

MONTGOMERY
INDEPENDENT SCHOOL DISTRICT

STUDENT CODE OF CONDUCT

APPROVED BY THE MONTGOMERY ISD BOARD OF TRUSTEES
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STUDENT CODE OF CONDUCT

Purpose

The Student Code of Conduct 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 Code defines misconduct that may—or must—result in a range of specific disciplinary consequences including removal from a regular classroom or campus, suspension, placement in a disciplinary alternative education program (DAEP), or expulsion from school.

This Student Code of Conduct has been adopted by the Montgomery 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.

The Code will be posted at each school campus or will be available for review at the office of the campus principal. Additionally, the Code will be posted on the District's Website. Parents will be notified of any conduct violation that may result in a student being suspended, placed in a DAEP, or expelled.

Because the Student Code of Conduct is adopted by the District's Board of Trustees it has the force of policy; therefore, in case of conflict between the Code and the student handbook, the Code will prevail.

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

Contents

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Please note: The Montgomery ISD Board Policy is available on the Montgomery ISD website (www.misd.org).

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 on District transportation;
2. While the student is in attendance at any school-related activity, regardless of time or location;
3. For any school-related misconduct, regardless of time or location;
4. When retaliation against a school employee or volunteer occurs or is threatened, regardless of time or location;
5. When criminal mischief is committed on or off school property or at a school-related event;
6. For certain offenses committed within 300 feet of school property as measured from any point on the school's real property boundary line;
7. For certain offenses committed while on school property or while attending a school-sponsored or school-related activity of another District in Texas;
8. When the student commits a felony, as provided by Texas Education Code 37.006 or 37.0081; or
9. When the student is required to register as a sex offender.

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

The District has the right to search a student's locker or desk when there is reasonable cause to believe it contains articles or materials prohibited by the District.

School administrators will report crimes as required by law and will call local law enforcement when an administrator suspects that a crime has been committed on campus.

The District has the right to revoke the transfer of a nonresident student for violating the District's Code.

Standards for Student Conduct

Each student is expected to:

- Demonstrate courtesy and respect, 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 and all school-related activities, but the list does not include the most serious offenses. In the subsequent sections on Out-of-School Suspension, DAEP Placement, Placement and/or Expulsion for Certain Serious Offenses, and Expulsion, severe offenses that require or permit specific consequences are listed. Any offense, however, may be serious enough to result in Removal from the Regular Educational Setting as detailed in that section.

Students shall not:

Disregard for Authority

- Fail to comply with directives given by school personnel (insubordination).
- Leave school grounds or school-sponsored events without permission.
- Disobey rules for conduct on school buses.
- Refuse to accept discipline management techniques assigned by a teacher or principal.

Mistreatment of Others

- Use profanity or vulgar language or make obscene gestures.
- Fight or scuffle. (For assault see DAEP Placement and Expulsion)
- Threaten a District student, employee or volunteer, including off school property if the conduct causes a substantial disruption to the educational environment.
- Engage in bullying, harassment, or making hit lists. (See glossary for all three terms)
- Engage in conduct that constitutes sexual harassment or sexual abuse, whether by word, gesture, or any other conduct, including requests for sexual favors directed toward another person, including a District student, employee, or volunteer.
- Engage in conduct that constitutes dating violence. (See glossary.)
- Engage in inappropriate or indecent exposure of private body parts.
- Take and/or forward inappropriate pictures of their classmates, such as pictures of their classmates engaging in sex acts, using their cell phones or using District computers and equipment. (See glossary)
- Participate in hazing. (See glossary)
- Cause an individual to act through the use of or threat of force (coercion).
- Commit extortion or blackmail (obtaining money or an object of value from an unwilling person).
- Engage in inappropriate verbal, physical, or sexual conduct directed toward another person, including a District student, employee, or volunteer.
- Record the voice or image of another without the prior consent of the individuals being recorded or in any way that disrupts the educational environment or invades the privacy of others.
- Verbal abuse, derogatory or offensive remarks addressed to others, name-calling, making ethnic, racial, or religious slurs.

Property Offenses

- Damage or vandalize property owned by others. (For felony criminal mischief see DAEP Placement or Expulsion)
- Deface or damage school property—including textbooks, lockers, furniture, and other equipment—with graffiti or by other means.
- Steal from students, staff, or the school.
- Commit or assist in a robbery or theft even if it does not constitute a felony according to the Texas Penal Code. (For felony robbery, aggravated robbery, and theft see DAEP Placement and Expulsion)

Possession of Prohibited Items

- 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;
 - an air gun or BB gun;
 - archery equipment;

- ammunition;
- a stun gun;
- a pocketknife or any other small knife;
- martial arts objects including but not limited to the following: shurikan (throwing stars), nunchakus (“nun-chucks”), tonfa (wooden weapon), staff, baton (short stick), bolo (long cord with weights at end), etc.;
- mace or pepper spray;
- pornographic material;
- tobacco products;
- matches or a lighter;
- a laser pointer for other than an approved use; or
- any articles not generally considered to be weapons, including school supplies, when the principal or designee determines that a danger exists. (For weapons and firearms see DAEP Placement and Expulsion)

Possession of Telecommunications or Other Electronic Devices

- Display, turn on, or use a telecommunications device, including a cellular telephone, or other electronic device on school property during the school day.
- Possession and/or distribution of pornographic materials. Possess visual material on a cell phone that depicts a child younger than 18 years of age at the time the image was made engaging in sexual conduct. (See glossary)
- Possess audio headsets, radio, electronic games, or similar electronic devices without permission.

Illegal, Prescription, and Over-the-Counter Drugs

- Possess or sell seeds or pieces of marijuana or marijuana substitute in less than a usable amount. (For illegal drugs, alcohol, and inhalants see DAEP Placement and Expulsion)
- Possess, use, give, or sell paraphernalia related to any prohibited substance. (See glossary for “paraphernalia”)
- Possess or sell look-alike drugs or attempt to pass items off as drugs or contraband.
- Abuse the student’s own prescription drug, give a prescription drug to another student, or possess or be under the influence of another person’s prescription drug on school property or at a school-related event.
- Have or take prescription drugs or over-the-counter drugs at school other than as provided by District policy.
- 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”)

Misuse of Technology Resources and the Internet

- 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 District students, employees, or volunteers, including off school property if the conduct causes a substantial disruption to the educational environment.
- Send, post, 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.
- Send or post visual material that depicts pictures of a child younger than 18, at the time the image was made and who was engaging in sexual conduct. (See glossary)
- Use e-mail or Web sites 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.

Safety Transgressions

- 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 District student, employee, volunteer, or school property.
- Make false accusations or perpetrate hoaxes regarding school safety.
- Engage in any conduct that school officials might reasonably believe will substantially disrupt the school program or incite violence.
- Throw objects that can cause bodily injury or property damage.
- Discharge a fire extinguisher without valid cause.

Miscellaneous Offenses

- 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.
- Truancy, i.e. skipping school or cutting class without the parent's knowledge or permission.
- Violate extracurricular standards of behavior.
- Call 911 when no emergency exists.
- Repeatedly violate other communicated campus or classroom standards of conduct.

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

Discipline Management Techniques

Discipline will be designed to improve conduct and to encourage students to adhere to their responsibilities as members of the school community. Disciplinary action will draw on the professional judgment of teachers and administrators and on a range of discipline management techniques. Discipline will be correlated to the seriousness of the offense, the student's age and grade level, the frequency of misbehavior, the student's attitude, the effect of the misconduct on the school environment, and statutory requirements.

Because of these factors, discipline for a particular offense (unless otherwise specified by law) may bring into consideration varying techniques and responses.

Students with Disabilities

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

In accordance with the Education Code, a student who is enrolled in a special education program may not be disciplined for conduct meeting the definition of bullying, harassment, or making hit lists (see glossary) until an ARD committee meeting has been held to review the conduct. In deciding whether to order out-of-school suspension, DAEP placement, or expulsion, the District will take into consideration a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct.

Techniques

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

- Verbal (oral or written) correction.
- Cooling-off time or "time-out."
- Seating changes within the classroom.
- Temporary confiscation of items that disrupt the educational process.
- Rewards or demerits.
- Behavioral contracts.
- Counseling by teachers, counselors, or administrative personnel.

- Parent-teacher conferences.
- Grade reductions for cheating, plagiarism, and as otherwise permitted by policy.
- Detention.
- Sending the student to the office or other assigned area, or to in-school suspension.
- Assignment of school duties such as cleaning or picking up litter.
- Withdrawal of privileges, such as participation in extracurricular activities, eligibility for seeking and holding honorary offices, or membership in school-sponsored clubs and organizations.
- Penalties identified in individual student organizations' extracurricular standards of behavior.
- Withdrawal or restriction of bus privileges.
- School-assessed and school-administered probation.
- Corporal punishment, unless the student's parent or guardian has provided a signed statement prohibiting its use.
- Out-of-school suspension, as specified in the Out-of-School Suspension section of this Code.
- Placement in a DAEP, as specified in the DAEP section of this Code.
- Placement and/or expulsion in an alternative educational setting, as specified in the Placement and/or Expulsion for Certain Serious Offenses section of this Code.
- Expulsion, as specified in the Expulsion section of this Code.
- Referral to an outside agency or legal authority for criminal prosecution in addition to disciplinary measures imposed by the District.
- Other strategies and consequences as determined by school officials.

Notification

The principal or appropriate administrator will notify a student's parent by phone or in writing of any violation that may result in an out-of-school suspension, placement in a DAEP, or expulsion. Notification will be made within three school days after the administrator becomes aware of the violation.

Appeals

Questions from parents regarding disciplinary measures should be addressed to the teacher or campus administration, as appropriate. Appeals or complaints regarding the use of specific discipline management techniques should be addressed in accordance with policy FNG(LOCAL). A copy of the Board Policy may be obtained from the principal's office or the Montgomery ISD website, www.misd.org.

Consequences will not be deferred pending the outcome of disciplinary appeal processes.

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 principal's office as a discipline management technique. The principal may then employ additional techniques.

Formal Removal

A teacher or administrator **may** remove a student from class for a behavior that violates this Code to maintain effective discipline in the classroom. 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.

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 will be followed. Otherwise, within three school days of the formal removal, the appropriate administrator will 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 appropriate administrator will inform the student of the misconduct for which he or she is charged and the consequences. The administrator will give the student 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 principal may place the student in:

- Another appropriate classroom;
- In-school suspension;
- Out-of-school suspension; or
- DAEP.

Returning Student to Classroom

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

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

Out of School Suspension (Suspension)

Misconduct

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

Process

In deciding the appropriate consequence for an offense committed in this category (Suspension) the District will consider self-defense, intent or lack of intent at the time the student engaged in the conduct, or student's discipline history.

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

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

The number of days of a student's suspension will be determined by the campus administrator. When an offense is committed and after consideration is given to self-defense, intent or lack of intent at the time the student engaged in the conduct or student's discipline history, the administrator will assign suspension ranging from 1 to 3 days and/or assign the appropriate length of in-school suspension in place of the suspension.

Suspended students are not allowed to participate or attend any school-sponsored or school-related extracurricular and cocurricular activities.

Speaking at Graduation

In order to be considered as an eligible student speaker at graduation ceremonies, a student shall not have engaged in any serious misconduct in violation of the District's Code, resulting in an out-of-school suspension during his or her last two semesters.

Disciplinary Alternative Education Program (DAEP) Placement

The District operates a Disciplinary Alternative Education Program (DAEP) for students who have committed certain serious offenses. The DAEP:

1. Is in a setting other than the student's regular classroom; and
2. Separates students in the DAEP from students in the regular program.

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. Days attended in summer programs do not count towards DAEP assigned days.

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

Discretionary Placement: Misconduct That May Result in DAEP Placement

In deciding the appropriate consequence for an offense committed in this category (DAEP) the District will consider self-defense, intent or lack of intent at the time the student engaged in the conduct or student's discipline history.

A student may be placed in a DAEP if the student commits any of the following offenses on or while attending a school-sponsored or school-related activity on or off school property:

- Possession of a knife.
- Vandalism.
- Robbery or theft.
- Extortion, coercion, or blackmail.
- Aggressive, disruptive action or group demonstration that substantially disrupts or materially interferes with school activities.
- Profanity, vulgar language, or obscene gestures directed toward teachers or other school employees.
- Fighting, committing physical abuse, or threatening physical abuse.
- Sexual harassment of a District student, employee, or volunteer.
- Falsification of records, passes, or other school-related materials.
- Possession or distribution of pornographic materials.
- Leaving school grounds without permission.
- Making or assisting in making threats, including threats against individuals or groups.
- Refusal to accept discipline management techniques proposed by the teacher and principal.
- Possessing or selling look-alike drugs and contraband including drug paraphernalia.
- Possessing look-alike weapons.
- Possession or use of smoke bombs or stink bombs.
- Persistent pattern of violations of school rules after other disciplinary consequences have been tried.
- Criminal misconduct not punishable as a felony.
- Misconduct which includes elements of gang-related (fraternity, and/or secret society) activity or involvement in criminal street gang activity (see glossary).

Gang-related activity, including but not limited to dress code violations, possession of paraphernalia, graffiti or symbols, tattoos and identifying language or hand signals for the purpose of demonstrating membership of affiliation in any gang, participation as a member of pledge, soliciting another person to become a pledge or member of a gang will be subject to at least the following specific consequences.

- **Level One First Offense** – behavior contract and conference between parent/guardian, administrator, and law enforcement official.
- **Level Two Second Offense** – 45 school days in DAEP. Students who engage in misconduct, which includes elements of gang activity in conjunction with another violation of the Montgomery ISD Student Code of Conduct, will be subjected to the second level consequences delineated. The determination will be based on the severity of the misconduct and the law.

Gang-free zones – Certain criminal offenses, including those involving organized criminal activity such as gang-related crimes, will be enhanced to the next highest category of offense if they are committed in a gang-free zone. For purposes of the District, a gang-free zone includes a school bus and a location in, on, or within 1000 feet of any District-owned or leased property or campus playground.

Mandatory Placement: Misconduct That Requires DAEP Placement

According to state law, placement in a DAEP is required for the following offenses if the student:

- 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).
 - Possesses, uses, or is under the influence of marijuana or marijuana substitute, a controlled substance, or a dangerous drug in an amount not constituting a felony offense.

(School-related felony drug offenses are addressed in the Expulsion section.) (See glossary 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.)
 - Possesses and/or promotes child pornography. (See glossary) Texas Penal Code 43.26(d), (g); Texas Education Code 37.006(a)
 - Behaves in a manner that contains the elements of an offense relating to abusable volatile chemicals.
 - Behaves in a manner that contains the elements of the offense of public lewdness or indecent exposure.
- Engages in expellable conduct and is between six and nine years of age.
 - Commits a federal firearms violation and is younger than six years of age.
 - Engages in conduct that contains the elements of the offense of retaliation against any school employee or volunteer on or off school property. (Committing retaliation in combination with another expellable offense is addressed in the Expulsion section of this Code.)

Sexual Assault and Campus Assignments

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

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 non-emergency basis.

Process

Removals to a DAEP will be made by the principal or designee.

Conference

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

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

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

Placement Order

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

Not later than the second business day after the conference, the campus principal will deliver to the juvenile court a copy of the placement order and all information required by Section 52.04 of the Family Code.

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

Coursework Notice

The parent or guardian of a student placed in DAEP shall be given written notice of the student's opportunity to complete coursework required for graduation, at no cost to the student. The notice shall include information regarding all methods available for completing the coursework.

Length of Placement

The duration of a student's placement in a DAEP will be determined by the principal or designee. When an offense is committed and after consideration is given to self-defense, intent or lack of intent at the time the student engaged in the conduct or student's discipline history unless otherwise addressed in the code, administration will issue a DAEP Order ranging from 15 days to 90 days DAEP.

DISCRETIONARY DAEP PLACEMENTS:

The length of discretionary (MAY PLACE) DAEP assignments will be determined by the campus administration, however, the duration of any assignment to DAEP will be no less than fifteen (15) school days.

MANDATORY DAEP PLACEMENTS:

- First offense of alcohol possession or under the influence - minimum of 30 days
- Second offense of alcohol possession or under the influence - not to exceed 90 days
- Sells, gives, or delivers alcohol – not to exceed 90 days
- Any other consequence involving mandatory offenses will range from 15 days DAEP to 90 days DAEP.

Consequences will be assigned based on the offense committed, location (in the building/facility or in the vehicle), use or threaten to use, possession on the person, in the locker, purse, or other types of bag including backpacks, athletic bags, etc. or sells, distributes, or attempts to sell.

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

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.

Exceeds One Year

Placement in a DAEP may exceed one year when a review by the District determines 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.

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 in a DAEP 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 principal or designee must determine that:

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

Exceeds 60 days

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

Restrictions during Placement

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

Transportation for DAEP

Bus ridership privileges **will be suspended** for students, grades 7 through 12, placed in the DAEP, except for a student's first placement in the DAEP for behavior that does not involve physical abuse of another individual or possession of a deadly weapon. Any disciplinary incident during the first DAEP assignment or any second assignment to the DAEP will result in loss of transportation services during the term of the placement. A student with a disability who has transportation designated as a related service in the student's IEP, under federal law will not be affected.

Graduating Seniors in DAEP/Participation and Speaking at Graduation

When a student is placed in the DAEP during the 12th grade, the District **may allow** that student to participate in graduation ceremonies, provided that all prerequisites for graduation are met, and provided that the student has successfully completed all of the days that the student was placed in the DAEP. If the student in question has not completed his or her days in the DAEP for any reason, such as withdrawal or transfer to another school District, the student may not be allowed to participate in graduation ceremonies. Any decision concerning participation in graduation ceremonies will be made by the student's home campus principal.

In order to be considered as an eligible student speaker at graduation ceremonies, a student shall not have engaged in any serious misconduct in violation of the District's Code, resulting in removal to a DAEP during his or her last two semesters.

Placement Review

A student placed in a DAEP will be provided a review of his or her status, including academic status, by the principal at intervals not to exceed 120 days. In the case of a high school student,

the student's progress toward graduation and the student's graduation plan will also be reviewed. At the review, the student or the student's parent will be given the opportunity to present arguments for the student's return to the regular classroom or campus. The student may not be returned to the classroom of a teacher who removed the student without that teacher's consent.

Additional Misconduct

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

Notice of Criminal Proceedings

The office of the prosecuting attorney will notify the District if 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 will review the student's placement and schedule a review with the student's parent not later than the third day after the Superintendent or designee receives notice from the prosecutor. The student may not be returned to the regular classroom pending the review.

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

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

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

Withdrawal during Process

When a student violates the District's Code 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 District may complete the proceedings and issue a placement order. If the student then reenrolls in the District during the same or a subsequent school year, the District may enforce the order at that time, less any period of the placement that has been served by the student during enrollment in another district. If the appropriate administrator 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

A student assigned to a DAEP in an open-enrollment charter school or another district, including a district in another state (if the behavior committed is a reason for DAEP placement under this Code), at the time he or she enrolls in the District will be placed directly into the District's DAEP.

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

Emergency Placement

When an emergency placement occurs, the student will be given oral notice of the reason for the action. Not later than the tenth day after the date of the placement, the student will be given the appropriate conference required for assignment to a DAEP.

Appeal of a DAEP Placement

The student or the student's parent or guardian may appeal the campus principal's placement decision to place a student in the DAEP. The request for appeal must be in writing and must be received by the Superintendent within 5 calendar days of the date of the campus DAEP order. The Superintendent will schedule a conference with the student and parent to be held within 10 calendar days, after which a written decision will be issued.

At the appeal conference, before the Superintendent or designee, the student is entitled to an adult representative or legal counsel who can provide guidance to the student and who is not an employee of the District. At this conference, the Superintendent or designee will listen to both the student and campus administration, as well as review other pertinent information regarding the matter as he sees fit. Within seven (7) calendar days of hearing the appeal, the Superintendent or designee will communicate his written conclusion to the parent and the campus administration.

For DAEP placements assigned for 45 school days or less, the Superintendent's decision will be final and non-appealable.

For DAEP placements assigned for more than 45 school days, the parent may appeal the Superintendent's decision to the District Board of Trustees. The request for appeal must be in writing and be received by the Superintendent within seven (7) calendar days of the date of the Superintendent's written appeal decision. The appeal will be heard at a board meeting within 30 days of the receipt of the written request to appeal the Superintendent's decision. At the meeting, the Board will review a record of the DAEP placement appeal conference and will provide the parent and/or student, or representative with an opportunity to make a presentation to the Board. The administration will also be asked to speak. No new evidence, including witnesses or documents will be heard or considered. The Board may set reasonable time limits for oral presentations. Any decision by the Board is final and may not be appealed.

Questions or complaints from parents regarding disciplinary measures should be addressed to the campus administration in accordance with policy FNG(LOCAL). A copy of this policy is available at the Montgomery ISD website, www.misd.org.

Disciplinary consequences will not be deferred pending the outcome of an appeal. The decision to place a student in a DAEP cannot be appealed to state agencies or courts.

Placement and/or Expulsion for Certain Serious Offenses

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

Registered Sex Offenders

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

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

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

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

Review Committee

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

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

Newly Enrolled Student

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

Appeal

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

Certain Felonies

Regardless of whether placement or expulsion is required or permitted by one of the reasons in the DAEP Placement or Expulsion sections, in accordance with Education Code 37.0081, a student **may** be expelled and placed in either DAEP or JJAEP if the board or its designee 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;
- Have received probation or deferred adjudication or have been arrested for, charged with, or convicted of aggravated robbery or a Title 5 felony offense; or
- The superintendent or designee has a reasonable belief (see glossary) that the student engaged in the conduct.

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

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

Hearing and Required Findings

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

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

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

Length of Placement

The student is subject to the placement until:

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

Newly Enrolled Students

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

Expulsion

Expulsion from school and school services is the most severe consequence provided under this Code and available under the law. Expulsion is reserved for the most intolerable student behavior. In deciding the appropriate consequence for an offense committed in this category (Expulsion) the District will consider self-defense, intent or lack of intent at the time the student engaged in the conduct or student's discipline history.

Expellable Offenses

A student will be expelled for committing any of the following offenses:

At Any Location

- Breach of computer security.
- Engaging in conduct that contains the elements of the offense of **False Alarm** as defined in the Texas Penal Code or report of a terroristic threat involving a public school. (See glossary.)

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

A student will 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:

- Felony criminal mischief, committed on school property or at a school-related event, whether on or off school property.
- Sells, gives, or delivers or attempts to sell, give, or deliver to another person marijuana or marijuana substitute, dangerous drugs or controlled substances.
- Engages in serious misconduct **while placed in the DAEP** such as but not limited to the following:
 - Possession of any knife.
 - Any use, gift, sale, delivery, possession, or being under the influence of alcohol, marijuana or marijuana substitute, or other controlled substances, dangerous drugs, or abusable glue or volatile chemicals.
 - Vandalism.
 - Robbery or theft.
 - Extortion, coercion, or blackmail.
 - Aggressive, disruptive action or group demonstration that substantially disrupts or materially interferes with school activities.
 - Profanity, vulgar language, or obscene gestures directed toward teachers or other school employees.
 - Fighting, committing physical abuse, or threatening physical abuse.
 - Sexual harassment of a District student, employee, or volunteer.
 - Falsification of records, passes, or other school-related documents.
 - Possession and/or promotion of pornographic materials. Students who forward inappropriate pictures of their classmates or any minor, engaging in sexual conduct using their cell phones or using District computers and equipment are considered as to have possessed child pornography. (See glossary)
 - Leaving school grounds without permission.
 - Making or assisting in making threats, including threats against individuals or groups.
 - Making or assisting in making bomb threats.
 - Refusal to accept discipline management techniques proposed by the teacher and principal.
 - If student engages in conduct that contains the elements of the offense related to abusable glue, aerosol paint, or volatile chemicals at school or a school sponsored event.
 - Persistent misbehavior in DAEP (as defined under General Conduct Violations).

Federal Law

- Bringing to school a firearm, as defined by federal law, when the offense occurs on school property or while attending a school-sponsored or school-related activity on or off school property. "Firearm" under federal law includes:
 - Any weapon (including a starter gun) that will, is designed to, or may readily be converted to expel a projectile by the action of an explosive.
 - The frame or receiver of any such weapon.
 - Any firearm muffler or firearm weapon.
 - Any destructive device, such as any explosive, incendiary or poison gas bomb, or grenade.

Texas Penal Code

- Using, exhibiting, or possessing the following, as defined by the Texas Penal Code:
 - A firearm (any device designed, made, or adapted to expel a projectile through a barrel by using the energy generated by an explosion or burning substance or any device readily convertible to that use), unless the use, exhibition, or possession of the firearm occurs at an off-campus approved target range facility 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.
 - An illegal knife, such as a knife with a blade over 5½ inches; hand instrument, designed to cut or stab another by being thrown; dagger, including but not limited to a dirk, stiletto, and poniard; bowie knife; sword; or spear.
 - A club (see glossary) such as an instrument specially designed, made, or adapted for the purpose of inflicting serious bodily injury or death by striking a person with the instrument, including a blackjack, nightstick, mace, or tomahawk.
 - A prohibited weapon, such as an explosive weapon, a machine gun, a short-barrel firearm, a firearm silencer, a switchblade knife, knuckles, armor-piercing ammunition, a chemical dispensing device, a zip gun, or a tire deflation device. (See glossary)

- Behaving in a manner that contains elements of the following offenses under the Texas Penal Code:
 - Aggravated assault, sexual assault, or aggravated sexual assault.
 - Arson. (See glossary)
 - Murder, capital murder, or criminal attempt to commit murder or capital murder.
 - Indecency with a child.
 - Promoting and/or possessing visual images of classmates younger than 18 years of age engaging in sexual conduct. (See glossary)
 - 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 or marijuana substitute, 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, with the exception of a federal firearm offense, on or off school property or at a school-related activity.

Under Age Ten When a student under the age of ten engages in behavior that is expellable behavior, the student will not be expelled, but will be placed in a DAEP. A student under age six will not be removed from class or 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 non-emergency basis.

Expulsion Process If a student is believed to have committed an expellable offense, the principal will request that the Superintendent schedule an expulsion hearing within a reasonable time. Until a hearing can be held, the principal may place the student in:

- Another appropriate classroom;
- In-school suspension;
- Out-of-school suspension; or
- DAEP.

Hearing Waiver At the campus level, parents and students will have an opportunity to waive their right to the above mentioned hearing.

Hearing The Board of Trustees delegates to the District Discipline Committee, which consists of the Superintendent or a designee, one campus administrator and one teacher, authority to conduct hearings and expel students.

Before a student is expelled, the student will have an opportunity for a due process hearing that will include the following:

1. At least three days prior written notice of the charges and the proposed sanctions including a written request to the student’s parent or guardian to attend the expulsion hearing. The notice will also include the date, time, and location of the hearing and the names of adult witnesses who will present evidence at the hearing;
2. Right to a full and fair hearing before a District Discipline Committee consisting of the Superintendent or a designee, one campus administrator, and one teacher;
3. Opportunity to testify and to present evidence and witnesses in his or her defense; and
4. Opportunity to examine the evidence presented by the school administration and to question the adult witnesses.

A record of this hearing will be made.

Representative At the hearing, the student is entitled to an adult representative or legal counsel who can provide guidance to the student and who is not an employee of the District. The District may hold the hearing regardless of whether the student, the student’s parent or guardian, or another adult representing the student attends, provided the District makes a good-faith effort to inform the student and the student’s parent or guardian of the time and place of the hearing.

Evidence In an expulsion hearing, the District may rely on hearsay evidence of school administrators who investigate disciplinary infractions. This means that the school administration may present

evidence or statements taken from students without revealing the identity of the student. The decision will be based exclusively on the evidence presented at the hearing.

Expulsion Order

The administration will deliver a copy of the order expelling the student to the student's parent or guardian, who is responsible for providing adequate supervision for the student during the period of expulsion.

In addition to notifying the parents, and not later than the second business day after the date an expulsion hearing is held, the administration will deliver a copy of the expulsion order to the authorized office of the juvenile court in the county in which the student resides.

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

Review of Expulsion

A decision by a District Discipline Committee to expel a student may be appealed to the MISD Board of Trustees. The request for appeal must be in writing and must be received by the Superintendent within 7 days of the date of the order of expulsion. At the appeal hearing, the Board will review a record of the District Discipline Committee expulsion hearing and will provide the parent and/or student, or representative with an opportunity to make a presentation to the Board. The administration may also be asked to speak. No new evidence, including witnesses or documents, will be admitted. The Board may set reasonable time limitations for presentations.

The student is expelled pending appeal. Appeal of a final District expulsion decision will be to the state judicial system.

Length of Expulsion

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

When an offense is committed and after consideration is given to self-defense, intent or lack of intent at the time the student engaged in the conduct or student's discipline history, unless otherwise addressed in the code administration will issue an Expulsion Order ranging from 30 days to 180 days JJAEP or assign the appropriate length of DAEP in place of JJAEP.

Consequences for expellable offenses will be assigned based on the offense committed, location (in the building/facility or in the vehicle), use or threaten to use, possession on the person, in the locker, purse, or other type of bag including backpacks, athletic bags, etc., or sells, distributes or attempts to sell.

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 or other appropriate administrator 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.

Graduating Seniors and Expulsion

When a student commits an expellable offense and receives assignment to the County JJAEP during the 12th grade year, the District will not allow that student to participate in graduation ceremonies. Assignments continued and concluded from a previous school year will not be affected by this restriction.

Withdrawal during Process

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

If the student then reenrolls in the District during the same or subsequent school year, the District may enforce the expulsion order at that time, less any expulsion period that has been served by the student during enrollment in another District.

If the appropriate administrator or the Board fails to issue an expulsion order after the student withdraws, the next District in which the student enrolls may complete the proceedings.

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 appropriate administrator or the Board may issue an additional disciplinary order as a result of those proceedings.

**Restrictions during
Expulsion**

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

No District academic credit will be earned for work missed during the period of expulsion unless the student is enrolled in a Juvenile Justice Alternative Education Program or another District-approved program.

Newly Enrolled Students

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

If a student expelled in another state enrolls in the District, the District may continue the expulsion under the terms of the expulsion order, may place the student in a DAEP for the period specified in the order, or may allow the student to attend regular classes if:

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

If a student is expelled by a District in another state for a period that exceeds one year and the District continues the expulsion or places the student in a DAEP, the District will reduce the period of the expulsion or DAEP placement so that the entire period does not exceed one year, unless after a review it is determined that:

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

Emergency Expulsion

When an emergency expulsion occurs, the student will be given verbal notice of the reason for the action. Within ten days after the date of the emergency expulsion, the student will be given appropriate due process required for a student facing expulsion.

**DAEP Placement of
Expelled Students**

The District may choose to 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.

Glossary

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

Abuse is improper or excessive use.

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

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

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

Arson is:

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

Assault is defined in part by Texas Penal Code 22.01(a)(1) as intentionally, knowingly, or recklessly causing bodily injury to another.

Bullying is written or oral expression or physical conduct that a school District's board of trustees or the board's designee determines:

1. To 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. To be sufficiently severe, persistent, or pervasive to create an intimidating, threatening, or abusive educational environment for a student.

Chemical dispensing device is a device designed, made, or adapted for the purpose 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.

Child Pornography, Possession of: A student commits the offense of possession of child pornography if the student knowingly or intentionally possesses visual material that depicts a child who was younger than 18 years of age at the time the image was made and who was engaging in sexual conduct. Texas Penal Code 46.26(a)

Child Pornography, Promotion of: A student commits the offense of promotion of child pornography if the student knowingly or intentionally promotes, or possess with intent to promote, visual material that depicts a child who was younger than 18 years of age at the time the image was made and who was engaging in sexual conduct. The person must know that the material depicts such a child. Texas Penal Code 43.26(e)

Definition of Sexual Conduct: Sexual conduct includes not only sex acts but the lewd exhibition of the genitals, the anus, or any portion of the female breast below the top of the areola. Texas Penal Code 43.25(2)

Definition of Promote: To promote means to procure, manufacture, issue, sell, give, provide, lend, mail, deliver, transfer, publish, distribute, circulate, disseminate, present, exhibit, or advertise or offer or agree to do any of the above. Texas Penal Code 43.25(5)

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

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

Cyberbullying is the use of any electronic communication device to engage in bullying or intimidation.

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

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

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

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

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

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

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

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

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

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

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.

Harassment is:

1. Conduct that meets the definition established in District policies DIA(LOCAL) and FFH(LOCAL); or
2. Conduct that threatens to cause harm or bodily injury to another student, 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.

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

Hit list is 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.

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

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

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.

Persistent misbehavior is two or more violations of the Code in general or repeated occurrences of the same violation.

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.

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 exempt 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 offenses include but are not limited to:

- Murder.
- Vandalism.
- Robbery or theft.
- Extortion, coercion, or blackmail.
- Actions or demonstrations that substantially disrupt or materially interfere with school activities.
- Hazing.
- Insubordination.
- Profanity, vulgar language, or obscene gestures.
- Fighting, committing physical abuse, or threatening physical abuse.
- Possession or distribution of pornographic materials.
- Leaving school grounds without permission.
- Sexual harassment of a District student, employee, or volunteer.
- Possession of or conspiracy to possess any explosive or explosive device.
- Falsification of records, passes, or other school-related documents.
- Refusal to accept discipline assigned by the teacher or principal.

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

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

Terroristic threat is 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 Offenses are those that involve injury to a person and include murder; kidnapping; assault; aggravated assault; sexual assault; aggravated sexual assault; unlawful restraint; injury to a child, an elderly person, or a disabled person; abandoning or endangering a child; deadly conduct; terroristic threat; aiding a person to commit suicide; and tampering with a consumer product. [See FOC(EXHIBIT)]

Under the influence means lacking the normal use of mental or physical faculties. Impairment of a person's physical or mental faculties may be evidenced by a pattern of abnormal or erratic behavior, the presence of physical symptoms of drug or alcohol use, or by admission. A student "under the influence" need not be legally intoxicated to trigger disciplinary action.

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

Zip gun is 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.