



Lytle ISD
estudiantil de
Código de conducta

2020-2021

Table of Contents

27 de julio de 2020

ÍNDICE

Lytle

Código de conducta estudiantil de	1
Accesibilidad	1
Propósito	1
Autoridad y jurisdicción del distrito escolar	2
Coordinador de comportamiento del campus	2
Evaluación de amenazas y equipo escolar seguro y de apoyo	2
Búsquedas	2
Crímenes de denuncia	3
Seguridad Personal	3
"Padre" definido	3
Participando en actividades de graduación	3
Personas no autorizadas	3
Normas de conducta del estudiante	4
Violaciones de conducta general	5
Desprecio por la autoridad	5
Maltrato a otros	5
Ofensas de propiedad	5
Posesión de artículos prohibidos	6
Posesión de telecomunicaciones u otros dispositivos electrónicos	6
Ilegal, Medicamentos recetados y de venta libre	6
Uso indebido de los recursos tecnológicos e Internet	7
Transgresiones de seguridad	7
Infracciones diversas	8
Técnicas de manejo de disciplina	9
Estudiantes con discapacidades	9
Técnicas	9
Técnicas aversivas prohibidas	10
Notificación	11

ApelacionesApelaciones	1111
Retiro del autobús escolar	12
Retiro de El entorno educativo regular	13
Rutina e Referencia	13
Retiro formal	13
Regreso de un estudiante al aula	13
Suspensión fuera de la escuela	14
Mala conducta	14
Proceso	14
Cursos durante la suspensión	15
Colocación en el Programa de educación alternativa disciplinaria (DAEP)	16
Colocación discrecional: mala conducta que puede resultar en la colocación en DAEP	16
Colocación obligatoria : Mala conducta que requiere colocación en DAEP	17
Asalto sexual y asignación de campus	17
Proceso	18
Duración de la colocación	19
Apelaciones	19
Restricciones durante la colocación	20
Revisión de colocación	20
Mala conducta adicional	20
Notificación de procedimientos penales	20
Retirada durante el proceso	21
Estudiantes recién inscritos	21
Procedimiento de colocación de emergencia	21
Servicios de transición	21
Colocación y / o expulsión por ciertas ofensas	22
Delincuentes sexuales registrados	22
Ciertos delitos graves	22
ExpulsiónExpulsión	24
discrecional: mala conducta que puede resultar en expulsión	24
Expulsión obligatoria: mala conducta que requiere expulsión	26
Menores de diez años	27

Proceso	27
Duración de la expulsión	28
Retiro durante el proceso	28
Mis adicionales conducta	28
Restricciones durante la expulsión	29
Estudiantes recién inscritos	29
Procedimientos de expulsión de emergencia	29
Colocación en el DAEP de estudiantes expulsados	29
Servicios de transición	29
Glosario	30

Código de conducta del estudiante

Accesibilidad

Si tiene dificultades para acceder a la información en este documento debido a una discapacidad, comuníquese con el campus al 830 -509-5100.

Propósito

El Código de Conducta del Estudiante ("Código") es la respuesta del distrito a los requisitos del Capítulo 37 del Código de Educación de Texas.

El Código proporciona métodos y opciones para administrar a los estudiantes en el aula y en los terrenos de la escuela, disciplinar a los estudiantes y prevenir e intervenir en los problemas de disciplina de los estudiantes.

La ley requiere que el distrito defina la mala conducta que puede, o debe, dar lugar a una serie de consecuencias disciplinarias específicas, que incluyen el retiro de un aula o campus regular, la suspensión fuera de la escuela, la colocación en un programa de educación alternativa disciplinaria (DAEP), la colocación en un programa de educación alternativa de justicia juvenil (JJAEP), o expulsión de la escuela.

Este Código de Conducta del Estudiante ha sido adoptado por la Junta de Síndicos de Lytle ISD y desarrollado con el asesoramiento del comité a nivel de distrito. Este Código proporciona información a los padres y estudiantes sobre los estándares de conducta, las consecuencias de la mala conducta y los procedimientos para administrar la disciplina. Permanece vigente durante la escuela de verano y en todos los eventos y actividades relacionados con la escuela fuera del año escolar hasta que una versión actualizada adoptada por la junta entre en vigencia para el próximo año escolar.

De conformidad con la ley estatal, el Código se publicará en cada campus escolar o estará disponible para su revisión en la oficina del director del campus. Además, el Código estará disponible en la oficina del coordinador de comportamiento del campus y se publicará en el sitio web del distrito. Los padres serán notificados de cualquier violación de conducta que pueda resultar en que un estudiante sea suspendido, colocado en un DAEP o JJAEP, expulsado o puesto bajo custodia por un oficial de la ley bajo el Capítulo 37 del Código de Educación.

Debido a que el Código de Conducta del Estudiante es adoptado por la mesa directiva del distrito, tiene la fuerza de la política; por lo tanto, en caso de conflicto entre el Código y el Manual del Estudiante, prevalecerá el Código.

Tenga en cuenta: La disciplina de los estudiantes con discapacidades que son elegibles para los servicios bajo la ley federal (Ley de Educación para Individuos con Discapacidades y la Sección 504 de la Ley de Rehabilitación de 1973) está sujeta a las disposiciones de esas leyes.

Autoridad y jurisdicción del distrito

escolar Las reglas escolares y la autoridad del distrito para administrar la disciplina se aplican siempre que el interés del distrito esté involucrado, dentro o fuera de la escuela, en conjunto con o independientemente de las clases y actividades patrocinadas por la escuela.

El distrito tiene autoridad disciplinaria sobre un estudiante:

1. durante el día escolar regular y mientras el estudiante va y viene de la escuela o una actividad patrocinada o relacionada con la escuela en el transporte del distrito;
2. Durante los períodos de almuerzo en los que un estudiante puede salir del campus;
3. Mientras el estudiante asiste a cualquier actividad relacionada con la escuela, independientemente de la hora o el lugar;
4. Por cualquier mala conducta relacionada con la escuela, independientemente de la hora o el lugar;
5. Cuando las represalias contra un empleado escolar, miembro de la junta o voluntario se producen o se ven amenazadas, independientemente de la hora o el lugar;
6. Cuando un estudiante se involucra en acoso cibernético, según lo dispuesto por el Código de Educación 37.0832;
7. Cuando se comete un delito criminal dentro o fuera de la propiedad escolar o en un evento relacionado con la escuela;
8. Para ciertas ofensas cometidas dentro de los 300 pies de la propiedad de la escuela, medido desde cualquier punto en la línea de límite de propiedad de la escuela;
9. Para ciertas ofensas cometidas mientras está en la propiedad escolar o mientras asiste a una actividad patrocinada por la escuela o relacionada con la escuela de otro distrito en Texas;
10. Cuando el estudiante comete un delito grave, según lo dispuesto por el Código de Educación 37.006 o 37.0081; y
11. Cuando se requiere que el estudiante se registre como delincuente sexual.

Coordinador de comportamiento del campus

Según lo exige la ley, se debe designar a una persona en cada campus para servir como coordinador de comportamiento del campus. La persona designada puede ser el director del campus o cualquier otro administrador del campus seleccionado por el director. El coordinador de comportamiento del campus es el principal responsable de mantener la disciplina estudiantil. El distrito publicará en su Manual del Estudiante, la persona que sirve como coordinador de comportamiento del campus. El coordinador de comportamiento del campus en cada campus del distrito es el subdirector.

Evaluación de amenazas y equipo escolar seguro y de apoyo

El coordinador de comportamiento del campus u otro administrador apropiado trabajará en estrecha colaboración con el equipo escolar seguro y de apoyo de evaluación de amenazas del campus para implementar la política y los procedimientos de evaluación de amenazas del distrito, según lo exige la ley, y tomará las medidas disciplinarias apropiadas de acuerdo con el Código de Conducta.

Búsquedas

Los funcionarios del distrito pueden realizar búsquedas de estudiantes, sus pertenencias y sus vehículos de acuerdo con la ley estatal y federal y la política del distrito. Las búsquedas de estudiantes se realizarán de manera razonable y no discriminatoria. Consulte las políticas del

distrito en FNF (LEGAL) y FNF (LOCAL) para obtener más información sobre investigaciones y búsquedas.

El distrito tiene el derecho de registrar un vehículo conducido a la escuela por un estudiante y estacionado en la propiedad de la escuela siempre que exista una sospecha razonable de creer que contiene artículos o materiales prohibidos por el distrito.

Escritorios, casilleros, tecnología proporcionada por el distrito y artículos similares son propiedad del distrito y se proporcionan para uso de los estudiantes como una cuestión de conveniencia. La propiedad del distrito está sujeta a búsqueda o inspección en cualquier momento sin previo aviso.

Informe de delitos

El director o el coordinador de conducta del campus y otros administradores escolares, según corresponda, deberán informar los delitos según lo exige la ley y llamar a las autoridades locales cuando un administrador sospeche que se ha cometido un delito en el campus.

Personal de seguridad

Para garantizar la seguridad y protección suficientes de los estudiantes, el personal y la propiedad, la junta emplea oficiales de recursos escolares (SRO). De acuerdo con la ley, la junta se ha coordinado con el coordinador de conducta del campus y otros empleados del distrito para garantizar que se asignen las tareas apropiadas de aplicación de la ley al personal de seguridad. Los deberes de aplicación de la ley de los agentes de paz del distrito se enumeran en la política CKE (LOCAL).

"Padre" Definido en

todo el Código de Conducta y las políticas disciplinarias relacionadas, el término "padre" incluye un padre, tutor legal u otra persona que tenga el control legal del niño.

Participación en actividades de graduación

El distrito tiene el derecho de limitar la participación de un estudiante en actividades de graduación por violar el Código del distrito.

La participación puede incluir una función de hablar, según lo establecido por la política y los procedimientos del distrito.

Los estudiantes elegibles para dar los comentarios de apertura y cierre en la graduación serán notificados por el director de la escuela. A pesar de cualquier otro requisito de elegibilidad, para ser considerado como un estudiante elegible para dar los comentarios de apertura o cierre, un estudiante no debe haber participado en ninguna conducta inapropiada en violación del Código del distrito que resulte en una suspensión fuera de la escuela, remoción a un DAEP o expulsión durante el semestre inmediatamente anterior a la graduación.

El valedictorian y el salutatorian también pueden tener roles de habla en la graduación. Ningún estudiante será elegible para tener ese papel de hablar si él o ella participó en una mala conducta en violación del Código del distrito que resulta en una suspensión fuera de la escuela, remoción a un DAEP o expulsión durante el semestre inmediatamente anterior a la graduación.

Las personas no

autorizadas, de conformidad con el Código de Educación 37.105, un administrador escolar, oficial de recursos escolares (SRO), o un oficial de policía del distrito tengan la facultad de

denegar la entrada o expulsar a una persona de la propiedad del distrito si la persona se niega a salir pacíficamente a petición y:

12. La persona presenta un riesgo sustancial de daño a cualquier persona; o
13. La persona se comporta de manera inapropiada para el entorno escolar, y la persona persiste en el comportamiento después de recibir una advertencia verbal de que el comportamiento es inapropiado y puede dar lugar a la negativa de entrada o expulsión.

Las apelaciones relacionadas con la denegación de entrada o expulsión de la propiedad del distrito pueden presentarse de acuerdo con las políticas FNG (LOCAL) o GF (LOCAL), según corresponda. Sin embargo, los plazos para los procedimientos de quejas del distrito se ajustarán según sea necesario para permitir que la persona se dirija a la junta en persona dentro de los 90 días, a menos que la queja se resuelva antes de una audiencia de la junta.

Vea **DAEP — Restricciones durante la colocación** en la página, para obtener información sobre un estudiante asignado a DAEP al momento de la graduación.

Estándares para la conducta del

estudiante Se espera que cada estudiante:

- Demuestre cortesía, incluso cuando otros no.
- Comportarse de manera responsable, siempre ejerciendo autodisciplina.
- Asista a todas las clases, regularmente y a tiempo.
- Prepárese para cada clase; llevar los materiales y tareas apropiados a clase.
- Cumplir con los estándares de aseo y vestimenta del distrito y del campus.
- Obedecer todas las reglas del campus y del aula.
- Respete los derechos y privilegios de los estudiantes, maestros y otro personal y voluntarios del distrito.
- Respetar la propiedad de otros, incluidas las propiedades e instalaciones del distrito.
- Coopere y ayude al personal de la escuela a mantener la seguridad, el orden y la disciplina.

Cumplir con los requisitos del Código de Conducta del Estudiante. El Capítulo 37 requiere que el Código incluya estándares que las escuelas esperan de los estudiantes. Modifique la lista para enfatizar la conducta que el distrito desea alentar.

Violaciones de conducta general

Las categorías de conducta a continuación están prohibidas en la escuela, en vehículos que son propiedad del distrito o que son operados por el distrito, y en todas las actividades relacionadas con la escuela, pero la lista no incluye las ofensas más severas. En las secciones que siguen sobre **Suspensión fuera de la escuela** en la página, **Traslado a un DAEP** en la página, **Colocación y / o expulsión por ciertas infracciones** en la página, y **Expulsión** en la página, se enumeran algunos delitos que requieren o permiten consecuencias específicas. Sin embargo, cualquier ofensa puede ser lo suficientemente grave como para resultar en la **eliminación del entorno educativo regular** como se detalla en esa sección en la página.

Desprecio por la autoridad

Los estudiantes no deberán: No

- cumplir con las directivas dadas por el personal escolar (insubordinación).
- Abandone los terrenos escolares o los eventos patrocinados por la escuela sin permiso.
- Desobedecer las reglas de conducta en los vehículos del distrito.
- Negarse a aceptar técnicas de manejo de disciplina asignadas por un maestro o director.

Maltrato a otros

Los estudiantes no deberán:

- Usar lenguaje vulgar o vulgar ni hacer gestos obscenos.
- Pelea o pelea. (Para el asalto, consulte **DAEP: colocación y / o expulsión por ciertas ofensas** en la página).
- Amenazar a un estudiante, empleado o voluntario del distrito, incluso fuera de la escuela, si la conducta causa una interrupción sustancial en el entorno educativo.
- Participe en intimidación, acoso cibernético, acoso o haga listas de éxitos. (Consulte el **glosario** para los cuatro términos).
- Publicar o amenazar con publicar material visual íntimo de un menor o un estudiante de 18 años de edad o mayor sin el consentimiento del alumno.
- Participar en una conducta que constituya acoso sexual o de género o abuso sexual, ya sea por palabra, gesto o cualquier otra conducta, dirigida hacia otra persona, incluido un estudiante del distrito, empleado, miembro de la junta o voluntario.
- Participar en conductas que constituyan violencia de pareja. (Ver **glosario**).
- Participar en una exposición inapropiada o indecente de partes privadas del cuerpo.
- Participa en las novatadas. (Consulte el **glosario**).
- Causar que un individuo actúe mediante el uso o la amenaza de la fuerza (coerción).
- Cometer extorsión o chantaje (obtener dinero o un objeto de valor de una persona que no lo desee).
- Participar en una conducta verbal, física o sexual inapropiada dirigida hacia otra persona, incluido un estudiante, empleado o voluntario del distrito.
- Grabe la voz o la imagen de otra persona sin el consentimiento previo de la persona que se está grabando o de cualquier manera que interrumpa el entorno educativo o invada la privacidad de los demás.

Ofensas de propiedad

Los estudiantes no deberán:

- Dañar o vandalizar la propiedad de otros. (Para el delito grave de delito grave, vea **DAEP — Colocación y / o Expulsión por ciertas ofensas** en la página.)
- Desfigurar o dañar la propiedad escolar —incluidos libros de texto, tecnología y recursos electrónicos, armarios, muebles y otros equipos— con graffiti o por otros medios.
- Robar de los estudiantes, el personal o la escuela.
- Cometer o ayudar en un robo o hurto, incluso si no constituye un delito grave de acuerdo con el Código Penal. (Para robo por delitos graves, robo con agravantes y robo, consulte **DAEP: colocación y / o expulsión por ciertas infracciones** en la página).

Poseción de artículos prohibidos Los

estudiantes no deberán poseer o usar:

- fuegos artificiales de ningún tipo, bombas de humo o malolientes, o cualquier otro dispositivo pirotécnico;
- Una maquinilla de afeitar, un cortador de cajas, una cadena o cualquier otro objeto utilizado de manera que amenace o inflija lesiones corporales a otra persona;
- Un arma “parecida” que está destinada a ser utilizada como arma o que razonablemente puede ser percibida como un arma;
- Una pistola de aire comprimido o una pistola BB;
- Munición;
- Un instrumento de mano diseñado para cortar o apuñalar a otro al ser arrojado;
- Nudillos;
- * Un cuchillo de ubicación restringida;
- *Un club;
- * Un arma de fuego;
- Una pistola eléctrica;
- Una navaja de bolsillo o cualquier otro cuchillo pequeño;
- Macis o spray de pimienta;
- Material pornográfico;
- Productos de tabaco; cigarrillos cigarrillos electrónicos y cualquier componente, parte o accesorio para un dispositivo de cigarrillo electrónico;
- Fósforos o un encendedor;
- Un puntero láser para otro uso que no sea aprobado; o
- Cualquier artículo que generalmente no se considere como armas, incluidos los útiles escolares, cuando el director o la persona designada determine que existe un peligro.

* Para armas y armas de fuego, vea **DAEP — Colocación y / o Expulsión por ciertas ofensas** en la página. En muchas circunstancias, la posesión de estos artículos se castiga con la expulsión obligatoria según las leyes federales o estatales.

Poseción de telecomunicaciones u otros dispositivos electrónicos Los

estudiantes no deberán:

- Usar un dispositivo de telecomunicaciones, incluido un teléfono celular u otro dispositivo electrónico en violación de las reglas del distrito y del campus.

Drogas ilegales, recetadas y de

Los estudiantes no deberán:

- venta libre Poseer, usar, dar o vender alcohol o drogas ilegales. (También vea **Colocación DAEP** en la página y **Expulsión** en la página para ver las consecuencias obligatorias y permisivas según la ley estatal).
- Poseer o vender semillas o trozos de marihuana en una cantidad inferior a la utilizable.
- Poseer, usar, dar o vender parafernalia relacionada con cualquier sustancia prohibida. (Ver el **glosario** para “parafernalia”).
- Poseer, usar, abusar o vender drogas parecidas o intentar pasar artículos como drogas o contrabando.
- Abusar del medicamento recetado del estudiante, darle un medicamento recetado a otro estudiante, o poseer o estar bajo la influencia del medicamento recetado de otra persona en la propiedad escolar o en un evento relacionado con la escuela. (Consulte el **glosario** para “abuso”).
- Abuso de drogas de venta libre. (Ver el **glosario** para “abuso”).
- Estar bajo la influencia de medicamentos recetados o de venta libre que causan un deterioro de las facultades físicas o mentales. (Ver el **glosario** para “bajo la influencia”).
- Tener o tomar medicamentos recetados o medicamentos de venta libre en la escuela que no sean los estipulados por la política del distrito.

Uso indebido de los recursos tecnológicos y de Internet

Los estudiantes no deberán:

- Violar las políticas, reglas o acuerdos firmados por el estudiante o los padres del estudiante con respecto al uso de los recursos tecnológicos.
- Intentar acceder o evadir contraseñas u otra información relacionada con la seguridad del distrito, estudiantes o empleados o cargar o crear virus informáticos, incluso fuera de la escuela, si la conducta causa una interrupción sustancial en el entorno educativo.
- Intentar alterar, destruir o deshabilitar los recursos tecnológicos del distrito, que incluyen, entre otros, computadoras y equipos relacionados, datos del distrito, datos de otros u otras redes conectadas al sistema del distrito, incluidas las propiedades fuera de la escuela si la conducta causa un problema sustancial interrupción del entorno educativo.
- Use Internet u otras comunicaciones electrónicas para amenazar u hostigar a estudiantes, empleados, miembros de la junta o voluntarios del distrito, incluso fuera de la escuela, si la conducta causa una interrupción sustancial en el entorno educativo o infringe los derechos de otro estudiante en la escuela.
- Enviar, publicar, entregar o poseer mensajes electrónicos que sean abusivos, obscenos, de orientación sexual, amenazantes, acosadores, dañinos para la reputación de otra persona o ilegales, incluidos el acoso cibernético y el "sexting", ya sea dentro o fuera de

la escuela, si la conducta causa una interrupción sustancial del entorno educativo o infringe los derechos de otro estudiante en la escuela.

- Use Internet u otra comunicación electrónica para participar o alentar comportamientos ilegales o amenazar la seguridad escolar, incluso fuera de la escuela si la conducta causa una interrupción sustancial en el entorno educativo o infringe los derechos de otro estudiante en la escuela.

Transgresiones de seguridad

Los estudiantes no deberán:

- Poseer material publicado o electrónico diseñado para promover o alentar comportamientos ilegales o que puedan amenazar la seguridad escolar.
- Participar en intercambios verbales (orales o escritos) que amenacen la seguridad de otro estudiante, un empleado escolar o propiedad de la escuela.
- Hacer acusaciones falsas o cometer engaños con respecto a la seguridad escolar.
- Participar en cualquier conducta que los funcionarios escolares puedan creer razonablemente interrumpirá sustancialmente el programa escolar o incitará a la violencia.
- Lanza objetos que pueden causar lesiones corporales o daños a la propiedad.
- Descargar un extintor de incendios sin una causa válida.

Infracciones varias

Los estudiantes no deberán:

- Violar las normas de vestimenta y aseo personal como se comunica en el Manual del estudiante.
- Hacer trampa o copiar el trabajo de otro.
- Jugar.
- Falsificar registros, pases u otros documentos relacionados con la escuela.
- Participe en acciones o demostraciones que interrumpan sustancialmente o interfieran materialmente con las actividades escolares.
- Violar reiteradamente otras normas de conducta comunicadas del campus o del aula.

El distrito puede imponer reglas del campus o del aula además de las que se encuentran en el Código. Estas reglas pueden publicarse en las aulas o entregarse al estudiante y pueden o no constituir violaciones del Código.

Técnicas de manejo de disciplina La

disciplina se diseñará para mejorar la conducta y alentar a los estudiantes a cumplir con sus responsabilidades como miembros de la comunidad escolar. La acción disciplinaria se basará en el juicio profesional de los maestros y administradores y en una variedad de técnicas de manejo de disciplina. La disciplina se basará en la gravedad de la ofensa, la edad y el nivel de grado del estudiante, la frecuencia del mal comportamiento, la actitud del estudiante, el efecto de la mala conducta en el entorno escolar y los requisitos legales.

Estudiantes con discapacidades

La disciplina de los estudiantes con discapacidades está sujeta a la ley estatal y federal aplicable, además del Código de conducta del estudiante. En la medida en que exista algún conflicto, el distrito deberá cumplir con la ley federal. Para obtener más información sobre la disciplina de los estudiantes con discapacidades, consulte la política FOF (LEGAL).

De acuerdo con el Código de Educación, un estudiante que recibe servicios de educación especial no puede ser disciplinado por conducta que cumpla con la definición de intimidación, acoso cibernético, acoso o haga listas de aciertos (consulte el **glosario**) hasta que se haya realizado una reunión del comité ARD para revisar la conducta. .

Al decidir si se debe ordenar la suspensión, la colocación en un DAEP o la expulsión, independientemente de si la acción es obligatoria o discrecional, el distrito tomará en consideración una discapacidad que perjudica sustancialmente la capacidad del alumno para apreciar la ilicitud de la conducta del alumno.

Técnicas

Las siguientes técnicas de manejo de disciplina se pueden usar solas, en combinación o como parte de intervenciones progresivas por comportamiento prohibido por el Código de Conducta del Estudiante o por las reglas del campus o del aula:

- corrección verbal, oral o escrita.
- Tiempo de enfriamiento o un breve período de "tiempo de espera", de conformidad con la ley.
- Cambios de asientos dentro del aula o vehículos propiedad u operados por el distrito.
- Confiscación temporal de artículos que interrumpen el proceso educativo.
- Recompensas o deméritos.
- Contratos de comportamiento.
- Asesoramiento de maestros, consejeros escolares o personal administrativo.
- Conferencias de padres y profesores.
- Coaching de comportamiento.
- Clases de manejo de la ira.
- Mediación (víctima-delincuente).
- Círculos de aula.
- Conferencia grupal familiar.
- Reducciones de calificaciones por trampa, plagio y según lo permita la política.
- Detención, incluso fuera del horario escolar regular.
- Enviar al estudiante a la oficina u otra área asignada, o a la suspensión dentro de la escuela.

- Asignación de tareas escolares, como limpiar o recoger basura.
- Retirada de privilegios, como la participación en actividades extracurriculares, la elegibilidad para buscar y mantener cargos honorarios o la membresía en clubes y organizaciones patrocinados por la escuela.
- Sanciones identificadas en los estándares de comportamiento extracurricular de las organizaciones estudiantiles individuales.
- Restricción o revocación de los privilegios de transporte del distrito.
- Período de prueba evaluado y administrado por la escuela.
- Castigo corporal, a menos que el padre o tutor del estudiante haya proporcionado una declaración firmada que prohíba su uso.
- Suspensión fuera de la escuela, como se especifica en **Suspensión fuera de la escuela** en la página.
- Colocación en un DAEP, como se especifica en **DAEP** en la página.
- Colocación y / o expulsión en un entorno educativo alternativo, como se especifica en **Colocación y / o expulsión por ciertas infracciones** en la página.
- Expulsión, como se especifica en **Expulsión** en la página.
- Remisión a una agencia externa o autoridad legal para el enjuiciamiento penal además de las medidas disciplinarias impuestas por el distrito.
- Otras estrategias y consecuencias según lo determinen los funcionarios escolares.

Técnicas prohibidas Las

adversas técnicas adversas están prohibidas para el uso con estudiantes y se definen como técnicas o intervenciones destinadas a reducir la recurrencia de un comportamiento al infligir dolor o molestias físicas o emocionales significativas de manera intencional. Las técnicas aversivas incluyen:

- Usar técnicas diseñadas o que puedan causar dolor físico, que no sean castigos corporales según lo permitido por la política del distrito. [Ver política FO (LOCAL)].
- Usar técnicas diseñadas o que puedan causar dolor físico por descarga eléctrica o cualquier procedimiento que implique puntos de presión o bloqueos de articulaciones.
- Liberación directa de aerosol, niebla o sustancia nociva, tóxica o desagradable cerca de la cara del estudiante.
- Negar el sueño adecuado, aire, comida, agua, refugio, ropa de cama, comodidad física, supervisión o acceso a un baño.
- Hacer ridiculizar o denigrar a un alumno de una manera que afecte o ponga en peligro negativamente el aprendizaje o la salud mental del alumno o que constituya abuso verbal.
- Emplear un dispositivo, material u objeto que inmovilice las cuatro extremidades de un estudiante, incluida la restricción del piso en decúbito prono o supino.
- Alterar la respiración del alumno, lo que incluye aplicar presión sobre el torso o el cuello del alumno o colocar algo dentro, sobre o sobre la boca o nariz del alumno o cubrir su rostro.
- Restringir la circulación del alumno.
- Asegurar al alumno a un objeto estacionario mientras el alumno está de pie o sentado.
- Inhibir, reducir u obstaculizar la capacidad de comunicación del alumno.
- Uso de restricciones químicas.

- Usar el tiempo de espera de una manera que evite que el alumno pueda participar y progresar adecuadamente en el plan de estudios requerido o en cualquier objetivo del programa de educación individualizada (IEP) aplicable, incluido el aislamiento del alumno mediante el uso de barreras físicas.
- Privar al alumno de uno o más de los sentidos del alumno, a menos que la técnica no le cause incomodidad o cumpla con el IEP o el plan de intervención conductual (BIP) del alumno.

Notificación

El coordinador de comportamiento del campus notificará de inmediato a los padres de un estudiante por teléfono o en persona sobre cualquier violación que pueda resultar en suspensión dentro o fuera de la escuela, colocación en un DAEP, colocación en un JJAEP o expulsión. El coordinador de comportamiento del campus también notificará a los padres de un estudiante si un oficial de la ley detiene al estudiante bajo las disposiciones disciplinarias del Código de Educación. Se hará un esfuerzo de buena fe el día en que se tomó la medida para proporcionar al alumno la entrega de la notificación disciplinaria por escrito a los padres del alumno. Si los padres no han sido contactados por teléfono o en persona antes de las 5:00 pm del primer día hábil después del día en que se tomó la medida disciplinaria, el coordinador de comportamiento del campus enviará una notificación por escrito por correo de los EE. UU. Si el coordinador de comportamiento del campus no puede notificar a los padres, el director o la persona designada deberán notificarlo.

Antes de que el director o el administrador apropiado asigne a un estudiante menor de 18 años a detención fuera del horario escolar regular, se notificará a los padres del estudiante para informarle sobre el motivo de la detención y permitir los arreglos para el transporte necesario.

Apelaciones Las

preguntas de los padres con respecto a medidas disciplinarias deben dirigirse al maestro, la administración del campus o el coordinador de comportamiento del campus, según corresponda. Las apelaciones o quejas relacionadas con el uso de técnicas específicas de gestión disciplinaria deben abordarse de acuerdo con la política FNG (LOCAL). Se puede obtener una copia de la política en la oficina del director, en la oficina del coordinador de conducta del campus o en la oficina central de administración o a través de Policy On Line en la siguiente dirección: (www.lytleisd.org).

El distrito no retrasará una consecuencia disciplinaria mientras un estudiante o padre presente una queja.

Retiro del autobús escolar

Un conductor de autobús puede remitir a un estudiante a la oficina del director o al coordinador de conducta del campus para mantener una disciplina efectiva en el autobús. El director o el coordinador de conducta del campus deben emplear técnicas adicionales de administración de disciplina, según corresponda, que pueden incluir restringir o revocar los privilegios de viajar en el autobús de un estudiante.

Dado que la responsabilidad principal del distrito en el transporte de estudiantes en los vehículos del distrito es hacerlo de la manera más segura posible, el operador del vehículo debe concentrarse en conducir y no distraer su atención por el mal comportamiento del estudiante. Por lo tanto, cuando las técnicas apropiadas de manejo disciplinario no mejoran el comportamiento del estudiante o cuando una mala conducta específica justifica el retiro inmediato, el director o el coordinador de comportamiento del campus pueden restringir o revocar los privilegios de transporte de un estudiante, de acuerdo con la ley.

Retiro del entorno educativo regular

Además de otras técnicas de gestión disciplinaria, la mala conducta puede resultar en el retiro del entorno educativo regular en forma de una derivación de rutina o un retiro formal.

Referencia de

rutina Una referencia de rutina ocurre cuando un maestro envía a un estudiante a la oficina del coordinador de comportamiento del campus como una técnica de manejo de disciplina. El coordinador de comportamiento del campus deberá emplear técnicas alternativas de manejo de disciplina, incluyendo intervenciones progresivas. Un maestro o administrador puede retirar a un estudiante de la clase por un comportamiento que viole este Código para mantener una disciplina efectiva en el aula.

Remoción formal

Un maestro también puede iniciar una remoción formal de la clase si:

1. El maestro ha documentado que el comportamiento del estudiante interfiere repetidamente con la capacidad del maestro para enseñar en su clase o con la capacidad de los compañeros de clase para aprender; o
2. El comportamiento es tan rebelde, perturbador o abusivo que el maestro no puede enseñar y los estudiantes en el aula no pueden aprender.

Dentro de los tres días escolares posteriores al retiro formal, el coordinador de conducta del campus o el administrador apropiado deberán programar una conferencia con los padres del estudiante, el estudiante, el maestro que retiró al estudiante de la clase y cualquier otro administrador apropiado.

En la conferencia, el coordinador de comportamiento de la escuela o el administrador apropiado informará al estudiante sobre la presunta mala conducta y las consecuencias propuestas. El estudiante tendrá la oportunidad de responder a las acusaciones.

Cuando un maestro retira a un alumno del aula regular y hay una conferencia pendiente, el coordinador de conducta del campus u otro administrador puede colocar al alumno en:

- Otro aula apropiada.
- Suspensión en la escuela.
- Suspensión fuera de la escuela.
- DAEP

Un maestro o administrador debe retirar a un alumno de la clase si el alumno participa en un comportamiento que según el Código de Educación requiere o permite que el alumno sea colocado en un DAEP o expulsado. Cuando se retire por esas razones, se seguirán los procedimientos en las secciones posteriores sobre DAEP o expulsión.

Regreso de un estudiante al aula

cuando un maestro ha retirado formalmente a un estudiante de la clase por conducta contra el maestro que contiene los elementos de agresión, agresión agravada, agresión sexual, agresión sexual agravada, asesinato, asesinato capital o intento criminal de cometer un asesinato. or capital murder, the student may not be returned to the teacher's class without the teacher's consent.

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

Out-of-School Suspension

Misconduct

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

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

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

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

The district shall use a positive behavior program as a disciplinary alternative for students below grade 3 who commit general conduct violations instead of suspension or placement in a DAEP. The program shall meet the requirements of law.

Process

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

Before being suspended a student shall have an informal conference with the campus behavior coordinator or appropriate administrator, who shall advise the student of the alleged misconduct. The student shall have the opportunity to respond to the allegation before the administrator makes a decision.

The campus behavior coordinator shall determine the number of days of a student's suspension, not to exceed three school days.

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

1. Self-defense (see glossary),
2. Intent or lack of intent at the time the student engaged in the conduct,
3. The student's disciplinary history,
4. A disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct,
5. A student's status in the conservatorship of the Department of Family and Protective Services (foster care), or
6. A student's status as homeless.

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

Coursework During Suspension

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

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

Disciplinary Alternative Education Program (DAEP) Placement

The DAEP shall be provided in a setting other than the student's regular classroom. An elementary school student may not be placed in a DAEP with a student who is not an elementary school student.

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

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

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

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

1. Self-defense (see **glossary**),
2. Intent or lack of intent at the time the student engaged in the conduct,
3. The student's disciplinary history,
4. A disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct,
5. A student's status in the conservatorship of the Department of Family and Protective Services (foster care), or
6. A student's status as homeless.

Discretionary Placement: Misconduct That May Result in DAEP Placement

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

Misconduct Identified in State Law

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

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

In accordance with state law, a student **may** be placed in a DAEP if the superintendent or the superintendent's designee has reasonable belief (see **glossary**) that the student has engaged in conduct punishable as a felony, other than aggravated robbery or those listed as offenses in Title 5 (see **glossary**) of the Penal Code, that occurs off school property and not at a school-sponsored or school-related event, if the student's presence in the regular classroom

threatens the safety of other students or teachers or will be detrimental to the educational process.

The campus behavior coordinator **may**, but is not required to, place a student in a DAEP for off-campus conduct for which DAEP placement is required by state law if the administrator does not have knowledge of the conduct before the first anniversary of the date the conduct occurred.

Mandatory Placement: Misconduct That Requires DAEP Placement

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

- Engages in conduct relating to a false alarm or report (including a bomb threat) or a terroristic threat involving a public school. (See **glossary**.)
- Commits the following offenses on school property or within 300 feet of school property as measured from any point on the school's real property boundary line, or while attending a school-sponsored or school-related activity on or off school property:
 - Engages in conduct punishable as a felony.
 - Commits an assault (see **glossary**) under Penal Code 22.01(a)(1).
 - Sells, gives, or delivers to another person, or possesses, uses, or is under the influence of marijuana, a controlled substance, or a dangerous drug in an amount not constituting a felony offense. A student with a valid prescription for low-THC cannabis as authorized by Chapter 487 of the Health and Safety Code does not violate this provision. (School-related felony drug offenses are addressed in **Expulsion** on page .) (See **glossary** for “under the influence.”)
 - Sells, gives, or delivers to another person an alcoholic beverage; commits a serious act or offense while under the influence of alcohol; or possesses, uses, or is under the influence of alcohol, if the conduct is not punishable as a felony offense. (School-related felony alcohol offenses are addressed in **Expulsion** on page .)
 - Behaves in a manner that contains the elements of an offense relating to abusable volatile chemicals.
 - Behaves in a manner that contains the elements of the offense of public lewdness or indecent exposure. (See **glossary**.)
 - Engages in conduct that contains the elements of an offense of harassment against an employee under Penal Code 42.07(a)(1), (2), (3), or (7).
- Engages in expellable conduct and is between six and nine years of age.
- Commits a federal firearms violation and is younger than six years of age.
- Engages in conduct that contains the elements of the offense of retaliation against any school employee or volunteer on or off school property. (Committing retaliation in combination with another expellable offense is addressed in **Expulsion** on page .)
- Engages in conduct punishable as aggravated robbery or a felony listed under Title 5 (see **glossary**) of the Penal Code when the conduct occurs off school property and not at a school-sponsored or school-related event and:
 - The student receives deferred prosecution (see **glossary**),
 - A court or jury finds that the student has engaged in delinquent conduct (see **glossary**), or
 - The superintendent or designee has a reasonable belief (see **glossary**) that the student engaged in the conduct.

Sexual Assault and Campus Assignments

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

Process

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

Conference

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

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

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

Consideration of Mitigating Factors

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

7. Self-defense (see **glossary**),
8. Intent or lack of intent at the time the student engaged in the conduct,
9. The student's disciplinary history,
10. A disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct, or
11. A student's status in the conservatorship of the Department of Family and Protective Services (foster care), or
12. A student's status as homeless.

Placement Order

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

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

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

Coursework Notice

The parent or guardian of a student placed in DAEP shall be given written notice of the student's opportunity to complete a foundation curriculum course in which the student was enrolled at the time of removal and which is required for graduation, at no cost to the student. The notice shall include information regarding all methods available for completing the coursework.

Length of Placement

The campus behavior coordinator shall determine the duration of a student's placement in a DAEP.

The duration of a student's placement shall be determined case by case based on the seriousness of the offense, the student's age and grade level, the frequency of misconduct, the student's attitude, and statutory requirements.

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

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

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

Exceeds One Year

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

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

Exceeds School Year

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

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

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

Exceeds 60 Days

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

Appeals

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

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

Appeals shall begin at *Level One* with the *principal*.

The district shall not delay disciplinary consequences pending the outcome of an appeal. The decision to place a student in a DAEP cannot be appealed beyond the board.

Restrictions During Placement

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

A student placed in a DAEP shall not be provided transportation unless he or she is a student with a disability who is entitled to transportation in accordance with the student's individualized education program (IEP) or Section 504 plan.

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

Placement Review

A student placed in a DAEP shall be provided a review of his or her status, including academic status, by the campus behavior coordinator or the board's designee at intervals not to exceed 120 days. In the case of a high school student, the student's progress toward graduation and the student's graduation plan shall also be reviewed. At the review, the student or the student's parent shall be given the opportunity to present arguments for the student's return to the regular classroom or campus. The student may not be returned to the classroom of a teacher who removed the student without that teacher's consent.

Additional Misconduct

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

Notice of Criminal Proceedings

When a student is placed in a DAEP for certain offenses, the office of the prosecuting attorney shall notify the district if:

15. Prosecution of a student's case was refused for lack of prosecutorial merit or insufficient evidence and no formal proceedings, deferred adjudication (see **glossary**), or deferred prosecution will be initiated; or

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

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

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

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

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

Withdrawal During Process

When a student violates the district's Code in a way that requires or permits the student to be placed in a DAEP and the student withdraws from the district before a placement order is completed, the campus behavior coordinator may complete the proceedings and issue a placement order. If the student then re-enrolls in the district during the same or a subsequent school year, the district may enforce the order at that time, less any period of the placement that has been served by the student during enrollment in another district. If the campus behavior coordinator or the board fails to issue a placement order after the student withdraws, the next district in which the student enrolls may complete the proceedings and issue a placement order.

Newly Enrolled Students

The district shall 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.

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

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

Emergency Placement Procedure

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

Transition Services

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

Placement and/or Expulsion for Certain Offenses

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

Registered Sex Offenders

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

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

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

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

Review Committee

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

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

Newly Enrolled Student

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

Appeal

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

Certain Felonies

Regardless of whether placement or expulsion is required or permitted by one of the reasons in the DAEP Placement or Expulsion sections, in accordance with Education Code 37.0081, a student may be expelled and placed in either DAEP or JJAEP if the board or campus behavior coordinator makes certain findings and the following circumstances exist in relation to

aggravated robbery or a felony offense under Title 5 (see **glossary**) of the Penal Code. The student must:

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

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

20. The date on which the student's conduct occurred,
21. The location at which the conduct occurred,
22. Whether the conduct occurred while the student was enrolled in the district, or
23. Whether the student has successfully completed any court disposition requirements imposed in connection with the conduct.

Hearing and Required Findings

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

24. Threatens the safety of other students or teachers,
25. Will be detrimental to the educational process, or
26. Is not in the best interest of the district's students.

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

Length of Placement

The student is subject to the placement until:

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

Placement Review

A student placed in a DAEP or JJAEP under these circumstances is entitled to a review of his or her status, including academic status, by the campus behavior coordinator or board's designee at intervals not to exceed 120 days. In the case of a high school student, the student's progress toward graduation and the student's graduation plan shall also be reviewed. At the review, the student or the student's parent shall have the opportunity to present arguments for the student's return to the regular classroom or campus.

Newly Enrolled Students

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

Expulsion

In deciding whether to order expulsion, regardless of whether the action is mandatory or discretionary, the campus behavior coordinator shall take into consideration:

30. Self-defense (see **glossary**),
31. Intent or lack of intent at the time the student engaged in the conduct,
32. The student's disciplinary history,
33. A disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct,
34. A student's status in the conservatorship of the Department of Family and Protective Services (foster care), or
35. A student's status as homeless.

Discretionary Expulsion: Misconduct That May Result in Expulsion

Some of the following types of misconduct may result in mandatory placement in a DAEP, whether or not a student is expelled. (See **DAEP Placement** on page)

Any Location

A student **may** be expelled for:

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

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

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

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

- Selling, giving, or delivering to another person, or possessing, using, or being under the influence of marijuana, a controlled substance, or a dangerous drug, if the conduct is not punishable as a felony. A student with a valid prescription for low-THC cannabis as

authorized by Chapter 487 of the Health and Safety Code does not violate this provision. (See **glossary** for “under the influence.”)

- Selling, giving, or delivering to another person, or possessing, using, or being under the influence of alcohol; or committing a serious act or offense while under the influence of alcohol, if the conduct is not punishable as a felony.
- Engaging in conduct that contains the elements of an offense relating to abusable volatile chemicals.
- Engaging in conduct that contains the elements of assault under Section 22.01(a)(1) against an employee or a volunteer.
- Engaging in deadly conduct. (See **glossary**.)

Within 300 Feet of School

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

- Aggravated assault, sexual assault, or aggravated sexual assault.
- Arson. (See **glossary**.)
- Murder, capital murder, or criminal attempt to commit murder or capital murder.
- Indecency with a child, aggravated kidnapping, manslaughter, criminally negligent homicide, or aggravated robbery.
- Continuous sexual abuse of a young child or children.
- Felony drug- or alcohol-related offense.
- Unlawfully carrying on or about the student's person a handgun or a location-restricted knife, as these terms are defined by state law. (See **glossary**.)
- Possessing, manufacturing, transporting, repairing, or selling a prohibited weapon, as defined by state law. (See **glossary**.)
- Possession of a firearm, as defined by federal law. (See **glossary**.)

Property of Another District

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

While in DAEP

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

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

Mandatory Expulsion: Misconduct That Requires Expulsion

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

Under Federal Law

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

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

Under the Penal Code

- Unlawfully carrying on or about the student's person the following, in the manner prohibited by Penal Code 46.02:
 - A handgun, defined by state law as any firearm designed, made, or adapted to be used with one hand. (See **glossary**.)

Note: A student may not be expelled solely on the basis of the student's use, exhibition, or possession of a firearm that occurs at an approved target range facility that is not located on a school campus, while participating in or preparing for a school-sponsored, shooting sports competition or a shooting sports educational activity that is sponsored or supported by the Parks and Wildlife Department, or a shooting sports sanctioning organization working with the department. [See policy FNCG(LEGAL).]
 - A location-restricted knife, as defined by state law. (See **glossary**.)
- Possessing, manufacturing, transporting, repairing, or selling a prohibited weapon, as defined in state law. (See **glossary**.)
- Behaving in a manner that contains elements of the following offenses under the Penal Code:
 - Aggravated assault, sexual assault, or aggravated sexual assault.
 - Arson. (See **glossary**.)
 - Murder, capital murder, or criminal attempt to commit murder or capital murder.
 - Indecency with a child.
 - Aggravated kidnapping.
 - Aggravated robbery.
 - Manslaughter.
 - Criminally negligent homicide.
 - Continuous sexual abuse of a young child or children.
 - Behavior punishable as a felony that involves selling, giving, or delivering to another person, or possessing, using, or being under the influence of marijuana, a controlled substance, a dangerous drug, or alcohol; or committing a serious act or offense while under the influence of alcohol.

- Engaging in retaliation against a school employee or volunteer combined with one of the above-listed mandatory expulsion offenses.

Under Age Ten

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

Process

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

Until a hearing can be held, the campus behavior coordinator or other administrator may place the student in:

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

Hearing

A student facing expulsion shall be given a hearing with appropriate due process. The student is entitled to:

40. Representation by the student's parent or another adult who can provide guidance to the student and who is not an employee of the district,
41. An opportunity to testify and to present evidence and witnesses in the student's defense, and
42. An opportunity to question the witnesses called by the district at the hearing.
43. After providing notice to the student and parent of the hearing, the district may hold the hearing regardless of whether the student or the student's parent attends.

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

Board Review of Expulsion

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

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

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

Expulsion Order

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

44. Self-defense (see **glossary**),
45. Intent or lack of intent at the time the student engaged in the conduct,
46. The student's disciplinary history,
47. A disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct,
48. A student's status in the conservatorship of the Department of Family and Protective Services (foster care), or
49. A student's status as homeless.

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

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

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

Length of Expulsion

The length of an expulsion shall be based on the seriousness of the offense, the student's age and grade level, the frequency of misbehavior, the student's attitude, and statutory requirements.

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

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

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

State and federal law require a student to be expelled from the regular classroom for a period of at least one calendar year for bringing a firearm, as defined by federal law, to school. However, the superintendent may modify the length of the expulsion on a case-by-case basis.

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

Withdrawal During Process

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

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

If the campus behavior coordinator or the board fails to issue an expulsion order after the student withdraws, the next district in which the student enrolls may complete the proceedings.

Additional Misconduct

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

Restrictions During Expulsion

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

No district academic credit shall be earned for work missed during the period of expulsion unless the student is enrolled in a JJAEP or another district-approved program.

Newly Enrolled Students

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

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

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

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

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

Emergency Expulsion Procedures

When an emergency expulsion is necessary to protect persons or property from imminent harm, the student shall be given verbal notice of the reason for the action. Within ten days after the date of the emergency expulsion, the student shall be given appropriate due process required for a student facing expulsion.

DAEP Placement of Expelled Students

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

Transition Services

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

Glossary

Abuse is improper or excessive use.

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

- 56. Causes serious bodily injury to another;
- 57. Uses or exhibits a deadly weapon; or
- 58. 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:
 - f) 65 years of age or older, or
 - g) A disabled person.

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.

Arson is defined in part by Penal Code 28.02 as:

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

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

Breach of computer security includes knowingly accessing a computer, computer network, or computer system without the effective consent of the owner as defined in 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:

5. 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;
6. 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
7. Cyberbullying that occurs off school property or outside of a school-sponsored or school-related activity if the cyberbullying interferes with a student's educational opportunities or substantially disrupts the orderly operation of a classroom, school, or school-sponsored or school-related activity.

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

Club is defined by 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, and a dilutant, listed in Schedules I through V or Penalty Group 1, 1-A, 2, 2-A, 3, or 4 of the Texas Controlled Substances Act. The term includes the aggregate weight of any mixture, solution, or other substance containing a controlled substance. The term does not include hemp, as defined by Agriculture Code 121.001, or the tetrahydrocannabinols (THC) in hemp.

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

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

Dangerous drug is defined by Health and Safety Code 483.001 as a device or a drug that is unsafe for self-medication and that is not included in Schedules I through V or Penalty Groups 1 through 4 of the Texas Controlled Substances Act. The term includes a device or drug that

federal law prohibits dispensing without prescription or restricts to use by or on the order of a licensed veterinarian.

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

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

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

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

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

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

E-cigarette means an electronic cigarette or any other device that simulates smoking by using a mechanical heating element, battery, or electronic circuit to deliver nicotine or other substances to the individual inhaling from the device. The term includes any device that is manufactured, distributed, or sold as an e-cigarette, e-cigar, or e-pipe or under another product name or description and a component, part, or accessory for the device, regardless of whether the component, part, or accessory is sold separately from the device.

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

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

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

Firearm is defined by federal law (18 USC 921(a)) as:

11. 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;
12. The frame or receiver of any such weapon;
13. Any firearm muffler or firearm weapon; or
14. Any destructive device, such as any explosive, incendiary or poison gas bomb, or grenade.
Such term does not include an antique firearm.

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

Graffiti 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:

15. Conduct that meets the definition established in district policies DIA(LOCAL) and FFH(LOCAL);
16. 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
17. 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:
 - l) Initiating communication and, in the course of the communication, making a comment, request, suggestion, or proposal that is obscene, as defined by law;
 - m) 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;
 - n) 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
 - o) Sending repeated electronic communications in a manner reasonably likely to harass, annoy, alarm, abuse, torment, embarrass, or offend another.

Hazing is defined by Section 37.151 of the Education Code as an intentional, knowing, or reckless act, on or off campus, by one person alone or acting with others, directed against a student for the 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:

18. Any type of physical brutality;
19. 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;
20. An activity that induces, causes, or requires the student to perform a duty or task that violates the Penal Code; and
21. 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.

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.

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.

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

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.

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

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

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

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

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

Prohibited weapon under Penal Code 46.05(a) means:

22. The following items unless registered with the US 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 US Department of Justice:

- p) An explosive weapon;
- q) A machine gun;
- r) A short-barrel firearm;

23. Armor-piercing ammunition;

24. A chemical dispensing device;

25. A zip gun;

26. A tire deflation device;

27. An improvised explosive device; or

28. A firearm silencer, unless classified as a curio or relic by the US Department of Justice or the actor otherwise possesses, manufactures, transports, repairs, or sells the firearm silencer in compliance with federal law.

Public Lewdness is defined by Penal Code 21.07 as an offense that occurs when a person knowingly engages in an act of sexual intercourse, deviate sexual intercourse, or sexual contact in a public place or, if not in a public place, is reckless about whether another is present who will be offended or alarmed by the act.

Public school fraternity, sorority, secret society, or gang means an organization composed wholly or in part of students that seeks to perpetuate itself by taking additional members from the students enrolled in school based on a decision of its membership rather than on the free choice of a qualified student. Educational organizations listed in Section 37.121(d) of the Education Code are excepted from this definition.

Reasonable belief is 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.

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:

29. Deliberate violent behavior that poses a direct threat to the health or safety of others;

30. Extortion, meaning the gaining of money or other property by force or threat;

31. Conduct that constitutes coercion, as defined by Section 1.07, Penal Code; or

32. Conduct that constitutes the offense of:

- s) Public lewdness under Penal Code 21.07;
- t) Indecent exposure under Penal Code 21.08;
- u) Criminal mischief under Penal Code 28.03;
- v) Hazing under Education Code 37.152; or
- w) Harassment under Penal Code 42.07(a)(1) of a student or district employee.

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

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

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

Terroristic threat is defined by Penal Code 22.07 as a threat of violence to any person or property with intent to:

33. Cause a reaction of any type by an official or volunteer agency organized to deal with emergencies;
34. Place any person in fear of imminent serious bodily injury;
35. 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;
36. Cause impairment or interruption of public communications; transporte público; public water, gas, or power supply; or other public service;
37. Place the public or a substantial group of the public in fear of serious bodily injury; or
38. 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 children 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).]

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 smooth-bore or rifled-bore barrel by using the energy generated by an explosion or burning substance.