



BIRDVILLE INDEPENDENT SCHOOL DISTRICT



**2021-22**

# Student Code of Conduct and Extracurricular Honor Code





Birdville Independent School District  
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# 2021-2022

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## **Accessibility**

If you have difficulty accessing the information in this document because of disability, please contact Michelle Doporto, (District Webmaster), [Michelle.Doporto@BirdvilleSchools.net](mailto:Michelle.Doporto@BirdvilleSchools.net) or 817-547-5700.

## **Preamble**

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

## **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 campus behavior coordinator. Contact information may be found at [www.birdvilleschools.net](http://www.birdvilleschools.net) and at [www.birdvilleschools.net/studenthandbooks](http://www.birdvilleschools.net/studenthandbooks).

## **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 support school team to implement the district's threat assessment police and procedures, as required by law, and shall take appropriate disciplinary action in accordance with the Code of Conduct.

## **Standards and Expectations of Student Behavior**

All students are entitled to enjoy the basic rights of citizenship recognized and protected by law for persons of their age and maturity. The school will foster a climate of mutual respect for the rights of others. Students are expected to respect the rights and privileges of other students, teachers, and district staff. The district's rules of conduct and discipline are established to achieve and maintain order in the school. Students who violate the rights of others or who violate district or school rules will be subject to disciplinary measures designed to correct the misconduct and to promote adherence by all students to their responsibilities as citizens in the school community.

## **Administrative Considerations**

The Texas Education Code now requires the Student Code of Conduct to specify that the district will consider self-defense, intent, disciplinary history, and disability when making decisions regarding a student's out-of-school suspension, placement in a DAEP, expulsion, or placement in a JJAEP, regardless of whether the decision involves a mandatory or discretionary action. Previously, consideration of these factors was left to the district's discretion.

This Handbook is designed to be in harmony with Board Policy. State Law allows annual updates, but policy adoption and revisions may occur throughout the year. Changes in policy that affect these will be made available to students and parents through newsletters and other communications. In case of conflict between Board Policy and any provisions of this Code of Conduct Book, the provisions most recently adopted by the Board of Trustees will be followed.

## **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 attends 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.
11. When the student is required to register as a sex offender.

## **Students at School or School-Related Activities**

Student responsibilities for achieving a positive learning environment at school or school-related activities include:

1. Attending all classes daily and on time.
2. Being prepared for each class with proper materials and assignments.



3. Being appropriately dressed, following the district's dress code.
4. Exhibiting respect towards others.
5. Behaving in a responsible manner.
6. Paying required fees and fines unless they are waived.
7. Refraining from violations of the Student Code of Conduct.
8. Obeying all school rules, including safety rules.
9. Exhibiting responsible conduct at school, on school buses, and at all school functions on or off campus.
10. Cooperating with staff in investigations of disciplinary cases and volunteering information relating to a serious offense.

Students at school or school-related activities are prohibited from:

1. Engaging in academic dishonesty, which includes cheating or copying the work of another student, plagiarism, and unauthorized communication between students during an examination.
2. Throwing objects outside supervised school activities that can cause bodily injury or damage to property.
3. Leaving school-sponsored events without permission.
4. Directing profanity, vulgar language, or obscene gestures toward other student.
5. Insubordination, such as disobeying directives from school personnel of school policies, rules, and regulations.
6. Being disrespectful or directing profanity, vulgar language, or obscene gestures towards teachers or other school employees.
7. Playing with matches, fire or committing arson,
8. Committing robbery or theft.
9. Damaging or vandalizing property owned by the district, other students, or district employees.
10. Disobeying school rules about conduct on school buses.
11. Fighting, committing physical abuse, or threatening physical abuse.
12. Committing extortion, coercion, or blackmail; that is, obtaining money or other objects of value from an unwilling person, or forcing an individual to act through the use or threat of force.
13. Engaging in verbal abuse, i.e. name-calling, ethnic or racial slurs, or derogatory statements that may substantially disrupt the school program or incite violence.
14. Engaging in inappropriate physical or sexual contact disruptive to the school environment or disturbing to other students.
15. Engaging in any other conduct that disrupts the school environment or educational process.
16. Committing indecent exposure.
17. Being tardy or leaving school grounds when not permitted to do so.
18. Engaging in any conduct constituting felony criminal mischief, as defined by law.
19. Engaging in any unruly, disruptive or abusive behavior that seriously interferes with teacher communications, with students, with students' ability to learn, or with the educational process.

20. Violation of district policy for acceptable use of computers, networks, and other electronic communication devices.
21. No skating or skateboarding on campuses.

## **Listing of Offenses and Consequences by Level**

### **LEVEL I**

#### **Level I Disciplinary Offenses**

**Level I** act(s) of misconduct include repeated infractions of **classroom management procedures or rules** or other misconduct that disrupts the educational process. The following is a non-inclusive list of behavior infractions:

1. Being tardy to class
2. Refusing to follow classroom rules.
3. Refusing to participate in classroom activities or complete assignments.
4. Failure to bring appropriate materials to class.
5. Unauthorized use of any item or electronic device that causes class disruption.
6. Disruption of the orderly classroom process.
7. Running, making excessive noise, obstructing, or other disruptions in halls, buildings, classrooms, or other supervised settings.
8. Dress code violations.

#### **Level I Disciplinary Options**

The classroom teacher may use one or more of the following consequences:

1. Warning.
2. Teacher/student conference.
3. Parent conference or parent communication.
4. In-class disciplinary actions or assignments.
5. Withdrawal of student privileges.
6. Campus determined detention.
7. Confiscation of disruptive items or materials.
8. Supervised campus service agreement.
9. Student assigned temporary seating in another classroom.
10. Create/Review Behavioral RtI Tier Level.
11. Create/Review Threat Assessment.

## LEVEL II

### Level II Disciplinary Offenses

When a student's behavior does not change because of action taken at Level I, and the student is being seen in an administrator's office for a repeated **Level I** infraction, the student is moved to **Level II** for discipline purposes.

1. Repeated violations of Level I offenses.
2. Bullying/Cyber bullying.
3. Impeding an administrative investigation.
4. Unexcused absences or tardies.
5. Academic dishonesty, which includes cheating or copying the work of another student, plagiarism, and unauthorized communication between students during an examination.
6. Campus Administration must investigate all incident of academic dishonesty and a determination must be made whether the offense occurred.
7. Possession or use of tobacco or tobacco free products (including snuff, dissoluble tobacco, or electronic cigarettes).

### Level II Disciplinary Options

One or any combination of the following or a lower-level consequence may be applied:

1. Any discipline consequence outlined in **Level I**.
2. Conference including Teacher, Parent, Student, Counselor or Administrator.
3. Campus determined detention.
4. In-school suspension up to three days.
5. Friday Night School/Saturday School.
6. Grade penalty for academic dishonesty.
7. Stay Away Agreement initiated.
8. Create/Review Behavioral RtI Tier Level
9. Create/Review Risk Assessment Plan

## LEVEL III

### Level III Disciplinary Offenses

**Level III** acts of misconduct include those student infractions, which are somewhat more serious than those in **Level I** and **Level II** due to their effect on the orderly process of the school program.

Examples of misconduct **include, but are not limited to**, the following:

1. Repeated violations of **Level II** offenses.
2. Not attending detention.
3. Repeated violations of possession or use of tobacco or tobacco free products (including snuff, dissoluble tobacco, or electronic cigarettes).

4. Bullying/Cyber bullying – Discipline will be done following HB 1942 of the 82<sup>nd</sup> Legislature.
5. Posting on social media while student is off campus and is not in attendance at a school sponsored event if the conduct results in a material or substantial disruption of the school environment or interference with school operations.
6. Posting on social media while on school property, in attendance at a school sponsored event, or using school technology resources, if the conduct interferes with school operations or cause a disruption of the learning environment.
7. Leaving the classroom, building, grounds, or assigned activity without permission.
8. Repeated violation of the school district dress code.
9. Using profane, obscene, indecent, or racially/ethnically offensive language and or physical gestures/symbols to other students or adults.
10. Insubordination or defiance of authority. Being disrespectful towards school personnel or refusing to comply with lawful requests or directions of school personnel.
11. Truancy, excessive absences or tardies (3 unexcused absences in a four-week period or 10 unexcused absences in a six-month period).
12. Altering school records or documents, or forgery of a name on school documents.
13. Criminal Mischief/Vandalism to or defacing school property.
  - a. 13.1 Class C Misdemeanor \$100
  - b. 13.2 Class B Misdemeanor \$100 to less than \$750
  - c. 13.3 Class A Misdemeanor \$750 to less than \$2,500
  - d. State Jail Felony \$2,500 to less than \$30,000
14. Engaging in public displays of affection (PDA)
15. Exhibiting or using electronic communication device(s) or cellular telephones during the instructional day in violation of Board Policy FNCE (LOCAL). **[Repeated violations of cell phone usage can result in loss of privilege of carrying cell phones.]**
16. Throwing or irresponsible use of objects that can cause bodily injury or damage to property.
17. Exhibiting any unacceptable or unwanted physical contact that could but does not result in injury.
18. Recklessness in an automobile on campus.
19. Damaging property of others.
20. Possessing a pocketknife, or a look-alike weapon.
21. Violation of BISD Telecommunication Acceptable Use Policy.
22. Threats, oral, written, or electronic, to do bodily harm to another, or to the property of another.
23. Posting or distributing unauthorized/inappropriate illegal materials, (paper or electronic) on school premises.
24. Possession of fireworks or any flammable device, including lighters.
25. Discharging air horns or odor emitting devices.
26. Fighting.
27. Theft.
28. Enter, without authorization, district facilities that are not open for operations.

### **Level III Disciplinary Options**

Any one or any combination of the following or a lower level may be applied: Any combination of discipline techniques outlined in Level I or II.

1. Grade penalty for copying or cheating from Internet, or plagiarism.
2. Campus determined detention.
3. Exclusion from extracurricular activities.
4. In-school suspension not to exceed three days at a time.
5. Restoration and/or restitution.
6. Withdrawal of selected student privileges.
7. Supervised campus service agreement.
8. Out-Of-School Suspension not to exceed three days at a time.
9. Placement in the District Alternative Education Program.
10. Involvement of law enforcement personnel.
11. Confiscation of prohibited items.
12. Saturday School/Friday Night School.
13. Referral to BISD Truancy Officer.
14. Suspend or terminate use of BISD electronic and/or communication equipment.
15. Create/Review Behavioral RtI Tier Level
16. Create/Review Risk Assessment Plan

## **LEVEL IV**

### **Level IV Serious Offenses**

**Level IV** offenses include those acts of misconduct that seriously disrupt the educational process, endanger, or seriously affect other students, as determined by administration, and violate the law. Examples **include, but are not limited to** the following:

#### **Mandatory Removal/Placement**

If a student commits any of the following acts while 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 the property, he or she **shall** be removed to an alternative education program.

1. Engaging in conduct relating to a false alarm or report (including bomb threat) or a terroristic threat involving a public school\_ as defined by Penal Code 42.06
2. Engages in conduct punishable as a felony.
3. Commits assault as defined by Penal Code 22.01.
  - a. Assault (no bodily injury) with threat of imminent bodily injury; Penal Code 22.01(a)(2)
  - b. Assault by offensive or provocative physical contact; Penal Code 22.01 (a)(3)
4. Makes a terrorist threat as defined by Penal Code 22.07.



5. 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-THS cannabis as authorized by Chapter 487 of the Health and Safety Code does not violate this provision. 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. Behaves in a manner that contains the elements of an offense relating to abusable volatile chemicals under 485.031 through 483.035, Health and Safety Code, or other volatile chemicals under Chapter 484, Health and Safety Code.
6. Engages in public lewdness under Penal Code 21.07.
7. Engages in indecent exposure under Penal Code 21.08.
8. Engages in consensual sexual activity.
9. Engages in retaliation against a school employee under Penal Code 36.06 except, in the student commits a mandatory expellable offense against any employee in retaliation for or because of the employee's employment with the school district, the student must be expelled under TEC 37.007.
10. Engages in conduct punishable as a felony as defined in Title 5 of the Texas Penal Code and the student:
  - a. Has received deferred prosecution.
  - b. Is found by a court or jury to have engaged in delinquent conduct.
  - c. The Superintendent of designee reasonably believes the student has engaged in conduct punishable as a felony under Title 5.
11. In addition, a student shall be removed from class and placed in a disciplinary alternative education program under 37.008 (TEC), based on conduct occurring off campus and while the student is not in attendance at a school-sponsored or school-related activity if:
  - a. The student receives deferred prosecution for conduct defined as a felony by Section 53.03 of the Family Code.
  - b. A court or jury finds that the student has engaged in delinquent conduct as defined in the Family Code 53.03 or for conduct defined as a Title 5 felony in the Penal Code.
  - c. The Superintendent of the Superintendent's designee has a reasonable belief that the student has engaged in conduct defined as a Title 5 felony in the Penal Code.

### **Discretionary Placements**

1. Any repeated offense of **Level III**, or a new violation while being disciplined for a **Level III** offense.
2. Repeated acts of disobedience or disorderly behavior, which may prove to be detrimental to the school, harmful to health and safety, or inhibiting to the rights of others.
3. Blatant disrespect towards school personnel or refusing to comply with lawful requests or directions (i.e. insubordination) of school personnel.
4. Threats, oral or written, including on campus social media, to do bodily harm to teachers or staff, or to the property of another.

5. Sever inappropriate use of social media if the material results in a substantial disruption of the educational process and causes a sever disruption to the operation of the campus or school district.
6. Interfering with school authorities or school programs and extra-curricular events through trespassing, food fights, or other riotous activities.
7. Fighting, which is defined as physical conflict between two or more individuals. When students are disciplined for fighting, self-defense will be consider by the campus administration prior to making a disciplinary decision.
8. Stealing, robbery, extortion, gambling, or arson,
9. Use of profane, obscene, indecent, immoral, or offensive language and/or gestures directed toward school personnel.
10. Failure to comply with assigned disciplinary consequences. Example: Failure to attend ISS or Saturday School.
11. Possessing a device, object, or substance that could cause bodily harm to individuals in any school setting.
12. Failure to report to school personnel the knowledge of an event, device, object, or substance that could cause bodily harm to individuals in any school setting.
13. Possession, use, or distribution of any substance represented (example; look-alike drugs), to be a drug or alcohol.
14. Repeated violation of possession or use of tobacco or tobacco free products (including snuff, dissoluble tobacco, or electronic cigarettes).
15. Possession, use, or distribution of any substance, which could be used as a recreational drug.
16. Indecent exposure, sexual misconduct, sexting, and/or sexual harassment.
17. Hazing.
18. Gang-related/hate crime behavior or activity, or gang membership.
19. Possession of drug paraphernalia.
20. Burglary of a school facility or major vandalism to district property.
21. Assault.
22. Severe violation of the BISD Responsible Use [Policy](#). See Student Handbook.
23. Placing or discharging fireworks or odor emitting devices that cause a severe disruption to the educational process.
24. Pledging to join, or soliciting membership in a public-school fraternity, sorority, secret society, or gang as defined in TEC 37.121.
25. Severe violation of the Bullying/Cyber bullying protocol that is over an extended period and involves multiple students.
26. Off-campus conduct that a district administrator reasonably believes may be punishable as a felony, other than a Title 5 offense, and that the student's presence in the regular setting threatens the safety of other students or teachers and will be detrimental to the educational process.

## **Level IV Disciplinary Options**

Any one or any combination of the following or a lower level may be applied:

1. Any combination of discipline techniques outlined in Level I, II or III.
2. Suspension from school not to exceed three days at a time.
3. Disciplinary Alternative Education Placement (DAEP) per BISD Discipline Matrix.
4. Reassignment of classes.
5. Expulsion to JJAEP.
  - a. 90 day expulsion
  - b. Mandatory expulsions (Texas Education Code 37.007) up through graduation

Suspension and/or assignment to the DAEP prohibits a student from attendance at or participation in school-sponsored or school-related activities and prohibits the student from being on any BISD school facilities during the term of assignments.

## **LEVEL V (Expulsion to JJAEP)**

### **Mandatory Expulsion**

A student shall be expelled from school for a period determined by the administrator or designee if the student, on school property or while attending a school-sponsored or school-related activity on or off school property uses, exhibits, or possesses:

1. A firearm under Penal Code 46.01.
2. An illegal knife, as defined in Penal Code 46.01(6).
3. A club as defined by Penal Code 46.01(1).
4. A weapon listed as a prohibited weapon under Penal Code 46.05, including:
  - a. Explosive weapons
  - b. A machine gun.
  - c. A short-barreled firearm.
  - d. A switchblade knife.
  - e. Knuckles.
  - f. Armor-piercing ammunition.
  - g. A chemical dispensing device.
  - h. A zip gun.
  - i. A firearm silencer or suppressor
5. Aggravated assault under Penal Code 22.02.
6. Sexual assault under Penal Code 22.011.
7. Aggravated sexual assault under Penal Code 22.021.
8. Arson under Penal Code 28.02.
9. Murder under Penal Code 19.02.
10. Capital murder under Penal Code 19.03.
11. Indecency with a child under Penal Code 21.11.
12. Aggravated kidnapping under Penal Code 22.04.
13. Aggravated robbery under Penal Code 29.03.

14. Manslaughter under Penal Code 19.04.
15. Criminally negligent homicide under Penal Code 19.05.
16. The student has been convicted of continuous sexual abuse of a young child or disabled individual or convicted of or placed on deferred adjudication for sexual assault or aggravated sexual assault against another student on the same campus; Penal Code 21.02.
17. Criminal attempt to commit murder or capital murder under Penal Code 15.01.
18. The offense of selling, giving, deliver, using or possessing marijuana, and/or a controlled substance as defined by Chapter 481, Health and Safety Code, or by 21 U.S.C. 801, et seq., a dangerous drug as defined by Chapter 483, Health and Safety Code, or an alcoholic beverage as defined by 1.04 of the Alcoholic Beverage Code if the conduct is punishable as a felony.
19. Registered Sex Offender.
20. Retaliation against a school employee by engaging in any conduct listed in TEC 37.007(a),
21. In addition, expulsion is mandated for a student who commits any of the offenses listed above (Retaliation) whether on or off school property and whether school associated or not “against any employee in retaliation for or as a result of the employee’s employment with a school district.”

### **Discretionary Expulsion**

If a student commits any of the following acts while within 300 feet of school property (except number one, which is not limited), as measured from any point on the school’s real property line, or while attending a school-sponsored or school-related activity on or off the property, he or she may be removed to an alternative education program:

1. Engages in conduct involving a public school that contains the elements of the offense of false alarm or report, or terrorist threat by Penal Code 22.07 or 42.06.
2. Sells, gives, delivers to another person, possesses, uses, or is under the influence of any amount of marijuana or controlled substance, a dangerous drug, or alcohol beverage.
3. Engages in conduct that contains the elements of an offense against a school district employee or a volunteer.
4. Engages in conduct that contains the elements of the offense of deadly conduct.
5. Engages in conduct that contains the elements of any offense listed in Subsection (a) (2)(A) or (C) or the offense of aggravated robbery under Section 29.03 of the Penal Code against another student without regard to whether the conduct occurs on or off of school property or while attending a school-sponsored activity on or off of school property.
6. A student may be expelled if while placed in the DAEP the student continues to engage in serious misbehavior that violates the district’s student code of conduct. If the student engages in conduct that contains the elements of criminal mischief if the conduct is punishable as a felony.

Terms of expulsion shall deny the student access to all District activities and school property.

Federal law requires that a student expelled for a firearms violation must be expelled from the student's regular campus for a period of at least one year, subject to individual modifications made by the Superintendent.

### **Disciplinary Option:**

1. Discretionary Expulsions (Texas Education Code 37.007)
2. Mandatory Expulsions (Texas Education Code 37.007) JJAEP up through graduation.
  - a) The least amount of time a student may be expelled from the Birdville Independent School District to the Juvenile Justice Alternative Education Program (JJAEP) is 90 days.

### **Students Under Ten Years of Age**

1. Students under age six cannot be removed from class and placed in a Disciplinary Alternative Education Program.
2. Elementary students cannot be placed in a Disciplinary Alternative Education Program with students not in elementary school.
3. Students between six and ten years of age who commit an expellable offense must be placed in a Disciplinary Alternative Education Program.
4. Expelled students ten years and older may be provided continued educational services at the discretion of the district.

Students younger than ten years of age may not be expelled, except those who must be expelled in accordance with federal law.

### **DAEP and Newly Enrolled Students**

The district shall continue the DAEP placement of a student who enrolls in the district and was assigned to a DAEP in an open-enrollment charter school or another district including a district in another state.

The district shall continue the expulsion (JJAEP) placement of any newly enrolled student expelled from another district or an open-enrollment charter school until the period of the expulsion is completed.

### **DAEP Review**

Students who are placed in the DAEP for an extended time may have their placement time reduced based on the students' behavior, attendance, and grades while in the DAEP. Students who are assigned for 20 or more days may be reviewed ½ way through the placement. Students who are assigned for more than 30 days may be reviewed ½ way through the placement or at 25 days. This review can be denied by the campus administration at the time of assignment.



## **Graduating Senior's to DAEP/JJAEP**

**DAEP/JJAEP** – When students complete the requirements for graduation while in the DAEP program or JJAEP, they will receive their high school diploma by certified mail. These students **will not** be allowed to participate in the graduation ceremony. Seniors who are assigned to the DAEP after the deadline for graduation supply orders simply forfeit the cost of robe rental or purchase and must deal with the complications of announcements and invitations to the ceremony.

**DAEP Placement** – If a student is assigned to the DAEP program during their senior year the high school principal will determine if the student participates in the graduation ceremonies. If the student has not completed the assigned days due to unexcused absences, withdrawal, transfer to another school district or time being added while in the DAEP, the student may not be allowed to participate in the graduation ceremonies.

The home campus principal will make any decisions concerning the graduation ceremonies of a student in the DAEP.

## **Procedural Due Process**

### **District Alternative Education Placement (DAEP)**

A student may be placed in the DAEP for behaviors prohibited in the General Conduct Violations section of this code. Before placing a student in an alternative education program, the principal or appropriate school administrator shall conduct a conference at which the student shall be advised of the conduct with which he or she is charged, the basis for removal to the DAEP, and the student shall be given the opportunity to explain his or her version of the incident. The district shall make reasonable efforts to notify the parent prior to placing a student in an alternative education program. If the parent cannot be notified prior to placement, the parent shall be notified as soon as possible of the placement and the reason for the placement.

For placement in the DAEP to extend beyond the end of the school year, a district administrator must determine that:

1. The student's presence in the regular classroom or campus presents a danger of physical harm to students or others; or
2. The student has engaged in serious or persistent misbehavior that violates the Student Code of Conduct; or
3. School action on the offense for which the student is placed in the DAEP takes place during the final grading period of the year.

If charges have been dropped against a student placed in the DAEP for felony offenses, other than Title 5 offenses:

1. The Superintendent or designee must review the placement with the parent or guardian within three days of receiving notice the charges have been dropped.
2. The student remains in the DAEP pending review.

3. The student may remain in the DAEP if the Superintendent or designee believes the student poses a threat to the safety of students or teachers.
4. The Superintendent or designee's decision may be appealed to the Board:
  - a. The student remains in the DAEP pending appeal,
  - b. The Board confirms or reverses the decision of the Superintendent or designee,
  - c. A record must be made of the appeal proceedings,
  - d. The Board informs the student and parent of their right to appeal to the Commissioner of Education.

Appeal is limited only to cases where the student is left in the DAEP after charges are dropped.

### **Expulsion to Juvenile Justice Alternative Education Program (JJAEP)**

Before a student is expelled, he or she shall have the right to a hearing before the campus administrator that meets the standards for due process under the federal constitution, which includes the following:

1. Prior written notice of the charges and the proposed sanctions to afford a reasonable opportunity for preparation.
2. Right to a full and fair hearing before the campus administrator.
3. Right to representation by legal counsel, by a parent or guardian, or by any other adult who is not an employee of the school district.
4. Opportunity to testify and present evidence and witnesses in one's defense.
5. Opportunity to examine the evidence presented by school administrators and right to question school administration witnesses. Special consideration may be given the victim or witnesses depending on the age, health, sensitivity and well-being of the witness or victim.

A notice of the hearing and an invitation to attend shall be sent to the student's parent or guardian. The written notice shall advise of the nature of evidence and the names of any witnesses whose testimony may be used against the student. An expulsion hearing may proceed without the student or his/her representative if the district has made a good faith effort to provide notice of place and time. The decision of the campus administrator shall be based exclusively on evidence presented at the hearing.

The final decision of the campus administrator shall be communicated within five days to the student and parent. If the decision to expel is made, the campus administrator shall provide a written order outlining terms of and length of the expulsion. Not later than the second business day after the date of a hearing, a copy of the expulsion order will be delivered to the authorized officer of the juvenile court of the county in which the student resides. Parents are responsible for supervision of the student during the expulsion term.

### **Appeals**

Questions from parents regarding disciplinary measures should be addressed to the teacher, campus administration, or campus behavior coordinator, as appropriate. Appeals or complaints regarding the use of specific discipline management

techniques should be addressed in accordance with policy FNG(LOCAL). A copy of the policy may be obtained from the principal's office, the campus behavior coordinator's office, the Student Services Department or through Policy Online at the following address: [www.birdvilleschools.net](http://www.birdvilleschools.net).

The district shall not delay a disciplinary consequence while a student or parent pursues a grievance. In the instance of a student who is accused of conduct that meets the definition of sexual harassment as defined by Title IX, the district will comply with applicable federal law, including the Title IX formal complaint process. See policies FFH(LEGAL) and (LOCAL).

## **Limited Appeal of Certain Administrative Decisions**

The campus principal is the final appeal on detention halls, in-school suspensions, Saturday school, 1 to 3 day suspensions, and participation in the selection/election process of extracurricular activities and dress code violations.

### **Appeal of Campus Administrator's Placement in the DAEP**

**Level I Appeal** - The student's parent or guardian may appeal the DAEP Placement to the campus principal. The request for appeal must be received in the Principal's office within three days (parents should put this in writing to ensure proper timelines) of the date of the administrator removing the student. A conference with the student and parents will be held within five days, after which a decision will be issued.

**Level II Appeal**- If the parent is dissatisfied with the decision of the campus principal, the parent or guardian may appeal the DAEP Placement. The request for appeal must be in writing and must be on a BISD Discipline Appeal Form that may be obtained from the Office of Student Services, or the BISD website. The request must be received in the Office of Student Services within three days of the date of notification of the **Level I** decision. A conference with the student and parents will be held within five days, after which a decision will be issued. Any decision by the **Level II** Hearing Officer to place (or uphold a placement) of a student in the DAEP is final and may not be appealed. The student remains in the DAEP or expelled pending all appeals.

### **Appeal of Campus Administrator's Expulsion to JJAEP**

**Level I Appeal** – The student's parent or guardian may appeal the expulsion to the campus principal. The request for appeal must be received in the Principal's office within three days (parents should put this in writing to ensure proper timelines) of the date of the administrator removing the student. A conference with the student and parents will be held within five days, after which a decision will be issued.

**Level II Appeal** – If the parent is dissatisfied with the decision of the campus principal, the parent or guardian may appeal the expulsion. The request for appeal must be in writing and must be on BISD Appeal form that may be obtained from the Office of Student Services, or

the BISD website. The request must be received in the Office of Student Services within three days of the date of notification of the **Level I** decision. A conference with the student and parents will be held within five days, after which a decision will be issued.

**Level III Appeal** – If the parent is dissatisfied with the decision on the Level II Hearing Officer of the expulsion to JJAEP, the parent or guardian may appeal to the Board of Trustees. The request for appeal must be in writing. The request must be received in the office of the Superintendent within three days of the date of notification of the **Level II** decision. The appeal will be heard at the next regularly scheduled board meeting.

## **Emergency Expulsion**

### **Emergency Placement**

The principal or appropriate administrator may order a student to be immediately placed in an alternative education program if it is reasonably believed that the student's behavior is so unruly, disruptive, or abusive that it interferes with:

1. A teacher's ability to communicate effectively with students in a class.
2. The ability of the student's classmates to learn.
3. The operation of the school or school sponsored activity.
4. If the appropriate administrator reasonably believes that imminent harm is likely.

At the time of the emergency, placement the student shall be given oral notice of the reasons for emergency placement in the DAEP. Within a reasonable time, the student will be afforded Procedural Due Process as outlined in this Code. The principal or appropriate administrator shall not be liable for civil damages for an emergency placement.

### **Emergency Expulsion**

The principal or appropriate administrator has the right to order the immediate expulsion of a student if the administrator reasonably believes that the action is necessary to protect persons or property from imminent harm.

At the time of the emergency expulsion, the student shall be given a notice of the reason for the emergency expulsion. A due process hearing for expulsion will be provided within ten days, unless the parent or guardian agrees in writing to an extension of time.

The conditions of an emergency placement or emergency expulsion may restrict the student's extracurricular activities according to this Code.

## **Returning a Student to the Classroom**

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

A student who has been formally removed by a teacher for any other conduct 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.

## **Placement Review Committee**

Each school shall establish a three-member Placement Review Committee. The campus faculty shall select two teachers to serve as members of the committee, and one additional teacher shall serve as an alternate. The principal shall serve or select one member from the professional staff. The committee shall have the responsibility to:

1. Determine, in accordance with law and policy, the placement of a student when a teacher refuses to readmit a student whom the teacher has removed from class.
2. Make recommendations regarding readmission of expelled students prior to completion of a court-imposed disposition.

## **Abiding by the Law**

Every student is expected to abide by federal laws, laws of the state of Texas and local ordinances. Violation of certain federal and state laws shall constitute a violation of this Code of Conduct and appropriate discretionary or mandatory disciplinary measures will be imposed.

## **End of Semester/Year Offenses**

Certain student offenses may result in long-term assignment to an alternative education program for the remainder of the semester or year. Such placement may extend beyond the school year if:

1. The student's presence in the regular campus presents a danger.
2. The student has engaged in serious or persistent misbehavior that violates the district's student code of conduct.

## **Dress Code**

The district's dress code, at all grade levels, is established to teach grooming and hygiene, instill discipline, prevent disruption, avoid safety hazards, and teach respect for authority. Students shall be dressed and groomed in a manner that is clean and neat, and that will not pose a health or safety hazard to themselves or others. In addition to the specific restrictions in this Dress Code, the district prohibits any clothing or grooming in the judgment of the principal or principal's designee that may reasonably be expected to cause disruption of or interference with normal school operation.

## **Restrictions and Prohibitions**

Modes of dress or grooming judged to be disruptive or potentially disruptive to normal school operations or considered a health or safety hazard are strictly prohibited.



## **Clothing and Grooming**

The district prohibits pictures, emblems, , tattoos, or writing on clothing that is lewd, offensive, vulgar, or obscene; that depict the occult; that represent gang membership; or that advertise tobacco products, alcoholic beverages, drugs, or any other substance object, or activity prohibited by law, BISD Board Policy, Student Code of Conduct, or other district rule. The District also prohibits any clothing or grooming that, in the principal’s judgment, may reasonably be expected to cause disruption of or interfere with normal school operations. Additionally, students in grades PK-12 are expected to adhere to the following standards:

1. Student’s hair shall be clean, neat, and well groomed. Hairstyles and hair colors that pose a health or safety hazard or cause a disruption of normal school operation, as determined by campus administration, are prohibited.
2. Students’ clothing shall adhere to the following guidelines:

### **Skirts/Tops/Dresses**

- a. Shirts, tops and dresses should be modest and appropriate for school.
- b. Undergarments must not be exposed at any time.
- c. Tank tops (straps less than 2 inches and/or oversized armholes); low cut dresses, low cut blouses, blouses that are strapless, backless, or have spaghetti-type straps are prohibited.
- d. Oversized T-shirts and oversized tank tops are prohibited.

### **Pants/Shorts**

- a. Students may wear shorts and skirts that are modest in appearance. All shorts are to be without holes and not shredded.
- b. Specifically prohibited are: cutoffs (of any derivation), pajama bottoms, form-fitting/skin tight shorts of Lycra, spandex, or any other similar material.
- c. The acceptable length of shorts, skirts, and dresses are as follows:
- d. Elementary: No higher than fingertip length
- e. Secondary: No higher than 5” from the top of the knee
- f. Form-fitting/skin tight pants, such as leggings, jeggings, yoga pants and tights, must be covered with a top reaching no higher than 5”inches above the knee for secondary students and no higher than fingertip length for elementary students.
- g. No sagging. Oversized clothing shall not be worn to any BISD function. Specifically, “bagging or sagging” pants or shorts are prohibited. All pants and shorts are to be worn at the waist.
- h. Pants may not expose the skin higher than 5” above the knee and must be presentable. Extra-long belts are prohibited. Belts must be used appropriately.

### **Footwear/Shoes**

- a. All students must wear appropriate footwear.
  - i. Heelys (or other wheeled shoes) are prohibited.

- ii. Due to safety concerns during recess and P.E.; elementary students are not allowed to wear flip-flops during this time.
  - iii. No slippers or house shoes.
3. No hats or head coverings (i.e., bandanas and hoodies) of any kind are to be worn inside the building unless approved by the school principal for a special occasion or worn for religious reasons. Unless there is a documented medical justification, no sunglasses are to be worn in the building.
4. Heavy full-length outerwear, such as “dusters”, trench coats, or Gothic attire, is prohibited from being worn.
5. For safety reasons, the wearing of heavy chains or spiked jewelry or “grills” is prohibited. Pierced body ornaments may be worn in the ears and a single facial stud may be worn. “Gauges” in elementary school are prohibited.
6. The length of uniforms for spirit groups such as drill teams, cheerleaders, dance clubs, etc. shall be consistent with BISD student dress code when these uniforms are worn to school.
7. Regulations in reference to grooming and dress for each campus are under the direction of the principal.
8. The Academy at Carrie F. Thomas, West Birdville and Birdville Elementary require the wearing of school uniforms or standardized dress for all students as approved by the Campus Site-Based Committee.

## **Violations**

Students shall be given an opportunity to correct a violation of the Dress Code while at school, if possible. If the student refuses to correct the dress code violation, they will be subject to discipline according to the Student Code of Conduct.

Repeated violations of the dress code or grooming standards shall be considered defiance of authority and may result in more serious disciplinary action, according to the Student Code of Conduct.

## **Enforcement**

The campus principal, assistant principals and staff members have the authority to enforce the District Dress Code.

The campus principal or the principal’s designee shall make the final decision on campus dress and grooming issues.

## **Exceptions**

Campus administration may grant exceptions to the Dress Code restrictions for any of the following reasons:

- CDC Guidelines for face coverings for COVID 19
- The student has a medical condition supported by documentation from the student’s physician.

- The student has recognized sincerely held religious beliefs that conflicts with one or more of these restrictions; or
- The student is engaging in supervised physical activities or extracurricular activities where an exception is determined appropriate by the coach, sponsor, or other staff in charge.
- A student or parent seeking exception from the dress and grooming restrictions shall submit the request to the campus principal. All parents receive a copy of the Dress Code annually, and the expected to be familiar with these restrictions.

This dress code provides guidance regarding common situations but cannot cover every style of dress or grooming or every situation that may arise. The District reserves the right to prohibit any clothing or grooming style that the administration determines to be reasonably expected to pose a health or safety hazard or to cause substantial disruption of, distraction from, or interference with general school operations. The District may revise or change the guidelines set out in the Dress Code at any time. In addition, extracurricular programs may have additional requirements or guidelines for students participating in those programs.

Dress and grooming standards are considered an essential part of the educational process and apply equally to all students, except as otherwise provided in this Code. These standards shall be in effect from the first through the last day of school (including summer school) and shall be enforceable at all school-related functions, in school buildings, and on school grounds.

The principal or principal's designee shall interpret and enforce these standards and may enact more restrictive rules at the campus level.

### **Dress Code for DAEP**

The dress code is very strict. Each day students wear a plain white T-shirt, a plain white or gray sweatshirt during colder weather, standard five pocket blue jeans (no baggy pants), a black or brown belt with a plain buckle, and white, black, or grey tennis shoes with same color shoelaces. T-shirt must be tucked in at all times.

### **Vandalism/Damage to School Property**

Students shall not vandalize, otherwise damage, or deface any property, including furniture and other equipment, belonging to or used by the district or district schools. Parents or guardians of students guilty of damaging school property shall be liable for damages in accordance with the law. Students shall be responsible for the care and return of state-owned textbooks and may be charged for replacement of lost textbooks.

### **Sexual Harassment**

The district believes that every student has the right to attend school and school-related activities free from all forms of discrimination based on sex, including sexual harassment. The district considers sexual harassment of students to be serious and will consider the full range of disciplinary options, up to and including expulsion, according to the nature of the offense.

All students are expected to treat one another courteously, with respect for the other person's feelings, and to avoid any behaviors known to be offensive, and to stop these behaviors when asked or told to stop. All students are prohibited from engaging in offensive verbal or physical conduct of a sexual nature directed toward another student. This prohibition applies whether the conduct is by work, gesture, or any other intimidating sexual conduct, including requests for sexual favors that the other student regards as offensive or provocative.

A student and/or parent in a conference may present a complaint alleging sexual harassment by another student or sexual harassment or sexual abuse by a staff member with the principal. A person who is the same gender as the student ordinarily will hold the first conference with the student. The conference will be scheduled and held as soon as possible within five days of the request. The principal or Title IX coordinator will coordinate an appropriate investigation, which ordinarily will be completed within ten days. The student or parent will be informed if extenuating circumstances delay completion of the investigation.

The student will not be required to present a complaint to a person who is the subject of the complaint.

If the resolution of the complaint is not satisfactory to the student or parent, the student or parent, may request a conference with the Title IX coordinator (Skip Baskerville – 817.547.5700) by following the procedure set out in board policy.

## **Hazing**

Hazing includes any willful act done by a student, either individually or with others, to another student for subjecting the other student to indignation, humiliation, intimidation, physical abuse or threats of abuse, social or other ostracism, shame, or disgrace. No student shall engage in any form of hazing, nor shall any student encourage or assist any other person in hazing.

## **Tobacco Use**

Student use or possession of tobacco products on school premises or at school-related activities is unlawful and strictly prohibited. Tobacco products include, but are not limited to cigarettes, e-cigarettes, cigars, pipes, snuff, or chewing tobacco.

## **Electronic Communication Devices**

Students may utilize their devices in the classroom when the teacher deems appropriate as an instructional tool for educational purposes. These devices include but are not to be limited to the following: cell phones, smart phones, and iPhones, iPods, and mp3 players.

K–5 students are required to keep their devices turned off and stored away during the school day they may only be utilized in the classroom when the teacher deems appropriate as an instructional tool for educational purposes.

6–8 students are required to keep their devices turned off and stored away; they may only be utilized in the classroom when the teacher deems appropriate as an instructional tool for

educational purposes. The students may use cell phone devices during lunchtime within the timelines deemed appropriate by campus administration.

9–12 students may use their devices during passing periods and lunchtimes unless they have violated this policy and lost the privilege as a disciplinary measure.

District employees may confiscate any electronic communication device if it clearly is not being used as an educational device in the classroom. If an electronic communication device is confiscated it shall be handed over to the campus administration no later than the end of the teacher’s workday. Parents shall be notified by the campus administration within two days after the electronic communication device is confiscated with an explanation for the confiscation. The electronic device may be returned to either the parent or the student.

Students who violate this policy shall be subject to the disciplinary measures outlined in the Code of Conduct.

## **Drug-Alcohol Use**

No student shall possess, use, transmit, or attempt to possess, use or transmit, or be under the influence of any of the following substances on school premises during any school term or off school premises at a school-related activity, function, or event:

1. Any controlled substance or dangerous drugs as defined by law, without regard to amount, including but not limited to marijuana, any narcotic drug, hallucinogen, stimulant, depressant, amphetamine, or barbiturate.
2. Alcohol or any alcoholic beverage.
3. Any abuse of glue, aerosol paint, or any other chemical substance for inhalation.
4. Any other intoxicant, or mood-changing, mind-altering, or behavior-altering drugs prohibited under the Texas Controlled Substance Act or Federal Drug Abuse Prevention Control Act.
5. An uncontrolled substance or prescription drug not prescribed for the student that causes a student to be impaired.

“**Use**” means a student has smoked, ingested, injected, imbibed, inhaled, drunk, or otherwise taken internally a prohibited substance recently enough that it is detectable by the student’s physical appearance, actions, breath, or speech.

“**Under the influence**” means a student’s faculties are noticeably impaired, but the student need not be legally intoxicated.

The transmittal, sale, or attempted sale of what is represented to be any of the above listed substances is also prohibited under this rule.

## **Weapons**

A student shall not be in possession of any prohibited weapon at school, on school premises, or at any school-related activity, unless pursuant to written regulations or written authorization of the district. A student shall not possess or use articles not generally considered being weapons when the principal or designee determines that a danger exists for any student, school employee, or school property by virtue of possession or use.

Weapons include, but are not limited to:

1. Firearms of any kind.
2. Fireworks or concussion devices of any kind.
3. Knives of any size.
4. Razors.
5. Clubs or night sticks.
6. Metallic or hard surfaced knuckles.
7. Chains.
8. Pellet guns, BB guns, or slingshots.
9. Any other object used in a way that threatens to inflict harm to another person.

School personnel may inspect lockers and cars parked on school premises if there is a reasonable suspicion to believe they contain weapons. Items in a student's locker or in the car they drove to school shall be deemed in the student's possession.

## **Assaults**

Students are prohibited from assaulting anyone at school, on school property, or at any school-related event. An assault is defined as:

1. Intentionally, knowingly, or recklessly causing bodily injury to another.
2. Intentionally or knowingly threatening another with imminent bodily injury.
3. Intentionally or knowingly causing physical contact with another when the student or reasonably believes that the other will regard the contact as offensive or provocative.

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

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

3. Materially and substantially disrupts the educational process or the orderly operation of a classroom or school; or
4. Infringes on the rights of the victim at school.

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

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

## **Criminal Trespass**

The Texas Education Code allows a principal to remove a student, parent or visitor from the campus who:

1. Poses a substantial risk or harm or;
2. Behaves in a manner that is inappropriate for a school setting.

The discipline for the student is established in other sections of the Code of Conduct. The parent or visitor may be removed for up to 2 years from the campus. The parent or visitor must receive written notification of this process. If the parent/visitor wishes to appeal this decision, they may do so through the formal complaint process (FNG). If you have questions about the process or need a copy of the Complaint Form please contact Student Services at 817-547-5790.

## **Dating Violence**

1. "Dating violence" means an act by an individual that is against another individual with whom that person has or has had a dating relationship and that is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the individual in fear of imminent physical harm, bodily injury, assault, or sexual assault, but does not include defensive measures to protect oneself.
2. For purposes of this title, "dating relationship," means a relationship between individuals who have or have had a continuing relationship of a romantic or intimate nature. The existence of such a relationship shall be determined based on consideration of:
  - a. The length of the relationship
  - b. The nature of the relationship
  - c. The frequency and type of interaction between the persons involved in the relationship.

3. A casual acquaintanceship or ordinary fraternization in a business or social context does not constitute a “dating relationship” under Subsection (b). As defined by Section 71.0021 of the Family Code.

## **Disturbing School or Classes**

For purposes of this rule, “school property” includes the public-school campuses or school grounds upon which any public school is located, and any grounds or buildings used by district schools for assemblies or other school-related activities, school district transportation; and “public property” includes any street, highway, alley, public park, or sidewalk.

No one shall be permitted, while on school property or on public property within 300 feet of school property, to willfully disrupt, alone or in concert with others, the educational activities. Conduct that disrupts the educational activities of a school includes, but is not limited to:

1. Emitting noise of an intensity that prevents or hinders classroom instruction.
2. Enticement or attempted enticement of students away from classes or other school activities that students are required to attend.
3. Prevention or attempted prevention of students from attending classes or other school activities that students are required to attend.
4. Entrance into a classroom without consent of either the principal or teacher and either through acts of misconduct and/or use of loud or profane language, cause disruption of class activities.

## **Disruption of Lawful Assembly**

No persons or group of persons acting in concert may willfully engage in disruptive activity or disrupt a lawful assembly on the campus or property of any school in the district. Disruptive activity means:

1. Obstructing or restraining the passage of any person at an exit or entrance to said campus or property or preventing or attempting to prevent by force or violence or by threats thereof the entrance or exit of any person to or from said property or campus without the authorization of the administration of the school.
2. Seizing control of any building or portion of a building for the purpose of interfering with any administrative, educational, research, or other authorized activity.
3. Preventing or attempting to prevent by force or violence, or by the threat of force or violence, any lawful assembly authorized by the school administration.
4. Disrupting by force, violence, or the threat of force or violence a lawful assembly in progress.

A lawful assembly is disrupted when any person in attendance is rendered incapable of participating in the assembly due to the use of force or violence, or due to a reasonable fear that force or violence is likely to occur.



Conduct by students, either in or out of class that for any reason – whether because of time, place, or manner of behavior – materially disrupts class work or involves substantial disorder or invasion of the rights of other students or employees at school or school-related activities is prohibited. Student demonstrations and similar activities shall be prohibited when there is evidence that may reasonably lead school authorities to forecast substantial disruption of, or material interference with, normal school operations or approved school activities.

## **Prior Review of Written Materials**

All student publications and other written material intended for distribution to students shall be submitted for prior review according to the following procedures:

1. Material shall be submitted to the building principal or a designee for review.
2. The principal or a designee shall approve or disapprove submitted material within twenty-four hours of the time the material is received. Failure to act within the twenty- four hour period shall be interpreted as disapproval.

## **Student Conduct on School Buses**

School buses shall be considered an extension of the classroom and students are expected to conduct themselves accordingly. Students being transported in school-owned vehicles shall comply with the Student Code of Conduct. Behavior that is not permitted **includes, but is not limited to**, the following:

1. Being disobedient or disrespectful to the driver or monitors.
2. Standing or moving around while the bus is in motion.
3. Sticking heads or hands out of a window.
4. Throwing object(s) out of a window.
5. Loud talking or laughing.
6. Using tobacco.
7. Scuffling or fighting.
8. Using obscene and/or unacceptable language or gestures.
9. Littering the bus.
10. Disturbing others.
11. Tampering with the bus and/or equipment.
12. Using, possessing or being under the influence of marijuana, alcohol, a controlled substance, a dangerous drug, or a “look-alike” (something represented to be a prohibited substance).
13. Eating, drinking, or chewing gum on the bus.
14. Opening the emergency door without a valid reason.
15. Carrying a weapon or flammable material on the bus.
16. Carrying live animals, insects or dangerous objects on the bus without permission.
17. Bullying

## **Disciplinary Options for Transportation Referrals**

The campus administrator, director of transportation or designee may use one or a combination of the following options:

1. Conference with student
2. Assigned seating
3. Conference with parent
4. Loss of bus privileges up to 5 days
5. Loss of bus privileges up to 10–20 days
6. Loss of bus privileges for remainder of semester
7. Loss of bus privileges for remainder of school year

**\*\*In the event of initiation and/or participation in a major offense, a student may lose bus privileges for an undetermined length of time.\*\***

## **Secret or Self-Perpetuating Societies**

Students shall not become members, or promise to become members of any organization composed wholly or in part of students in public schools, which seeks to perpetuate itself by taking in additional members from the students enrolled in such schools on the basis of the decision of its members, rather than upon the free choice of any student in the school, who is qualified under the rules of the school to fill the special aims of the organization.

## **Teacher Removal of a Student**

### **Informal Discretionary Removal**

A teacher may seek the help of the principal in an effort to maintain effective discipline. When a student is sent to the principal's office under this provision, the principal shall employ appropriate discipline management techniques consistent with **Levels I, II or III** of this Student Code of Conduct.

### **Formal Discretionary Removal**

A teacher may remove a student from class:

1. If a student behaves in a way that is documented by the teacher to repeatedly, interfere with classroom learning.
2. If the teacher determines the student to be so unruly, disruptive, or abusive that it seriously interferes with the teacher's ability to communicate effectively with the students in the class or with the ability of the student's classmates to learn.

If the behavior is a violation of this Code, the teacher must file a written report with the principal that day.

When a teacher under this provision removes a student from class, the principal shall schedule a conference within three class days. The hearing shall include the principal, parent/guardian, student, and the teacher who removed the student, when appropriate. Even if all persons are not present, the principal may still order the appropriate placement and the duration of that placement. At the conference, the student shall be advised of the conduct with which he or she is charged, an explanation of the basis for removal, and given an opportunity to explain his or her version of the incident.

When a teacher removes a student from class under this provision, the principal may:

1. Place the student into another appropriate classroom.
2. Place the student into in-school suspension.
3. Place the student into an alternative education program.

If the principal's decision is that the student should be returned to that teacher's classroom and the teacher withholds his or her consent for that return, the placement review committee shall determine the student's placement. The committee shall not return the student to that teacher's classroom unless it determines that placement is the best or only alternative available.

Terms of removal may prohibit the student from attending or participating in school sponsored or school related activities.

### **Mandatory Removal by a Teacher**

A teacher **shall** remove from the classroom a student who engages in conduct described under **Level V** of the Student Code of Conduct. The principal shall either place a student removed under this provision into an alternative education program, or recommend expulsion of the student, as appropriate. When a student is removed from class by a teacher under this provision, the principal shall schedule a conference within three days. The conference shall include the principal, parent/guardian, student, and the teacher who removed the student, when appropriate. Even if all persons are not present, the principal may still order the appropriate placement and the duration of that placement. At the conference, the student shall be advised of the conduct with which he or she is charged, an explanation of the basis for removal, and given an opportunity to explain his or her version of the incident.

If the principal's decision is that the student should be expelled, the student shall be provided a due process hearing for expulsion consistent with this Student Code of Conduct.

If the principal's decision is that the student should be returned to that teacher's classroom following completion of the assignment to an alternative education program and the teacher withholds his or her consent for that return, the placement review committee shall determine the student's placement. The committee shall not return the student to that teacher's classroom unless it determines that placement is the best or only alternative available.

Terms of removal shall prohibit the student from attending or participating in school-sponsored or school-related activities.

## **Suspension**

The principal or other appropriate administrator may suspend a student who commits a **Level III** or above **Level IV** offense. A suspension may not exceed three school days, and the student shall be responsible for all class work missed during the period of suspension. Multiple suspensions for subsequent offenses are permissible.

Before suspending the student, the principal shall conduct an informal hearing at which:

1. The student is advised of the conduct of which he or she is charged.
2. The student is given the opportunity to explain his or her version of the incident.

A decision by the assistant principal to suspend may only be appealed by the campus principal. District personnel shall make every effort to notify the parent prior to suspending a student from school. If the parent cannot be contacted prior to removal, the parent shall be notified as soon as possible and shall be informed of the reasons for suspension.

It is the responsibility of the parent to provide adequate supervision of the student during the period of suspension.

If the ARD Committee determines that, the behavior of the student with a disability was not a manifestation of the student's disability, the relevant disciplinary procedures applicable to students without disabilities might be applied to the student in the same manner in which they would be applied to students without disabilities. A student that is expelled is entitled to a free appropriate public education during the period of expulsion.

## **Detention**

For minor infractions of the Code of Conduct or other policies or regulations, teachers or administrators may assign detention before, during, or after school hours. Before assigning detention, the teacher or administrator shall inform the student of the conduct that allegedly constitutes a rules violation, and the student shall be given an opportunity to explain his or her version of the incident.

## **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.

## **School District Authority and Jurisdiction**

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 such searches are conducted without a warrant and as permitted by law.

### **Search of Students' Desks and Lockers**

Students' desks and lockers are school property and remain under the control and jurisdiction of the school even when assigned to an individual student.

Students are fully responsible for the security and contents of their assigned desks and lockers. Students must be certain that their lockers are locked, and that the combinations are not available to others.

Searches of desk or lockers may be conducted at any time there is reasonable cause to believe that they contain articles or materials prohibited by board policy, whether or not a student is present.

Their parent will be notified if any prohibited items are found in the student's desk or locker. Reasonable suspicion for search exists if there is information that the student is currently possessing, ingesting, or under the influence of alcohol or other controlled substances. The following are a few, but not all of the examples of circumstances supporting reasonable suspicion:

1. Smell of alcohol on breath.
2. Inability to communicate coherently.
3. Dilated pupils.
4. Odor of marijuana.
5. Habitually sleeping in class.
6. Bloodshot eyes.
7. Canine alert on lockers, books, cars, etc.

### **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.**

### **Cooperation with Law Enforcement Officials**

The district and district personnel will cooperate with law enforcement agencies within reason. Law enforcement officials may be summoned to keep or restore order at school or at school-related activities. They may also be summoned to conduct an investigation of alleged criminal conduct on school premises or at school sponsored activities. Administrators shall have the responsibility and authority to determine when law enforcement assistance is needed within their respective jurisdiction. However, district administrators shall at all times act in a manner that protects and guarantees the rights of students and parents.

## **Probation Officer/Police Questioning of Students**

For police questioning of a student in school, the following guidelines shall apply:

1. The officer shall provide his/her ID badge with name and title for district records to an administrator.
2. The officer shall state the necessity for questioning the student during school hours at school.
3. After questioning the student, a campus administrator or designee shall make reasonable effort to contact the student's parents (if appropriate).
4. Efforts shall be made for questioning to be out of the view of other students.

## **Arrested Students**

State law requires the district to permit a student to be taken into legal custody:

1. To comply with an order of the juvenile court.
2. To comply with the laws of arrest.
3. By law enforcement officer if there is probable cause to believe the student has engaged in delinquent conduct or conduct in need of supervision.
4. By a probation officer if there is probable cause to believe the student has violated a condition of probation imposed by the juvenile court.
5. By an authorized representative of Child Protective Services, Texas Department of Family and Protective Services, a law enforcement officer, or a juvenile probation officer, without a court order, under the conditions set out in the Family Code relating to student's physical health or safety.
6. To comply with a properly issued directive to take a student into custody.

## **Notification of Law Violations**

The district is required by state law to notify:

1. All instructional and support personnel who have responsibility for supervising a student who has been arrested or referred to the juvenile court for any felony offense or for certain misdemeanors.
2. All instructional and support personnel who have regular contact with a student who has been convicted, received deferred prosecution, received deferred adjudication, or was adjudicated of delinquent conduct for any felony offense or certain misdemeanors.

If a student at school is subject to arrest or apprehension by law enforcement officer(s), the principal or appropriate administrator, after consultation, shall deliver the student into the officer's custody. The principal shall follow the directive of the police regarding parent notification, but he/she shall notify the Superintendent's designee.

## **Videotaping of Students, Teachers, and other School Employees**

The recording of a person's voice or image without consent is strictly prohibited. A student shall not record the voice or image of any person by any electronic method, while on school property or in attendance at a school-sponsored or school-related event, without the express consent of the person. For purposes of this provision, an "electronic method" of recording the voice or image of a person includes, but is not limited to, the use of a video recording device, audio recording device, or camera. Unauthorized recording of a person shall be addressed under the Student Code of Conduct, and may result in disciplinary consequences including possible restrictions on the student's use of district technology resources. This provision does not prevent recording at a public event such as a choir performance, band performance, athletic performance, or other similar public events.

## **Extracurricular Honor Code**

Participation in extracurricular activities in the Birdville Independent School District is a privilege, not a right.

The term “extracurricular activities” means, without limitation, all interscholastic athletics, cheerleading, drill team, academic clubs, special interest clubs, musical performances, dramatic productions, student government, and any other activity or group that participates in contests, competitions, or community service projects on behalf of or as a representative of Birdville ISD. The term includes any non-curricular event and membership or participation in groups, clubs, and organizations recognized and approved by the school district or campus. All extracurricular activity participants are subject to the provisions of this Extracurricular Honor Code. Campus administration and other appropriate personnel will investigate investigations resulting from Honor Code violations.

### **Jurisdiction**

Student participation in extracurricular activities is encouraged. Birdville ISD makes extracurricular activities available as an extension of the regular school program, with this important difference; participation in the regular curriculum is a right afforded to each student, while participation in the extracurricular program is a privilege that carries additional expectations for acceptable conduct. Students engaging in extracurricular activities represent not only themselves, but also other students and the school district when performing, competing, or participating in extracurricular activities and while wearing uniforms or other clothing that identifies the student to the community or public in any setting as Birdville ISD students.

Important goals of the extracurricular program are to give students direction in developing self-discipline, responsibility, pride, loyalty, leadership, teamwork, respect for authority, and healthy living habits.

Based on this philosophy, extracurricular participants must do the following at all times:

1. Demonstrate the importance of academic excellence by maintaining eligibility through high academic standards.
2. Practice good citizenship in all environments by respecting the property and right of others.
3. Be free from activities that result in felonious charges.
4. Demonstrate knowledge of and be accountable for the individual rules of the extracurricular organization as outlined by the sponsor.

It is the responsibility of students, parents, sponsors/coaches, and the respective directors to ensure this high level of expectation. This code applies to all participants of extracurricular activities throughout the calendar year.



## **On-Campus Behavior**

All students are expected to adhere to the Birdville ISD Code of Conduct as it applies to school-related activities. Students involved in extracurricular activities are expected to exhibit the highest standards of ethics and conduct.

Students who violate school policies and are placed in in-school suspension, suspended or sent to the DAEP (District Alternative Education Program), may not practice nor participate during the suspension or placement. Chapter 37 of the Texas Education Code prohibits a student who is assigned to the DAEP from being on a campus or attending a school activity whether on or off campus.

## **Off-Campus Behavior**

All students who participate in extracurricular activities are expected to exhibit the highest standards of ethics and conduct while off-campus, and these students may be disciplined for their off campus behavior.

Examples of off-campus violations that will lead to disciplinary action:

1. Possession of tobacco, alcohol, steroids, drugs, look-alike drugs, or other illegal substances on campus or at school-sponsored activities.
2. Being at parties or other activities where tobacco, alcohol, steroids, drugs, look-alike drugs, or other illegal substances are present or being consumed by other individuals.
3. Engaging in serious misbehavior, as defined by the Birdville ISD Student Code of Conduct
4. Conduct that causes injury or harm to others property or persons.
5. Using profanity, lewd or vulgar language, or obscene gestures toward others.
6. Any conduct that results in an arrest.
7. Sexting or other inappropriate internet/electronic communications.
8. Bullying, harassment and hazing at all times.

(This is a non-inclusive list and must be confirmed by the student, student's parent/guardian, law enforcement official or a school employee who has knowledge of a violation prior to the campus administration making a decision.)

## **Off-Campus Consequences**

1st Offense – Suspension from extracurricular activities for 15 school days.

2nd Offense – Suspension from extracurricular activities for 30 school days.

3rd Offense – Suspension from extracurricular activities for a calendar year.

If the offense occurs during the activity season, the suspension begins immediately.

If the student chooses to join a new activity that they have not participated in previously, they will be suspended in the student's primary activity.

If the offense occurs in the off-season, post-season, or in the summer, the suspension begins on the first date of a scheduled game, competition, or extracurricular event the following school year. Students who are suspended for off-campus behavior may practice, but may not participate in competitions, suit-out, or travel with the team for the competitions.

**Non-Inclusive Example of Disciplinary Consequences for Off-Campus**

Student	Participant	Disciplinary Consequence
Student 1	Fall Sport	15 day suspension begins date of the first competition
Student 2	Spring Sport	15 day suspension begins immediately if competition has begun
Student 3	Band	15 day suspension begins immediately if any competitions remain, if concluded, it will begin on first football competition
Student 4	Cheerleader/ Drill Team	Student may still try out for cheerleader/drill team and 15 day suspension begins on date of first football competition
Student 5	Student Council Member	15 day suspension begins immediately
Student 6	FFA Student	15 day suspension begins immediately
Student 7	Spring Sport	Student is a softball player and has been for 2 years. In October, they violate the honor code. Student goes to the Wrestling Coach and requests to join team to avoid being suspended from softball. 15-day suspension begins the date of the first softball game due to avoidance of missing primary sport.

The preceding table provides examples, but the campus principal, Director of Student Services, and appropriate director may adjust the dates in order to ensure district-wide consistency (based on a consensus of the group). A student who is in multiple activities will serve the penalty once and at the earliest possible time.

**Appeal Process**

The parent or guardian may appeal the extracurricular suspension using the format in the Code of Conduct Booklet (DAEP placements).

1. Level I – The parents have three days to appeal the suspension to the campus principal.
2. Level II – The parents have three days from the principal’s decision to send an appeal to the Director of Student Services.

Any decision by the Level II Hearing Officer is final and may not be appealed. The student remains suspended from extracurricular activities during the appeal process.

## Extracurricular Honor Code Acknowledgement

A condition to participating in any extracurricular activity or holding an office (elected or appointed) is to sign an acknowledgement that the student and parent have read and understand the Extracurricular Honor Code. Students are unable to participate until this form is signed and returned to the appropriate coach, director or sponsor.

Date: \_\_\_\_\_

I have read the Birdville ISD Honor Code and agree to adhere to these rules as a condition for my voluntary participation in Birdville ISD extracurricular activities. I understand that failure to do so will result in disciplinary measures related to my extracurricular participation.

STUDENT NAME: \_\_\_\_\_ STUDENT SIGNATURE: \_\_\_\_\_

I have read the Birdville ISD Honor Code and understand requirements for my child's voluntary participation in Birdville ISD extracurricular activities. I understand the consequences that my child will face if he or she fails to adhere to these rules and agree to such terms.

PARENT NAME: \_\_\_\_\_ PARENT SIGNATURE: \_\_\_\_\_

- Please note that students are UNABLE to participate until this form is signed and received by the appropriate coach, director or sponsor.

THIS FORM CAN BE FOUND AT THE FRONT OFFICE OR FROM THE  
TEACHER/COACH/SPONSOR/DIRECTOR OF THE EXTRA-CURRICULAR ACTIVITY.

## APPENDIX – DEFINITIONS

The following words and terms, when used in this Code, shall have the stated meaning unless the context clearly indicates otherwise.

**Abuse** is improper or excessive use.

**Aggravated Assault:** Penal Code 22.02

**Aggravated Sexual Assault:** Penal Code 22.021

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

Penal Code 29.03(a) defines **aggravated robbery** in part 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:
4. 65 years of age or older, or
5. A disabled person

**ARD** is the Admission, Review, and Dismissal committee convened for each student who is identified as needing a full and individual evaluation for special education services. The eligible student's parents are part of the committee.

**Arson:** A person commits an offense if he starts a fire or causes an explosion with intent to destroy or damage any vegetation, fence, or structure on open-space land; or any building, habitation, or vehicle. Penal code 28.02.

**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.

**Attendance Review Committee:** This committee is responsible for reviewing a student's absences when the student's attendance drops below 90 percent of the days the class is offered. Under guidelines adopted by the Board, the committee will determine whether there were extenuating circumstances for the absences and whether the student needs to complete certain conditions to master the course and regain credit lost because of absences.

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

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

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

1. Has the effect or will have the effect of physically harming a student, damaging a student's property, or placing a student in reasonable fear of harm to the student's person or of damage to the student's property;
2. Is sufficiently severe, persistent, or pervasive enough that the action or threat creates an intimidating, threatening, or abusive educational environment for a student;
3. Materially and substantially disrupts the educational process or the orderly operation of a classroom or school; or
4. Infringes on the rights of the victim at school.

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

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

Penal Code 46.01 defines **chemical dispensing device** 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

**Class Disruption:** Any behavior, which violates the rules of a particular classroom and interferes with a teacher's opportunity to present or other student's opportunity to concentrate on the presentation or assignment.

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

**Controlled substance** means a substance, including a drug, an adulterant, listed in Schedules I through V or Penalty Group 1, 1-A, 1-B, 2, 2-A, three, or four 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 Mischief:** A person commits an offense if, without the effective consent of the owner:

1. He intentionally or knowingly damages or destroys the tangible property of the owner; or
2. He intentionally or knowingly tampers with the tangible property of the owner and causes pecuniary loss or substantial inconvenience to the owner or a third person; or
3. He intentionally or knowingly makes markings, including inscriptions, slogans, drawings, or paintings, on the tangible property of the owner. Penal Code 28.03

Penal Code 71.01 defines **criminal street gang** 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.

**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 four 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.

**Discipline Management:** Any action, which is intended to promote proper behavior and/or discourage misconduct.

**Disruption of Classes and / or Lawful Assembly:** Conduct by students either in or out of class that for any reason-whether because of time, place, or manner of behavior - materially disrupts class work or involves substantial disorder or invasion of the rights of others is prohibited. Student demonstrations and similar activities shall be prohibited when there is evidence that may reasonably lead school authorities to forecast substantial disruption of, or material interference with, normal school operations or approved school activities.

No person shall be permitted on school property or on public property within 500 feet of school property, to willfully disrupt, alone or in concert with others, the conduct of classes or other school activities.

Conduct that disrupts the educational activities of a school includes:

1. Emissions by any means of noise of an intensity, which prevents or hinders classroom instruction.
2. Enticement or attempted enticement of students away from classes or other school activities which students, are required to attend.
3. Prevention or attempted prevention of students from attending classes or other school activities which students are required to attend.
4. Entrance into a classroom without consent of either the principal or teacher and either through acts of misconduct and/or use of loud or profane language causing disruption of class activities.

For purposes of this provision, “school property” shall include the public school campuses or school grounds upon which any public school is located, and any grounds or buildings used by the district for assemblies or other school sponsored activities.

For purposes of this provision, “public property” shall include any street, highway, alley, public park, or sidewalk.

Education Code 37.124 No person or group of persons acting in concert may intentionally engage in disruptive activity or disrupt a lawful assembly on the campus or property of any school in the district. Disruptive activity means:

1. Obstructing or restraining the passage of persons in an exit, entrance, hallway, or any building without the authorization of the administration of the school.
2. Seizing control of any building or portion of a building for the purpose of interfering with any administrative, educational, research, or other authorized activity.
3. Preventing or attempting to prevent by force or violence or the threat of violence any lawful assembly by the school administration.
4. Disrupting by force, violence, or the threat of force or violence a lawful assembly in progress.
5. Obstructing or restraining the passage of any person at any exit or entrance to said campus or property or preventing or attempting to prevent by force or violence or by threats thereof the ingress or egress of any person to or from said property or campus without the authorization of the administration of the school.

A lawful assembly is disrupted when any person in attendance is rendered incapable of participating in the assembly due to the use of force or violence or due to a reasonable fear that force or violence is likely to occur. Education Code 37.123

**District Alternative Education Program (DAEP):** An instructional setting completely apart from students in a regular classroom setting, located on or off the regular campus, with instruction that focuses on English, language arts, mathematics, science, history, and self-discipline, and provides for behavioral needs through supervision and counseling. The building principal will determine the length of student placement in the DAEP.

**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 or a consumable liquid solution or other material aerosolized or vaporized during the use of an electronic cigarette or other device described by this provision. 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.

**Expulsion** (suspension of a student from school for more than three consecutive days): Expulsion for periods up to one year is required by law for certain student offenses and may contain a provision that prohibits attendance at any school activity.

**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.

**FERPA:** Refers to the federal Family Educational Rights and Privacy Act that grants specific privacy protections to student records. The law contains certain exceptions, such as for directory information, unless a student's parent or a student 18 or older directs the school not to release directory information.

Federal law defines **firearm** (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 silencer, defined as any device for silencing, muffling, or diminishing the report of a portable firearm; or
4. Any destructive device, such as any explosive, incendiary or poison gas bomb, or grenade. Such term does not include an antique firearm.

**Gang Activity:** A “gang” is defined as any group of two or more individuals whose purposes may include the commission of illegal acts. A gang is a prohibited fraternity, sorority, or society as defined by Education Code 37.121. Gang activities and gang involvement are described as:

1. Wearing, possessing, using, distributing, displaying, or selling any clothing, jewelry, emblems, badges, symbols, signs, graffiti, or other items that are evidence of membership or affiliation in a gang.
2. Committing any act or using any speech, either verbal or non-verbal, such as gestures, handshakes, and the like, that indicates membership or affiliation in a gang.
3. Promoting interest in any gang or gang activity, including but not limited to:
  - a. Soliciting others for membership.
  - b. Requesting any person to pay protection or otherwise intimidating or threatening any person.
  - c. Committing any other illegal act or other violation of District policies.
  - d. Inciting other students to act with physical violence toward any other person.
  - e. Engaging in concert with others in intimidating, fighting, assaulting, or threatening to assault others.
  - f. Painting, writing, or otherwise inscribing gang-related graffiti, messages, symbols, or signs, on school property, or on property of students or staff.

**Graffiti** includes 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** includes:

1. Conduct that meets the definition established in district policies DIA(LOCAL) and FFH(LOCAL);
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.
- e. Publishing on an internet website, including a social media platform, repeated electronic communications in a manner reasonably likely to cause emotional distress, abuse, or torment to another person, unless the communications are made in connection with a matter of public concern, as defined by law.

**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 purpose of pledging, initiation into, affiliation with, holding office in, or maintaining membership in a student organization if the act meets the elements in Education Code 37.151, including:

- 1. Any type of physical brutality;
- 2. 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;
- 3. An activity that induces, causes, or requires the student to perform a duty or task that violates the Penal Code; and
- 4. 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 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.

**Indecency with a Child:** Penal Code 21.11.

**Indecent exposure** is defined by Penal Code 21.08 as an offense that occurs when a person exposes the person's anus or any part of the person's 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.

**In-School Suspension:** An on-campus setting, apart from the regular classroom, where a student who commits a disciplinary infraction continues to receive instruction in each course to the extent possible.

**Intimate visual material** is defined by Civil Practices and Remedies Code 98B.001 and 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.

**Juvenile Justice Alternative Education Program (JJAEP):** Students can be expelled to a JJAEP under either a discretionary or a mandatory sentence. Mandatory expulsions to a Juvenile Justice Alternative Education Program (JJAEP) are clearly spelled out in Chapter 37 of the Texas Education Code. Students who engage in serious misbehavior at the DAEP can be expelled to a JJAEP at the discretion of the District following the appropriate due process hearing.

**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.

**Murder:** Penal Code 19.02.

**Capital Murder, Criminal Attempt to Commit Capital Murder:** Penal Code 19.03.

**NCLB:** Is the federal No Child Left Behind Act of 2001.

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

**Parents:** Includes single parents, legal guardians, or persons in lawful control.

**Persistent Misbehavior:** “Persistent misbehavior” consists of repeated violations of this Code in general or repeated violations of the same offense.

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

**Possession of Electronic Communication Devices:** An “electronic communication device” is a telecommunications device that emits an audible signal, vibrates, displays a message, or otherwise summons or delivers a communication to the possessor. Education Code 37.082.

**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;
2. Armor-piercing ammunition;
3. A chemical dispensing device;
4. A zip gun;
5. A tire deflation device;
6. An improvised explosive device; or

A student shall not interfere with normal activities, occupancy, or use of any building or portion of the campus or of any school bus engaged in the transportation of students to and from school-sponsored activities by exhibiting, using, or threatening to exhibit or use a firearm.

**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 exempted from this definition.

**Reassignment of Classes:** A student may be removed from the assigned classroom and placed in another class on the same campus. To the extent possible, the student should continue to receive instruction in the course from which he or she has been removed. The purpose of this type of removal is to remove the student from a potentially dangerous or explosive situation. The administrator shall determine length of removal or stay.

**Reasonable belief** is that which an ordinary person of average intelligence and sound mind would believe. Chapter 37 requires certain disciplinary decisions when the superintendent or designee has a reasonable belief that a student engaged in conduct punishable as a felony offense. In forming such a reasonable belief, the superintendent or designee may use all available information, including the notice of a student’s arrest under Article 15.27 of the Code of Criminal Procedure.

**Retaliation:** Intentionally or knowingly harms or threatens to harm another by an unlawful act:

1. In retaliation for or on account of the service or status of another as a:
  - a. Public servant
  - b. Person who has reported or who the actor knows intends to report the occurrence of a crime; or
2. To prevent or delay the service of another as a:
  - a. Public servant, witness, prospective witness, or informant; or
  - b. Person who has reported or whom the actor knows intends to report the occurrence of a crime.

**“Informant”** means a person who has communicated information to the government in connection with any governmental function. “Harm” means anything reasonably regarded as loss, disadvantage, or injury, including harm to another person in whose welfare the person affected is interested. Penal Code 1.07; 36.06.

**School Premises:** Any property owned by the district or over which the district or its personnel exert lawful control, including property visited by students in connection with a school-operated activity, such as a field trip or an extracurricular activity.

**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:

1. Behavior that is grounds for permissible expulsion or mandatory DAEP placement.
2. Behavior identified by the district as grounds for discretionary DAEP placement.
3. Actions or demonstrations that substantially disrupt or materially interfere with school activities.
4. Refusal to attempt or complete schoolwork as assigned.
5. Insubordination.
6. Profanity, vulgar language, or obscene gestures.
7. Leaving school grounds without permission.
8. Falsification of records, passes, or other school-related documents.
9. Refusal to accept discipline assigned by the teacher or principal.

**Short-barrel firearm** is defined by 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.

**Sexting:** The act of sending or receiving videos, text messages, or pictures of sexually explicit materials electronically.

**Sexual Assault:** Penal Code 22.011.

**Sexual Harassment:** The district believes that every student has the right to attend district schools and school related activities free from all forms of discrimination based on sex, including sexual harassment. The district considers sexual harassment of students to be serious and will consider the full range of disciplinary options, up to and including expulsion, according to the nature of the offense.

All students are expected to treat one another with courtesy and with respect. All students are prohibited from engaging in offensive verbal or physical conduct of a sexual nature directed toward another student. This prohibition applies whether the conduct is by word, gesture or any other intimidating sexual conduct, including requests for sexual favors that the other student regards as offensive or provocative.

Students and/or parents are encouraged to discuss their questions or concerns about the expectations in this area with the teacher, the principal or principal's designee, or the Associate Superintendent for Staff and Student Services, who serves as the district's Title IX coordinator for students.

A student and/or parent in a conference may present a complaint alleging sexual harassment by another student, sexual harassment, or sexual abuse by a staff member with the principal or principal's designee or with the Title IX coordinator. A person who is the same gender as the student ordinarily will hold the first conference with the student. The conference will be scheduled and held as soon as possible within five days of the request. In addition, the person(s) bringing the complaint has the right to file a complaint with the office of Civil Rights. The principal or principal's designee or Title IX coordinator will coordinate an appropriate investigation, which ordinarily will be completed within ten days. The student or parent will be informed if extenuating circumstances delay completion of the investigation.

The student and/or parent will not be required to present a complaint to a person who is the subject of the complaint. If the resolution of the complaint is not satisfactory to the student or parent, the student or parent within ten days may request a conference with the superintendent or superintendent's designee by following the procedure set out in Board policy. If the resolution by the superintendent or superintendent's designee is not satisfactory, the student or parent may present the complaint to the Board as provided by policy.

**Suspension:** Removal of a student from school and school activities for a disciplinary infraction, for a period not to exceed three days at a time.

**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 Penal Code 46.01 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;
- Kidnapping under Section 20.03;
- Trafficking of persons under Section 20A.02;
- Smuggling or continuous smuggling of persons under Sections 20.05 – .06;
- Assault under Section 22.01;
- Aggravated assault under Section 22.02;
- Sexual assault under Section 22.011;
- Aggravated sexual assault under Section 22.021;
- Unlawful restraint under Section 20.02;
- Continuous sexual abuse of a young child or **disabled individual** under Section 21.02;
- Bestiality under Section 21.09;
- Improper relationship between educator and student under Section 21.12;
- Voyeurism under Section 21.17;
- Indecency with a child under Section 21.11;
- Invasive visual recording under Section 21.15;
- Disclosure or promotion of intimate visual material under Section 21.16;
- Sexual coercion under Section 21.18;
- Injury to a child, an elderly person, or a disabled person of any age under Section 22.04;
- Abandoning or endangering a child under Section 22.041;

- Deadly conduct under Section 22.05;
- Terroristic threat under Section 22.07;
- Aiding a person to commit suicide under Section 22.08; and
- Tampering with a consumer product under Section 22.09

[See FOC (EXHIBIT).]

**UIL:** Refers to the University Interscholastic League, the statewide voluntary non-profit organization that oversees educational extracurricular academic, athletic, and music contests.

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

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

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