaying students’ artwork, special projects, photographs taken by students, and other original works on the district’s Web site, on any campus or classroom Web site, in printed material, by video, or by any other method of mass communication.

- I give permission for my child’s artwork, special projects, photographs taken by my child, and other original works to be displayed on the district’s Web site, on any campus or classroom Web site, in printed material, by video, or by any other method of mass communication by Point Isabel ISD during the 2019-2020 school year.**
- I do not give permission for my child’s artwork, special projects, photographs taken by my child, and other original works to be displayed on the district’s Web site, on any campus or classroom Web site, in printed material, by video, or by any other method of mass communication by Point Isabel ISD during the 2019-2020 school year.**

School	Grade
Print Name of Student	
Print Name of Parent/Guardian	Signature of Parent/Guardian
Date	

VIDEO TAPING or RECORDING STUDENTS

As per Texas Education Code, Education Code 26.009, a District employee is not required to obtain the consent of a child's parent before the employee may make a videotape of a child or authorize the recording of a child's voice if the videotape or voice recording is to be used only for:

1. The purposes of safety, including the maintenance of order and discipline in common areas of the school or on school buses;
2. A purpose related to a co-curricular or extracurricular activity;
3. A purpose related to regular classroom instruction; or
4. Media coverage of the school.

Parent permission is not required by law; however, if you have an objection to the videotaping, photographing, or recording of your child, or the use of those images as described above, please contact the campus principal.

STUDENTS IN NEED OF ASSISTANCE

Options and Requirements for Providing Assistance to Students Who Have Learning Difficulties or Who Need or May Need Special Education

If a child is experiencing learning difficulties, the parent may contact the person listed below to learn about the District's overall general education referral or screening system for support services. This system links students to a variety of support options, including referral for a special education evaluation. Students having difficulty in the regular classroom should be considered for tutorial, compensatory, and other support services that are available to all students.

At any time, a parent is entitled to request an evaluation for special education services. Within a reasonable amount of time, the District must decide if the evaluation is needed. If the evaluation is needed, the parent will be notified and asked to provide consent for the evaluation. The District must complete the evaluation and the report within forty-five (45) calendar days of the date the District receives the written consent. The District must provide a copy of the report to the parent within thirty (30) calendar days.

If the District determines the evaluation is not needed, the District will provide the parent with a written notice explaining why the child will not be evaluated. This written notice will include a statement informing the parent of their rights if they disagree with the District.

Additionally, the notice must inform the parents how to obtain a copy of the *Notice of Procedural Safeguards – Rights of parents of Students with Disabilities*.

The designated person to contact regarding options for a child experiencing learning difficulties or a referral for evaluation for special education is the campus principal.

ADA/SECTION 504

Reports of discrimination based on disability may be directed to the ADA/Section 504 coordinator. The District designates the following person to coordinate its efforts to comply with Title II of the Americans with Disabilities Act of 1990, as amended, which incorporates and expands upon the requirements of Section 504 of the Rehabilitation Act of 1973, as amended. For more information, please call: **Mr. Juan Lopez, Director of Special Education at (956) 943-0018**.

NONDISCRIMINATION STATEMENT

In its efforts to promote nondiscrimination, Point Isabel ISD does not discriminate on the basis of race, religion, color, national origin, gender, or disability in providing education services, activities, and programs, including CTE programs, in accordance with Title VI of the Civil Rights Act of 1964, as amended; Title IX of the Educational Amendments of 1972; and Title II of the Americans with Disabilities Act of 1990 (ADA), as amended, which incorporates and expands upon the requirements of Section 504 of the Rehabilitation Act of 1973, as amended. Please contact the Title IX Coordinator, **Mrs. Kirstie Ramirez, Federal/State Special Programs Director, at (956) 943-0000** compliance with these legal requirements.

NOTIFICATION TO PARENTS OF TEACHER QUALIFICATIONS

Federal Law requires any school district receiving Title I, Part A funds to notify the parents of each student attending any Title I, Part A campus that the district will provide to the parents upon request (and in a timely manner), information regarding the professional qualifications of the student's classroom teachers, including, at a minimum, the following information:

- Whether the teacher has met state qualification and licensing criteria for the grade levels and subject areas in which the teacher provides instruction.
- Whether the teacher is teaching under emergency or other provisional status through which state qualification or licensing criteria have been waived.
- The baccalaureate degree major of the teacher and any other graduate certification or degree held by the teacher, and the field of discipline of the certification or degree.
- Whether the child is provided services by paraprofessionals and, if so, their qualifications.

If you would like to receive any of this information, please contact the **Superintendent's Office** at (956) 943-0000.

PUBLIC NOTIFICATION OF NONDISCRIMINATION IN CAREER AND TECHNICAL EDUCATION PROGRAMS

Point Isabel Independent School District offers Career and Technology Programs in the areas of Architecture and Construction, Arts A/V Technology & Communication, Business Management & Administration, Hospitality & Tourism, Human Services, Law, Public Safety, Corrections, and Security, Manufacturing, and Marketing, Sales, and Services.

Admission to any of these career and technology classes is based on an occupational objective, aptitude and interest.

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

It is the policy of Point Isabel ISD not to discriminate on the basis of race, color, national origin, sex, handicap, or age in its employment practices as required by Title VI of the Civil Rights Act of 1964, as amended; Title IX of the Education Amendments of 1972; the Age Discrimination Act of 1975, as amended; and Section 504 of the Rehabilitation Act of 1973, as amended.

Point Isabel ISD will take steps to ensure the lack of English language skills will not be a barrier to admission and participation in all educational and career and technology programs.

For information about your rights or grievance procedures, contact the Title IX Director, **Mrs. Kirstie Ramirez**, or Section 504 Director, **Mr. Juan Lopez**, at 101 Port Road, Port Isabel, TX 78578 (956) 943-0000.

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Student Code of Conduct

Accessibility

If you have difficulty accessing the information in this document because of a disability, please contact **Mr. Juan Lopez, Director of Special Education** at (956) 943-0018 or jlopez@pi-isd.net

Purpose

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

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

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

This Student Code of Conduct has been adopted by the **Point Isabel Independent School District** Board of Trustees and developed with the advice of the district-level committee. This Code provides information to parents and students regarding standards of conduct, consequences of misconduct, and procedures for administering discipline. It remains in effect during summer school and at all school-related events and activities outside the school year until an updated version adopted by the board becomes effective for the next school year.

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

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

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

School District Authority and Jurisdiction

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

The district has disciplinary authority over a student:

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

Campus Behavior Coordinator

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

Threat Assessment and Safe and Supportive School Team

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

Searches

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

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

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

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.

Security Personnel

To ensure sufficient security and protection of students, staff, and property, the board employs police officers and security personnel. In accordance with law, the board has coordinated with the campus behavior coordinator and other district employees to ensure appropriate law enforcement duties are assigned to security staff. The law enforcement duties of district peace officers are listed in policy CKE(LOCAL) CKE(LEGAL).

Point Isabel ISD Police Department

Point Isabel ISD's philosophy is that District campuses are places to learn and should be safe, secure, and violence-free. Therefore, drugs, weapons, and disruptive misbehavior have no place on campuses and will not be tolerated.

Action Taken by Police

If a student is found to be in possession of illegal drugs, drug paraphernalia, alcoholic beverages, or weapons, the student may be arrested immediately. Criminal charges will be filed in all cases of possession of drugs, delivery of drugs, or dangerous weapons offenses. If a student possesses any amount of marijuana or a dangerous drug without a prescription, the student may be subject to arrest.

Confiscated Contraband

All drugs, weapons, or other contraband that are found on the school premises will be turned over to the PIISD Police Department and removed from campus.

Custody of Student

If law enforcement officers determine that a student needs to be taken into custody, it will be done out of the presence of other students, whenever possible. The administration will make

every effort to notify the student's parents. Reasonable efforts will be made by school officials to document when a parent cannot be contacted.

Texas Law authorizes officers to take a child into custody for a delinquent act or violation of the law (misdemeanor, felony, local ordinance). The laws of arrest that apply to an adult also apply to a juvenile.

When an officer arrests a juvenile, the following procedures will be followed by the arresting officer who will:

- a. Handcuff the juvenile and transport him or her to headquarters, the Cameron County Juvenile Center, his or her residence, or other appropriate location. The fact that a prisoner is a juvenile does not preclude the use of handcuffs.
- b. When transporting a juvenile, notify a dispatcher of the destination, beginning and ending mileage, and departure and arrival time.
- c. Make every reasonable effort to notify the parent or legal custodian that the child is in police custody as soon as feasible. Upon notification of a parent or guardian, the following will be supplied immediately:
 - The reason for detention
 - The place of detention
 - The parent's or guardian's right to an initial visit.
- d. Check NCIC and/or TCIC to determine if the juvenile has any active warrants, a directive to apprehend, is a runaway, or has been adjudicated as an adult.
- e. Under no circumstances will a juvenile be transported with an adult prisoner.

Narcotic Program

The District utilizes dogs that are able to detect narcotics and weapons contraband. Although it is not the intent of the program to have students arrested, students will risk arrest and prosecution if they bring contraband drugs or weapons to school grounds.

Narcotic Searches

All contraband search locations will be unannounced. When the contraband team arrives at the campus/department, the team will go directly to the principal's/administrator's office or a designated area. The search will be conducted with the assistance of the principal/administrator or his/her designee.

Personal Property

Personal property brought onto school property or to school-related activities is permitted as a matter of privilege, not of right, with the understanding and agreement that the owner or possessor of the property will consent to a search of that property when there are any reasonable grounds to suspect that a search may disclose evidence that a student has violated or is violating the rules of the school. Included in this category of property are non-District-owned vehicles; personal books, supplies, and equipment (including athletic equipment); and personal items such as lunch boxes, briefcases, backpacks, and/or similar containers used to carry materials.

If a school official has a reasonable basis to suspect that a search of personal property may disclose evidence that a student has violated or is violating the rules of the school, the school official may institute a search. If circumstances permit, the student shall be required to be present during the search.

Personal Searches

No student will be searched by a Narcotic Detection dog under any circumstances. Personal searches of students' purses, handbags, or billfolds and the emptying of pockets and the like, which do not involve the removal of clothing or wearing apparel, are authorized if a school official has a reasonable basis to suspect a search may disclose evidence that a student has violated or is violating the rules of the school. The official should advise the student of the reason for the search.

Personal searches of students which involve the removal of outer clothing or wearing apparel only (shoes, socks, jackets, coats, sweaters, raincoats, etc.) are authorized if a school official has a reasonable basis to suspect a search may disclose evidence that a student has violated or is violating the rules to the school.

Questioning of Students

The following guidelines shall apply when law enforcement officers or other lawful authorities desire to question, interview or take a student into custody while on campus:

1. The principal shall verify and record the identity of the officer or other authority and may request an explanation of the need to question or interview the student.
2. Unless the interviewer requests that the parent/guardian or custodial parent not be notified, the principal shall make reasonable efforts to notify the student's parents or other person having lawful control of the student; and
3. The interviewer will determine if the principal or a designee shall be present during the questioning or interview.

Search Areas

Areas subject to search are those properties owned by the District, including areas in school buildings such as classrooms, gymnasiums, halls, offices, assembly rooms, and other facilities; school grounds including parking lots, athletic facilities, and buildings; books, educational equipment (including athletic equipment), and supplies; vehicles owned by the School District; and student lockers, desks, work tables, cabinets, and storage areas located within school buildings. Students are responsible for whatever is contained in desks, lockers, or other property issued to them by the school.

Search of Property and Students

Students are entitled to the guarantees of the Fourth Amendment, and they are subject to reasonable searches and seizures. Students have the responsibility not to carry on their person or to have on school property or at school-sponsored events such items as drugs, weapons, alcohol, digital devices or other contraband materials in violation of school policy or state law.

School officials are empowered to conduct reasonable searches of students and school property when there is reasonable cause to believe that students may be in possession of drugs, weapons, alcohol, and other materials (“contraband”) in violation of school policy or state law. Students who bring contraband onto school grounds may be searched in order to secure the school environment so learning can take place and to protect other students from any potentially harmful effects stemming from the contraband. School property such as lockers and desks shall remain under the control of school officials, and shall be subject to search. Students do not have a reasonable expectation of privacy in the use of school lockers or school desks.

The administration may utilize dogs and metal detectors as provided by district policies and applicable laws. Metal detectors and trained dogs may be used at random locations and times by district personnel as determined by school administrators and law enforcement personnel.

Smoking

State law and Board policy expressly prohibit smoking and/or the possession of tobacco or tobacco-related products on any campus or at school functions. Violation of the policy is an offense, and appropriate disciplinary action may be taken. Violations are punishable as Class C misdemeanors by fines not to exceed \$500.00 under Texas Penal Code 48.01 (1994).

Sobriety Testing/Physical Neurological Testing

PIISD Police Officers may administer the Standardized Field Sobriety Test and PIISD School Nurses may evaluate the student’s behavior. These tests may be done at the request of an administrator. The testing is not a medical diagnosis, but rather a series of assessments and observations used to identify signs and symptoms that may indicate abnormalities/substance ingestion. These screenings together with additional documentation may also be used as a tool for administration to make a decision concerning student discipline.

Surveillance Cameras

The Texas Education Code, Section 26.009(b), authorizes school districts to videotape students in school building for purposes of safety, including the maintenance of order, discipline in common areas, including eligible instructional and related services areas that provide services to students with special needs.

Under the Influence

Under the influence is a removable offense. Under the influence shall mean that a student’s mental and/or physical faculties are noticeably impaired by exhibiting characteristics of public intoxication as defined in case law pursuant to the Penal Code.

Such characteristics include, but are not limited to, slurred or incoherent speech, staggering, bloodshot eyes, uncontrollable or violent behavior, or a smell or odor of a controlled substance (e.g., marijuana), an intoxicant, or alcoholic beverage. Under the influence does not require that a student be legally intoxicated to trigger disciplinary action.

Vehicle Searches

PIISD campuses will be posting signs at the entrance of each parking lot informing public, staff and student body that vehicles could be searched. A student’s vehicle will be subject to search

while on school grounds. If, during a search, the dog alerts to a student's vehicle, the student will be asked to consent to the search of the vehicle. If the student refuses, then the administration will call the parent(s) to ask for consent to search the vehicle. If the parents refuse to consent, then the administration will have no other alternative but to turn the matter over to the police. If any contraband is found in a vehicle, appropriate legal action will be taken. In addition, appropriate disciplinary action will be taken against the student.

Metal Detectors

School officials or law enforcement officers may conduct metal detector checks of groups of individuals if the checks are done in a minimally-intrusive, nondiscriminatory manner (e.g., on all students in a randomly selected class; on every third individual entering an athletic event).

PIISD Police and Security Services Types of Offenses and General Consequences

(Student Behavior)

A. Felonies (#1 Highest- #5 Lowest)	Possible Consequences
1. Title V Felony *	180 school days at JJAEP / 45 school days at DAEP
2. First Degree Felony	180 school days at JJAEP
3. Second Degree Felony	180 school days at JJAEP
4. Third Degree Felony *	180 school days at JJAEP / 45 school days at DAEP
5. State Jail Felony *	180 school days at JJAEP / 45 school days at DAEP

*NOTE: Consequence may vary depending on actual charge.

B. Misdemeanors (#1 Highest - #3 Lowest)	Possible Consequences
1. Class A Misdemeanor	45 School Days at DAEP
2. Class B Misdemeanor *	30 to 45 School Days DAEP
3. Class C (Drugs or Alcohol)	45 School Days DAEP
4. Class C Misdemeanor	30 School Days at DAEP
5. Other than Drugs or Alcohol	30 School Days at DAEP

*NOTE: Consequence may vary depending on actual charge.

Criminal Trespass

Any person who enters or remains on District property or in a District building without the consent of the District's representative, or any person, who remains on District property or within a District building after having received oral or written notice from a District representative to depart, shall be subject to prosecution for criminal trespass in accordance with Section 30.05 of the Texas Penal Code.

In compliance with Section 30.05 of the Texas Penal Code, notice is hereby given that no person shall be authorized to be on PIISD premises after 10:00 p.m. or before 6:00 a.m. unless such authority as stated above has been given.

Gangs and Gang Affiliations

A student may be placed in a Disciplinary Alternative Education Program if the student is participating in gang activity, including participating as a member or pledge, or soliciting another person to become a pledge or member of a gang on school property or while attending a school-sponsored or school-related activity on or off school property. Also placed in a Disciplinary Alternative Education Program shall be any student participating in a public school fraternity, sorority, or secret society, including participating as a member or pledge, or soliciting another person to become a pledge or member of a public school fraternity, sorority, or secret society.

Random Drug-Testing Program

FNF(LEGAL) FNF (LOCAL)

The District requires the random drug-testing of any student in grades 7-12 who chooses to participate in school-sponsored extracurricular activities or request a permit to park a vehicle on school property.

The Superintendent shall develop regulations for the implementation of the District's random student drug-testing program that address the following:

1. Covered activities and purpose of the program;
2. Written consent and confidentiality of results;
3. Testing procedures and collection process; and
4. Applicable consequences.

Appeal

A student or parent may appeal a decision made under the random drug-testing program in accordance with FNG(LOCAL) FNG(LEGAL). The student shall be ineligible for participation in extracurricular activities or reinstatement of parking privileges while the appeal is pending.

“Parent” Defined

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

Participating in Graduation Activities

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

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

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

6. The person poses a substantial risk of harm to any person; or
7. 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) FNG(LEGAL) or GF(LOCAL) GF(LEGAL), as appropriate. However, the timelines for the district’s grievance procedures shall be adjusted as necessary to permit the person to address the board in person within 90 days, unless the complaint is resolved before a board hearing.

See **DAEP—Restrictions During Placement** on page, 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.

(a.) 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 in district vehicles.
- Refuse to accept discipline management techniques assigned by a teacher or principal.

(b.) Mistreatment of Others

Students shall not:

- Use profanity or vulgar language or make obscene gestures.
- Fight or scuffle. (For assault, see DAEP--Placement and/or Expulsion for Certain Offenses).
- 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, board member, 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 individual being recorded or in any way that disrupts the educational environment or invades the privacy of others.

(c.) Property Offenses

Students shall not:

- Damage or vandalize property owned by others. (For felony criminal mischief, see DAEP Placement and/or Expulsion for Certain Offenses).
- 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 Penal Code. (For felony robbery, aggravated robbery, and theft, see DAEP Placement and/or Expulsion for Certain Offenses).

(d.) 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 hand instrument designed to cut or stab another by being thrown;
- Knuckles;
- *A location-restricted knife;
- *A club;
- *A firearm;
- A stun gun;
- A pocketknife or any other small knife;
- Mace or pepper spray;
- Pornographic material;
- Tobacco products; cigarettes; e-cigarettes/act of vaping; and any component, part, or accessory for an e-cigarette/act of vaping 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/or Expulsion for Certain Offenses. In most circumstances, possession of these items is punishable by mandatory expulsion under federal or state law.

(e.) Possession of Telecommunications or Other Electronic Devices

Students shall take full responsibility for his or her technology/cellular device and keep it with himself or herself at all times. The school is not responsible for the security of the technology/cellular device.

Students must keep their technology/cellular device turned off while on school campus unless a teacher or other designated adult, allows the student to use the device for educational purposes.

Students **shall be in violation when:**

- **They do not comply with the teachers' request to shut down their technology/cellular device.**
- A telecommunications device, including a cellular telephone or other electronic device is in violation of **teacher**, campus, and district rules.

Examples of Inappropriate Use:

- **Using the telecommunications device, including a cellular telephone, or other electronic device when it is not for educational purposes as allowed by the classroom teacher.**

Student may use:

- **When the telecommunications device, including a cellular telephone, or other electronic device when directed use by the teacher in the classroom, or**
- **When using the telecommunications device, including a cellular telephone, or other electronic device as allowed by the Student Handbook.**

(f.) Illegal, Prescription, and Over-the-Counter Drugs

Students shall not:

- Possess, use, give, or sell alcohol or an illegal drug. (Also see DAEP Placement and Expulsion for mandatory and permissive consequences under state law.)
- Possess or sell seeds or pieces of marijuana in less than a usable amount.
- Possess, use, give, or sell paraphernalia related to any prohibited substance. (See glossary for "paraphernalia.")
- Possess, use, abuse, or sell look-alike drugs or attempt to pass items off as drugs or contraband.
- Abuse the student's own prescription drug, give a prescription drug to another student, or possess or be under the influence of another person's prescription drug on school property or at a school-related event. (See glossary for "abuse.")

- Abuse over-the-counter drugs. (See glossary for “abuse.”)
- Be under the influence of prescription or over-the-counter drugs that cause impairment of the physical or mental faculties. (See glossary for “under the influence.”)
- Have or take prescription drugs or over-the-counter drugs at school other than as provided by district policy.

(g.) 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.
- Use the Internet or other electronic communications to threaten or harass district students, employees, board members, or volunteers, including off school property if the conduct causes a substantial disruption to the educational environment or infringes on the rights of another student at school.
- 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.

(h.) 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.

(i.) 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.
- Disruption of class.
- Failure to attend class.
- Public display of affection.
- Parking in an undesignated area.
- Being involved in a gang activity, including participating as a member or pledge, or soliciting another person to become a pledge or member of a gang.
- Being involved in a public school fraternity, sorority, or secret society, including participating as a pledge, or soliciting another person to become a member.
- Disruption of transportation.
- Serious or persistent misbehavior.

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.

General Conduct Violations		
Discretionary Placements	Length of Placement	Requirements
In-School Suspension (ISS)	½ school day minimum / 20 school days maximum	
Disciplinary Alternative Education Program (DAEP)	21 school days minimum/ 45 school days maximum	Requires Due Process Hearing

Types of General Conduct Violations		
a. Disregard of Authority pg.15	d. Possession of Prohibited Items pg. 16-17	g. Misuse of Technology Resources and the Internet pg. 17-18
b. Mistreatment of Others pg.15-16	e. Possession of Telecommunications or Other Electronic Devices pg. 17	h. Safety Transgressions pg. 18
c. Property Offenses pg. 16	f. Illegal, Prescription, and Over-the-Counter Drugs pg. 17	i. Miscellaneous Offenses pg. 18-19

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, the district shall comply with federal law. For more information regarding discipline of students with disabilities, see policy FOF(LEGAL).

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

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

Techniques

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

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

- Detention, including outside regular school hours.
- Sending the student to the office or other assigned area, or to in-school suspension.
- Assignment of school duties, such as cleaning or picking up litter.
- Withdrawal of privileges, such as participation in extracurricular activities, eligibility for seeking and holding honorary offices, or membership in school-sponsored clubs and organizations.
- Penalties identified in individual student organizations' extracurricular standards of behavior.
- Restriction or revocation of district transportation privileges.
- School-assessed and school-administered probation.
- Out-of-school suspension, as specified in the Out-of-School Suspension section of this Code.
- Placement in a DAEP, as specified in the DAEP section of this Code.
- Placement in a DAEP located in another School District.
- 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.

Prohibited Aversive Techniques

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

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

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

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 **continue to attempt to notify the parent. By the fourth attempt, the campus behavior coordinator will** send written notification by U.S. Mail. **All attempts will be documented with date, time, and the types of communication mediums used to make notification.** If the campus behavior coordinator is not able to provide notice to the parent, the principal or designee shall provide the notice. **Consequences shall not be deferred pending notification.**

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

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)/FNG(LEGAL). A copy of the policy may be obtained from the principal's office, the campus behavior coordinator's office, or the central administration officer through *Policy On-Line* at the following address: www.pi-isd.net.

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

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

Removal from the Regular Educational Setting

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

Routine Referral

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

Formal Removal

A teacher **may** 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.

Alternative Setting	DAEP	Length of Time
ISS		29 days (for SpEd students)
	DAEP	30 school days

Returning a Student to the 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 3 or below unless the conduct meets the requirements established in law.

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

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

The district shall use a positive behavior program as a disciplinary alternative for students in grade 3 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.
5. A student's status in the conservatorship of the Department of Family and Protective Services (foster care), or
6. A student's status as homeless.

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

Coursework During Suspension

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

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

Disciplinary Alternative Education Program (DAEP) Placement

The DAEP shall be provided in a setting other than the student's regular classroom. **Point Isabel ISD DAEP location will be at 101 Port Road.** 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,
5. A student's status in the conservatorship of the Department of Family and Protective Services (foster care), or
6. A student's status as homeless.

Discretionary 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.)
- 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 involving injury to a person 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

The following misconduct is included but not limited to mandatory 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 conduct that contains the elements of an offense of harassment against an employee under Penal Code 42.07(a)(1), (2), (3), or (7).
- 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.

Emergencies

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

Process

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

Conference

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

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

Consideration of Mitigating Factors

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

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

5. A student's status in the conservatorship of the Department of Family and Protective Services (foster care), or
6. A student's status as homeless.

Placement Order

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

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

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.

Disciplinary Alternative Education Placement (DAEP)	Length of Time
Discretionary Placement – requires hearing	21 school days/45 school days
Mandatory Placement – requires hearing	30 school days /45 school days

DAEP Discretionary Placements include but are not limited to...		
Engaging in bullying that encourages a student to commit or attempt to commit suicide. pg. 27	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). pg. 27	Assault (no bodily injury) with threat of imminent bodily injury. pg. 27
Inciting violence against at student through group bullying. pg. 27	Involvement in criminal street gang activity (see glossary). pg.27	Assault by offensive or provocative physical contact. pg. 27
Releasing or threatening to release intimate visual material of a minor or a student who is 18 years or older without the student's consent. pg. 27	Any criminal mischief, including a felony. pg. 27	Violation of the General Conduct of Violations. pgs. 15-19

DAEP Mandatory Placements include but are not limited to...		
Engages in conduct relating to a false alarm or report (including a bomb threat) or a terroristic threat involving a public school (see glossary). pg. 29	Commits a federal firearms violation and is younger than six years of age. pg. 29	Engages in expellable conduct and is between six and nine years of age. pg. 29
Commits the offenses listed on page 28 of the Student Code of Conduct 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. pg. 29	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.) pg. 29	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. pg. 29

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) FNG(LEGAL). 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.pi-isd.net.

Appeals shall begin at Level II with the Board's designee in accordance with policy FOC (LEGAL).

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

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

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

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

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

Placement Review

A student placed in a DAEP 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

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

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

If a student was placed in a DAEP for such conduct, on receiving the notice from the prosecutor, the superintendent or designee 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 re-enrolls 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 occurs, 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.

Transition Services

In accordance with law and district procedures, campus staff shall provide transition services to a student returning to the regular classroom from an alternative education program, including DAEP or JJAEP.

The district must provide transition services for a student who is exiting DAEP and returning to the student's local campus. {19 TAC 103.1201(k)} In addition, the campus administrator or CBC must develop a personalized transition plan for a student exiting an alternative education program, including DAEP or JJAEP, to return to the regular classroom. {TEC 37.023}

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The transition services established for a student who is exiting a DAEP and returning to the student's locally assigned campus shall be implemented and updated annually as needed. The transition procedures shall include:

An established time line for the student's transition from the DAEP to the student's locally assigned campus; and

Written and oral communication from the DAEP staff to the locally assigned campus during the student's assignment to the DAEP, including the student's educational performance and tasks completed.

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.
- Engaging in the following, no matter where it takes place:
 - 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, without regard to where the conduct occurs:
 - Aggravated assault.
 - Sexual assault.
 - Aggravated sexual assault.
 - Murder.
 - Capital murder.
 - Criminal attempt to commit murder or capital murder.

- Aggravated robbery.
- Breach of computer security.
- 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, an illegal knife (a location-restricted knife), or a club, as these terms are defined by state law. (See glossary.)
- Possessing, manufacturing, transporting, repairing, or selling a prohibited weapon, as defined by state law. (See glossary.)
- Possession of a firearm, as defined by federal law. (See glossary.)

Property of Another District

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

While in DAEP

A student **may** be expelled 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 Penal Code 21.07;
 - b. Indecent exposure under Penal Code 21.08;
 - c. Criminal mischief under Penal Code 28.03;
 - d. Hazing under Education Code 37.152; or
 - e. Harassment under Penal Code 42.07(a)(1), of a student or district employee.

Mandatory Expulsion: Misconduct That Requires Expulsion

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

Under Federal Law

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

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

Under the Texas Penal Code

- Unlawfully carrying on or about the student's person the following, in the manner prohibited by Penal Code 46.02:
 - A handgun, defined by state law as any firearm designed, made, or adapted to be used with one hand. (See glossary.) *Note:* A student may not be expelled solely on the basis of the student's use, exhibition, or possession of a firearm that occurs

at an approved target range facility that is not located on a school campus, while participating in or preparing for a school-sponsored, shooting sports competition or a shooting sports educational activity that is sponsored or supported by the Parks and Wildlife Department, or a shooting sports sanctioning organization working with the department. [See policy FNCG(LEGAL).]

- An location-restricted knife, as defined by state law. (See glossary.)
- A club, as defined in state law. (See glossary.)
- Possessing, manufacturing, transporting, repairing, or selling a prohibited weapon, as defined in state law. (See glossary.)
- Behaving in a manner that contains elements of the following offenses under the Penal Code:
 - Aggravated assault, sexual assault, or aggravated sexual assault.
 - Arson. (See glossary.)
 - Murder, capital murder, or criminal attempt to commit murder or capital murder.
 - Indecency with a child.
 - Aggravated kidnapping.
 - Aggravated robbery.
 - Manslaughter.
 - Criminally negligent homicide.
 - Continuous sexual abuse of a young child or children.
 - Behavior punishable as a felony that involves selling, giving, or delivering to another person, or possessing, using, or being under the influence of marijuana, a controlled substance, a dangerous drug, or alcohol; or committing a serious act or offense while under the influence of alcohol.
- Engaging in retaliation against a school employee or volunteer combined with one of the above-listed mandatory expulsion offenses.

Under Age Ten

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

Emergency

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

Process

If a student is believed to have committed an expellable offense, the campus behavior coordinator or other appropriate administrator shall schedule a hearing within a reasonable time. The student's parent 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 witnesses called by the district at the hearing.
4. 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 Board's designee authority to conduct hearings and expel students.

Board Review of Expulsion

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

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

The board shall hear statements made by the parties at the review and 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.
5. A student's status in the conservatorship of the Department of Family and Protective Services (foster care), or
6. A student's status as homeless.

If the student is expelled, the board 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 Board's 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 re-enrolls 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 decide on a case-by-case basis the placement of a student who is subject to an expulsion order from another district or an open-enrollment charter school upon enrollment in the district.

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 occurs, 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.

Transition Services

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

The district must provide transition services for a student who is exiting DAEP and returning to the student's local campus. {19 TAC 103.1201(k)} In addition, the campus administrator or CBC must develop a personalized transition plan for a student exiting an alternative education program, including DAEP or JJAEP, to return to the regular classroom. {TEC 37.023}

FOCA(LEGAL)

The transition services established for a student who is exiting a DAEP and returning to the student's locally assigned campus shall be implemented and updated annually as needed. The transition procedures shall include:

An established time line for the student's transition from the DAEP to the student's locally assigned campus; and

Written and oral communication from the DAEP staff to the locally assigned campus during the student's assignment to the DAEP, including the student's educational performance and tasks completed.

Glossary

Abuse is improper or excessive use.

Aggravated robbery is defined in part by Texas Penal Code 29.03(a) as 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 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, damages, or deletes school district property or information; or commits a breach of any other computer, computer network, or computer system.

Bullying is defined in Section 37.0832 of the Education Code as a single significant act or a pattern of acts when a student or group of students engages in written or verbal expression, expression through electronic means, or physical conduct that occurs on school property, at a school-sponsored or school-related activity, or in a vehicle operated by the district and a school district's board of trustees or the board's designee determines that the behavior:

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

This conduct is considered bullying if it:

1. Exploits an imbalance of power between the student perpetrator who is engaging in bullying and the student victim through written or verbal expression or physical conduct; and
2. Interferes with a student's education or substantially disrupts the operation of a school.

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

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

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

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

Controlled substance means a substance, including a drug, an adulterant, and a dilutant, listed in Schedules I through V or Penalty Group 1, 1-A, 2, 2-A, 3, or 4 of the Texas Controlled Substances Act. The term includes the aggregate weight of any mixture, solution, or other

substance containing a controlled substance. The term does not include hemp, as defined by Agriculture Code 121.001, or the tetrahydrocannabinols (THC) in hemp.

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

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

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

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

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

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

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

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

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

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

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 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 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) DIA(LEGAL) 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; or
3. Conduct that is punishable as a crime under Penal Code 42.07, including the following types of conduct if carried out with the intent to harass, annoy, alarm, abuse, torment, or embarrass another:
 - a. Initiating communication and, in the course of the communication, making a comment, request, suggestion, or proposal that is obscene, as defined by law;
 - b. Threatening, in a manner reasonably likely to alarm the person receiving the threat, to inflict bodily injury on the person or to commit a felony against the person, a member of the person's family or household, or the person's property;

- c. Conveying, in a manner reasonably likely to alarm the person receiving the report, a false report, which is known by the conveyor to be false, that another person has suffered death or serious bodily injury; and
- d. Sending repeated electronic communications in a manner reasonably likely to harass, annoy, alarm, abuse, torment, embarrass, or offend another.

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

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

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

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

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

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

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

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

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

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

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

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 other school property used by the student, including, but not limited to, a locker or desk.

Prohibited weapon under Penal Code 46.05(a) means

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

Public Lewdness is defined by 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 excepted 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, Penal Code; or
4. Conduct that constitutes the offense of:
 - a. Public lewdness under Penal Code 21.07;
 - b. Indecent exposure under Penal Code 21.08;
 - c. Criminal mischief under Penal Code 28.03;
 - d. Hazing under Education Code 37.152; or
 - e. Harassment under Penal Code 42.07(a)(1), 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 schoolwork 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 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 Penal Code as a device, including a caltrop or spike strip, that, when driven over, impedes or stops the movement of a wheeled vehicle by puncturing one or more of the vehicle's tires.

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

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

Vaping is the action or practice of inhaling and exhaling the vapor produced by an electronic cigarette or similar device.

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

Letter for Parents of Users of District Technology Resources

Dear Parents/Guardians:

Your child has an opportunity to be given access to the District's technology resources, meaning electronic communication systems and electronic equipment, and needs your permission to do so. Point Isabel I.S.D. recognizes that access to technology resources in school gives students greater opportunities to learn, engage, communicate, and develop skills that will prepare them for work, life and citizenship.

With this educational opportunity comes responsibility. It is important that you and your child read the enclosed District policy, administrative guidelines, and agreement form and discuss these requirements together. If you have questions or need help understanding these materials, please contact Sonia Harry, Technology Director at (956) 943-0092. Inappropriate use of the District's technology resources may result in suspension or revocation of the privilege to use these educational tools, as well as other disciplinary or legal action, in accordance with the Student Code of Conduct and applicable laws.

As a user of the District's technology resources, your child will be able to access:

- An unlimited number of databases, libraries, and resources;
- The Internet and other electronic information systems/networks, which can be used to communicate with schools, colleges, organizations, and individuals around the world; and
- Shared electronic equipment, which may have stored temporary Internet and electronic files of other users.

Please be aware that the Internet is an association of diverse communication and information networks. While the District is required by federal law to use technology protection measures to limit access to material considered harmful or inappropriate to students, it may not be possible for us to absolutely prevent such access. Despite our best efforts and beyond the limits of filtering technology, your child may run across areas of adult content and some material you might find objectionable. It is your child's responsibility follow the rules for appropriate use at all times. In addition, the district will educate your child about appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms and cyberbullying awareness and response.

If your child is being issued a District technology device, you will be given additional materials addressing the proper use, care, and return of these devices. Please review the enclosed information pertaining to the instructional use of personal telecommunication or electronic devices and the release forms for original work and the electronic display of personal information.

Point Isabel I.S.D. is committed to a quality education!

Sincerely,

Sonia Harry

District Technology Director

District Technology Resource Guidelines

The district will educate students about appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms and cyberbullying awareness and response.

Individual Student User Responsibilities - The following standards will apply to all users of the District's technology resources (includes online conduct):

Upon submitting the signed Student Agreement for Acceptable Use of the District's Technology Resources confirming parent/guardian permission:

Students in grades Pre-K–4 will be granted access to the District's hardware by using a teacher's class account to log in or may be issued an individual account.

Students in grades Pre-K—4 will have their own login for various programs.

Students in grades 5-12 will be assigned an individual account for hardware and Internet access. All students are responsible for keeping their password private.

- The student in whose name an account is issued will be responsible at all times for its proper use and for not sharing the password for that account with others.
- All activity over the network or using district technologies may be monitored and retained.
- Access to online content via the network may be restricted in accordance with our policies and federal regulations, such as the Children's Internet Protection Act (CIPA).
- The student will be held responsible at all times for the proper use of the account. The District may suspend or revoke student access if the user violates the rules.
- The account is to be used for educational purposes.
- Students in grades 8-12 may receive an e-mail account for educational purposes. Remember that people who receive e-mail from a student with a school address might think the user's message represents the school's point of view. E-mail usage may be monitored and archived.
- Students are expected to follow the same rules for good behavior and respectful conduct online as offline.

Inappropriate Uses

- Using the resources for any illegal purpose.
- Damaging electronic communication systems or electronic equipment, including knowingly or intentionally introducing a virus to a device or network, or not taking proper security steps to prevent a device or network from becoming vulnerable.
- Disabling or attempting to disable any Internet filtering device.
- Encrypting communications to avoid security review.
- Using someone's account without permission.
- Pretending to be someone else when posting, transmitting, or receiving messages.
- Attempting to read, delete, copy, modify, or interfere with another user's posting, transmittal, or receipt of electronic media.
- Using resources to engage in conduct that harasses or bullies others.

- Posting, transmitting, or accessing materials that are abusive, obscene, sexually oriented, threatening, harassing, damaging to another's reputation, or illegal.
- Using inappropriate language such as swear words, vulgarity, ethnic or racial slurs, and any other inflammatory language.
- Posting personal information about yourself or others, such as addresses and phone numbers.
- Students may not post or transmit pictures of other students without obtaining prior permission from all individuals depicted. [See CQA (Form)]
- Responding to requests for personally identifying information or contact from unknown individuals.
- Making appointments to meet in person people met online. If a request for such a meeting is received, it should be reported to a teacher or administrator immediately.
- Posting or transmitting pictures of other students without obtaining prior permission from all individuals depicted or from parents of depicted students who are under the age of 18.
- Violating others' intellectual property rights, including downloading or using copyrighted information without permission from the copyright holder.
- Wasting school resources through the improper use of the District's technology resources, including sending spam.
- Gaining unauthorized access to restricted information or resources.

Consequences for Inappropriate Use

- Suspension of access to the District's technology resources;
- Revocation of the account; or
- Other disciplinary or legal action, in accordance with the Student Code of Conduct and applicable laws.

Reporting Violations

- Students must report any requests for personally identifying information or contact from unknown individuals, as well as any content or communication that is abusive, obscene, pornographic, sexually oriented, threatening, harassing, damaging to another's reputation, or illegal to a supervising teacher, campus administrator or the technology director.
- Students must immediately report any known violation of the District's applicable policies, Internet safety plan, or acceptable use guidelines to a supervising teacher or the technology coordinator.

Student Participation in Social Media

Participation in social media using the District's technology resources for educational and administrative purposes is permissible for students, under appropriate supervision.

Social media may include electronic mail, Web logs (blogs), electronic forums, video-sharing Web sites (e.g. TeacherTube); editorial comments posted on the internet and educational social network sites (e.g. Project Share).

Students participating in social media using the District's technology resources should assume all content shared, including pictures is public. No personally identifying information should be

published. Students should not respond to requests for personally identifying information or contact from unknown individuals. Information about date, time and location of campus field trips should not be shared.

[See REPORTING VIOLATIONS, previous section]

Student Use of Personal Electronic Devices for Instructional Purposes While on Campus

The District permits use of electronic devices by students “only” for **instructional purposes** while on campus. The student shall not use a telecommunications device, including a cellular telephone, or other electronic device in violation of district and campus rules.

Rules for Appropriate Use

- Agreements for acceptable use of the District’s technology resources and personal electronic devices for on-campus instructional purposes must be signed annually by both the student and parent.
- When using personal electronic devices for instructional purposes while on campus, students are prohibited from using a personal wireless service.
- When using electronic devices for instructional purposes while on campus, students must use designated areas as published in the Campus Student Handbook.
- The student is responsible for their own personal devices. They **may not** share their personal device with their peers while on campus.
- The classroom teacher has the authority to allow or deny the usage of electronic devices for instructional purposes in the classroom.
- When accessing the District’s technology resources using a student personal device, students must follow the District’s technology resources guidelines, including the acceptable use agreement signed for access to the District’s technology resources.
- When not using the device for instructional purposes while on campus, students must follow the rules and guidelines for non-instructional use as published in the student handbook. These require the personal devices to be turned off.

Consequences for Inappropriate Use

Violation of these rules may result in:

- Suspension of access to use personal electronic devices for instructional purposes while on campus;
- Revocation of permission to use personal electronic devices for instructional purposes while on campus; or
- Other disciplinary or legal action, in accordance with the Student Code of Conduct and applicable laws.

The District will not offer technical support for a student’s personal electronic device.

The District is not responsible for damage to or loss of personal devices brought from home.

Technology Resource Glossary

Technology Resources Point Isabel ISD may provide Internet access, desktop computers, interactive whiteboards, mobile computers or devices, e-readers, videoconferencing capabilities, online collaboration capabilities, message boards, e-mail, and more. The guidelines outlined in this document are intended to cover all available technologies, not just those specifically listed.

Social/Web 2.0/Collaborate Content Recognizing the benefits collaboration brings to education, Point Isabel ISD may provide users with access to web sites or tools that allow communication, collaboration, and sharing among users.

Students are expected to communicate with the same appropriate, safe, mindful, courteous conduct online as offline. Students should not share personally-identifying information online. Remember that information students post online leaves a digital footprint and can be traced and ultimately attributed to the user. It is vital to be aware of the digital footprints that students are leaving as they can become part of one's online persona.

Security Students are expected to take reasonable safeguards against the transmission of security threats over the school network. This includes not opening or distributing infected files or programs and not opening files or programs of unknown or untrusted origin.

If students believe a computer or any other electronic device might be infected with a virus, please alert a teacher/administrator so that the technology department can resolve the problem.

Netiquette Students should always use the Internet, network resources, and online sites in a courteous and respectful manner. Be polite; messages typed in capital letters are the computer equivalent of shouting and are considered rude. When applicable, be considerate when sending e-mail attachments by taking into account whether the file may be too large to be accommodated by the recipient's technology resources or may be in a format unreadable by the recipient. Do not use the District's technology resources in such a way that would disrupt use for others. Students should use trusted sources when conducting research via the Internet as there are many unverified, incorrect or inappropriate content online.

A student should also remember not to post anything that they wouldn't want parents, teachers, or future colleges or employers to see. Once something is online, it's out there and can sometimes be shared and spread in ways the user never intended.

Plagiarism Students should not plagiarize (or use words as their own, without citing the original creator) content, including words or images, from the Internet. Students should not take credit for things they didn't create themselves, or misrepresent themselves as an author or creator of something found online. Research conducted via the Internet should be appropriately cited, giving credit to the original author.

Downloads Students should not download or attempt to download or run .exe programs over the school network or onto school resources without express permission from an administrator.

Cyberbullying is the use of any electronic communication device to engage in bullying or intimidation and will not be tolerated. Harassing, dissing, flaming, denigrating, impersonating, outing, tricking, excluding, and cyberstalking are all examples of cyberbullying. Don't be mean. Don't send e-mails or post comments with the intent of scaring, hurting or intimidating someone else.

Engaging in these behaviors, or any online activities intended to harm (physically or emotionally) another person, will result in disciplinary actions in accordance with the Student Code of Conduct. In some cases, bullying can be a crime. Students, if you or someone you know is a victim of cyberbullying, notify a staff member and follow the District’s Anti-Bullying Plan.

Mobile Device Policy Point Isabel I.S.D. may provide students with mobile computers or other devices to promote learning outside of the classroom. Students should abide by the same acceptable use policies when using school devices off the school network as on the school network.

Students are expected to treat these devices with extreme care and caution; these are expensive devices that the school is entrusting to your care. Students should report any loss, damage, or malfunction to the appropriate faculty member immediately. Students may be financially accountable for any damage resulting from negligence or misuse.

Use of school-issued devices off the school network may be monitored.

Personal Safety Students should never share personal information, including phone number, address, social security number, birthday, or financial information, over the Internet without adult permission. Students should recognize that communicating over the Internet brings anonymity and associated risks, and should carefully safeguard the personal information of themselves and others. Students should never agree to meet someone they meet online in real life without parental permission.

Students, if you see a message, comment, image, or anything else online that makes you concerned for your personal safety, bring it to the attention of an adult (teacher or staff if you’re at school; parent if you are using the device at home) immediately.

Disclaimer

The District’s technology resources are provided on an “as is, as available” basis. The District does not make any warranties, whether express or implied, including, without limitation, those of merchantability and fitness for a particular purpose with respect to any services provided by the District’s technology resources and any information or software contained therein. The District does not warrant that the functions or services performed by, or that the information or software contained as part of the District’s technology resources will meet the user’s requirements, or that the District’s technology resources will be uninterrupted or error free, or that defects will be corrected.

Additional Information

Policy Online – www.pi-isd.net	
CQ Policy - Legal and Local Policy for District Technology Resources	FNF Policy - Student Rights and Responsibilities: Interrogations and Searches
CQA Policy - Technology Resources: District, Campus and Classroom Web Sites	FNCE Policy - Student Conduct: Personal Telecommunications/Electronic Devices
CY Policy - Technology Resources: Intellectual Property and Copyright Compliance	
Local Guidelines and Forms – www.pi-isd.net	
CQ Forms - Technology Resources: Student Agreement Form	CQ Guidelines - Technology Resources: Guidelines for Acceptable Use of District Technology Resources
	CQA Forms - Technology Resources: Release Form for the Electronic Display of Original Work and Personal Information