VII: STUDENT CODE OF CONDUCT

A - INTRODUCTION

The San Antonio Independent School District has adopted this Student Code of Conduct to promote and maintain a safe learning environment for students and adults. The foundation for an orderly and positive environment is a climate of mutual respect for the rights of all persons. To that end, all members of the learning community – students, parents, and District employees – are expected to treat people with respect, dignity, and good manners.

The Code of Conduct provides methods and options for managing students in the classroom, on school grounds, and on District transportation, disciplining students, and preventing and intervening in student discipline problems. The law requires the district to define misconduct that may—or must—result in a range of disciplinary consequences, including removal from a regular classroom or campus, out-of-school suspension, placement in a disciplinary alternative education program (DAEP), or expulsion from school. Parents will be notified of any conduct violation that may result in a student being suspended, placed in a DAEP, or expelled.

Because the Code of Conduct is adopted by the district's board of trustees, it has the force of policy; therefore, in case of a conflict between the Code of Conduct and the student handbook, the Code of Conduct will prevail. Once the Code of Conduct is promulgated, any subsequent changes or amendments must be approved by the Board of Trustees. During any periods of instruction during the summer months, the Parent-Student Handbook and Student Code of Conduct in place for the year immediately preceding the summer period shall apply, unless the district amends either or both documents for the purposes of summer instruction.

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

SCHOOL DISTRICT AUTHORITY AND JURISDICTION

This Code of Conduct applies to all students in the San Antonio Independent School District whenever the interest of the District is involved, on or off school grounds, in connection with or independent of classes and school-sponsored activities.

The District has disciplinary authority over a student:

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

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

POSTING AND DISTRIBUTION OF CODE OF CONDUCT

In accordance with state law, the Code shall be posted at each school campus or shall be available for review at the office of the campus principal. Additionally, the Code will be posted on the district's Web site. Students may request a copy of the Parent-Student Handbook, which includes the Code of Conduct, at the beginning of the school year. The Code of Conduct will be provided to all teachers, new professional employees, students who are enrolled after the beginning of the school year, any parent, and any other person upon request. Each student, teacher, and parent annually must sign a statement that they have read and have access to the SAISD Student Code of Conduct and acknowledge the rules and responsibilities outlined therein.

B – STANDARDS FOR STUDENT CONDUCT

GENERAL CONDUCT GUIDELINES

Students are expected to comply with the following guidelines, which will be incorporated into each campus's rules for conduct:

- Obey all campus and classroom rules;
- Treat other students and adults with courtesy and respect;
- Accept responsibility for their actions and behavior and be held accountable for the consequences;
- Attend all classes, regularly and on time;
- Be prepared for each class with appropriate materials and assignments;
- Be dressed and groomed appropriately;
- Actively support and assist the school in maintaining a campus free from drugs, alcohol, weapons, and gang activity, by: (i) Cooperating with staff in investigations of disciplinary cases and volunteering information within the student's knowledge relating to a serious offense; (ii) Responsibly informing staff of conduct violations by others; and (iii)

Immediately submitting any prohibited items to staff or informing staff of location of prohibited items immediately upon discovery; and
- Adhere to the requirements of the Student Code of Conduct.

Staff Reporting Requirements

When a teacher believes that a student has committed a violation of this Student Code of Conduct, the teacher must submit a written description of the student's actions to the principal/administrator. The principal/administrator shall then provide the parent with a copy of this written description. The report is an allegation that the student may have committed an offense, and it forms the basis for the administrator's investigation, which may lead to disciplinary action against the student.

School administrators shall also report conduct believed to constitute a crime to legal authorities as required by law and shall notify law enforcement when an administrator suspects that a crime has been committed on campus. The code numbers listed below are used by school personnel when reporting offenses to the Texas Education Agency.

CLASSROOM MANAGEMENT SYSTEM

Each teacher shall establish a classroom setting that exhibits effective discipline management practices, including rules for classroom behavior. Much student behavior can be managed in the classroom, and the establishment of an effective classroom management system should enhance student learning while decreasing violations of the student offenses listed below. Violations of classroom rules established by the teacher shall result in documentation by the teacher as deemed necessary by the teacher. However, a written discipline referral to the campus administrator shall not be required.

Teachers shall employ Positive Behavior Intervention & Support (PBIS) practices as recommended by the campus PBIS team. To the extent that there ever appears to be a conflict between PBIS rules and the Student Code of Conduct, the Student Code of Conduct shall prevail.

STUDENT OFFENSES

Level I – Serious Offenses

Students who commit Level I offenses at school, on District transportation, or during school-related activities will be assessed discipline penalties commensurate with the offense. Level I offenses are usually not as significant as Level II, III or IV offenses.

Code	Offense
21.AA	Cheating or copying work of another student.
21.AB	Throwing objects that can cause bodily injury or damage property.
21.AC	Possessing or using skateboards, inline skates, or similar items, except where the campus principal allows the use of such items solely for transportation to school. Such items must be stored in the student's locker or other permissible storage location throughout the school day and may not be used on school grounds at any time.
21.AD	Without permission, leaving classes during instructional time, leaving school grounds during the academic day, or leaving a school-sponsored event in which the student is a participant (first offense).
21.AE	Engaging in inappropriate or excessive displays of affection.
21.AF	Using a communication device or other electronic devices, such as an iPod, stereo headsets, MP3 players, CD players, video cameras, or laser pointers during school hours; however, cellular/digital telephones, two-way radios, or other such communication devices may be possessed by students at the discretion of the principal as long as the device is not displayed or used during school hours.
21.AG	Possessing or using matches or a lighter.
21.AH	Displaying mace or pepper spray.
21.AI	Repeatedly violating dress and grooming code standards.
21.AJ	Loitering or trespassing on school grounds. Students should be on campus for an educationally-related purpose, such as tutorials or extracurricular activities. Students who are waiting for a ride home shall not be considered to be loitering. Students who enter a campus other than their own, without permission, are considered trespassing.
21.AK	Possessing, using or exhibiting school supplies (i.e., pencils, pens, scissors) or any other item in a manner that threatens to inflict or actually inflicts bodily harm to another person, as long as the offense does not meet the definition of a Level II offense or assault causing bodily injury (Level III).
21.AL	Disrupting classes or lawful assemblies, activities, or transportation.
21.AM	Insubordination. [See Glossary]

Level II – Major Offenses

Students who commit Level II offenses at school, on District transportation, or during school-related activities will be assessed discipline penalties commensurate with the offense. Level II offenses are considered to be more objectionable than Level I offenses. Thus, in most cases, Level II offenses will warrant greater consequences than Level I offenses. These offenses will typically result in suspension (in school or out of school), although all consequences shall be at the discretion of the campus administrator.

Code	Offense
21.BA	Intentionally and knowingly makes false accusations against teachers, other school employees, volunteers, or other students.
21.BB	Engages in inappropriate, unwelcome verbal, physical or sexual conduct that is disruptive or offensive to another student, District employees or volunteers, or the school environment.
21.BC	Uses Mace or pepper spray (in some cases, the use may be classified as an assault and may cause bodily injury – Level III).
21.BD	Steals from students, staff, campus visitors, or school (i.e., theft that does not constitute a felony according to the *Texas Penal Code*).
21.BE	Engages in verbal abuse, e.g. name-calling, making racial or ethnic slurs, derogatory statements, or oral statements which are abusive or confrontational.
21.BF	Exhibits disrespect or directs profanity, vulgar language, or obscene gestures toward another person.
41.BG	Fighting, mutual combat, committing physical abuse, or threatening physical abuse (i.e., conduct that does not meet the definition of assault in Texas Penal Code §22.01(a)(1)).
21.BH	Hazing [See Glossary].
21.BI	Engages in offensive conduct that constitutes sexual harassment [See Glossary], gender-based harassment or sexual abuse, whether verbal or physical, that may include requests for sexual favors or other intimidating sexual conduct directed toward other students or District employees. This may include sending or posting electronic messages that are abusive, obscene, sexually oriented, threatening, harassing, damaging to another's reputation, or illegal. (Note: Some conduct of this nature may be so offensive that it also may be classified as a felony or other illegal offense and may, therefore, result in DAEP placement or expulsion.)
21.BJ	Falsifies records, passes or other school-related documents.
21.BK	Possesses, exhibits, or distributes pornographic, offensively graphic, or obscene materials.
21.BL	Refuses to accept discipline management techniques proposed by a teacher or by administration.
21.BM	Participates in gang-related activities (first offense).
21.BN	Possesses, exhibits, or uses a toy gun, cap gun, pellet gun, air-powered rifle, or any other instrument which may be perceived by another person as a firearm but does not meet the Texas Penal code definition of a firearm.
21.BO	Violates any rule set forth on in this Code of Conduct pertaining to computers and the Internet.
21.BP	Possesses or uses unloaded firearm accessories or parts (such as a gun barrel or a gun clip).
21.BQ	Possesses, exhibits, or uses martial arts objects, small pocket knives, razor blades, or other objects that can be used as a weapon to the extent that these objects are not within the definitions of illegal knives or prohibited weapons under the Texas Penal Code.
21.BR	Possesses, exhibits, or uses a prescription drug (that is not a controlled substance or dangerous drug) that does not belong to the person using, exhibiting, or possessing it.
21.BS	Pulls a fire alarm, as a prank, in a building owned or operated by SAISD, when there is no smoke, fire, or danger that requires evacuation.
21.BT	Possesses or uses fireworks (e.g., smoke bomb, cherry bomb, poppers, etc.), combustibles or other incendiary devices to the extent that these objects are not within the definition of prohibited weapons under the Texas Penal Code.
21.BU	Repeatedly violates communicated campus or classroom standards of behavior.
21.BV	Sells, attempts to sell, or receives look-a-like drugs or items attempted to be passed off as drugs or contraband.
33.BW	Possesses, smokes, or uses tobacco products or paraphernalia; possesses drug paraphernalia.
21.BX	Engages in conduct that damages or tampers with the property of another that does not otherwise constitute misdemeanor criminal mischief (vandalism) or graffiti, including placing a substance in another's food, drink or other possessions without consent.
21.BY	Repeatedly violates any Level I Offense.
21.BZ	Engages in conduct that poses a threat to the safety or orderly operation of the school or District-related event.
42.CA	Fails to require the child to attend school as required by law, and the child has absences for the amount of time specified under Section 25.094. (The parent commits an offense and has been issued a warning as required by Section 25.095(a).)
43.CB	Fails to attend school on three or more days or parts of days within a four-week period within the same school year with unexcused absences. (The individual commits an offense under Section 25.085.)
44.CC	Fails to attend school on 10 or more days or parts of days within a six-month period with unexcused absences. (The individual commits an offense under Section 25.085.)
45.CD	Fails to attend school unless specifically exempted by Section 25.086, for a child who is at least six years of age, or who is younger than six years of age and has previously been enrolled in first grade, and who has not yet reached the child's 18th birthday.
21.CE	Engages in bullying, which is defined as written or verbal expression, expression through electronic means, or physical conduct that (a) has the effect or will have the effect of physically harming a student, damaging a

student's property, or placing a student in reasonable fear of harm to the student's person or of damage to the student's property; or (b) is sufficiently severe, persistent, and pervasive enough that the action or threat creates an intimidating, threatening or abusive educational environment for a student and is regarded as bullying. Additionally, for the conduct to be considered bullying, it must (a) exploit an imbalance between the student perpetrator and the student victim, and (b) interfere with the student's education or substantially disrupt the operation of a school.

Level III – DAEP Placement Offenses

The following actions constitute offenses that may or shall result in placement in a DAEP. These offenses are considered to be more serious than Level II Offenses. If any of these offenses involve illegal conduct, administrators should involve law enforcement officials. See Administrative Procedure F41 and the section on DAEP Placement below for more information on DAEP.

1. Discretionary DAEP Placement: Offenses That May Result in DAEP Placement

A. On Campus, on School Transportation, or during School Activity. A student may be placed in a DAEP if the student commits the following on school property, on District transportation, while attending a school-sponsored or school-related activity on or off school property, or as otherwise allowed by law:

Code	Offense
21.DA	Engages in "persistent misbehavior", which is defined as (i) repeatedly interfering with the teacher's ability to communicate effectively with students; (ii) repeatedly interfering with student learning; (iii) engaging in 5 or more properly documented Level 1 Offenses in the same school year; or (iv) engaging in 2 or more properly documented Level 2 Offenses in the same school year. (Requires 30 days of RtI documentation.)
21.DB	Engages in unruly, disruptive, disrespectful, or abusive conduct that substantially interferes with the orderly operation of the campus or District-related activity or with the transportation of students on a vehicle owned or operated by the District. (May result from one incident or multiple incidents.)
21.DC	Engages in conduct containing the elements of assault without bodily injury under Texas Penal Code 22.01(a)(2) or 22.01(a)(3).
50.DD	Possesses a knife, including a lock blade knife, with a blade length up to and including 5 ½ inches. This does not include knives that are classified as prohibited weapons or illegal knives. [See Glossary.]
34.DE	Following a previously documented Level II Offense, engages in gang activity, including participation as a member or pledge or soliciting another person to become a pledge or member of a gang. [In some cases it may be punishable as a felony offense – see Glossary.]
21.DF	Following a previously documented Level II offense, engages in a public school fraternity, sorority, or secret society, including participation as a member or pledge, or soliciting another person to become a pledge or member of a public school fraternity, sorority, or secret society.
21.DG	Engages in conduct constituting misdemeanor criminal mischief (vandalism), graffiti not classified as a felony [See Glossary], or otherwise engages in conduct that damages or tampers with the property of another causing substantial inconvenience or pecuniary loss up to and including $1,499.99.
21.DH	Possesses, exhibits, or uses any other instrument which may be perceived by another person as a weapon but does not meet the Texas Penal code definition of a weapon, such as stun guns, laser guns, taser, tranquilizer guns, razors, etc.
21.DI	Commits extortion, coercion, or blackmail, i.e., obtaining money or other objects of value from an unwilling person, or forcing an individual to act through the use of force or threat of force.
21.DJ	Creates a hit list, that is, a list of people targeted to be harmed, using a firearm, as defined by Section 46.01 (3), Penal Code; a knife, as defined by Sections 46.01 (7), Penal Code; or any other object to be used with intent to cause bodily harm.

B. Off Campus or Not During School Activity. A student may be placed in a DAEP if the student commits the following conduct off campus and while the student is not in attendance at a school-sponsored or school-related activity:

Code	Offense
10.DK	A reasonable belief that the student has engaged in conduct defined as a felony offense other than aggravated robbery or those offenses defined in Title 5 of the Texas Penal Code, and the continued presence of the student in the regular classroom threatens the safety of other students or teachers or will be detrimental to the educational process.
21.DL	Engages in any activity on the way to or from school, or while truant or has left campus without authorization that would ordinarily be grounds for DAEP placement or expulsion if the activity had occurred on campus.

2. Mandatory DAEP Placement: Offenses Requiring DAEP Placement

A. On Campus, Within 300 Feet of Campus, On Bus, or during a School Activity. A student must be placed in a DAEP if the student commits the following on or within 300 feet of school property, as measured from any point on the school's real property boundary line, on District transportation, or while attending a school-sponsored or school-related activity on or off school property, or as otherwise allowed by law:

Code	Offense
27.DM	Engages in conduct that contains the elements of assault causing bodily injury under Texas Penal Code 22.01(a)(1) against a school district employee or volunteer.
28.DN	Engages in conduct that contains the elements of assault causing bodily injury under Texas Penal Code 22.01(a)(1) against someone other than a school district employee or volunteer.
21.DO	Repeatedly engages in conduct containing the elements of assault without bodily injury under Texas Penal Code 22.01(a)(2) or 22.01(a)(3).
04.DP	Sells, gives or delivers to another person, or possesses, uses or is under the influence of marijuana, a controlled substance, a synthetic drug, or a dangerous drug in an amount not constituting a felony offense. (School-related felony drug offenses are addressed in the Expulsion section.) (See Glossary for "under the influence.")
05.DQ	Sells, gives or delivers to another person an alcoholic beverage; commits a serious act or offense while under the influence of alcohol; or possesses, uses or is under the influence of alcohol, if the conduct is not punishable as a felony offense (School-related felony alcohol offenses are addressed in the Expulsion section.)
06.DR	Engages in conduct that contains the elements of an offense relating to abusable glue or paint or relating to volatile chemicals.
07.DS	Engages in conduct that contains the elements of the offense of public lewdness [see Glossary] or indecent exposure;
02.DT	Engages in conduct that is punishable as a felony. Felony conduct may include, but not be limited to, criminal mischief and/or graffiti and/or coercing, soliciting or inducing gang membership [See Glossary].
08.DU	Except when punishable as a Level IV offense, engages in conduct that contains the elements of the offense of retaliation against any school employee or volunteer on or off school property.

B. Any Location (On or Off campus). A student shall be placed in a DAEP if the student commits the following at any location (on or off campus), regardless of whether or not it is during a school activity, or as otherwise allowed by law:

35.DV	Engages in conduct involving a public school that contains the elements of the offense of false alarm or report (including a bomb threat). [see Glossary]
26.DW	Engages in conduct involving a public school that contains the elements of the offense of terroristic threat [See Glossary].
21.DX	Engages in expellable conduct and is between six and nine years of age.
21.DY	Commits a federal firearms violation and is younger than six years of age.

C. Off Campus or Not During School Activity. A student shall be placed in a DAEP if the student commits the following off campus and while the student is not in attendance at a school-sponsored or school-related activity:

Code	Offense
09.DZ	Engages in conduct punishable as aggravated robbery or a felony listed under Title 5 of the Texas Penal Code [see Glossary] and (i) a court or jury finds that the student has engaged in delinquent conduct [see Glossary] , (ii) the student receives deferred prosecution [see Glossary], or (iii) the Superintendent or designee has a reasonable belief [see Glossary] that the student has engaged in the conduct.

Level IV –Expulsion Offenses

The following actions constitute offenses that may or shall result in expulsion or shall result in DAEP. These offenses are considered to be more severe than the other offenses listed in this Code. Most of these offenses are illegal actions, so administrators shall contact law enforcement officials regarding this conduct. The principal may suspend a student or place a student in in-school suspension or on-campus intervention for these offenses, pending a complete investigation and recommendation for expulsion. The terms of a placement under this section shall prohibit the student from attending or participating in school-sponsored or school-related activities, including, but not limited to, extracurricular activities and suspension of honorary privileges.

1. Discretionary Expulsion: Offenses Which May Result in Expulsion or Shall Result in DAEP

A. On Campus, Within 300 Feet of Campus, on Bus, or at a School Activity. A student may be expelled or shall be placed in a DAEP if a student commits the following while on campus or within 300 feet of school property, as measured from any point on the school's real property boundary line, on District transportation, while attending a school-sponsored or school-related activity on or off school property, or as otherwise allowed by law:

Code	Offense
04.EA	Sells, gives, or delivers to another person, or possesses, uses, or is under the influence of any amount of marijuana, a controlled substance, or a dangerous drug, if the conduct is not punishable as a felony;
05.EB	Sells, gives, or delivers to another person, or possesses, uses, or is under the influence of any amount of an alcoholic beverage;
06.EC	Engages in conduct that contains the elements of an offense relating to abusable glue or paint or relating to volatile chemicals.

27.ED Engages in conduct that contains the elements of assault (intentionally, knowingly, or recklessly causing bodily injury to another) against a District employee or volunteer.

49.EE Engages in deadly conduct. [See Glossary]

B. Off Campus but Within 300 Feet of Campus. A student may be expelled or shall be placed in a DAEP if a student commits the following off campus, but within 300 feet of school property, as measured from any point on the school's real property boundary line, or as otherwise allowed by law:

Code	Offense
11.EF	Uses, exhibits or possesses a firearm.
12.EG	Uses, exhibits, or possesses an illegal knife, club, or prohibited weapon.
21.EH	Engages in conduct that contains the elements of any of the following criminal offenses: aggravated assault, sexual assault, aggravated sexual assault, arson, murder, capital murder, criminal attempted murder or capital murder, indecency with a child, aggravated kidnapping, aggravated robbery, manslaughter, criminally negligent homicide, or felony drug or alcohol related offense.

C. Any Location. A student may be expelled or shall be placed in a DAEP if the student commits the following at any location (on or off campus), regardless of whether or not it is during a school activity, or as otherwise allowed by law:

Code	Offense
22.EI	Engages in conduct that constitutes criminal mischief (vandalism), if such conduct is punishable as a felony (i.e., if the cost of the damage in question is $1,500 or more).
27.EJ	Engages in conduct that contains the elements of assault (intentionally, knowingly, or recklessly causing bodily injury to another) against a District employee or volunteer in retaliation for or as a result of the person's employment or association with the District.
26.EK	Engages in conduct involving a public school that contains the elements of the offense of false alarm or report or terroristic threat. [See Glossary]
58.EL	Breach of computer security.
21.EM	Engages in conduct containing 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, or aggravated robbery.

D. While in DAEP. A student may be expelled or shall be placed in a DAEP if the student commits the following while placed in a DAEP, or as otherwise allowed by law:

59.EN Engages in documented Serious Misbehavior [see Glossary] that violates this Code of Conduct despite documented behavioral interventions. A student who continues to commit Level I, II or III offenses while in the DAEP may, therefore, be recommended for expulsion under this paragraph.

E. On Property of Another District or During Another District's Activity. A student may be expelled or shall be placed in a DAEP if the student commits the following offenses on the property of another Texas school district or while the student is attending a school-sponsored or school-related activity of another Texas school district:

21.EO Any offense that is a state-mandated expellable offense.

2. <u>Mandatory Expulsion</u>: Offenses Requiring Expulsion. A student shall be expelled for any of the following offenses if committed on school property, while attending a school-sponsored or school-related activity on or off school property, or as otherwise required by law:

Code	Offense
29.EP	Engages in conduct containing the elements of aggravated assault under the Texas Penal Code against a school district employee or volunteer. [TEC 37.007(d)]
30.EQ	Engages in conduct containing the elements of aggravated assault against someone other than a school district employee or volunteer. [TEC 37.007(a)(2)(A)]
31.ER	Engages in conduct containing the elements of sexual assault or aggravated sexual assault against a school district employee or volunteer. [TEC 37.007(d)]
32.ES	Engages in conduct containing the elements of sexual assault or aggravated sexual assault against someone other than a school district employee or volunteer. [TEC 37.007(a))2)(A)]
11.ET	Uses, exhibits, or possesses a firearm under the Texas Penal Code.

Note: A firearm lawfully stored in a vehicle still requires expulsion under TEC 37.007 (a) (1) (A), depending on the type of weapon. A student is in possession of a firearm on school property if the firearm is brought to school in the student's vehicle and parked on school property. (Texas law provides an exception from mandatory expulsion for a student's use, exhibition, or possession of a firearm at an approved off-campus target range facility while participating in or preparing for certain shooting sports, competitions, or activities sponsored by the district or affiliated with the Texas Parks and Wildlife Department. There is no exception for similar use or possession of a firearm on school property.)

12.EU Uses, exhibits, or possesses an illegal knife, such as a knife with a blade over 5 ½ inches; hand instrument designed to cut or stab another by being thrown (including martial arts throwing star); dagger, including, but not limited to, a dirk, stiletto, and poniard; Bowie knife; sword; or spear [See Glossary].

13.EV Uses, exhibits, or possesses a club [See Glossary].

14.EW Uses, exhibits, or possesses a prohibited weapon, such as an explosive weapon; a machine gun; a short-barrel firearm; a firearm silencer; knuckles; armor-piercing ammunition; a chemical dispensing device, a zip gun, or a tire deflation device. A switchblade knife is also included in this category [See Glossary].

16.EX Engages in conduct containing the elements of arson under the Texas Penal Code to include intentionally starting a fire or causing an explosion and in so doing: (1) recklessly damaging or destroying a building belonging to another; or (2) recklessly causing another person to suffer bodily injury or death.

17.EY Engages in conduct containing the elements of murder, capital murder, or criminal attempt to commit murder under the Texas Penal Code;

18.EZ Engages in conduct containing the elements of indecency with a child under the Texas Penal Code.

19.FA Engages in conduct containing the elements of aggravated kidnapping under the Texas Penal Code.

36.FB Engages in conduct related to a controlled substance/drug offense violation if the conduct is punishable as a felony.

37.FC Engages in conduct related to an alcohol violation if the conduct is punishable as a felony.

08.FD Retaliates against a school employee or volunteer, combined with one of the above-listed offenses, on or off school property or while attending a school-related or school sponsored activity on or off of school property.

11.FE Brings a firearm to school, as defined by federal law [See Glossary].

46.FF Engages in conduct containing the elements of aggravated robbery under the Texas Penal Code.

47.FG Engages in conduct containing the elements of manslaughter under the Texas Penal Code.

48.FH Engages in conduct containing the elements of criminally negligent homicide under the Texas Penal Code.

57.FI Engages in conduct containing the elements of continuous sexual abuse of a young child or children under the Texas Penal Code.

EMERGENCY PLACEMENT IN A DAEP OR EXPULSION

Code Offense

23.FJ A student may be immediately placed in a DAEP or immediately expelled, as allowed by law [TEC 37.019], if that student engages in conduct so unruly, disruptive, or abusive that it seriously interferes with a teacher's ability to communicate effectively with the students in a class, with the ability of the classmates to learn, or with the operation of school or a school-sponsored activity (placement in a DAEP) or if the student's action might cause imminent harm to persons or property (expulsion).

At the time of the emergency placement or expulsion, the student shall be given oral notice of the reason for the action. Within a reasonable time after the emergency placement, the student shall be accorded the appropriate due process. Students with disabilities are subject to applicable federal and state law regarding the term of a student's emergency placement.

EXPULSION FOR TITLE 5 FELONY OFFENSES

Regardless of whether placement or expulsion is required or permitted by one of the reasons in the DAEP Placement or Expulsion sections above, in accordance with TEC 37.0081, a student may be expelled and placed into either DAEP or the Juvenile Justice Alternative Education Program if the Board or its designee makes certain findings and the following circumstances exist in relation to aggravated robbery or a felony offense under Title 5 [see Glossary] of the Texas Penal Code. The student must:

- Receive 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;
- Received probation or deferred adjudication or have been convicted of, arrested for or charged with a Title 5 felony offense.

The expulsion or DAEP placement may be without regard to (a) the date or location of the offense; (b) the enrollment status of the student; or (c) whether the student successfully completed any court disposition requirements.

The student must first have a hearing before the Board or designee, who must determine that the student's presence in the regular classroom: (a) threatens the safety of other students or teachers; (b) will be detrimental to the educational process; or (c) is not in the best interests of the district's students. Any decision of the Board or the designee under this section is final and may not be appealed.

The student is subject to the placement until one of the following occurs: (a) the student graduates from high school; (b) the charges are dismissed or reduced to a misdemeanor offense; or (c) the student completes the term of the placement or is

assigned to another program. 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. Students are entitled to the periodic 120-day review provided for other disciplinary placements. In the event of a conflict, any provision in the Student Code of Conduct that derives from Texas Education Code § 37.007 will prevail.

REGISTERED SEX OFFENDERS – PLACEMENT IN DAEP/JJAEP

Upon receipt of notification that a student is a registered sex offender, a decision regarding the placement of the student into a DAEP or the district's juvenile justice alternative education program will be made according to the following guidelines. Students who are no longer required to register as a sex offender or who receive early termination of the obligation to register, are not considered registered sex offenders. This section supersedes other provisions pertaining to alternative disciplinary placement.

Court Supervision

A student who is under any form of court supervision, including probation, community supervision, or parole, shall be placed for at least one semester. If such a student transfers, the student may be required to complete an additional semester in an alternative placement in the new school district without a committee conducting a placement review as described below or the enrolling district may count the time spent by the student in the former district toward the required placement time. A student who is not under any form of court supervision, may be placed in a disciplinary program or in the regular classroom unless the board's designee determines that the student's presence (a) threatens the safety of other students or teachers; (b) will be detrimental to the educational process; or (c) is not in the best interest of the District's students.

Review Committee

A committee shall be convened after the student is placed for one semester to review the student's placement. The committee shall be composed of (1) a classroom teacher from the campus to which the student would be assigned were the student not in the alternative program; (2) the student's parole or probation officer or a representative of the local juvenile probation department; (3) an instructor from the alternative education program to which the student is assigned; (4) a school district designee selected by the board or its designee; and (5) a counselor employed by the school district. The committee shall vote to determine whether the student should remain in the alternative setting or be returned to the regular classroom. The recommendation must then be made to the board or its designee. The Board of Trustees must honor the committee recommendation unless one of the following occurs: (a) a recommended regular classroom placement but board's designee determines that the student's presence threatens the safety of other students or teachers, will be detrimental to the educational process, or is not in the best interests of the district's students; (or (b) a recommended continued alternative setting but the board's designee determines that the student's presence *does not* threaten the safety of other students or teachers, *will not* be detrimental to the educational process, or *is not contrary* to the best interests of the district's students. If the recommendation is to continue the alternative setting and the board determines that this will occur then before the beginning of each school year, the placement committee shall meet and make its determination and recommendation again.

Students Receiving Special Education Services

A placement for a student receiving special education services must be made in compliance with IDEA (20 USC § 1400 et seq.). If a student receiving special education services is placed into an alternative setting for more than one semester, the placement review must be made by the student's Admissions, Review, and Dismissal (ARD) Committee. The ARD Committee can request that a placement committee with the members described above be convened in order to assist them in conducting the placement review.

Appeal

A student or parent or guardian may appeal a placement as a registered sex offender by requesting a conference among the board or its designee, the parents or guardian and the student. This conference will be limited to the factual question of whether the student is required to register as a sex offender. The decision made by the Board or its designee is final and may not be appealed.

TRANSPORTATION RULES

Students shall follow these rules while on district vehicles or other public transportation (e.g., VIA buses) carrying students to and from school:

- Follow the driver's instructions at all times.
- Do not engage in any conduct that may distract or harm the driver, or otherwise cause the driver to be unable to operate the vehicle safely.
- Board and leave the vehicle in an orderly manner at the designated bus stop.
- Remain seated when the vehicle is in motion.
- Utilize seat belts if they are available on the vehicle.
- Keep books, band instrument cases, feet, and other objects out of the aisle of the vehicle.
- Keep the vehicle clean; do not deface or vandalize the vehicle or its equipment.
- Maintain safety near windows: do not extend head, hand, arm, or leg out of the window or hold objects out of the window.
- Do not throw any objects within the vehicle or out of the vehicle.
- Upon leaving the vehicle, use caution before crossing streets.
- Comply with all other rules in this Code of Conduct or established by the operator of the vehicle.

Since the district's primary responsibility in transporting students in district vehicles is to do so as safely as possible, the operator of the vehicle must focus on driving and not have his or her attention distracted by student misbehavior. Therefore, a bus driver may refer a student to the principal's office to maintain effective discipline on the bus. The principal must employ additional discipline management techniques, as appropriate, which may include restricting or revoking a student's bus riding privileges. Note: a change in transportation services for a student with a disability for whom transportation is a related service requires ARD committee action; a change in transportation services for Section 504 students requires Section 504 committee action. For more information, contact the Transportation Department.

GANG-FREE ZONES

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

VANDALISM AND GRAFFITI

Vandalism is the damage or destruction of property without the consent of the owner. It is willful action which results in the destruction, damage, or defacement of property belonging to or used by the SAISD. Graffiti is vandalism and includes marks with paint, an indelible marker or removable markings on school property without consent. The markings may include inscriptions, slogans, drawings, or paintings. The offense may be categorized as criminal mischief and punishable as a felony or misdemeanor. The difference between graffiti and art is permission.

A student who engages in conduct that damages or tampers with the property of another has committed a Level II, Level III, or Level IV Offense, as described in the Student Offenses section above. It is punishable by appropriate disciplinary action as described in the Consequences for Inappropriate Behavior section below. Parents or guardians of students guilty of damaging school property shall be liable for damages in accordance with law, and may be subject to criminal penalties.

ELECTRONIC COMMUNICATION SYSTEM - STUDENT ACCEPTABLE USE POLICY

SAISD has established a District-wide electronic communications system to facilitate the educational process. Along with this resource are associated responsibilities. Though all training in the use of the District's telecommunications network emphasizes the ethical use of this resource, it is possible that your child may come across some materials you might find unacceptable. While the District takes reasonable steps to prevent access to such material through electronic filtering and classroom management, it is not possible for the District to guarantee that it can completely prevent such access. The rules below are for appropriate use and are expected to be followed at all times while accessing the District's electronic communications system. Students are expected to adhere to the following rules:

Safety of Self and Others

- Report to their teachers or other school personnel any message received that is inappropriate or makes them uncomfortable;
- Not reveal personal information about themselves or others;
- Not agree to meet with someone they met online without parental knowledge and participation;
- Not use the system to threaten others;
- Use appropriate language for the educational environment and for the educational activity in which they are currently involved (no swearing, vulgarity, ethnic or racial slurs, or any other inflammatory or threatening language);
- Not transmit or send obscene pictures or messages; or
- Not participate in cyber-bullying.

Access and Use

- Not send messages under a false identity;
- Not access e-mail, files, and/or other documents of other users without permission;
- Not use the Internet or other electronic communications to threaten district students, employees, or volunteers, including off school property if the conduct causes a substantial disruption to the educational environment.
- Not access websites that contain inappropriate or illegal material, including those that contain content that is pornographic or sexual in nature, from any computer or other technological device on school property;
- Not us the internet for financial gain, political or commercial activity;
- Not use the system for purchasing products or services; or
- Not use the system for illegal purposes or any other activity prohibited by District policy.

Copyright Laws

- Will comply with and be aware of all copyright laws.

System Security

- Not attempt to harm equipment, materials, or data;
- Not knowingly infect a computer or network with a virus;
- Not knowingly disrupt the network;
- Not provide passwords to other users; and
- Always report any violations of the SAISD Acceptable Use Guidelines to a teacher or administrator.

Respect for System Limitations

- Not download large files unless absolutely necessary.

INAPPROPRIATE ELECTRONIC MESSAGES AND WEBPAGES

Students are prohibited from sending, posting or possessing electronic messages that are abusive, obscene, sexually oriented, threatening, harassing, damaging to another's reputation, or illegal, including cyber bullying and "sexting." This prohibition applies to conduct off school property if it results in a substantial disruption to the educational environment.

Any person taking, disseminating, transferring, possessing, or sharing obscene, sexually oriented, lewd, or otherwise illegal images or other content, commonly referred to as "sexting," will be disciplined according to the Student Code of Conduct, may be required to complete an educational program related to the dangers of this type of behavior, and, in certain circumstances, may be reported to law enforcement. Because engaging in this type of behavior can lead to bullying or harassment, as well as possibly impede future endeavors of a student, we encourage you to review with your child http://beforeyoutext.com, a state-developed program that addresses the consequences of engaging in inappropriate behavior using technology.

Students are also prohibited from using the name or persona of another person to create a web page on or to post one or more messages on a commercial networking site without obtaining the other person's consent AND with the intent to harm, defraud, intimidate, or threaten any person. Any person violating these rules will be disciplined according to the Student Code of Conduct and may, in certain circumstances, be reported to law enforcement.

CELL PHONES AND OTHER ELECTRONIC DEVICES

The use of cell phones and other electronic devices, such as MP3 players, on school property is prohibited. For safety purposes, the district permits students to possess cell phones while on campus; however, all cell phones must remain turned off during school hours, including during all testing. With prior approval from the principal and teacher, a student may use personal electronic devices for on-campus instructional purposes only.

Any unauthorized use of cell phones or other electronic devices will result in the consequences described in the Student Code of Conduct, as well as the assessing of fines and/or confiscation as described below:

1st Offense – Documented verbal warning and reminder given to student that electronic devices may be confiscated and fines assessed for the return of the device in accordance with the Telecommunications / Electronic Devices Procedures.

2nd Offense – Electronic device confiscated and returned to parent/legal guardian at end of the school day. Parent/guardian signature and date required for receipt of device and parents will receive an additional copy of the Telecommunications/Electronic Devices Procedures.

3rd Offense – Device confiscated and $10 fine assessed for return of the item. Parents/legal guardians may pick up the device at the end of the day after the fine has been collected.

4th and subsequent offenses – Device confiscated and $15 fine assessed for return of the item. Parents/legal guardians may pick up the device at the end of the day after the fine has been collected.

Additional Considerations:

- Adult students over the age of 18 years may retrieve personal electronic devices in lieu of parent/guardian after paying the required fee at the end of the school day as appropriate.
- Administrators/campus staff are not responsible for lost or stolen items.
- When paying fine, exact cash is required.
- Hours to pick-up phones/electronic devices are 7:30 a.m. to 4:15 p.m. Monday through Friday.
- Fees collected will be deposited in campus student activity funds.
- Upon receipt of reliable proof that a student and his or her parent or guardian are unable to pay the required fee, the fee shall be waived. Principals shall determine eligibility for a fee waiver.

Disposal of Electronic Devices

Parents/legal guardians will be given notice and will be allowed to retrieve devices collected throughout the school year prior to disposal of the device. If a telecommunication device is not retrieved, the District shall dispose of the device after providing the student's parent and the paging company whose name and address appear on the device at least 30 days' notice of the intent to dispose of the device. Such notice may be made by telephone or in writing, and must include the serial number of the device.

EMAIL AND SOCIAL MEDIA USE BETWEEN EMPLOYEES AND STUDENTS

In general, employees are prohibited from using electronic media (email, texting, social media, etc.) to communicate with students unless they are exempted from this prohibition under Administrative Procedure D36. A certified or licensed employee may communicate with students via electronic media without written consent from District administration. Any other employee designated in writing by the Superintendent or the campus principal may use electronic media to communicate with students who are currently enrolled in the district. There is also a defined exemption for certain family members.

Employees are also prohibited from communicating with students through a personal social network page unless the employee has created a separate social network page (a "professional page") for the purpose of communicating with students. The employee must receive a signed and completed Participation in Electronic Media Parent Permission Form [Form D36-A] prior to communicating with any student through a form of electronic media that is private or password protected. This includes all emailing or texting (even if more than one person is part of the communication) or any social media format that requires a

password or permission to access. A signed Form D36-A from each student participant is not required for public internet communications or postings that do not require the host's permission or a password to access the posted information (e.g., a public Twitter account or public Facebook page). If you have any questions regarding the District's electronic media policy, please contact the Department of Instructional Technology.

C – CONSEQUENCES FOR INAPPROPRIATE BEHAVIOR

GENERAL DISCIPLINE GUIDELINES

Discipline shall be designed to improve conduct and to encourage students to adhere to their responsibilities as members of the school community. Disciplinary action shall draw on the professional judgment of teachers and administrators and on a range of discipline management techniques. Students must be treated fairly.

Discipline shall be based on a careful assessment of the factors particular to each case, including the seriousness of the offense, the student's age and grade level, the frequency of misbehavior, the student's attitude or intent, the effect of the misconduct on the school environment, whether self-defense was involved, and statutory requirements. Because of these factors, discipline for a particular offense, unless otherwise specified by law, may bring into consideration varying techniques and responses.

DISCIPLINE MANAGEMENT TECHNIQUES

The following discipline management techniques may be used—alone or in combination—for behavior prohibited by the Student Code of Conduct or by campus or classroom rules. Classroom consequences are typically determined by the classroom teacher. Administrative consequences are typically determined by the campus administrator. The types and order of consequences are subject to teacher and administrator discretion, as applicable. School staff may use other consequences that are not listed below, as long as such consequences are clearly communicated to students prior to their use. School staff desiring additional resources for discipline management are encouraged to seek assistance from their campus PBIS team.

Classroom Consequences:

1. Verbal correction.
2. Cooling-off or time-out. (See Time-Out Guidelines below.)
3. Seating changes in the classroom.
4. Confiscation of items that disrupt the educational process.
5. Rewards or demerits.
6. Use of a behavior folder or other documentation.
7. Contact parent (by phone, email or note.)
8. Student-teacher conferences.
9. Parent-teacher conferences.
10. Behavioral contracts.
11. Sending the student to the campus administrator.

Administrative Consequences:

1. Contact parent (by phone, email or note).
2. Parent conferences.
3. Use of a behavior folder or other documentation.
4. Counseling by other campus staff, including teachers, counselors, special services, or administrative personnel.
5. Participation in peer conflict resolution proceedings.
6. Detention, including outside regular school hours.
7. Assignment of school duties, including, but not limited to, cleaning, picking up litter, or campus maintenance.
8. Request parent to accompany or "shadow" child during school. (This may only be requested, not required.)
9. Withdrawal of privileges, including, but not limited to, participation in extracurricular activities, eligibility for seeking or holding honorary positions, or membership in school-sponsored clubs and organizations.
10. Penalties identified in individual student organizations' extracurricular standards of behavior.
11. Restriction or revocation of District transportation privileges.
12. Grade reductions or other academic sanctions, but only for academic dishonesty (e.g., cheating, plagiarism), as permitted by Policy EIA(LOCAL).
13. In-school suspension or on-campus intervention (OCI), as specified in the In-School Suspension/On-Campus Intervention section of this Code.
14. Reassignment to another classroom, as determined by the principal.
15. School-defined and school-administered probation.
16. Disciplinary transfer to another campus, as determined by the Superintendent or designee.
17. Suspension (out-of-school), as specified in the Suspension (Out-of-School) section of this Code.
18. Placement in a Discipline Alternative Education Program (DAEP), as specified in the DAEP section of this Code.

19. Expulsion, as specified in the Expulsion section of this Code.
20. Referral to outside agency or authority, including legal authorities or school-community programs.
21. Fines (for cell phone/electronic devise violations only).
22. Other strategies and consequences as determined by school officials.

Time-out Guidelines

Time-out is a behavior management technique that seeks to reduce or eliminate inappropriate behaviors that are maintained by attention or other positive reinforcers. Time-outs are intended to give students an opportunity to regain self-control, which will increase and strengthen positive student behavior. A student placed in time-out is separated from the activity or other students for a limited amount of time.

Teachers are encouraged to designate areas in the classroom for time-out, such as a self-control area, cool-down, or chill corner. Time-out in another teacher's classroom may be used if both teachers agree. For any time-out, students must be supervised at all times and any loss of instruction time should be minimized. Students may not be isolated or kept locked in a classroom. A student cannot be physically prohibited from leaving time-out nor can physical force be used to place students in time-out.

Students with Disabilities

The discipline of students with disabilities is subject to applicable state and federal law in addition to the Student Code of Conduct. To the extent any conflict exists, state and/or federal law will prevail. In deciding whether to order suspension, DAEP placement, or expulsion, regardless of whether the action is mandatory or discretionary, the district will take into consideration a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct. A student who is enrolled in a special education program may not be disciplined for conduct meeting the definition of bullying, harassment, or making hit lists (see Glossary) until an ARD committee meeting has been held to review the conduct. Pending the results of the meeting, a student may be removed for a maximum of ten school days.

Placement of Students with Disabilities into a DAEP or Expulsion

The DAEP placement of a student with a disability or expulsion may only be made following an ARD/Section 504 meeting which determines that the misconduct was not a manifestation of the student's disability. The review must be conducted no later than ten (10) school days following the decision to place the student in the DAEP. The ARD Committee or Section 504 Committee may determine that the conduct was a manifestation of the student's disability only if the ARD Committee determines the following: (a) the conduct in question was caused by, or had a direct and substantial relationship to, the child's disability; or (b) the conduct in question was the direct result of the District's failure to implement the IEP.

A student with a disability who receives special education services may not be placed in DAEP solely for educational purposes if the student has not also committed one of the offenses warranting placement in the DAEP. [TEC 37.004]

If the ARD Committee determines that the behavior of the student was <u>not</u> a manifestation of the student's disability, the student may be placed into a DAEP or expelled but must continue to be provided a free appropriate public education. The ARD Committee shall determine the services necessary to enable the student to appropriately progress in the general curriculum and appropriately advance toward achieving the student's IEP goals during the time of placement.

If the ARD Committee determines that the student's misconduct <u>was</u> a manifestation of the disability, the student shall not be placed into the DAEP or expelled. If the ARD Committee determines that the student's placement and/or IEP is inappropriate, the misconduct must be considered a manifestation of the student's disability and the student must not be expelled. The ARD Committee may propose changes in the student's placement (other than DAEP placement or expulsion), and/or changes in the student's IEP, including the student's behavioral intervention plan as appropriate.

A student with a disability may be removed to an interim alternative educational setting for not more than 45 school days without regard to whether the misconduct is determined to be a manifestation of the student's disability in cases where the student: (i) carries or possesses a weapon at school, on school premises, or at a school function under the jurisdiction of the school district; (ii) knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance while at school, on school premises, or at a school function under the jurisdiction of the school district; or (iii) has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of the school district. If the student's behavior is determined NOT to be a manifestation of the student's disability, the student may be placed in a disciplinary setting to the same extent as a non-disabled student.

DETENTION

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

When detention is used, notice shall first be given to the student's parent or legal guardian to inform the parent of the reason for the detention and permit arrangements for the necessary transportation of the student. Except in the case of a student who is 18 or older living apart from parents and emancipated minors, the detention shall not begin until the parent has been notified. The student's parent or guardian, if the student is a minor, may be required to provide transportation when the student has been assigned to detention.

IN-SCHOOL SUSPENSION/ON-CAMPUS INTERVENTION

Students may be placed in in-school suspension or on-campus intervention for engaging in any serious [Level I] or major [Level II] offenses as described and set forth in this Code of Conduct. Additionally, students may be placed in in-school suspension or on-campus intervention pending DAEP placement or expulsion. Before placing a student in in-school suspension or on-campus intervention, the principal or designee shall consider reasonable alternatives, including appropriate discipline management techniques. If the principal or designee determines that in-school suspension or on-campus intervention is the most appropriate alternative, no other disciplinary action need precede the placement in in-school suspension or on-campus intervention.

REMOVAL FROM CLASSROOM BY A TEACHER

Routine Removal: A teacher may send a student to the principal's office with appropriate documentation of a violation of this Code of Conduct in order to maintain effective discipline in the classroom. The principal or designee shall respond by employing appropriate discipline management techniques consistent with this SAISD Student Code of Conduct and local policy.

Formal Removal: A teacher may remove from class a student who (1) has been documented by the teacher to repeatedly interfere with the teacher's ability to communicate effectively with the students in the class or with the ability of the student's classmates to learn; or (2) whose behavior the teacher determines is so unruly, disruptive or abusive that it seriously interferes with the teacher's ability to communicate effectively with the students in the class or with the student's classmates to learn.

The terms of the removal may prohibit the student from attending or participating in school-sponsored or school-related activities. When a student has been removed by a teacher pursuant to this section, the campus must complete a Discipline Data Entry Form (F34-A), using the Offense Code 01.

Conference and Review Requirements for Students Removed from Class

In the case of a formal removal, not later than the third class day after the day in which the student is removed from the class by the teacher, principal or other appropriate administrator, the principal or other appropriate administrator shall schedule a conference with the student's parent, the teacher that removed the student, and the student. At the conference, the student is entitled to written or oral notice of the reasons for the removal, an explanation of the basis for the removal, and an opportunity to respond to the reasons for the removal. The principal will notify the student of the consequences of the Code of Conduct violation. The student may not be returned to the regular classroom pending the conference.

Following the conference, and whether or not all requested parties are in attendance after valid attempts to require their attendance, the principal shall order the placement of the student for a period consistent with this Code of Conduct. Students with disabilities may not be removed in violation of specific IEP/IAP provisions or for more than 10 school days in a school year without ARD/ Section 504 Committee approval.

A student removed from the regular classroom to in-school suspension, on-campus intervention or another setting, other than DAEP, will have an opportunity, before the beginning of the next school year, to complete 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, distance learning, or summer school. Students and their parents are encouraged to discuss the option with the teacher or school counselor to ensure the student completes all work required for the course or grade level.

Return to the Classroom

The principal may not return the student to the classroom of the teacher who removed the student without the teacher's consent unless the Placement Review Committee determines that such placement is the "best or only alternative available." However, if the teacher removed the student because the student committed assault with bodily injury, aggravated assault, sexual assault, or aggravated sexual assault, murder, capital murder, or criminal attempt to commit murder or capital murder against the teacher, the student may not be returned without the teacher's consent.

SUSPENSION (OUT OF SCHOOL)

Students may be suspended for a period not to exceed three school days per behavior violation for engaging in any Serious [Level I] or Major [Level II] offense or pending DAEP placement or expulsion. A campus administrator may suspend a student prior to (but not in lieu of) placement in a DAEP or prior to (but not in lieu of) expulsion, where a student's conduct requires such placement or expulsion. Before suspending a student, the administrator shall consider reasonable alternatives, including appropriate discipline management techniques. If the administrator determines that a suspension is the most appropriate alternative, no other disciplinary action need precede the suspension.

Conference with Student before Suspension

Before suspending a student, the principal or designee shall conduct an informal conference, at which the student shall be advised of the conduct with which he or she is charged, and the student shall be given the opportunity to explain the student's version of the incident.

Notice to Parents re: Suspension

A student's parent shall be notified of a suspension by telephone, or other appropriate means, as soon as reasonably practicable. Parents shall be advised that it is their responsibility to provide adequate supervision for the student during the period of

suspension. The student is not allowed on the home campus or any other school campus or at any school-related activity during the suspension. Students violating this prohibition may be charged with illegal trespass, a Class C Misdemeanor. If a student is incarcerated, District staff will attempt to contact parents and other agencies to provide required student information.

DISCIPLINARY ALTERNATIVE EDUCATION PROGRAMS (DAEP)

The District shall provide for the continuing education of a student placed in a DAEP by transferring the student to one of the District campuses designated as a DAEP campus. The DAEP shall be in a setting other than the student's regular classroom. A student younger than 6 years of age may not be placed in a DAEP, and 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. The district shall provide transportation to students in a DAEP.

In deciding whether to place a student in a DAEP, regardless of whether the action is mandatory or discretionary, the district shall take into consideration (1) self-defense (see glossary); (2) intent or lack of intent at the time the student engaged in the conduct, and (3) the student's disciplinary history.

Hearing

Following an initial determination by the principal or investigating administrator that a student has committed an offense that requires or allows placement in a DAEP, a hearing will be scheduled with a District hearing officer who shall determine whether placement is warranted. At the hearing, the student's parent or guardian will be notified of the alleged violation of the code of conduct. If the School District makes a good faith effort to inform the student and the student's parent or guardian of the time and place of the hearing, the District may hold the hearing, regardless of whether the student, the student's parent or guardian, or another adult representing the student attends.

Duration of Placement

The duration of a student's placement in the DAEP shall be determined by the District hearing officer. The length of placement shall be expressed in a specific number of days that the student must successfully complete in the DAEP prior to returning to the home campus. If the student's placement is to extend beyond the end of the next grading period, the student or the student's parent or guardian is entitled to participate in a proceeding before the Board of Trustees or the Board's designee. Any decision of the Board or the Board's designee is final and may not be appealed.

Before the District may place a student in a DAEP for a period that extends beyond the end of the school year, the Board or Board's designee must determine that (a) the student's presence in the regular classroom or at the student's regular campus presents a danger of physical harm to the student or to another individual; or (b) the student has engaged in serious or persistent misbehavior that violates this SAISD Student Code of Conduct.

Appeal

Any decision made by the District Hearing Officer to remove a student to a Discipline Alternative Placement Program is subject to the District's Student and Parent Complaints/Grievances Policy. [See policy FNG (LOCAL)]

Coursework Notice

The parent of a student placed in DAEP shall be given written notice of the student's opportunity to complete coursework required for graduation, at no cost to the student. The notice shall include information regarding all methods available for completing the coursework. Students and their parents are encouraged to discuss the option with the teacher or school counselor to ensure the student completes all work required for the course or grade level.

Emergency Placement

In an emergency, the principal or the principal's designee may order the immediate placement of a student in a DAEP for any reason for which placement in a DAEP may be made on a nonemergency basis. In such a situation, the principal or designee shall schedule an appropriate conference no later than the 10th day after the placement.

DAEP for 90 Days or More – Student Assessment

All students placed into a disciplinary alternative education program for 90 days or more shall be assessed upon initial placement and subsequently on the date that the students' departs from the program or as near to that date as possible. The assessment instrument will measure basic skills in reading and math. Students assigned to the disciplinary alternative education program must also take all academic skills assessments required of all public school students.

DAEP for 120 Days or More – Review of Student's Status

A student placed in a DAEP shall be provided a review of his/her status, including a review of his/her academic status, by the Board's designee at intervals not to exceed 120 days. In the case of a high school student, the Board's designee, with the student's parent, shall review the student's progress toward meeting high school graduation requirements and shall establish a specific graduation plan for the student. The District is not required under this subsection to provide, in the District's DAEP, a course not specified under Section 37.008(a) of the Texas Education Code. At the review, the student or parent must be given

an 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.

DAEP Placement for Persistent Misbehavior

Before proposing a student for DAEP placement for persistent misbehavior, the campus must begin the RtI process and then submit to the hearing officer at least 30 school days of properly documented RtI behavior logs. The student must be in attendance at the student's regular campus for those 30 school days (i.e., time in suspension or DAEP does not count). The days may be consecutive or nonconsecutive, but the time period starts over each school year. Each student will receive no more than one DAEP placement for persistent misbehavior per school year.

EXPULSION

In deciding whether to order expulsion, regardless of whether the action is mandatory or discretionary, the district shall take into consideration (1) self-defense (see glossary); (2) intent or lack of intent at the time the student engaged in the conduct, and (3) the student's disciplinary history.

No student under the age of 10 shall be expelled by the District EXCEPT in the case of a student who brings a firearm to school pursuant to Section 37.007(e) of the Texas Education Code, in which case the District shall provide educational services to the expelled student in a DAEP.

Expulsion for Firearm Violations

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 to school, as defined by Federal law when the offense occurs on school property or while attending a school-sponsored or school-related activity on or off school property. However, the Superintendent or other appropriate administrator may modify the length of the expulsion on a case-by-case basis.

Expelled Transfer Students

If an expelled student from another school district applies to enroll in SAISD, the District will request that the district that expelled the student provide to SAISD, at the same time other records of the student are provided, a copy of the expulsion order and the referral to the authorized officer of the Juvenile Court. SAISD may continue the expulsion under the terms of the order, may place the student in a DAEP for the period specified by the expulsion order, or may allow the student to attend regular classes without completing the period of expulsion.

Emergency Expulsion

In an emergency, the principal or the principal's designee may order the immediate expulsion of a student for any reason for which expulsion may be made on a nonemergency basis. At the time of the emergency expulsion, the student shall be given oral notice of the reason for that action.

In such a situation, the principal or designee shall schedule a hearing within a reasonable time period and shall invite the student's parent to attend. Pending the hearing, the student may be placed into another appropriate classroom, in-school suspension, or out of school suspension or the DAEP.

Due Process and Hearing for Expelled Students

Before a student is expelled, the Board or its designee shall provide the student an opportunity for a hearing at which the student is afforded due process, which shall include the following: (1) prior notice of the charges to the student's parent or guardian and the proposed sanctions so as to afford a reasonable opportunity for preparation; (2) right to a full and fair hearing before the Board or its designee; (3) right to an adult representative or legal counsel; (4) opportunity to testify, present evidence, and witnesses in his or her defense; and (5) opportunity to examine the evidence presented by the school administration and, minimally, an opportunity to view the identity of the District's witnesses and the oral or written report of the facts to which each District witness testifies.

The District shall send a notice of the hearing to the student and parent. The notice shall be in writing and shall give information about the nature of the evidence to be used against the student. If the School District makes a good faith effort to inform the student and parent of the time and place of the hearing, the District may hold the hearing, regardless of whether the student, the student's parent or guardian, or another adult representing the student attends.

During the hearing, the District may rely on the hearsay evidence of school administrators who investigate discipline infractions. The decision shall be based exclusively on evidence presented at the hearing. The final decision shall be communicated promptly to the student and parent. If the Board's designee conducts the hearing, a tape recording or transcript of the proceeding shall be made for the Board's review on appeal, in the event the matter is appealed to the Board.

After the due process hearing, the expelled student may request that the board of trustees review the expulsion decision by submitting a written request to the superintendent within 7 days after receipt of the written expulsion decision. The superintendent must provide the student or parent with written notice of the date, time and place of the meeting at which the board will review the expulsion decision. The board will review the record of the expulsion hearing in a closed session unless the parent requests that the meeting be open to the public. The board will review the record, hear statements from both parties and

will communicate its decision orally at the conclusion of the presentation. Consequences of expulsion are not deferred pending the hearing or outcome.

If the student has been removed under the emergency expulsion provision pending the expulsion hearing, the principal or designee shall schedule a hearing within a reasonable time period (ten consecutive days) and shall invite the student's parent to attend. Pending the hearing, the student may be placed into another appropriate classroom, in-school suspension, or out of school suspension or the DAEP.

Placement in a Juvenile Justice Alternative Education Program (JJAEP)

Students who are expelled are referred for enrollment in the Bexar County Juvenile Justice Academy, the JJAEP school for Bexar County expelled students. Not later than the 2nd business day after the hearing, the District shall deliver a copy of the expulsion order to the juvenile court as well as the information required pursuant to the Texas Family Code. A copy of the expulsion order shall be provided to the student and the student's parent.

Length of Expulsion

The length of expulsion shall be correlated to the seriousness of the offense, the student's age and grade level, the frequency of misbehavior, the student's attitude, and statutory requirements. Each expulsion decision shall be made on a case-by-case basis with the maximum period of one year unless, after a review, the district determines that the student is a threat to the safety of other students or to district employees or that extended expulsion is in the best interest of the student. 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. If the length of expulsion is inconsistent with the guidelines herein, the expulsion order shall give notice of the inconsistency.

ADDITIONAL DAEP AND EXPULSION GUIDELINES

Restrictions During DAEP or Expulsion

During a DAEP placement or expulsion, a student may not participate in any school-sponsored or school-related extracurricular or co-curricular activity, including seeking or holding honorary positions and/or membership in school-sponsored clubs and organizations. 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 placement order.

Additional Misconduct

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

Transfer or Withdrawal from a DAEP or JJAEP

If a student transfers into SAISD from another school district in which the student was placed in a DAEP, SAISD shall continue the placement under the terms of the order provided by the sending school district. Students who transfer out of SAISD to another public or private institution, including students who withdraw from SAISD for the purpose of home schooling, and students who do not attend the DAEP or JJAEP for the duration of the placement for any reason (other than reasons which constitute an "excused absence" under SAISD policy), shall be required, upon returning to SAISD, to complete the number of days missed in the DAEP or JJAEP before being allowed to return to the regular campus. In the event that the student transfers out of SAISD while DAEP or expulsion proceedings are pending, SAISD will complete the placement proceedings.

CREDIT DURING DISCIPLINARY PROCESS

Students shall receive full credit for assignments completed in a DAEP, including in-school suspension or on-campus intervention. Students suspended from school are entitled to make up assignments or tests, regardless of the reason for the suspension. Teachers are to inform students of the time allotted for completion of the work. Students are responsible for obtaining the assignments and completing the work within the time allotted, and students are allowed to make up both class work and homework.

Students who are placed in the Bexar County Juvenile Justice Academy following expulsion are eligible to receive credit for course work completed during the placement. Students with disabilities will receive educational services during expulsion as determined by the Admission, Review, and Dismissal (ARD)/Section 504 committee.

PHYSICAL RESTRAINT

District employees may, within the scope of the employee's duties, use appropriate physical restraint to a student that the employee reasonably believes is necessary in order to:

1. Protect a person, including the person using physical restraint, from physical injury.
2. Obtain possession of a weapon or other dangerous object.
3. Prevent a student from fleeing when fleeing would put the student or others in danger.
4. Protect property from serious damage.

5. Remove from a specific location a student refusing a lawful command of a school employee, including from a classroom or other school property, in order to restore order or impose disciplinary measures. (However, an employee is not allowed to use physical restraint as a disciplinary measure; corporal punishment is prohibited)
6. Restrain an irrational student.

SECTION VIII: GLOSSARY

(General terms – not intended as legal explanations)

ABUSE: Improper or excessive use.

ACCELEREATED INSTRUCTION: An intensive supplemental program designed to address the needs of an individual student in acquiring the knowledge and skills required at his or her grade level and/or as a result of a student not meeting the passing standard on a state-mandated assessment.

ACT: One of the two most frequently used college or university admissions exams: the American College Test. The test may be a requirement for admission to certain colleges or universities.

AGGRAVATED ASSAULT: An assault which causes serious bodily injury to another; or an assault during which the person uses or exhibits a deadly weapon.

AGGRAVATED ROBBERY: Is defined in part by Texas Penal Code 29.03(a) when a person commits robbery and:

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

ARD (Admissions, Review, and Dismissal): An ARD Committee serves to make decisions regarding the educational program of students who qualify for Special Education services. The eligible student's parents are part of the committee.

ARMOR-PIERCING AMMUNITION: Handgun ammunition used in pistols and revolvers and designed primarily for the purpose of penetrating metal or body armor.

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

ASSAULT: Intentionally, knowingly, or recklessly causing bodily injury to another; or intentionally, knowingly, or recklessly threatening another with imminent bodily injury; or intentionally or knowingly causing physical contact with another when the person knows or should reasonably believe that the other will regard the contact as offensive or provocative.

ATTENDANCE REVIEW COMMITTEE: Is sometimes responsible for reviewing a student's absences when the student's attendance drops below 90 percent, or in some cases 75 percent, of the days the class is offered. Under guidelines adopted by the board, the committee will determine whether there were extenuating circumstances for the absences and whether the student needs to complete certain conditions to master the course and regain credit or a final grade lost because of absences.

BEXAR COUNTY JUVENILE JUSTICE ACADEMY EDUCATION PROGRAM (BCJJAEP): An alternative school administered by the Bexar County Juvenile Justice Board that provides education services to students who are expelled.

BEHAVIOR IMPROVEMENT PROGRAM: An educational program offered by the District to meet the behavior needs of some eligible special education students.

BOARD POLICIES: Statements adopted by the SAISD Board of Education that govern the District. The policies are based on laws and other official authority, such as the U.S. and Texas Constitutions, federal statutes, the Texas Education Code, and other state laws, etc. All Board policies are available on the SAISD webpage at www.saisd.net under the "Board of Trustees" tab.

BULLYING: When a student or group of students engages in written or verbal expression, expression through electronic means, or physical conduct that occurs on school property, at a school-sponsored or school-related activity, or in a vehicle operated by the district and a school district's board of trustees or the board's designee determines that the behavior:

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

This conduct is considered bullying if it:

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

CHEMICAL DISPENSING DEVICE: A device designed, made, or adapted for the purpose of causing an adverse psychological or physiological effect on a human being. A small chemical dispenser sold commercially for personal protection is not in this category.

CITATION ("TICKET"): Notice of disorderly conduct, tobacco use or other legal violation that may be issued by

law enforcement personnel when a student engages in certain conduct; this is an action separate from any school disciplinary action.

CLT (Campus Leadership Team): Each campus has a team composed of employees, parents, and community members to advise the principal.

CLUB: An instrument that is specially designed, made, or adapted for the purpose of inflicting serious bodily injury or death by striking a person with the instrument and includes, but is not limited to, the following: blackjack; nightstick; mace; tomahawk.

CONTROLLED SUBSTANCE: A substance which is illegal to possess or be under the influence of, or to sell, give, or deliver to another person, without the legal authorization to do so. Controlled substances include, but are not limited to, cocaine, LSD, Marijuana, Valium, and Xanax. For more complete information refer to the Texas Health & Safety Code.

CRIMINAL MISCHIEF (VANDALISM): Without the effective consent of the owner, (a) intentionally or knowingly damaging or destroying the tangible property of the owner; (b) intentionally or knowingly tampering with the tangible property of the owner and causing financial loss or substantial inconvenience to the owner or a third person; or (c) intentionally or knowingly making markings, including inscriptions, slogans, drawings, or paintings, on the tangible property of the owner. (See also **GRAFFITI**)

CRIMINAL STREET GANG: 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: The use of any electronic communication device to engage in bullying or intimidation.

DAEP (Disciplinary Alternative Education Program): A placement for students who have violated certain provisions of the Student Code of Conduct.

DATING VIOLENCE: 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: When a person commits an offense by recklessly engaging in conduct that places another in imminent danger of serious bodily injury or by knowingly discharging a firearm in the direction of an individual, habitation, building or vehicle.

DEFERRED ADJUDICATION: 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: 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.

DISCIPLINARY ALTERNATIVE EDUCATION PROGRAM (DAEP): An educational program provided by the School District for students who have engaged in serious misconduct, such as assault, drug- or alcohol-related offenses, public lewdness, glue or paint abuses, and unruly, disruptive or abusive classroom behavior. DAEPs are located off the regular campus so that students in DAEPs are separated from students in the regular program. The DAEP provides supervision and counseling and focuses on English language arts, mathematics, science, history, and self-discipline.

DISCRETIONARY: Something that is left to or regulated by a local decision maker.

DISRUPTIVE BEHAVIOR: Any oral or physical behavior by a student that is deemed by a teacher or other school official to interfere with the delivery of classroom instruction or that infringes upon the peace and tranquility of the campus environment or a school-related activity.

DISTRICT LEADERSHIP TEAM (DLT): A District-level team composed of professional employees, parents, community members, and business representatives.

DUE PROCESS HEARING: A hearing provided any student who is recommended for expulsion at which time the student and parent/guardian can present evidence and testimony in the student's defense. The Hearing Officer makes the decision regarding expulsion based upon the evidence presented at the hearing. [See Section III of the SAISD Student Code of Conduct in this handbook for complete details of the due process hearing.]

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

EXPULSION: An act of the District administration which prohibits a student from attending school for a period in excess of three school days. Expulsions can be for periods as long as a semester or a school year. In serious cases, an expulsion can be longer than one school year.

FALSE ALARM OR REPORT: Knowingly initiating, communicating or circulating a report of a present, past, or future bombing, fire, offense, or other emergency that the person knows to be false or baseless and that would ordinarily cause action by an official or voluntary agency organized to deal with emergencies, place a person in fear of imminent serious bodily injury, or prevent or interrupt the occupation of a building, room, place of assembly, place

to which the public has access, or automobile or other mode of transportation. If the offense involves, among other services and entities, a public school, the offense is a felony.

FELONY OFFENSE: An offense that is considered grave and that is designated as a felony by law or is punishable by death or confinement in a penitentiary; an offense more serious than a misdemeanor.

FELONY CRIMINAL MISCHIEF: Criminal mischief constitutes a felony if the property damage meets or exceeds $1,500. This offense may result in expulsion.

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

FIREARM: Under Federal law and offense code 90, includes:

1. Any weapon (including a starter gun), which will or is designed to or which may readily be converted to expel a projectile by the action of an explosive;
2. The frame or receiver of any such weapon;
3. Any firearm muffler or firearm silencer;

Any destructive device, such as any explosive, incendiary or poison gas bomb, grenade, rocket, missile, mine, or device similar to any of the preceding described devices. It also means any type of weapon by whatever name known which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, and which has a barrel with a bore of more than one-half inch in diameter; and any combination of parts either designed or intended for use in converting any device into a destructive device and from which a destructive device may be readily assembled. Under Texas law, FIREARM generally means any device designed, made, or adapted to expel a projectile through a barrel by using the energy generated by an explosion or burning substance or any device readily converted to that use. FIREARM does not include antique or curio firearms or replicas of antique or curio firearms.

FIREARM SILENCER: Any device designed, made, or adapted to muffle the report of a firearm.

GANG: An organization composed, in whole or in part, of students, which seeks to perpetuate itself by taking in additional members from the student population on the basis of the decision of the organization's membership as a whole, rather than on the free choice of the individual student.

GANG ACTIVITIES AND SECRET SOCIETIES: Students who participate in gang activities shall be subject to disciplinary action as outlined in the Student Code of Conduct. In addition, a person who coerces, solicits, or induces gang membership may be charged with a state jail felony or a third degree felony in accordance with state law. The following activities may be considered to be gang-related:

1. Wearing, possessing, using, distributing, displaying or selling any clothing, jewelry, emblems, badges, symbols, signs, graffiti or other affiliation in any gang;
2. Committing any act or omission or using any speech, either verbal or non-verbal (gestures, handshakes, etc.), showing membership or affiliation in a gang;
3. Using any speech or committing any act or omission in furtherance of interest in any gang or gang activity, including, but not limited to:
   i. Soliciting others for membership in any gang;
   ii. Requesting any person to pay for protection, or otherwise intimidating or threatening any person;
   iii. Inciting other students to act with physical violence upon any other person;
   iv. Engaging in conduct with others in intimidating, fighting, assaulting, or threatening to assault others;
   v. Committing any other illegal acts or other violations of District policies.

GANG-FREE ZONES: For purposes of the district, a gang-free zone includes a school bus and a location in, on, or within 1000 feet of any district-owned or leased property or campus playground.

GRAFFITI: The offense of graffiti may fall into two categories:

1. A person commits an offense if with paint, a permanent (indelible) marker, or an etching or engraving device and without the effective consent of the owner the person intentionally or knowingly makes markings, including inscriptions, slogans, drawings, or paintings, on the tangible property of the owner. If the marking is made on a school (defined as private or public elementary or secondary school), and financial loss to real or tangible property is less than $20,000, the offense is a felony.
2. Graffiti that is made with items other than paint or an indelible marker, or an etching or engraving device may be categorized as criminal mischief and may be punishable as a felony or misdemeanor, depending upon the extent of the damage and/or other application of the law. (See also **CRIMINAL MISCHIEF, VANDALISM**)

HARASSMENT: Threatening to cause harm or bodily injury to another student, engaging in sexually intimidating conduct, causing physical damage to the property of another student, subjecting another student to physical confinement or restraint, or maliciously taking any action that substantially harms another student's physical or emotional health or safety, which includes repeated unwelcome and offensive slurs, jokes, or other oral, written, graphic or physical conduct related to an individual's race, color, religion, national origin, disability, or age that creates intimidating, hostile, or offensive educational or work environment.

HAZING: Hazing means any intentional, knowing, or reckless act directed against a student, whether on or off the campus, by one person alone or acting with others, that endangers the mental or physical health or the safety of a student for the purpose of pledging, being initiated into, affiliating with, holding office in, or maintaining membership in any organization whose members are or include other students. The term includes, but is not limited to:

1. Any type of physical brutality, such as whipping, beating, striking, branding, electronic shocking, placing of a harmful substance on the body, or similar activity.

2. Any type of physical activity, such as sleep deprivation, exposure to the elements, and confinement in a small space, calisthenics, or other activity that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or the safety of the student.
3. Any activity involving consumption of a food, liquid, alcoholic beverage, liquor, drug, or other substance that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or the safety of the student.
4. Any activity that intimidates or threatens the student with ostracism, that subjects the student to extreme mental stress, shame, or humiliation, or that adversely affects the mental health or dignity of the student or discourages the student from entering or remaining registered in a District school, or that may reasonably be expected to cause a student to leave the organization or the school rather than submit to acts described above.
5. Any activity that induces, causes, or requires the student to perform a duty or task that involves a violation of the *Texas Penal Code*.

HIT LIST: Means a list of people targeted to be harmed, using a firearm, as defined by Section 46.01 (3), Penal Code; a knife, as defined by Sections 46.01 (7), Penal Code; or any other object to be used with intent to cause bodily harm.

HONORARY PRIVILEGES: Are privileges allowed or granted by the school or the district such as but not limited to participation in school-related activities and events such as prom, graduation ceremonies, senior trips, non-instructional field trips, etc.

IAP: Individual Accommodation Plan. An IAP is developed for each student who receives Section 504 services to meet the student's individual needs.

IEP: Individual Education Plan. An IEP is the written record of the individualized education program prepared by the ARD committee for a student with disabilities who is eligible for special education services. The IEP contains several parts, such as a statement of the student's present educational performance; a statement of measurable annual goals, with short-term objectives; the special education and related services and supplemental aids and services to be provided, and program modifications or support by school personnel; a statement regarding how the student's progress will be measured and how the parents will be kept informed; accommodations for state for district wide tests; etc.

INDELIBLE MARKER (used for graffiti): A device that makes a mark with a paint or ink product that is specifically formulated to be more difficult to erase, washout, or remove than ordinary paint or ink products.

INHALANTS (ABUSABLE GLUE OR PAINT): Glue or paint that is (a) packaged in a container holding a pint or less by volume or less than two pounds by weight; and (b) labeled in accordance with the labeling requirements concerning precautions against inhalation established by the Federal Hazardous Substances Act (15 U.S.C. § 1261, *et seq.*) and under regulations adopted under that Act.

IN-SCHOOL SUSPENSION (ISS): An alternative placement on the regular school campus for students officially removed from the regular classroom for disciplinary reasons. The school administration may place a student in ISS for a temporary period in accordance with the Student Code of Conduct.

INSUBORDINATION: Not submitting to authority, disobedience.

JURISDICTION: The sphere of authority or control; the territorial range over which District authority extends.

KNIVES: Knives fall into three categories in relation to offenses in this Student Code of Conduct. Possessing, using, or exhibiting <u>any</u> knife is prohibited by the SAISD Student Code of Conduct. Knives can cause serious injury and possessing, using, or exhibiting most knives are considered Level III or IV offenses and can result in expulsion or DAEP placement. Also, as with other weapons, using any knife in a threatening manner can lead to other serious charges.

1. AN ILLEGAL KNIFE – Level IV Offense (expulsion): (a) A knife with a blade over 5 ½ inches; (b) a hand instrument designed to cut or stab another by being thrown (includes martial arts throwing stars); (c) a dagger, including, but not limited to, a dirk, stiletto and poniard (regardless of the length of the blade); (d) a Bowie knife; (e) a sword; or (f) a spear. The length of the blade is not always a factor in identifying some of these knives.
2. A PROHIBITED WEAPON – Level IV Offense (expulsion): A switchblade knife, dagger, butterfly knife, or similar knife is classified as a prohibited weapon. (See SWITCHBLADE) The length of the blade is not a factor in identifying these knives since they are identified by their design and features.
3. OTHER KNIVES: Possession of any other knife, with a blade length up to and including 5 ½ inches, is prohibited by the Student Code of Conduct. Lock blade knives, if the blade is 5 ½ inches or less in length, are included in this category. The administrator determines the consequence based upon the size of the knife and the student's actions regarding the knife (such as, whether the student was possessing or was also displaying the knife.) These knives may be considered to be a violation of a Level III offense, resulting in DAEP placement, or Level II offense, generally resulting in suspension from school or other serious consequences.

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

MACHINE GUN: 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.

MARTIAL ARTS OBJECTS: Various objects that may be used as weapons, such as shurikan [throwing stars], nunchakus ["nun-chucks"], tonfa [wooden weapon], staff, baton [short stick], and bolo [long cord with weights at each end]). Many of these objects are within the definitions of illegal knives or prohibited weapons under the Texas Penal Code and their possession or use may constitute a Level III or IV offense.

MISDEMEANOR OFFENSE: An offense so designated by law or punishable by fine, by confinement in jail, or by both fine and confinement in jail; less serious than a felony.

NCLB ACT: The Federal No Child Left Behind act of 2001.

ONLINE HARASSMENT: Person commits an offense if the person uses the name or persona of another person to create a web page on or to post one or more messages on a commercial networking site without obtaining the other person's consent AND with the intent to harm, defraud, intimidate, or threaten any person.

PARAPHERNALIA: Any device that can be used to inhale, ingest, inject, or otherwise introduce a controlled substance into a human body.

PARENT: Throughout this document, the term "parent" refers to a parent, guardian, or other person having lawful control under court order.

PGP (Personal Graduation Plan): Recommended for all students entering grade 9 and is required by state law for any student in middle school or higher who fails a section on a state-mandated test or is identified by the district as not likely to earn a high school diploma before the fifth school year after he or she begins grade 9.

POSSESSION: The actual care, custody, control, or management of an object. Possession does not require that the person have the object being possessed on his/her person; having an object in one's locker, book bag, telecommunication or electronic device, vehicle, or other area where one exercises care, custody, control, or management is possession. For administrative purposes, any student who accepts possession of an illegal or prohibited item and who does not submit it immediately to a school official shall be considered to be in possession of the item and shall be subject to appropriate disciplinary action.

PRIVILEGE: Permission or authorization to participate and/or hold membership in school-related or extra-curricular activities, including, but not limited to, the following: honor and scholarship clubs/societies and activities, or other school-related clubs/societies and activities; school assemblies, graduation exercises, school dances, junior-senior proms, class or group trips (other than instructional field trips which are part of the curriculum); theater organizations, plays, presentations/performances, and talent shows; student body government, class organizations, and other similar activities and organizations; and participation in field days, carnivals, or other school-related celebrations.

PROHIBITED WEAPON: A weapon including, but not limited to, an explosive weapon; a machine gun; a short-barrel firearm; a firearm silencer; a switchblade or butterfly knife; knuckles; armor-piercing ammunition; a chemical dispensing device; or a zip gun.

PROHIBITION: A rule, law, order or decree that forbids something.

PUBLIC SCHOOL FRATERNITY, SORORITY, SECRET SOCIETY, OR GANG: 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.

PUBLIC LEWDNESS: Knowingly engaging in certain acts of a sexual nature in a public place, or, if not in a public space, being reckless about whether another is present who will be offended or alarmed by such acts, including but not limited to, sexual intercourse and other acts of sexual contact. [See Texas Penal Code Section 21.07 for the legal definition of "public lewdness"]

REASONABLE BELIEF: A determination made by the superintendent or designee using all available information, including the information furnished under Article 15.27 of the Code of Criminal Procedure.

REASONABLE SUSPICION: An awareness of facts about a particular student or students that reasonably suggests a violation of the Student Code of Conduct or other school policies or rules.

RETALIATION: Intentionally or knowingly harming or threatening another by an unlawful act in retaliation for or on account of the service of that person as a public servant (e.g., teacher), witness, informant, or one who has reported the occurrence of a crime.

SAT: One of the two most frequently used college or university admissions exams: the Scholastic Aptitude Test. The test may be a requirement for admissions to certain colleges or universities.

SCHOOL DAYS: Days the schools are in session according to the official District calendar adopted by the Board of Education.

SECTION 504: The federal law that prohibits discrimination against a student with a disability, requiring schools to provide opportunities for equal services, programs, and participation in activities. Unless the student is determined to be eligible for special education services under the Individuals with Disabilities Education Act (IDEA), general education with appropriate instructional accommodations will be provided.

SELF DEFENSE: 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: (1) Deliberate violent behavior that poses a direct threat to the health or safety of others; (2) Extortion, meaning the gaining of money or other property by force or threat; (3) Conduct that constitutes

coercion, as defined by Section 1.07, Penal Code; or (4) Conduct that constitutes the offense of: (a) Public lewdness under Section 21.07, Penal Code; (b) Indecent exposure under Section 21.08; Penal Code; (c) Criminal mischief under Section 28.03, Penal Code; (d) Personal hazing under Section 37.152; or (e) Harassment under Section 42.07(a)(1), Penal Code, of a student or district employee.

SERIOUS OR PERSISTENT MISBEHAVIOR: includes, but is not limited to: (1) Behavior that is grounds for permissible expulsion or mandatory DAEP placement; (2) Behavior identified by the district as grounds for discretionary DAEP placement; (3) Actions or demonstrations that substantially disrupt or materially interfere with school activities; (4) Refusal to attempt or complete school work as assigned; (5) Insubordination; (6) Profanity, vulgar language, or obscene gestures; (7) Leaving school grounds without permission; (8) Falsification of records, passes, or other school-related documents; and (9) Refusal to accept discipline assigned by the teacher or principal. Please see the Level III Offenses section for the definition of "persistent misbehavior", which is different than "serious or persistent misbehavior".

SEXTING: Sending or posting electronic messages that are abusive, obscene, sexually oriented, threatening, harassing, damaging to another's reputation, or illegal.

SEXUAL HARASSMENT: Unwanted or unwelcome verbal or physical conduct of a sexual nature directed toward another person, whether by word, gesture, or any other sexual conduct, including request for sexual favors. (Note: Some conduct of this nature may be so offensive that it also may be classified as a felony or other illegal offense and may, therefore, result in DAEP placement or expulsion.)

SHAC (School Health Advisory Council): A group of at least five members, a majority of whom must be parents, appointed by the school board to assist the district in ensuring that local community values and health issues are reflected in the district's health education instruction, along with providing assistance with other students and employee wellness issues.

SHORT-BARREL FIREARM: 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.

STATE-MANDATED ASSESSMENTS: Required of students at certain grade levels and in specified subjects. Successful performance sometimes is a condition of promotion, and passing the exit-level TAKS or STAAR EOC assessment, as applicable, is a condition of graduation. Students have multiple opportunities to take the tests if necessary for promotion or graduation.

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

SUSPENSION (Out of School): An act of the school administration taken as a disciplinary action which prohibits a student from attending school for one, two or three school days. The student is not allowed on the home campus or any other school campus or at any school-related activity during the period of suspension. If the student violates this prohibition, the student can be charged with illegal trespass, a Class C Misdemeanor.

TAKS: the Texas Assessment of Knowledge and Skills, the state's standardized achievement test that is being transitioned to the STAAR program. A student in grade 12 who has not yet met the passing standard on this assessment will have opportunities to retake the assessment, for which satisfactory performance is required for graduation.

TAKS-ACCOMMODATED: A state mandated assessment based on the same grade-level academic achievement standards of TAKS available to certain students who receive special education services and who need specific accommodations, as determined by the student and his or her ARD committee.

TAKS-ALTERNATE: An alternate state mandated assessment designed for students with severe cognitive disabilities receiving special education services who meet the participation requirements, as determined by the student and his or her ARD committee.

TAKS-MODIFIED: An alternate state mandated assessment based on modified achievement standards and is administered to eligible students receiving special education services, as determined by the student and his or her ARD committee.

TELPAS: Texas English Language Proficiency Assessment System, which assesses the progress that English language learners make in learning the English language, and is administered for those who meet the participation requirements in kindergarten-grade 12.

TERRORISTIC THREAT: Threatening to commit any offense involving violence to any person or property with intent to: (1) cause a reaction of any type by an official or volunteer agency organized to deal with emergencies; (2) place any person in fear of imminent serious bodily injury; (3) prevent or interrupt the occupation or use of a building, room, place of assembly, etc.; or (4) cause impairment or interruption of public communication, transportation, power supply, water, gas, or public service.

THREATS: A bomb threat and other threats may be classified as a "false alarm or report," which is a felony offense. [See **FALSE ALARM OR REPORT**] Some threats are classified as "terroristic threats." [See **TERRORISTIC THREAT**] School personnel shall take all threats seriously, whether toward a person or a group or a school, and take disciplinary action. In most cases, threats constitute Level III Offenses and can result in DAEP placement.

TIRE DEFLATION DEVICE: Is defined in part by Section 46.01 of the Penal Code as a device, including a caltrop or

spike strip, that, when driven over, impedes or stops the movement of a wheeled vehicle by puncturing one or more of the vehicle's tires.

TITLE 5 FELONY OFFENSES: Title 5 of the Texas Penal Code identifies "offenses against the person" which include, but are not limited to, such serious crimes as murder, capital murder, manslaughter, criminally negligent homicide, aggravated kidnapping, indecency with a child; sexual assault, aggravated assault, aggravated sexual assault, injury to a child, elderly individual or disabled individual, and abandoning or endangering a child. For a complete listing and explanation, see Texas Penal Code.

TRESPASSING: A person entering or remaining on property or in a building without effective consent and the person had notice that the entry was forbidden or received oral or written notice to depart but failed to do so.

TRUANCY: Failure of a student to attend school or class when the student's absence has not been excused by the District.

TxVSN: The Texas Virtual School Network, which provides online courses for Texas students to supplement the instructional programs of public school districts. Courses are taught by qualified instructors, and courses are equivalent in rigor and scope to a course taught in a traditional classroom setting.

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

UNDER THE INFLUENCE: 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.

VANDALISM: Destruction or damage to property. Parents or guardians of students guilty of damaging school property shall be liable for damages in accordance with law, and may be subject to criminal penalties. (See also **CRIMINAL MISCHIEF, GRAFFITI)**

VOLATILE CHEMICALS: Harmful chemicals such as chloroform, acetone, ketone, methanol, toluene, etc. (See Texas Health and Safety Code Section 484).

WEAPON: Any device, such as a gun, club or knife, which can be used to inflict bodily harm upon a person.

ZIP GUN: 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.