

SAN ANGELO
INDEPENDENT SCHOOL DISTRICT
2018-2019

STUDENT CODE OF CONDUCT



SAN ANGELO
INDEPENDENT SCHOOL DISTRICT

SAN ANGELO ISD BOARD OF TRUSTEES

AUGUST 2018

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Appendix:

1. Title 5 Offenses

Purpose of a Student Code of Conduct

The Student Code of Conduct that follows is the District's response to the requirements of Chapter 37 of the Texas Education Code. The law requires the District to establish standards of student conduct and to identify the circumstances under which a student may be removed from a classroom, campus, or alternative education program, transferred to an alternative education program, suspended, or expelled.

This Code has been adopted by the SAISD Board of Trustees with the advice of campus and central office administration. The Code provides information to parents and students regarding expectations for behavior, consequences of misconduct, and procedures for administering discipline.

Annually, we provide you access to the Code of Conduct on the District's website or provide a hard copy of the Code of Conduct upon request. It is also available for review in the principal's office of each campus in the District. This Code is not a contract and can be amended by the District at any time. However, any change or amendment to the Code will be approved by the Board of Trustees.

Violations of the Code of Conduct are documented by teachers and other professional employees using a Code of Conduct Violation Form. An effort will be made to notify the parent/guardian of all code of conduct violations in a reasonable amount of time.

Teachers and principals may impose campus or classroom rules in addition to those found in the Student Code of Conduct. These rules may be posted in classrooms or given to the student and may or may not also constitute violations of the Student Code of Conduct. To the extent those rules address the same topics covered in the Code of Conduct the campus may impose additional restrictions or penalties.

Standards of Student Conduct

The District is committed to the rights of students as recognized and protected under state and federal laws. In addition, the District has enumerated certain expectations (responsibilities) regarding student behavior that, when adopted by students, effect a positive influence on the school and community. A proper balance between rights and responsibilities is essential if the District is to provide the kinds of educational experiences that promote self-responsibility and enhance educational opportunities for all students.

Five standards of student conduct are offered as guides to the development of Campus Classroom Rules for each campus, as well as a district wide model. These standards assert that responsible students should be encouraged and taught to:

1. Exercise self-control.
 - a. Use courteous language.
 - b. Resolve conflict in a mature manner.
 - c. Be appropriately dressed and groomed.
 - d. Demonstrate a positive attitude.
2. Take a leadership role.
 - a. Be polite.
 - b. Be cooperative.
3. Respect the rights and feelings of others.
 - a. Behave in a manner that does not disrupt others.
 - b. Treat others with courtesy and respect (i.e., put oneself in the place of the other person, whether that person is another student, teacher, parent, community person, administrator, lunchroom or custodial worker, or any other person on campus.)

4. Take responsibility for school property.
 - a. Respect the building, grounds, and property.
 - b. Keep the campus free from trash and graffiti.
5. Support the learning process.
 - a. Attend all classes regularly and on time.
 - b. Be prepared for class (i.e., bring assignments, books, and supplies).
 - c. Listen carefully to instructions.
 - d. Participate in class activities.

The District wide plan to promote positive student conduct in conjunction with the campus/classroom rules is designed to maintain order in the school, foster a climate of mutual respect for the rights of others, and teach students that they are responsible for conducting themselves in a manner appropriate to their age and level of maturity.

Expectations for Student Behavior

Each student is expected to:

1. Demonstrate courtesy and respect for others, even when others do not.
2. Behave in a responsible manner, always exercising self-discipline.
3. Attend all classes, regularly and on time.
4. Be prepared for each class; take appropriate materials and assignments to class.
5. Be well-groomed and dressed appropriately, as articulated in the SAISD Student-Parent Handbook and in campus handbooks.
6. Obey all campus and classroom rules.
7. Respect the rights and privileges of other students and of teachers and other District staff.
8. Respect the property of others, including District property and facilities.
9. Cooperate with or assist the school staff in maintaining safety, order, and discipline.
10. Avoid violations of the Student Code of Conduct.

Campus Behavior Coordinator

As outlined in the SAISD **District of Innovation Plan**, the district will use the following local innovation strategy: San Angelo ISD will maintain all the duties and responsibilities outlined for a Campus Behavior Coordinator and will allow the role to be fulfilled by more than one administrator on campuses. The designated person or persons, may be the principal of the campus or any other campus administrator selected by the principal. The campus behavior coordinator is primarily responsible for maintaining student discipline.

General Authority to Impose Discipline

The Texas Legislature has delegated the authority to manage independent school districts and discipline students to the Board of Trustees and its employees. A significant part of the District's educational mission is to instill the habits and manners of civility and to teach students the boundaries of socially acceptable behavior. The District's Code of Conduct is enforced to further this mission.

The school has the authority to administer discipline whenever the interest of the school is involved, on or off school property, in conjunction with or independent of classes and school-sponsored activities. The District's disciplinary authority applies:

1. During the regular school day and while the student is going to and from school on District transportation;
2. Within 300 feet of school property;
3. While the student is participating in any activity during the school day on school grounds;
4. While the student is in attendance at any school-related activity, regardless of time or location;
5. While on school property or at school activity of another Texas public school district.
6. For any school-related misconduct, regardless of time or location;
7. When the student retaliates or threatens retaliation against a school employee, regardless of time and location;
8. When the District has a reasonable basis to believe the student has engaged in conduct that would be punishable as a felony, as provided by Texas Education Code § 37.006;
9. And when the student is involved in criminal mischief on or off school property or at a school-related event;
10. When a student engages in cyberbullying, as provided by Education Code 37.0832;
11. When the student makes a false alarm or report of bombing, fire, or other emergency involving a public school, regardless of time or location,
12. When the student makes a terroristic threat involving a public school, regardless of time or location;
13. When the District has a reasonable belief the student committed an aggravated robbery against another student, regardless of time or location.

Section 1.02 The District does not exercise its jurisdiction over students at school bus stops off of school property or after a student has exited a school bus.

Discipline of Students with Disabilities

Federal law regarding the education of students with disabilities (IDEA and Section 504) imposes specific procedures and limitations on the discipline of students with disabilities. For further information on this topic, please contact the principal, who will direct you to special education staff or the Director of Special Education. Information is also available to parents of students with disabilities in the "Explanation of Rights and Procedural Safeguards of a Parent with a Child with Disabilities in School," which is provided to parents at the time of admission to special education and annually.

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 shall prevail.

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

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

Notification

The campus behavior coordinators shall promptly notify a student's parent by phone or in person of any violation that may result in in-school or out-of-school suspension, placement in a DAEP, placement in a JJAEP, or expulsion. The campus behavior coordinators shall also notify a student's parent if the student is taken into custody by a law enforcement officer under the disciplinary provisions of the Education Code. A good faith effort shall be made on the day the action was taken to provide to the student for delivery to the student's parent written notification of the disciplinary action. If the parent has not been reached by telephone or in person by 5:00p.m. of the first business day after the day the disciplinary action was taken, the campus behavior coordinator shall send written notification by U.S. Mail. If the campus behavior coordinator is not able to provide notice to the parent, the principal or designee shall provide the notice.

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

Unauthorized Persons

In accordance with Education Code 37.105, a school administrator, school resource officer (SRO), or district police officer shall have the authority to refuse entry or eject a person from district property if the person refuses to leave peaceably on request and:

1. The person poses a substantial risk of harm to any person; or
2. The person behaves in a manner that is inappropriate for a school setting, and the person persists in the behavior after being given a verbal warning that the behavior is inappropriate and may result in refusal of entry or ejection.

Appeals regarding refusal of entry or ejection from district property may be filed in accordance with FNG(LOCAL) or GF(LOCAL), as appropriate.

Code of Conduct Format

The information in this Code of Conduct is presented through informational statements and paragraphs and in a question and answer format.

The questions and answers listed are intended to provide important information regarding the processes and procedures of this District's Code of Conduct.

Prohibited Conduct and Disciplinary Consequences

In imposing discipline, administrators will consider:

1. The seriousness of the offense.
2. The student's age.
3. The student's attitude.
4. The potential effect of the misconduct on the school environment.
5. Whether the student was defending himself or herself.
6. The student's current year disciplinary record.
7. Intent or lack of intent at the time of the conduct.
8. A disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct, but only as required by federal law and regulations related to discipline of students with disabilities.

The seriousness of the offense and any mandatory consequences established by this Student Code of Conduct will outweigh all other factors.

Consistent with the policy choices articulated within this Code, the following disciplinary measures may be used, alone or in combination, for misbehavior that violates the Student Code of Conduct:

1. Detention.
2. In School Suspension (ISS) including Saturday ISS when available.
3. Removal to a short term discipline alternative education program (Short Term Carver)
4. Removal to a temporary off-campus placement (Student Adjustment Center)
5. Suspension from school, not to exceed three school days at one time.
6. Removal to a long term discipline alternative education program (Long Term Carver)
7. Extension of a discipline alternative education program removal term.
8. Expulsion from school.

What minimum procedures will be provided each student facing discipline?

Each student will be told what infraction the administrator believes the student to have committed. Each student will then be given the opportunity to tell his or her side of the incident. The student's admission of the offense negates the need for further investigation or procedures.

How and when will we contact you about disciplinary action?

Parents are responsible to provide to the campus administration each year the address and telephone number(s) at which parents can be reached and to update those numbers as necessary. School officials will use the information provided by the parent to contact parents about disciplinary matters. Parents will be notified or attempted to be notified of any code of conduct violations that result in Saturday ISS & regular ISS assignments within 3 school days of the offense either by telephone or in writing. The parent/guardian of students committing more serious offenses will be contacted or attempted to be contacted on the day of the offense.

What consequences will occur when a student is an accomplice in an offense?

Any student who assists, encourages, promotes, or attempts to assist in the commission of a serious offense will receive the same punishment as a student who actually engages in the conduct.

Physical Restraint

In some circumstances, it may be necessary for a district employee to use force, but not deadly force, to physically restrain a student in order to lead, guide, and direct the student or to protect the student or any other person from physical injury, to obtain possession of a weapon or other dangerous object, to protect property from serious damage, to remove a student who is refusing to comply with a legitimate directive from a school employee from a specific location in order to restore order or to impose disciplinary measures, or to restrain an irrational student.

Detention

For minor infractions of the Student Code of Conduct, administrators may detain students after school hours on one or more days. Students may also be detained during the lunch hour and before classes begin. Additionally, some campuses may operate Saturday detention. Detentions will typically be assigned for minute increments; i.e., 45 minute lunch detention.

What offenses warrant detention?

Teachers are responsible for administering appropriate intervention techniques when students misbehave, including assigning teacher detention as a consequence. Detention will be assigned by an administrator, depending on the circumstances or after intervention has been attempted by the teacher and has failed, for the following offenses:

1. Three or more unexcused tardies to an individual class per six weeks.
2. Disturbing class/school environment.
3. Failing to complete teacher detention or comply with rules of teacher detention.
4. After 2 teacher detentions, committing further violations of classroom rules.
5. Leaving the building, grounds, or assigned activity without permission at an open campus, (i.e., grades 11 and 12 at the high school).
6. Cutting class and/or leaving the classroom or other scheduled activity without permission.
7. Refusing to participate/work in class.
8. Violating the dress code.
9. Loitering. (failure to leave campus within a designated timeframe)
10. Inappropriately engaging in acts of familiarity with other students (PDA-public display of affection).
11. Disobeying school rules about conduct on buses.
12. Failing to follow teacher directives.
13. Possessing matches or a lighter.
14. Exhibiting unacceptable physical contact not resulting in bodily injury (i.e., horseplay).
15. Cheating.

If the student is a minor, the parent or guardian will be required to provide necessary transportation when a student has been assigned to detention.

Can teachers detain students?

Yes. For violation of classroom rules, teachers may detain students after school hours on one or more days. Teachers may also detain students during the lunch hour and before classes begin. Like administrative detentions, teacher detentions will typically be assigned for minute increments; i.e., 45-minute lunch detention or 30-minute before or after school detention. The student will report to the teacher's classroom to serve the detention unless otherwise notified. As with administrative detentions, an effort will be made to notify the parent/guardian of all code of conduct violations in a reasonable amount of time.

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

In School Suspension (ISS)

For more serious infractions of the Student Code of Conduct, administrators shall assign a student to one or more days of in-school suspension where, under the supervision of a teacher or an aide, students will complete assignments given them by their regular teachers. Students serving ISS assignments are not permitted to participate in or attend any extracurricular activities, including practices.

How long are ISS assignments?

Students are assigned to ISS with a written order that states the number of school days that must be successfully served. The length of all ISS assignments is at the discretion of the administration.

What is a “successful day”?

Students will be credited with a “successful day” of ISS assignment if the student is present, completes all assigned work, follows all rules for the ISS, and engages in no additional violations of the Student Code of Conduct.

Are there any other circumstances that could warrant placement in ISS?

Students may be placed in ISS during an investigation of suspected code of conduct violations.

What if a student transfers within the District while assigned to ISS?

Students, who transfer to another school within the district, will be required upon enrollment in the new school of this District to complete the number of days assigned to the ISS program before being allowed to attend their regular campus schedule. This requirement to complete the ISS assignment includes students who withdraw from this District for the purpose of home schooling.

What is Long Term ISS?

The initial length of most ISS assignments is for 5 days or less. Initial ISS assignments of 5 – 15 days are considered Long Term ISS assignments.

What specific infractions warrant placement at ISS?

Students will be placed in the District's In School Suspension (ISS) program when the student commits any one of the following offenses:

1. Any repeated behavior warranting detention (no fewer than 3).
2. Failing to serve general detention
3. Distributing non-approved materials FNAA (Local).
4. Using profane, obscene, indecent, or racially or ethnically offensive language and/or physical gestures to other students, cursing, using intimidation via name-calling, or derogatory statements to other students.
5. Forgery, including signing a parent's name, or “false call,” i.e., impersonating another person.
6. Possessing tobacco products at a high school, junior high school, middle school, or 9th grade campus.
7. Possessing ammunition.
8. Possessing stereo head sets, CD players, cassette players, or electronic games without permission after such items have been confiscated previously.
9. Possessing mace, pepper spray, or stun gun.
10. Computer misuse.
11. Fighting, i.e., mutual combat, disorderly conduct, affray.

12. Defiance of authority of school personnel.
13. Vandalizing property of others, resulting in damage not more than \$50.
14. Possessing fireworks of any kind, smoke or stink bombs, or any other pyrotechnic device.
15. Possessing or using a laser pointer for other than an approved use.
16. Possessing material that is pornographic or sexually explicit.
17. Gambling.
18. Throwing objects that can cause bodily injury or property damage.
19. Motor vehicle violations, reckless or dangerous driving
20. Violating rules of safety that result in bodily injury to another student.
21. Possession or use of any substance represented to be an illegal drug, a dangerous or controlled substance.
22. Violating rules of safety resulting in damage to anyone's property.
23. Falsification of records, passes, or other school related documents.
24. Violating District's policy on prescription drugs and over-the-counter drugs at school.
25. Using tobacco products.
26. Malicious damage to textbooks.
27. Damaging or vandalizing school property resulting in damage less than \$250. (restitution may be sought regardless of the age of the student)
28. Leaving the classroom, building, grounds, or assigned activity without permission
29. Possessing knives of any kind (even those less than 5 ½ "), razors or chains.
30. Unauthorized videotaping/photography/recording of any kind
31. Failure/refusal to identify themselves to a District Employee
32. Possession or use of any substance represented to be a prohibited substance (vapor cigarette)
33. Inappropriate drawing – any drawing that depicts or is related to negative behavior, violence or any prohibited/illegal substance

A new offense that occurs while a student is in ISS may result in more serious disciplinary consequences. Any assignment of additional time or a revised placement requires a new referral and conference.

Suspension

What is suspension and what does it mean?

Suspension is when a student is removed from any SAISD campus and sent home. A student who is suspended is not allowed to attend or participate in any school-related activity or school-sponsored event, including practices. The student shall not be on any SAISD property during the term of the suspension. Suspension is often used along with other forms of discipline. Days of suspension are considered excused absences.

When and for how long will a student be suspended?

The principal or other appropriate administrator may suspend a student for a maximum of three school days at a time if the student violates the Code of Conduct by engaging in any prohibited conduct.

How many times can a student be suspended?

Neither state law nor this Code of Conduct imposes a limit on the number of times a student may be suspended during a semester or school year.

HB 674 regarding out-of- school suspension for students below grade 3 states the following

The district shall not use out-of-school suspension for students in grade 2 or below unless

the conduct meets the requirements established in law. A student in grade 2 or below shall not be placed in out-of-school suspension unless, while on school property or while attending a school-sponsored or school-related activity on or off school property, the student engages in:

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

Conditional Attendance

An administrator may impose conditions that must be met in order for a student to return to school. As an example, the administrator may require the student's parent/guardian to meet with a teacher and/or an administrator in order for the student to resume their regular schedule. Students with these imposed conditions are not considered suspended. Absences that occur due to the conditions not being met would not be automatically considered an excused absence.

Discipline Alternative Education Program

General DAEP Information

What is a DAEP?

Each District in the State of Texas must operate a Discipline Alternative Education Program (DAEP) for students who have committed certain serious offenses. The DAEP

1. is in a setting other than the student's regular classroom;
2. is located off a regular school campus;
3. separates students in the DAEP from students in the regular program or in ISS
4. separates elementary school students assigned to DAEP from secondary school students assigned to DAEP;
5. focuses on English language arts, mathematics, science, history, and self-discipline;
6. provides for students' educational and behavioral needs; and
7. provides supervision and counseling.

The District operates separate DAEP placements for the elementary and secondary levels.

The District does not provide transportation for students assigned to the Elementary DAEP or the Secondary DAEP.

Where is the DAEP located? What are the hours of operation?

SAISD's Discipline Alternative Education Program is located at the Carver Learning Center (CLC) at 301 W. 9th Street. The Elementary Level DAEP at Carver operates between the hours of 7:30a.m. and 3:30 p.m.. The Secondary Level DAEP at Carver operates from 7:30 a.m. until 3:30p.m. The students may enter the building beginning at 7:30a.m. The students will be considered tardy after 7:55a.m. Parents are responsible for making sure their student attends while assigned to the DAEP. Failure to attend the DAEP while assigned is a violation of compulsory attendance laws.

What is Short Term Carver?

Short Term Carver is a DAEP placement within the District. The minimum placement is for 15 days at the secondary level and 5 days at the elementary level. The student remains enrolled at his/her home campus and receives his/her assignments from his/her regular teachers. Short Term Carver is used exclusively for alcohol related offenses.

What is the Student Adjustment Center (SAC)?

The Student Adjustment Center is a temporary off-campus disciplinary placement. Elementary, middle school and high school students may be assigned to SAC. The minimum placement is for 15 days at the secondary levels and 5 days at the elementary level. The student remains enrolled at his/her home campus and receives his/her assignments from his/her regular teachers.

Where is Short Term Carver and the Student Adjustment Center located? What are the hours of operation?

Short Term Carver and the Student Adjustment Center are located at 301 W. 9th Street. The hours of operation for Short Term Carver are between 7:30a.m. and 3:30p.m.. The hours of operation for the Student Adjustment Center are between 7:30a.m. and 3:30p.m. The students may enter the building beginning at 7:30a.m. The students will be considered tardy after 7:55a.m.

Conduct That Warrants STC DAEP Placement or SAC Placement.

What specific infractions warrant placement at Short Term Carver or the Student Adjustment Center?

The campus principal or designee will place a student in the short term DAEP if the student commits item #1 listed below on or within 300 feet of school property, as measured from any point on the school's real property boundary line, or while attending a school-sponsored or school related activity on or off school property. The campus principal or designee may place a student in the Student Adjustment Center or in Long Term ISS (at the student's home campus) if the student commits any of the following offenses listed in items #2 through #31 on or within 300 feet of school property, as measured from any point on the school's real property boundary line, or while attending a school-sponsored or school-related activity on or off school property. Students may be assigned placement in Long Term ISS or the Student Adjustment Center for offenses listed in items #2 through #31 at the discretion of the administrator that is making the discipline assignment.

1. First offense - possession, use, or being under the influence of alcohol, unless the offense is a felony. A 2nd alcohol offense in the same school year or a felony alcohol offense will result in a consideration for expulsion.
2. Repeated conduct that warrants an ISS placement (no fewer than 3).
3. Failure to attend ISS
4. Being disrespectful toward school personnel
5. Assault without bodily injury, including:
 - a. Verbal threats, oral or written, that threaten another person with imminent bodily injury.
 - b. Offensive or provocative contact (i.e. spitting).
 - c. Displaying or brandishing school supplies, i.e., pencils, pens, scissors, etc. or any other item in a manner that threatens to inflict bodily injury on another student.
 - d. Throwing objects with the threat to do bodily injury.
6. Sexual misconduct by word, gesture, or other sexual conduct directed at another student.
7. Gang-related behavior or activity, including gang membership.
8. Pledging to join or soliciting membership in a public school fraternity, sorority, secret society, or gang as defined by TEC 37.121.
9. Harassment motivated by sex, race, color, religion, national origin, disability, or age directed at another student.
10. Possession, use, distribution, or sale of paraphernalia related to any prohibited substance.
11. Abusing student's own prescription drug.
12. Any misbehavior that gives school officials reasonable cause to believe that the conduct will substantially disrupt the school program or incite violence.
13. Possessing tobacco products at the elementary level.
14. Inappropriate exposure of a student's body parts, including exposure of any portions of the body that are ordinarily covered by clothing or required to be covered under the dress code.
15. Use of fireworks of any kind, smoke or stink bombs, or any pyrotechnic device.
16. Damaging or vandalizing property of others, causing damage \$50 - \$1500.
17. Computer abuse.
18. Possessing a pellet gun, air-powered rifle, toy gun, or any other instrument that may be perceived by a third party as a firearm or possessing or selling any other "look-alike" weapon.
19. Blocking any building entrance, exit, or passageway or participating in any disruptive activity or being disruptive of classes under Education Code 37.123 or 37.124.
20. Knowingly possessing stolen property.

21. Stealing/Theft (theft of property in which a school or the school district is the victim and the value is \$20.00 or greater will require restitution)
22. An act harmful to health or safety.
23. Retaliation against others for their participation in a school investigation.
24. Committing extortion, coercion, or blackmail.
25. Distribution of any substance represented to be an illegal drug, a dangerous drug, or a controlled substance. (2nd offense will result in Long Term Carver).
26. Leaving the building, grounds, or assigned activity without permission at the elementary.
27. Bullying.
28. Refusing to comply with lawful requests or directions of school personnel.
29. Possession or use of synthetic cannabinoids (K2, Spice)
30. Sexting.
31. Distribution of unauthorized photo or recording

NOTE: All the above mentioned offenses are considered serious offenses. While in placement, students that commit another offense from the list above may receive additional disciplinary consequences. Any assignment of additional time or a revised placement will require a new referral and conference

What is Long Term Carver?

Long Term Carver is a DAEP placement within the District. This placement is for more serious offenses and all Serious or Persistent DAEP placements. The minimum placement is 30 days at the secondary level and 30 days at the elementary level. The student is withdrawn from his/her home campus and is enrolled into the Carver Learning Center. A new academic schedule will be developed for the student while attending any Long Term DAEP placement.

Conduct That Warrants LTC TERM DAEP Placement

What conduct warrants DAEP Placement?

The campus principal or designee will place a student in DAEP if the student:

1. Makes a false report of bombing, fire, or other emergency involving a public school, regardless of when the false report is made or the place from which the false report is made.
2. Makes a terroristic threat involving a public school, regardless of when the threat is made or the place from which the threat is made.

The campus principal or designee will place a student in DAEP if the student commits any of the following **(mandatory) offenses** listed in items **#1 through #10** on or within 300 feet of school property, as measured from any point on the school's real property boundary line, or while attending a school-sponsored or school-related activity on or off school property. The campus principal or designee may place a student in DAEP if the student commits any of the following **(discretionary) offenses** listed in items **#11 through #20** on or within 300 feet of school property, as measured from any point on the school's real property boundary line, or while attending a school-sponsored or school-related activity on or off school property:

1. Any conduct punishable as a felony.
2. Deadly conduct.
3. Harassment of a public servant, i.e., causing an employee to be in contact with the blood, bodily fluids, saliva, urine, or feces of a person or animal.
4. Assault resulting in bodily injury.
5. Assault on employee without bodily injury
6. First offenses (possession, use, or being under the influence) of marijuana, controlled substances or dangerous drugs, unless the offense is a felony.
7. Offenses relating to abusable volatile chemicals.
8. Indecent exposure.
9. Public lewdness.
10. Retaliation against a school employee or volunteer, regardless of where the conduct takes place.
11. Graffiti on school property.
12. Hazing.
13. Harassment motivated by sex, race, color, religion, national origin, disability, or age directed at a District employee or volunteer.
14. Profanity, vulgar language, or obscene gestures directed toward teachers or other school employees or volunteers.
15. Sexual misconduct by word, gesture, or other sexual conduct directed at a District employee or volunteer.
16. Making a hit list.
17. Criminal mischief or other conduct resulting in damage of \$250 but less than \$1,500 inflicted on school property.
18. Inappropriate Use of Technology
19. Distribution of synthetic cannabinoids (K2, Spice).
20. Engaging in bullying that encourages a student to commit or attempt to commit suicide; or inciting violence against a student through group bullying; or releasing or threatening to release intimate visual material of a minor or a student who is 18 years of age or older without the student's consent.

NOTE: All the above mentioned offenses are considered serious offenses. Definitions of the above offenses can be found in the glossary section of the Code of Conduct.

What kinds of courses are taught at the Long Term DAEP?

Instruction in the DAEP will focus on English Language arts, mathematics, science, history, and self-discipline. The curriculum in the DAEP is aligned with the District curriculum at each campus. Students will receive instruction or an equivalent substitution in Advanced Placement or Honors courses, electives, laboratories, or foreign languages in the DAEP. The District will provide an opportunity for students who have been placed in the DAEP to complete coursework necessary to fulfill high school graduation requirements for the recommended program before the beginning of the next school year, if the term of the student's placement is such that the student is not able to continue enrollment in all his or her courses.

The opportunity to complete course work will be provided through any method available, which may include summer school, distance learning, or correspondence courses. The District will not assess any charge for the student to complete a course under this provision.

How is a student assigned to DAEP?

Students are assigned to the DAEP with a written removal order that states the number of school days that must be successfully served. Students will be credited with a "successful day" of DAEP assignment if the student is present, completes all assigned work, follows all rules for the DAEP, and engages in no additional violations of the Student Code of Conduct.

What are the guidelines for a student who is enrolled in special education that is being placed in DAEP for a discretionary offense?

Students that are enrolled in special education that are being placed in DAEP for a discretionary offense should be placed at the Student Adjustment Center pending a manifestation ARD meeting. If the decision of the ARD allows for placement in the DAEP, the student would be placed in DAEP and given credit for the time served in the Student Adjustment Center.

What are the guidelines for the term of DAEP placement?

The minimum length of assignment to LTC for a mandatory offense is 30 days on the first assignment in a school year and 45 days for a second assignment. For discretionary offenses, the length of assignment shall be 15 to 30 days at the discretion of the administrator that is making the discipline assignment. For offenses that occur in the last six weeks of school, the Director of Student Services will determine whether to make the assignment term equal to the number of days remaining in the school year or to extend the assignment into the following school year. In some circumstances, a placement term may be longer than one year. If, after a review, the administrator determines that the student is a threat to the safety of other students or to employees or that an extended placement would be in the student's best interest.

Are there any limits on the term of a DAEP assignment?

The DAEP Placement Committee will determine the assignment of a student who has 10 or fewer days left to serve on their assignment at the end of the school year. If the DAEP Placement Committee determines that 1) the student's presence on the regular campus poses a danger of physical harm to the student or another individual; or 2) the student has engaged in serious or persistent misbehavior that violates the District's Student Code of Conduct, it may extend the placement into the next school year. In addition, the DAEP administrator may extend the original term of placement based on new violations that occur while the student is attending the DAEP, including violation of DAEP rules, by following the procedures for initial DAEP placement, (i.e., a conference with student and parents)

Are some offenses subject to a different length of assignment?

Yes. A student who has received punishment through the criminal justice system for sexually assaulting another student, regardless, of whether the conduct occurred on or off school property, and who cannot be assigned to a campus other than the campus where the victim of the assault is assigned may be assigned to the DAEP for so long as both students are enrolled in the district.

May students assigned to the DAEP (Long Term or Short Term) participate in school activities?

Students assigned to a DAEP are prohibited from all other SAISD property during their placement. A criminal trespass warning will be issued at the time of assignment to DAEP, and if they appear on any school property, they will be treated as criminal trespassers. Students may not participate in or attend extracurricular activities, including seeking or holding honorary positions and/or membership in school-sponsored clubs or organizations during the term of their assignment.

What happens to students younger than 6 who commit serious violations?

Students younger than six will not be placed in an alternative education program for any reason other than bringing a firearm to school.

Withdrawing a student from school does not affect the District's authority to schedule and conduct a conference on the student's conduct and to enter an order of removal, regardless of whether the student or parent is present to participate. The order of removal will be included with the records sent to any transferring school, including another public school, a campus charter program, or an open-enrollment charter school, and that District or school will be empowered to exercise its authority to honor the removal.

Furthermore, even if we do not complete the removal process and issue a removal order, we will send disciplinary records to the next school, and that school has the authority to complete the removal process and issue a removal order.

Students may receive credit toward completion of DAEP assignments for days in which the student is in the Juvenile Justice Center or a day treatment program. Credit for students for time spent in long term residential placements will be evaluated on an individual basis by the Director of Student Services.

Students who transfer out of this District to another public or private school will be required upon return to this District to complete the number of days missed in the Discipline Alternative Education Program before being allowed to return to the regular campus. However, a student whose records indicate that the term of removal was served in another school district or charter school will not be required to return to the DAEP. The requirement to complete the assignment includes students who withdraw from this District for the purpose of home schooling, and students who do not attend SAISD's Discipline Alternative Education Program or another District's DAEP for the duration of the placement for any reason (other than reasons which constitute an "excused absence" under District policy).

If a student transfers into this District from another school district in which the student was placed in a Discipline Alternative Education Program, SAISD may continue the DAEP placement under the terms of the order provided by the sending school district or modify the placement. Each placement consideration will be evaluated on an individual basis by the Director of Student Services.

If a student transfers into this District from an open-enrollment charter school or from another state and the District receives a copy of the removal order in the records from the other school, the district may enforce the terms of that removal order, provided the grounds for removal to DAEP in the charter

school or other state are grounds for removal in the District.

Can seniors in the DAEP participate in graduation ceremonies?

When a student is placed in the DAEP during the 12th grade, the District will generally allow that student to participate in graduation ceremonies, provided that all pre-requisites for graduation are met and provided that the student has successfully completed all of the days that the student was assigned to the DAEP. However, if the DAEP assignment occurs within the last 30 school days of the school year, the student may not be permitted to participate in graduation ceremonies. If the student in question has unexcused absences or has not completed his or her days in the DAEP for any other reason, such as withdrawal or transfer to another school district, the student will not be allowed to participate in graduation ceremonies. The principal of the student's home campus, in consultation with the Director of Student Services, may determine that a student who has completed a DAEP assignment should nonetheless be excluded from graduation ceremonies.

Are there other circumstances that could result in a Long Term DAEP Placement?

Yes. The DAEP Placement Committee has the authority to place a student in the Long Term DAEP for persistent misbehavior. Persistent misbehavior is defined for this purpose as two or more violations that have resulted in a Long Term ISS, SAC or STC placement. The campus administrator will refer students that engage in persistent misbehavior to the DAEP Placement Committee for consideration of a long term assignment. The DAEP Placement Committee may assign a student to any of the disciplinary options available within the district or the student may be referred back to his/her home campus.

NOTE: A student who is charged with an offense warranting expulsion may be suspended for 3 days and /or placed in the Student Adjustment Center during an investigation and pending the expulsion hearing.

Is there any conduct unrelated to school that would warrant DAEP placement?

A student will be removed from class and placed in a Discipline Alternative Education Program by the Director of Student Services if she/he is involved in off-campus criminal conduct punishable as a felony under Title 5, of the Texas Penal Code. The following situations could result in DAEP placement:

1. Receiving deferred prosecution under Family Code 35.03 for conduct defined as a felony in Title 5 of the Penal Code.
2. A court or jury finding of delinquent conduct under Family Code 54.03 for conduct defined as a felony in Title 5 of the Penal Code.
3. A finding by the Director of Student Services that he or she has a reasonable belief that the student has engaged in conduct defined as felony offense in Title 5 of the Penal Code.

However, if more than a year passes from the date of the off-campus criminal offense to the time that a school administrator learns of the offense, the administrator is not required to place the student in the DAEP.

What are Title 5 offenses?

Title 5 offenses are crimes against a person, identified in Title 5 of the Texas Penal Code. Specifically, Title 5 offenses include murder; capital murder; manslaughter; criminally negligent homicide; kidnapping; aggravated kidnapping; indecency with a child; sexual assault; aggravated assault; aggravated sexual assault; injury to a child, elderly individual, or disabled individual; abandoning or endangering a child; deadly conduct; terroristic threat; aiding a person to commit suicide; and tampering with a consumer product.

Is there any other conduct other than Title 5 offenses unrelated to school that could cause a student to be placed in a DAEP?

A student will be removed from class and placed in a Discipline Alternative Education Program for off-campus criminal conduct punishable as a felony, other than offenses defined by Title 5, Texas Penal Code, if the Director of Student Services, in consultation with the campus principal, determines that the student's continued presence in the regular classroom threatens the safety of other students or teachers or will be detrimental to the educational process.

Can a juvenile court order a student placed in a DAEP?

The juvenile court may order a student to attend the district's DAEP as a condition of probation, regardless of whether the school district has a basis for imposing discipline on the student. When the juvenile court orders a student to attend the DAEP as a condition of probation, the district, after receiving a copy of the order, will immediately transfer the student to the DAEP for the period of time designated by the court. However, state law prohibits the juvenile court from ordering a student who has been expelled from the district to attend the DAEP.

Other court-ordered placement in DAEP:

When the district receives a copy of an order from a justice or municipal court indicating that a student must attend the DAEP as a condition of a term of probation under Code of Criminal Procedure 45.051, the Director of Student Services will hold a conference as described in Procedures for Removal to a DAEP and determine whether the student should be assigned to the DAEP or should remain in the regular school setting. The Director of Student Services will consider the nature of the misdemeanor offense resulting in the order in making this determination.

What is the relationship between the criminal justice system and the school system?

The school district may place a student in the DAEP and/or continue a student's placement in the DAEP regardless of any action or lack of action taken by the criminal justice system.

Does a student have to be arrested or convicted of a felony offense before the District can place the student in a DAEP?

No. A student may be removed from class and placed in a DAEP if the administration has a reasonable belief that the student has committed a felony offense. If the offense is a non -Title 5 felony, prior to the student's being placed in the DAEP, the administration must also determine that the continued presence of the student in the regular classroom threatens the safety of other students or teachers or that that it will be detrimental to the educational process.

In determining whether there is a reasonable belief that a student has engaged in conduct defined as a felony offense in the Penal Code, the administrator may consider all information available, including information furnished by law enforcement.

What options does the school have if the student is found guilty of a Title 5 felony offense?

The administration must place the student in DAEP if the conviction, deferred adjudication, or determination of delinquency occurs during the school year while the student is enrolled in a district school and the student is not otherwise confined under the authority of the criminal justice system. The administration also has the authority to place a student in DAEP, after a conference with the student and parent, if it determines that the student's presence in the regular classroom threatens the safety of other students or of district's employees, is detrimental to the educational process, or is not in the best interest of the district's students.

The administration can order DAEP placement for a student who has received deferred adjudication or been determined delinquent based on a Title 5 felony regardless of the date of the conduct, where the offense occurred, whether the student was enrolled in the District at the time, or whether the student has successfully completed any court disposition requirements. The placement order in this circumstance can be for any period the administration considers necessary and is not limited to one year.

The decision regarding DAEP placement in this circumstance is final and may not be appealed.

What happens if the courts later say the student did not commit the offense or the student is not prosecuted for other reasons?

If, after the placement, the administration receives notice from an appropriate law enforcement agency that the student was found not guilty of the felony offense and the case was dismissed with prejudice, or that the student was not prosecuted and no formal proceedings, deferred adjudication, or deferred prosecution was initiated, the administration will review the student's placement in the DAEP. This requirement applies only when the student has been placed in the DAEP for conduct unrelated to school; a student placed in the DAEP for conduct that occurs on or within 300 feet of school property or at a school-related event or activity will ordinarily remain in the DAEP until the assignment has been served, regardless of additional information from an appropriate law enforcement agency.

The student will remain in the DAEP pending the review, which will take place within three class days of the administration's receiving the notice. The parents or guardian will be provided an opportunity for input. However, if after the review the administration believes that the presence of the student in the regular classroom threatens the safety of other students or teachers, the administration may continue the student's placement in the DAEP.

If the student is not being prosecuted for the out-of-school offense, but the school wants to continue the DAEP placement, what rights of appeal does the student have?

The student or the parent or guardian may appeal the decision of the administration to continue the student's placement in the DAEP to the SAISD Board of Trustees. The appeal will be heard at the next regularly scheduled board meeting, where the board will review the notice letter from law enforcement and receive information from the administration and the student or the student's parent or guardian.

The decision of the Board of Trustees may be appealed to the Commissioner of Education. The student remains in the DAEP pending all appeals.

Procedures for Removal to a DAEP

Will the student have a chance to dispute the allegations?

Before a student is placed in a discipline alternative education program, the principal or designee will tell the student briefly why he or she is being removed to that program and explains that the student will have an opportunity to give his or her version of events at a campus-level conference to be scheduled and held within 3 school days. If the offense is one that would require a mandatory DAEP placement, the student will have an opportunity to tell his or her side of the story at the campus conference.

What is the DAEP Placement Committee?

A committee of central office administrators comprised of the Director of Student Services and two to six others, depending on availability will make decisions on discretionary DAEP removals that are based on persistent misbehavior offenses. The campus administrator and the parents will have an

opportunity to make a presentation to the DAEP Placement Committee regarding the recommendation for DAEP placement.

Will parents have an opportunity to provide input?

Within three class days after the day the student is charged with the mandatory DAEP offense, the principal or designee will contact the parent by telephone or in writing to schedule and hold a conference with the student and the parents. If the student was removed from class by a teacher, the teacher will also be present. The administrator will make efforts to ensure that all invited parties can attend.

What if the parent cannot attend the conference?

The principal or designee or the DAEP Placement Committee may proceed with the conference without the parents or student present, so long as the parents and student have been notified of the meeting. Whether or not the parents or the student attends the conference, the student will receive oral or written notice at the conference from the principal or designee or the Director of Student Services of the reason(s) for the removal and the offense the student is charged with violating. The student will have an opportunity at that time to explain or respond to the reasons for removal.

If the principal or designee or the DAEP Placement Committee determines that the student should be removed, the student and parents will receive a written removal order no later than two days after the conference, memorializing the conference and stating the length of the DAEP assignment, and any conditions or other requirements related to the DAEP assignment.

Likewise, a copy of the order (and any information required under Family Code 52.04) will be forwarded to the authorized officer of the juvenile court in the county in which the student resides.

Family Code 52.04 requires the following to accompany all referrals:

1. all information in the possession of the person or agency making the referral pertaining to the identity of the child and his address; the name and address of the child's parent, guardian, or custodian; the names and addresses of any witnesses; and the child's present whereabouts;
2. a complete statement of the circumstances of the alleged delinquent conduct or conduct indicating a need for supervision;
3. when applicable, a complete statement of the circumstances of taking the child into custody; and
4. when a referral is made by an officer of a law enforcement agency, a complete statement of all prior contacts with the child by officers of that law enforcement agency.

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

Emergency Placement

The principal, superintendent, or the superintendent's designee may order a student immediately placed in an alternative education program if his or her behavior is so unruly, disruptive, or abusive that it seriously interferes with school operations or activities.

When an emergency placement is necessary because the student's behavior is so unruly, disruptive, or abusive that it seriously interferes with classroom or school operations, the student will be given a verbal notice of the reason for the action, which must be one of the District's reasons for DAEP placement under this Code. Within a reasonable amount of time after the emergency placement, the

administration will schedule and hold the DAEP removal conference. If emergency placement involves a student with disabilities who requires special education services, the term of removal is subject to the requirements of federal law.

Appeal of a DAEP Placement

The student remains in the DAEP during all appeals.

Appeal of placement made by a Campus Administrator:

A decision by the principal or designee to place a student in the DAEP may be appealed to the Director of Student Services. The appeal must be in writing and filed with the Director of Student Services within three days of the DAEP placement order. The appeal must state the basis for the appeal and what remedy the student or parent is seeking. The Director of Student Services will review the written appeal and the record of the removal prepared at the campus level. At his or her discretion, the Director of Student Services may schedule a conference with the student and the parent. If a conference is scheduled, it shall be held within five days of the filing of the appeal. After the conference is held, a written decision will be issued.

If no conference is scheduled, the Director of Student Services will issue a written decision within five days after the appeal is received. The Director of Student Services' decision may be appealed to the Board of Trustees by filing a written appeal with the Superintendent within three days after receipt of the decision. The written appeal must state all the bases for appeal. At the next regular Board meeting after the appeal is received, the Board will review the complete record of the disciplinary action, including all written appeals. The Board may choose to take no action after reviewing the record and appeal, which has the effect of sustaining the last administrative decision. The Board may also choose to schedule an appeal at a future meeting at which the parents may make an oral presentation of the appeal. The Board's decision in either case is final and may not be appealed.

Appeal of placement made by the DAEP Placement Committee:

A decision by the DAEP Placement Committee to place a student in the DAEP may be appealed to the Superintendent or designee. The appeal must be in writing and filed with the Superintendent within three days of the DAEP placement order. The appeal must state the basis for the appeal and what remedy the student or parent is seeking. The Superintendent or designee will review the written appeal and the record of the removal prepared at the campus level. At the administrator's discretion, the Superintendent or designee may schedule a conference with the student and parent. If a conference is scheduled, it shall be held within five days of the filing of the appeal. After the conference is held, a written decision will be issued. If no conference is scheduled, the Superintendent or designee will issue a written decision within five days after the appeal is received.

The Superintendent or designee's decision may be appealed to the Board of Trustees by filing a written appeal with the Superintendent within three days after receipt of the decision. The written appeal must state all the bases for appeal. At the next regular Board meeting after the appeal is received, the Board will review the complete record of the disciplinary action, including all written appeals. The Board may choose to take no action after reviewing the record and appeal, which has the effect of sustaining the last administrative decision. The Board may also choose to schedule an appeal at a future meeting at which the parents may make an oral presentation of the appeal. The Board's decision in either case is final and may not be appealed.

120-Day Review of DAEP Status

What is a review? Who attends?

Both the discipline and the academic status of students assigned to the DAEP will be reviewed at least every 120 calendar days. At the review, the parents may make arguments for the student's return to the regular classroom. If the student is in high school and is to remain in the DAEP, the administration, together with the parents, will establish a plan designed to assist the student's progress toward meeting high school graduation requirements. The District is not required to provide all of a student's courses necessary for graduation while the student is assigned to the DAEP but must offer an opportunity for the student to complete courses before the beginning of the next school year without charge to the student.

Expulsion

What happens to students younger than 10 who commit expellable offenses?

Students younger than ten who commit expellable offenses will be placed in a Discipline Alternative Education Program.

What happens to students younger than 6 who commit expellable offenses?

Students younger than six will not be expelled or placed in a Discipline Alternative Education Program for any reason other than bringing a firearm to school.

What is the length of expulsion?

Expelled students will generally serve a term of one semester. In no event will any term of expulsion be fewer than 4 days and will generally not extend into the following school year except when the offense occurs during the last six weeks of school and involves a mandatory expellable offense. In no event will an extended expulsion continue beyond the end of the first semester of the following year. If an expulsion term is inconsistent with these guidelines, the expulsion order will give notice of that inconsistency. At the discretion of the Director of Student Services or other designee, a student may also receive a DAEP assignment in conjunction with the expulsion. In some circumstances, an expulsion term may be longer than one year if, after a review, the administrator determines that the student is a threat to the safety of other students or to employees or that an extended expulsion would be in the student's best interest.

Conduct That Warrants Expulsion

What conduct warrants expulsion?

A student shall be expelled if the student, on school property or while attending a school-sponsored or school-related activity on or off school property:

1. uses, possesses, or exhibits a firearm (including a starter gun), a location-restricted knife, a club, or a prohibited weapon, including martial arts objects (such as shurikan [throwing stars], nunchakus ["nun-chucks"], tonfa [wooden weapon], staff, baton [short stick], bolo [long cord with weights at end]);
2. commits aggravated assault, sexual assault, aggravated sexual assault, arson, murder, capital murder, criminal attempt to commit murder or capital murder, indecency with a child, aggravated robbery, manslaughter, or criminally negligent homicide; aggravated kidnapping
3. sells, gives, or delivers to another person marijuana or a dangerous drug;
4. uses, possesses, or is under the influence of, marijuana or a dangerous drug if the conduct is a second offense in the same school year or a felony offense.
5. sells, gives, or delivers to another person an alcoholic beverage, or commits a serious act or offense while under the influence of alcohol;
6. uses, possesses, or is under the influence of an alcoholic beverage, if the conduct is a second offense in the same school year or a felony offense.
7. assaults a school employee or volunteer, and the assault results in bodily injury;
8. commits criminal mischief with damage exceeding \$1500;
9. engages in serious or persistent misbehavior while in a DAEP.

A student will also be expelled if he or she commits any offense listed in items 1, 2, or 7 above against a District employee or volunteer in retaliation for or as a result of the person's employment or other work in the District, without regard to where the conduct occurs.

Definitions of the above offenses can be found in the glossary section of the Code of Conduct.

What is "serious or persistent misbehavior"?

"Serious misbehavior" includes, but is not limited to, the following offenses:

1. Conduct punishable as a felony.
2. Assault resulting in bodily injury.
3. Terroristic threats involving a public school.
4. Offenses relating to marijuana, controlled substances, and dangerous drugs
5. Offenses relating to alcohol.
6. Offenses relating to abuse of volatile chemicals.
7. Vandalism or criminal mischief in any amount of damage.
8. Aggressive, disruptive action that substantially disrupts or materially interferes with school activities.
9. Profanity, vulgar language, or obscene gestures directed toward teachers or other school employees.
10. Fighting, committing physical abuse, or threatening physical abuse.
11. Falsification of records, passes, or other school-related documents.
12. Sexual harassment of a student or District employee.
13. Refusal to accept discipline management techniques assigned by teachers or the administration.
14. Indecent exposure.
15. Public lewdness.
16. Retaliation against a school employee, regardless of where the conduct takes place.
17. Committing or assisting in a robbery or burglary.
18. Committing extortion, coercion, or blackmail.
19. Any misbehavior that gives school officials reasonable cause to believe that the conduct will substantially disrupt the school program or incite violence.
20. False report or alarm of a bomb, fire, or other emergency involving the public school.
21. Repeated offenses warranting in-school suspension.
22. Failure to attend DAEP and /or comply with the rules of DAEP.

"Persistent misbehavior" consists of two or more separate violations of the Student Code of Conduct in general or repeated violations of the same offense.

NOTE: A student who is charged with an offense warranting expulsion may be suspended for 3 days and /or placed in the DAEP during an investigation and pending the expulsion hearing.

What conduct occurring in proximity to a school may warrant expulsion?

A student may be expelled, at the discretion of the Director of Student Services or other designee in view of all the facts and circumstances, for any of the following offenses when they occur on or with 300 feet of school property, as measured from any point on the school's real property boundary line:

1. Deadly conduct.
2. Committing any offense stated in item 1 and 3 under Conduct That Warrants Expulsion
3. Engaging in bullying that encourages a student to commit or attempt to commit suicide; or inciting violence against a student through group bullying; or releasing or threatening to release intimate visual material of a minor or a student who is 18 years of age or older without the student's consent.

What conduct occurring outside of school may warrant expulsion?

A student may be expelled, at the discretion of the Director of Student Services in view of all the facts and circumstances, for any of the following offenses, regardless where they occur:

1. Intentionally or knowingly damaging personal property, including real estate and tangible personal property belonging to any public school or institution of higher education, and the amount of loss is greater than \$1,500.
2. Intentionally or knowingly damaging the property of any other person without the person's consent, and the amount of loss is greater than \$1,500.
3. Making a false report or alarm or a terroristic threat involving a public school.
4. Assaulting an employee or volunteer in retaliation for or because of the person's relationship with the school and the assault results in bodily injury.
5. Committing aggravated assault, sexual assault, aggravated sexual assault, murder, capital murder, criminal attempt to commit capital murder, or aggravated robbery against another student.
6. Committing any offense listed at item 1-6 under Conduct That Warrants Expulsion on the school property of another Texas school district or while attending a school-sponsored or school-related activity of another Texas school district.
7. Engaging in bullying that encourages a student to commit or attempt to commit suicide; or inciting violence against a student through group bullying; or releasing or threatening to release intimate visual material of a minor or a student who is 18 years of age or older without the student's consent.

Procedures for Expulsion

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

1. At least three days prior written notice of the charges and the proposed sanctions so as to afford a reasonable opportunity for preparation, including a written invitation to the student's parent or guardian to attend the expulsion hearing. The notice will also include the date, time, and location of the hearing, the evidence to be presented, and the names of adult witnesses who will present evidence at the hearing;
2. right to a full and fair hearing before the Director of Student Services or other designee;
3. right to have representation at the hearing;
4. opportunity to testify and to present evidence and witnesses in his or her defense; and;
5. opportunity to examine the evidence presented by the school administration and to question the administration's witnesses.

Who may be the student's representative at the hearing?

At the hearing, the student is entitled to an adult representative or legal counsel who can provide guidance to the student and who is not an employee of the District.

What happens if the student, parent, and/or representative fail to attend 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, provided the District makes a good-faith effort to inform the student and the student's parent or guardian of the time and place of the hearing.

What type of evidence may be presented by the District?

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

statements taken from students without revealing the identity of the student. The decision for expulsion will be based exclusively on the evidence presented at the hearing. The student may be expelled based on the Hearing Officer's reasonable belief that the evidence shows that it is more likely than not that the student committed the offense(s) with which he or she was charged.

How will parents be notified of the expulsion decision?

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

In addition to notifying the parents, and not later than the second business day after the date an expulsion hearing is held, the Hearing Officer will deliver a copy of the expulsion order to the authorized officer of the juvenile court in the county in which the student resides. The Hearing Officer will also provide the child's and parent's names and address, names and addresses of any witnesses, and a complete statement of the circumstances surrounding the conduct to the juvenile board, as required by Family Code 52.041.

What happens if a student withdraws from San Angelo ISD rather than be expelled?

Withdrawal from school does not affect the District's authority to schedule and conduct a hearing on the conduct and enter an order of expulsion, regardless of whether the student or parent is present to participate.

The order of expulsion will be included with the records transferred to the new school district, including another public school, a campus charter program, or an open-enrollment charter school, and that district or school will be empowered to exercise its authority to honor the expulsion. Furthermore, even if we do not complete the expulsion process and issue an expulsion order, we will send disciplinary records to the next school, and that school has the authority to complete the expulsion process and issue an expulsion order.

Students who transfer out of this District to another public or private school, including students who withdraw from this District for the purpose of home schooling, will be required upon return to the District to complete the term of expulsion before being allowed to return to the regular campus, unless the student's records indicate the student served the days of expulsion in another district.

If a student transfers into this District from another school district in which the student was expelled, SAISD shall continue the expulsion for the term of the previous school's expulsion order.

If a student transfers into this District from another school district in which the student was placed in the Juvenile Justice Alternative Education Program, SAISD shall continue the expulsion for the term of the previous school's expulsion order.

If a student transfers into this District from an open-enrollment charter school or from another state and the District receives a copy of the expulsion order in the records from the other school, the District may enforce the terms of that expulsion order, provided the grounds for expulsion in the open-enrollment charter school or other state are grounds for expulsion in the District.

What happens when graduating seniors are expelled?

When a student is expelled during the 12th grade, the District will not allow that student to participate in graduation ceremonies.

Appeal of Expulsion

A decision by the Expulsion Hearing Officer to expel a student may be appealed to the Superintendent or designee. The appeal must be in writing and filed with the Superintendent within three days of the expulsion order. The appeal must state the basis for the appeal and what remedy the student or parent is seeking. The Superintendent or designee will review the written appeal and the record of the expulsion prepared by the Expulsion Hearing Officer. At the administrator's discretion, the Superintendent or designee may schedule a conference with the student and parent. If a conference is scheduled, it shall be held within five days of the filing of the appeal. After the conference a written decision will be issued. If no conference is scheduled, the Superintendent or designee will issue a written decision within five days after the appeal is received.

The Superintendent or designee's decision may be appealed to the Board of Trustees by filing a written appeal with the Superintendent within three days after receipt of the decision. The written appeal must state all the bases for appeal. At the next regular Board meeting after the appeal is received, the Board will review the complete record of the expulsion, including all written appeals. The Board may choose to take no action after reviewing the record and appeal, which has the effect of sustaining the expulsion. The Board may also choose to schedule an appeal at a future meeting at which the parents may make an oral presentation of the appeal. The Board's decision regarding an oral presentation is final and may not be appealed.

If the Board permits an oral presentation, the administration may also be asked to speak. No new evidence, including witnesses or documents, will be permitted or considered. The Board may set reasonable time limitations for presentations.

The student is expelled during any appeal.

Emergency Expulsion

The Director of Student Services or other designee, on his or her own order or at the request of a campus administrator, may order the immediate expulsion of a student, if the Director of Student Services or other designee reasonably believes that the action is necessary to protect people or property from imminent harm. At the time of the emergency expulsion, the student will be given oral notice of the reasons for the action, which must be a reason for which the student could be expelled on a non-emergency basis. Formal due process as explained under "Procedures for Expulsion" will occur within a reasonable time thereafter.

Formal Teacher Removal

In addition to the disciplinary techniques previously addressed in this Student Code of Conduct, a teacher may also, depending upon the severity of the circumstances, formally remove a student from class.

While we do not encourage formal removal by our teachers, we certainly recognize a teacher's right to do so and appreciate the necessity in certain instances. Formal teacher removal may accompany other forms of discipline consistent with this Code if warranted by the student.

What is the difference between being sent to the office and formal teacher removal?

Students may be sent to the principal's office for committing minor classroom infractions. However, a student who has been documented to repeatedly interfere with a teacher's ability to communicate effectively with the students in the class or with the ability of the students to learn, or who behaves in a manner the teacher determines is so unruly, disruptive, or abusive that it seriously interferes with the

teacher's ability to communicate effectively with the students or with the ability of other students to learn will be formally removed from the teacher's classroom.

What is the process for formally removing a student from a teacher's classroom?

Within three days of the formal teacher removal, a conference will be held between the principal or other appropriate administrator, the student's parent or guardian, the teacher removing the student from class, and the student. Pending the conference, the principal may place the student in another appropriate classroom, ISS, or a disciplinary alternative education program. Following the conference, the principal will order the placement of the student. The principal will not return the student to the teacher's class without that teacher's consent, unless the Placement Review Committee determines that such placement is the best or only alternative.

Are there any special limitations associated with formal teacher removal?

If a teacher removes a student class because the student committed any kind of assault against the teacher, the student may not be returned to the teacher's class without the teacher's consent.

Police Presence at School

Secondary campuses have off-duty law enforcement officers working on the campuses as a resource to the campus administrator. Elementary campuses may call law enforcement to come to the campus if the administrator feels there is a need.

Off-duty law enforcement officers have all the powers and duties of their office at all times and may issue citations or arrest students for conduct that occurs at school as the duties of their office require.

School discipline occurs independently of law enforcement responses.

Summer School

Our summer school program is not part of the regular school year program. Students voluntarily attend summer school to earn additional credits, to re-take courses they did not pass in the regular school year, to receive intensive instruction in subject areas where they did not demonstrate mastery on the state assessment instruments, or to complete courses necessary for graduation that were incomplete because of the student's placement in DAEP. During summer school, students are expected to abide by the rules of conduct that are in place during the school year. We will handle minor, isolated violations of conduct expectations through parent conferences; however, students who commit serious offense or who have persistent behavior problems while enrolled in summer school will be withdrawn from the program.

Glossary

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

Abuse

Abuse is improper or excessive use.

Abuse of Volatile Chemical Offenses

No student shall inhale, ingest, apply, use, or possess an abusable volatile chemical with intent to inhale, ingest, apply or use any of these in a manner:

1. Contrary to the directions for use, cautions, or warnings appearing on a label of a container of the chemical;
2. Designed to affect the central nervous system, create or induce a condition of intoxication, hallucination, or elation, or change, distort, or disturb the person's eyesight, thinking process, balance, or coordination.

Health and Safety Code 485.031

No student shall knowingly deliver to a person younger than 18 an abusable volatile chemical that does not contain additive material in accordance with rules adopted by the Commissioner of Health.

Health and Safety Code 485.032

No student shall knowingly use or possess with intent to use inhalant paraphernalia to inhale, ingest, or otherwise introduce into the human body an abusable volatile chemical. No student shall knowingly deliver, sell, or possess with intent to deliver or sell inhalant paraphernalia knowing that that person who receives it intends to use it to inhale, ingest, apply, use or otherwise introduce into the human body an abusable volatile chemical.

Health and Safety Code 485.033

Aggravated Assault

Aggravated assault is defined as causing serious bodily injury to another or using or exhibiting a deadly weapon during the commission of the assault.

Education Code 37.007(a) (2); Penal Code 22.02(a); Board policy FNCH (LEGAL)

"Serious bodily injury" is defined as bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

Penal Code 1.07(46)

Aggravated Kidnapping

(a) A person commits an offense if he intentionally or knowingly abducts another person with the intent to:

- (1) hold him for ransom or reward;
- (2) use him as a shield or hostage;
- (3) facilitate the commission of a felony or the flight after the attempt or commission of a felony;
- (4) inflict bodily injury on him or violate or abuse him sexually;
- (5) terrorize him or third person; or
- (6) Interfere with the performance of any governmental or political function.

(b) A person commits an offense if the person intentionally or knowingly abducts another person and uses or exhibits a deadly weapon during the commission of the offense.

Penal Code 20.04

Aggravated Robbery

A person commits an offense if he commits robbery and he:

Causes serious bodily injury to another; uses or exhibits a weapon; or causes bodily injury to a person or threatens or places another person in fear of imminent bodily injury or death if the other person is 65 years of age or older or a disabled person, i.e., an individual with a mental, physical, or developmental disability who is substantially unable to protect himself from harm.

Penal Code 29.031

A person commits robbery if, in the course of committing theft as defined in Chapter 31 and with intent to obtain or maintain control of the property, he:

- (1) Intentionally, knowingly, or recklessly causes bodily injury to another; or
- (2) Intentionally or knowingly threatens or places another in fear of imminent bodily injury or death.

Penal Code 29.02

Aggravated Sexual Assault

Aggravated sexual assault is defined as sexual assault (see page 38) in which the actor:

- (1) causes serious bodily injury or attempts to cause the death of the victim or another person in the course of the same criminal episode; or
- (2) by acts or words, places the victim in fear that death, serious bodily injury, or kidnapping will be imminently inflicted on any person; or
- (3) by acts or words occurring in the presence of the victim, threatens to cause death, serious bodily injury, or kidnapping; or
- (4) uses or exhibits a deadly weapon in the course of the same criminal episode; or
- (5) acts in concert with another, who commits a sexual assault directed toward the same victim and occurs during the same criminal episode; or
- (6) assaults a victim who is younger than 14 years of age or is 65 years of age or older.

Education Code 37.007(a) (2) (A); Penal Code 22.021; Board policy FNCH (LEGAL)

Alcohol Related Offense

(See #1 Page 10) refers to an offense related to any amount of a substance that was originally intended for consumption as an alcoholic beverage. The offense includes, but is not limited to, an alcoholic beverage. This offense is not meant to include any substance or product that may contain alcohol as an ingredient, but is not generally consumed for the purpose of intoxication.

Arson

(a) A person commits an offense if he starts a fire, **even if the fire does not continue after ignition**, or causes an explosion with intent to destroy or damage:

- (1) any vegetation, fence, or structure on open-space land; or
- (2) any building, habitation, or vehicle:
 - A. knowing that it is within the limits of an incorporated city or town;
 - B. knowing that it is insured against damage or destruction;
 - C. knowing that it is subject to a mortgage or other security interest;
 - D. knowing that it is located on property belonging to another;

- E. knowing that it has located within it property belonging to another; or
- F. when he is reckless about whether the burning or explosion will endanger the life of some individual or the safety of the property of another.

(b) It is an exception to the application of Subsection (a) (1) that the fire or explosion was a part of the controlled burning of open-spaced land.

Penal Code 28.02

Assault

Students are prohibited from assaulting anyone on school property or at any school-related event.

Simple assault is defined as:

- (1) Intentionally, knowingly, or recklessly causing bodily injury to another.
- (2) Intentionally or knowingly threatening another with imminent bodily injury.
- (3) Intentionally or knowingly causing physical contact with another when the person knows or should reasonably believe that the other will regard the contact as offensive or provocative.

"**Bodily injury**" is defined as physical pain, illness, or any impairment of physical condition.

Penal Code 22.01, 1.07(8)

Blackmail, Coercion, Extortion

Blackmail, coercion, and extortion are means of obtaining money or another object of value from an unwilling person.

Bullying

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

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

Bullying includes cyberbullying. This state law on bullying prevention applies to:

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

Computer Abuse

Altering any computer files in any way that is not authorized; intentional damage to the District's Electronics Communications System; possessing published or electronic material that is designed to promote or encourage illegal behavior or threaten school safety ; accessing, sending, publishing, or posting computer content that is abusive, obscene, sexually-oriented, threatening, harassing, illegal, or damaging to another's reputation; using the electronic media to threaten students or employees or to cause disruption to the educational process ;making Internet threats, committing illegal activities using the computer, and destruction of the computer.

Computer Misuse

Having or using someone else's password to login or attempt to login to the District Electronic Communications System; intentional access to prohibited material on the internet while on any District computer or system, including pornographic sites, wasting computer resources through improper use of the District's system such as spamming; importing computer viruses.

Controlled Substance and Dangerous Drug

Controlled substances or dangerous drugs include but are not limited to marijuana; any narcotic drug, hallucinogen, stimulant, depressant, amphetamine, barbiturate; or prescription medicine provided to any person other than the person for whom the prescription was written.

Policy FNCF Local

Criminal Mischief

- (a) A person commits an offense if, without the effective consent of the owner:
 - (1) he intentionally or knowingly damages or destroys the tangible property of the owner;
 - (2) he intentionally or knowingly tampers with the tangible property of the owner and causes pecuniary loss or substantial inconvenience to the owner or a third person; or
 - (3) he intentionally or knowingly makes markings, including inscriptions, slogans, drawings, or paintings, on the tangible property of the owner.
- (b) The offense becomes a felony criminal mischief offense when it:
 - (1) Is over \$1500 but less than \$20,000;
 - (2) Is less than \$1500 but is damaged by a firearm or explosive weapon; or
 - (3) Is damage inflicted on a place of worship or human burial, a public monument, or a school or community or medical or social center

Penal Code 28.03

Criminally Negligent Homicide

Causing the death of an individual by acting with criminal negligence, i.e., with respect circumstance surrounding his conduct or the result of his conduct when he ought to be aware of a substantial and unjustifiable risk that the circumstances exist or the result will occur. The risk must be of such a nature and degree that the failure to perceive it constitutes a gross deviation from the standard of care that an ordinary person would exercise under all the circumstances as viewed from the actor's viewpoint.

Penal Code 19.05.6.03(d)

Cyberbullying

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

Day "Day" means a calendar day unless otherwise specified.

Dangerous driving is defined as a standard of driving that falls far below the minimum acceptable standard that is to be expected of a competent and safe driver.

Dating Violence

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

Deadly Conduct

A person engages in deadly conduct if he recklessly engages in conduct that places another in imminent danger of serious bodily injury or knowingly discharges a firearm at or in the direction of one or more individuals or a habitation, building, or vehicle and is reckless as to whether it is occupied. Recklessness and danger are presumed if the person knowingly points a firearm at or in the direction of another whether or not the actor believed the firearm to be loaded.

A person acts recklessly, or is reckless, with respect to circumstances surrounding his conduct or the result of his conduct when he is aware of but consciously disregards a substantial and unjustifiable risk that the circumstances exist or the result will occur. The risk must be of such a nature and degree that its disregard constitutes a gross deviation from the standard of care that an ordinary person would exercise under all the circumstances as viewed from the actor's viewpoint.

Penal Code 22.05, 6.03(c)

Deferred Adjudication

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

Deferred Prosecution

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

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

Discretionary

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

Disruption of Classes and/or Lawful Assembly

Conduct by students either in or out of class that for any reason - whether because of time, place, or manner of behavior - materially disrupts class work or involves substantial disorder or invasion of the rights of others is prohibited.

Student demonstrations and similar activities shall be prohibited when there is evidence that may reasonably lead school authorities to forecast substantial disruption of, or material interference with, normal school operations or approved school activities.

No person shall be permitted on school property or on public property within 500 feet of school property

to willfully disrupt, alone or in concert with others, the conduct of classes or other school activities.

Conduct that disrupts the educational activities of a school includes:

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

For purposes of this provision, "**school property**" shall include the public school campuses or school grounds upon which any public school is located and any grounds or buildings used by District schools for assemblies or other school-sponsored activities.

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

Education Code 37.124

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

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

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

Education Code 37.123

E-cigarette

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

False Alarm or Report

A person commits an offense when he or she knowingly initiates, communicates, or circulates a report of a present, past, or future bombing, fire, offense, or other emergency that he or she knows is false or baseless and that would ordinarily;

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

Fighting

Fighting is physical conflict between two or more individuals. **A fight has occurred if a student who is attacked strikes back.** To avoid penalty, a student under attack should seek to detach himself/herself from the situation and get school personnel or adult help. An investigation will be completed prior to any disciplinary assignment. Consideration is given to self-defense as a factor. Depending on the extent of the "fight", any student participating in a fight may also be committing an assault.

Gang Activity

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

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

Policy FMC Local

Graffiti

Graffiti is making marks with aerosol paint, an indelible marker, or an etching or engraving device on tangible property of the owner without the effective consent of the owner. The markings may include inscriptions, slogans, drawings, or paintings.

Harassment

"Harassment" means 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

Education Code 37.001(b) (1)

Harassment of Public Servant

A person commits an offense if, with the intent to assault, harass, or alarm, the person causes another person the actor knows to be a public servant to contact the blood, seminal fluid, vaginal fluid, saliva, urine, or feces of the actor, any other person, or an animal while the public servant is lawfully discharging an official duty or in retaliation or on account of an exercise of the public servant's official powers or performance of an official duty.

Penal Code 22.11(a) (2)

Hazing

Hazing means any intentional, knowing, or reckless act occurring on or off school property directed against a student, 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, 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 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 any unreasonable risk of harm or that adversely affects the mental or physical health or 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 an educational institution, or that may reasonably be expected to cause a student to leave the organization or the institution rather than submit to acts described above; or
- (5) any activity that induces, causes, or requires the student to perform a duty or task that involves a violation of the Penal Code.

Education Code 37.151; SAISD Board Policy FNCC (LEGAL)

A person commits an offense if the person commits any of the following:

- (1) engages in hazing;
- (2) solicits, encourages, directs, aids, attempts to aid another in an act of hazing;
- (3) recklessly permits hazing to occur; or
- (4) has firsthand knowledge of the planning of a specific hazing incident involving a student, or first-hand knowledge that a specific hazing incident has occurred, and knowingly fails to report that knowledge in writing to the principal, superintendent, or designee.

Education Code 37.152; SAISD Board Policy FNCC (LEGAL)

Hit List

"Hit list" means a list of people targeted to be harmed using a firearm, a knife, or any other object to be used with intent to cause bodily harm.

Education Code 37.001(b) (2)

Inappropriate Use of Technology

Students are prohibited from sending or posting electronic messages that are abusive, obscene, sexually oriented, threatening, harassing, damaging to another's reputation or illegal. This prohibition will also apply to **CONDUCT OFF SCHOOL PROPERTY** if it results in a **SUBSTANTIAL DISTRUPTION TO THE EDUCATIONAL ENVIRONMENT**.

Students are prohibited from taking, disseminating, transferring, or sharing obscene, sexually oriented, lewd, or otherwise illegal voice recording, videos, images or photographs and will be disciplined according to the Student Code of Conduct and may, in certain circumstance, be reported to law enforcement.

Students are prohibited from making or participating in any way in the making of a recording in any Media (digital, video, audio) of an actual or simulated act that is not a school project, an authorized school activity, or not approved by appropriate school personnel, and involves conduct prohibited by any other provision of the Student Code of Conduct. If the recording is transmitted to or played on or through the internet, or is transmitted to any other electronic or digital device that permits subsequent transmittal to or playing on any other type of electronic or digital device, students will be disciplined according to the Student Code of Conduct. The provision of the Student Code of Conduct is violated even if all the participants in the recording agree to being recorded.

Students are prohibited from possessing, transmitting, posting or otherwise displaying any video, recording or photograph that (a) results in a substantial disruption to the educational environment, or; (b) substantially invades the privacy of others, or; (c) could be considered obscene, lewd, or sexually oriented; or (d) is damaging to another's reputation.

Indecency With a Child

- (a) A person commits an offense if, with a child younger than 17 years and not his/her spouse, whether the child is of the same or opposite sex, he:
 - (1) engages in sexual contact with the child;
 - (2) makes the child engage in sexual contact, including touching through clothing; or
 - (3) exposes his anus or any part of his genitals, knowing the child is present, with intent to arouse or gratify the sexual desire of any person.
- (b) It is an affirmative defense to prosecution under this section that the actor
 - (1) was not more than three years older than the victim and of the opposite sex; and
 - (2) did not use duress, force, or a threat against the victim at the time of the offense.

Penal Code 21.14

Indecent Exposure

A person commits an offense if he exposes his anus or any part of his genitals with intent to arouse or gratify the sexual desire of any person, and he is reckless about whether another is present who will be offended by his act.

Penal Code 21.08

Location-restricted knife is defined by Texas Penal Code 46.01(6) as a knife with a blade over five and one-half inches.

Mandatory

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

Manslaughter

Recklessly causing the death of an individual, i.e., acting, with respect to circumstances surrounding his

conduct or the result of his conduct when he is aware of but consciously disregards a substantial and unjustifiable risk that the circumstances exist or the result will occur. The risk must be of such a nature and degree that its disregard constitutes a gross deviation from the standard of care that an ordinary person would exercise under all the circumstances as viewed from the actor's viewpoint.

Penal Code 19.04,6.03 (c)

Murder

[Subsections (a) and (b) are not pertinent to school offenses.]

(a) A person commits an offense of murder if he:

- (1) intentionally or knowingly causes the death of an individual;
- (2) intends to cause serious bodily injury and commits an act clearly dangerous to human life that caused the death of an individual; or
- (3) commits or attempts to commit a felony, other than manslaughter, and in the course of and in furtherance of the commission or attempt, or in immediate flight from the commission or attempt, he commits or attempts to commit an act clearly dangerous to human life that causes the death of an individual.

Penal Code 19.02

Capital Murder, Criminal Attempt to Commit Capital Murder

A person commits an offense of capital murder if he commits murder as defined under Section 19.02

(b) (1) and:

- (1) the person murders a peace officer or fireman who is acting in the lawful discharge of an official duty and who the person knows is a peace officer or fireman;
- (2) the person intentionally commits the murder in the course of committing or attempting to commit kidnapping, burglary, robbery, aggravated sexual assault, arson, obstruction, or retaliation;
- (3) the person commits the murder for remuneration or employs another to commit the murder for remuneration or the promise of remuneration;
- (4) the person commits the murder while escaping or attempting to escape from a penal institution;
- (5) the person, while incarcerated in a penal institution, murders another
 - (A) who is employed in the operation of the penal institution; or
 - (B) with the intent to establish, maintain, or participate in a combination or in the profits of a combination;
- (6) the person
 - (A) while incarcerated for an offense under this section or Section 19.02, murders another; or
 - (B) while serving a sentence of life imprisonment or a term of 99 years for an offense under Section 20.04, 22.021, or 29.03, murders another;
- (7) the person murders more than one person
 - (A) during the same criminal transaction; or
 - (B) during different criminal transactions but the murders are committed pursuant to the same scheme or course of conduct; or
- (8) the person murders an individual under six years of age.

Penal Code Section 19.03

Paging Device or Cellular Telephone

A paging device is a telecommunications device that emits an audible signal, vibrates, displays a message, or otherwise summons or delivers a communication to the possessor.

Education Code 37.082; SAISD Policy FNCE (LEGAL)

Paraphernalia

Paraphernalia is any device that can be used to inhale, ingest, or otherwise introduce a controlled substance into a human body.

Persistent Misbehavior

Persistent misbehavior consists of two or more separate violations of the Student Code of Conduct in general or repeated violations of the same offense.

Placement Review Committee

Committees existing on each campus composed of an administrator and two teachers elected by their peers having the responsibility to:

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

Education Code 37.003; SAISD Policy FOAA, Legal

Possession

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

Prohibited Weapons

Prohibited weapons are defined as follows:

- (1) A **firearm** - (any device designed, made, or adapted to expel a projectile through a barrel by using the energy generated by an explosion or burning substance or any device readily convertible to that use;
- (2) any weapon, including a starter gun, which will or is designed to or may readily be converted to expel a projectile by the action of an explosive, the frame or receiver of any such weapon, any firearm muffler or firearm silencer). Penal Code 46.03(a), 46.01(3); 18 U.S.C. 921(a)(3)
- (3) A **destructive device** - (any explosive, incendiary, or poison gas, bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than ¼ ounce, mine, or device similar to any of these devices. The term does not include an antique firearm). 18 U.S.C. 921(a)(4)
- (4) An **location restricted knife** - as defined by law, knife with a blade over 5 ½ inches; hand instrument designed to cut or stab another by being thrown; dagger; bowie knife; sword; or spear.
- (5) A pocket knife shall not be considered an illegal knife if not opened or exhibited in a threatening manner, and not otherwise illegal under the penal code. Penal Code 46.01(6), 46.03(a); Education Code 37.007(1)(B); Board policy FNCG (LEGAL), FNCG (LOCAL)
- (6) An **explosive weapon** - any explosive or incendiary bomb, grenade, rocket, or mine 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, and includes a device designed, made, or adapted for delivery or shooting an explosive weapon. Penal Code 46.01(2); Board policy FNCG (LEGAL)
- (7) A **machine gun** - any firearm that is capable of shooting more than two shots automatically, without manual reloading, by a single function of the trigger. Penal Code 46.01(9); Board policy FNCG (LEGAL)
 - (8) A **short-barrel firearm** - 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. Penal Code 46.01(10); Board policy FNCG (LEGAL)
 - (9) A **switchblade knife** - 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. Penal Code 46.01 (11); Board policy FNCG (LEGAL)
 - (10) **Knuckles** - any instrument consisting of finger rings or guards made of a hard substance that is designed, made, or adapted for the purpose of inflicting serious bodily injury or death by striking a person with a fist enclosed in the knuckles. Penal Code 46.01(8); Board policy FNCG (LEGAL)
 - (11) **Armor-piercing ammunition** - handgun ammunition that is designed primarily for the purpose of penetrating metal or body armor and to be used primarily in pistols and revolvers. Penal Code 46.01(12); Board policy FNCG (LEGAL)
 - (12) A **chemical dispensing device** – device, other than a small chemical dispenser sold commercially for personal protection, that is designed, made, or adapted for the purpose of causing an adverse psychological or physiological effect on a human being. Penal Code 46.01(14); Board policy FNCG (LEGAL)
 - (13) A **zip gun** - a device or combination of devices that was not originally a firearm and is adapted to expel a projectile through a smooth-bore or rifled-bore barrel by using the energy generated by an explosion or burning substance. Penal Code 46.01(16); Board policy FNCG (LEGAL)
 - (14) A **club** - an instrument specially designed, made, or adapted for the purpose of inflicting serious bodily injury or death by striking a person with the instrument, including a blackjack, nightstick, mace, and tomahawk. Penal Code 46.01(1), 46.03(a); Board policy FNCG (LEGAL)

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

Education Code 37.125

Public Lewdness

A person commits an offense if he knowingly engages in any of the following acts in a public place or, if not in a public place, he is reckless about whether another is present who will be offended or alarmed by his:

- (1) act of sexual intercourse;
- (2) act of deviate sexual intercourse;
- (3) act of sexual contact; or
- (4) act involving contact between the person's mouth or genitals and the anus or genitals of an animal or fowl.

Penal Code 21.07

Reasonable Belief

A reasonable belief determination can be made by the superintendent or designee using all available information, including the information furnished under Article 15.27 of the Code of Criminal Procedure.

Retaliation

Retaliation occurs when a person intentionally or knowingly harms or threatens to harm another by an unlawful act:

- (1) in retaliation for or on account of the service or status of another as a
 - (a) public servant or
 - (b) person who has reported or who the actor knows intends to report the occurrence of a crime; or
- (2) to prevent or delay the service of another as a
 - (a) public servant, witness, prospective witness, or informant; or
 - (b) person who has reported or who the actor knows intends to report the occurrence of a crime.

Informant means a person who has communicated information to the government in connection with any governmental function.

Harm means anything reasonably regarded as loss, disadvantage, or injury, including harm to another person in whose welfare the person affected is interested.

Penal Code 1.07 (25), 36.06

Self-Defense

(a) Except as provided in Subsection (b), a person is justified in using force against another when and to the degree he reasonable believes the force is immediately necessary to protect himself against the other's use or attempted use of unlawful force.

(b) The use of force against another is not justified:

1. In response to verbal provocation alone;
2. To resist an arrest or search that the actor knows is being made by a peace officer, or by a person acting in a peace officer's presence and at his direction, even though the arrest or search is unlawful, unless the resistance is justified under Subsection (c);
3. If the actor consented to the exact force used or attempted by the other;
4. If the actor provoked the other's use or attempted use of unlawful force, unless;
 - a. the actor abandons the encounter, or clearly communicates to the other his intent to do so reasonably believing he cannot safely abandon the encounter; and
 - b. the other nevertheless continues or attempts to use unlawful force against the actor;or
5. If the actor sought an explanation from or discussion with the other person concerning the actor's differences with the other person while the actor was:
 - a. carrying a weapon in violation of Section 46.02; or
 - b. possessing or transporting a weapon in violation of section 46.05

Penal Code 9.31(a)-(b)

Serious Misbehavior

Serious misbehavior is defined as any offense that can or will result in short term or long term DAEP placement.

Serious or Persistent Misbehavior

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.

Sexting

Sexting shall be defined as the act of sending sexually explicit messages or photographs, primarily between mobile phones.

Sexual Assault

Sexual assault is defined as intentionally or knowingly causing physical sexual contact or sexual penetration of another person without that person's consent.

Sexual assault is without the consent of the other person if the actor compels the other person to submit or participate by use of physical force or violence, or threat of force or violence, and the other person believes the actor has the present ability to execute the threat; or the other person cannot consent.

Education Code 37.007(a) (2) (A); Penal Code 22.011; Board policy FNCH (LEGAL)

Sexual Harassment

Sexual harassment by a student includes unwanted and unwelcome verbal or physical conduct of a sexual nature, whether by word, gesture, or any other sexual conduct, including requests for sexual favors

Education Code 37.083; FNC (Local)

Suspension

is when a student is removed from any SAISD campus and sent home. A student who is suspended is not allowed to attend or participate in any school-related activity or school-sponsored event. The student shall not be on any SAISD property.

Terroristic Threat

A terroristic threat is a threat to commit any offense involving violence to any person or property with the intent to:

- (1) Cause a reaction of any type to his threat 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, place to which the public has access, place of employment or occupation, aircraft, automobile, or other form of conveyance, or other public place; or
- (3) Cause impairment or interruption of public communications, public transportation, public water, gas, or power supply or other public service.
- (5) Place the public or a substantial group of the public in fear of serious bodily injury; or
- (6) Influence the conduct or activities of a branch or agency of the federal government, the state, or a political subdivision of the state (including the district)

Penal Code 22.07

Unauthorized videotaping/photography/recording of any kind

Students shall not photograph and /or record the image or voice of another without the prior consent of the individual(s) being recorded and /or photographed. Students are further prohibited from recording or photographing in any way that invades the privacy of others or disrupts the educational environment.

Under The Influence

Under the influence means lacking the normal use of mental or physical faculties. Impairment of a person's physical or mental faculties may be evidenced by a pattern of abnormal or erratic behavior, the presence of physical symptoms of drug or alcohol use, or by admission. A student "under the influence" need not be legally intoxicated to trigger disciplinary action. The District may determine that a student is "under the influence" based on information or student admission that the student used a prohibited substance (alcohol, dangerous drug, controlled substance) at school or while attending a school-related activity or recently enough prior to being at school or a school-related activity that the student would experience effects of the substance at school or while at the school-related activity.

Policy FNCF (LEGAL)

Use

Use means a student has voluntarily introduced into his or her body by any means a prohibited substance recently enough that it is detectable by the student's physical appearance, actions, breath, or speech.

Policy FNCF (LEGAL)

Title 5 Offenses

Chapter	§ and Offense	A felony when:
19	19.02 Murder	Always
	19.03 Capital Murder	Always
	19.04 Manslaughter	Always
	19.05 Criminally Negligent Homicide	state jail felony
20	20.02 Unlawful Restraint	the actor recklessly exposes the victim to substantial risk of serious bodily injury
	20.03 Kidnapping	Always
	20.04 Aggravated Kidnapping	Always
	21.11 Indecency w/ a Child	Always
	21.15 Improper Photography or Visual Recording	state jail felony
22	22.01 Assault	against a person the actor knows is a public servant while servant lawfully discharging an official duty or in retaliation or on account of an exercise of official power
	22.011 Sexual Assault	Always
	22.015 Coercing Gang Membership	Always
	22.02 Aggravated Assault	Always
	22.021 Aggravated Sexual Assault	Always
	22.04 Injury to a Child, Elderly Individual, or Disabled Individual	Always
	22.041 Abandoning or Endangering Child	Always
	22.05 Deadly Conduct	knowingly discharge a firearm at or in direction one or more individuals or a habitation, building, or vehicle and is reckless as to whether it is occupied
	22.07 Terroristic Threat	cause impairment or interruption of public communications, public transportation, public water, gas, or power supply or other public service
	22.08 Aiding Suicide	causes suicide or attempted suicide that results in serious bodily injury
	22.09 Tampering with Consumer Product	Always

Student Code of Conduct & Student/Parent Handbook Acknowledgment Form

Dear Student and Parent:

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

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

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

Thank you,



Vick Orlando
Director of Student Services

We acknowledge that we have been offered the option to receive a paper copy of the Student Code of Conduct and the Student/Parent Handbook for the San Angelo ISD for the 2018-2019 school year or to electronically access them on the district's website at www.saisd.org. We understand that students will be held accountable for their behavior and will be subject to the disciplinary consequences outlined in the Code.

We have chosen to:

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

Print name of student: _____

Signature of student: _____

Print name of parent: _____

Signature of parent: _____

Date: _____

School: _____

Grade level: _____

Please sign this page, remove it, and return it to the student's school. Thank you.