

McKinney ISD

# Student Code of Conduct

2017-2018



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## STUDENT CODE OF CONDUCT

### **Purpose**

The Student Code of Conduct is the district's response to the requirements of Chapter 37 of the Texas Education Code.

The Code provides methods and options for managing students in the classroom, school sponsored events, on school grounds, disciplining students, and preventing and intervening in student discipline problems.

The law requires the district to define misconduct that may—or must—result in a range of specific disciplinary consequences including removal from a regular classroom or campus, out-of-school suspension, placement in a disciplinary alternative education program (DAEP), or expulsion from school.

This Student Code of Conduct has been adopted by the McKinney ISD Board of Trustees and developed with the advice of the district-level committee. This Code provides information to parents and students regarding standards of conduct, consequences of misconduct, and procedures for administering discipline.

In accordance with state law, the Code will be posted at each school campus or will be available for review at the office of the campus principal. Additionally, the Code shall be posted on the district's Web site. Parents will be notified of any conduct violation that may result in a student being suspended, placed in a DAEP, or expelled.

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

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

## **SCHOOL DISTRICT AUTHORITY AND JURISDICTION**

School rules and the authority of the district to administer discipline apply whenever the interest of the district is involved, on or off school grounds, in conjunction with or independent of classes and school-sponsored activities.

- The district has disciplinary authority over a student:
- During the regular school day and while the student is going to and from school on district transportation;
- While the student is in attendance at any school-related activity, regardless of time or location; For any school-related misconduct, regardless of time or location;
- When retaliation against a school employee or volunteer occurs or is threatened, regardless of time or location;
- When criminal mischief is committed on or off school property or at a school-related event;
- For certain offenses committed within 300 feet of school property as measured from any point on the school's real property boundary line;
- For certain offenses committed while on school property or while attending a school-sponsored or school - related activity of another district in Texas;
- When the student commits a felony, as provided by Education Code 37.006 or 37.0081; and the student is required to register as a sex offender.
- The district has the right to search a student, their belongings, or a vehicle driven to school by a student and parked on school property whenever there is reasonable cause to believe it contains articles or materials prohibited by the district.
- The district has the right to search a student's locker or desk when there is reasonable cause to believe it contains articles or materials prohibited by the district.

### **Reporting Crimes**

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

#### Parent Defined

Throughout the Code of Conduct and related discipline policies, the term "parent" includes a parent, legal guardian, or other person having lawful control of the child.

### **Participating In Graduation Activities**

The district has the right to revoke a student's participation in graduation activities for violating the district's code.

Participation might include a speaking role, as established by district policy and procedures.

Students eligible to give the opening and closing remarks at graduation shall be notified by the campus principal. Notwithstanding any other eligibility requirements, in order to be considered as an eligible student to give the opening or closing remarks, a student shall not have engaged in any misconduct in violation of the district's code resulting in an out-of-school suspension, removal to a DAEP, or expulsion during the semester immediately preceding graduation.

The valedictorian and salutatorian may also have speaking roles at graduation. No student shall be eligible to have such a speaking role if he or she engaged in any misconduct in violation of the district's code resulting in an out-of-school suspension, removal to a DAEP, or expulsion during the semester immediately preceding graduation.

See DAEP-Restrictions during Placement for information regarding a student assigned to DAEP at the time of graduation.

## **STANDARDS FOR STUDENT CONDUCT**

Each student is expected to:

- Demonstrate courtesy, even when others do not.
- Behave in a responsible manner, always exercising self-discipline.
- Attend all classes, regularly and on time.
- Prepare for each class; take appropriate materials and assignments to class.
- Meet district and campus standards of grooming and dress.
- Obey all campus and classroom rules.
- Respect the rights and privileges of students, teachers, and other district staff and volunteers.
- Respect the property of others, including district property and facilities.
- Cooperate with and assist the school staff in maintaining safety, order, and discipline.
- Adhere to the requirements of Board of Trustees' Policy and the Student Code of Conduct.

## GENERAL CONDUCT VIOLATIONS

The categories of conduct below are prohibited at school and all school-related activities, but the list is not exhaustive and does not include all offenses. In the subsequent sections on Out-of-School Suspension, DAEP Placement, Placement and/or Expulsion for Certain Severe Offenses, and Expulsion, certain offenses that require or permit specific consequences are listed. Any offense, however, may result in Removal from the Regular Educational Setting as detailed in that section.

Students shall not:

### **Disregard for Authority**

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

### **Mistreatment of Others**

- Use profanity or vulgar language or make obscene gestures.
- Fight or scuffle. (For assault see DAEP Placement and Expulsion.)
- Threaten a district student, employee, or volunteer, including off school property, if the conduct causes a substantial disruption to the educational environment.
- Engage in bullying, harassment, or making hit lists. (See glossary for all three terms.)
- Engage in conduct that constitutes sexual harassment or sexual abuse, whether by word, gesture, or any other conduct, directed toward another person, including a district student, employee, or volunteer.
- Engage in conduct that constitutes dating violence, including the intentional use of physical, sexual, verbal, or emotional abuse to harm, threaten, intimidate, or control another person with whom the student has or has had a dating relationship.
- Engage in inappropriate or indecent exposure of private body parts.
- Participate in hazing. (See glossary.)
- Cause an individual to act through the use of or threat of force (coercion).
- Commit extortion or blackmail (obtaining money or an object of value from an unwilling person). (See glossary.)
- Engage in inappropriate verbal, physical, or sexual conduct directed toward another person, including a district student, employee, or volunteer.
- Record the voice or image of another without the prior consent of the individuals being recorded or in any way that disrupts the educational environment or invades the privacy of others.
- Post content to social media that substantially disrupts the conduct of classes or other school activities.

## **Property Offenses**

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

## **Possession of Prohibited Items**

Students shall not possess or use:

- Pornographic material;
- Tobacco products, including e-cigarettes; and any component, part, or accessory for an e-cigarette device;
- Fireworks of any kind, smoke or stink bombs, or any other pyrotechnic device;
- Matches or a lighter;
- A razor, box cutter, chain, or any other object used in a way that threatens or inflicts bodily injury to another person;
- A pocketknife or any other small knife;
- A “look-alike” weapon;
- An air gun, airsoft gun, BB gun, or other item that ejects a projectile;
- Ammunition;
- A stun gun;
- Knuckles
- Mace or pepper spray;
- A laser pointer for other than an approved use; or
- Any articles not generally considered to be weapons, including school supplies, when the principal or designee determines that a danger exists. (For weapons and firearms see DAEP Placement and Expulsion);
- Counterfeit money or other money that imitates real bills

## ***Possession of Telecommunications or Other Electronic Devices***

For instructional purposes the district permits students to possess personal mobile telephones, laptops, tablets or handheld mobile devices; these devices must remain turned off during all testing unless they are being used as an approved testing modification. These devices must remain turned off or silenced and stored during the instructional day, unless a student has teacher approval to utilize student-owned devices in the classroom.

Electronic devices and accessories may be used for instructional purposes as determined by campus guidelines. During non-instructional times, electronic devices and accessories may be used within designated areas following campus guidelines.

Students are prohibited from sending or posting electronic messages that are abusive, obscene, sexually oriented, threatening, harassing, damaging to another's reputation, or illegal. Any person taking, disseminating, transferring, or sharing obscene, sexually oriented, lewd, or otherwise illegal images or other content will be disciplined according to the Student Code of Conduct and may, in certain circumstances, be reported to law enforcement.

### ***Confiscation***

District employees may confiscate telecommunications devices, including mobile telephones, used in violation of applicable campus rules.

### ***Notice of Confiscation***

The parent shall be notified within three school days after the device is confiscated.

### ***Retrieving a Device***

A confiscated telecommunications device shall be released for a fee determined by the Board. In accordance with the student handbook, the student or the student's parent may retrieve the device after paying the fee.

The student or parent may pay the fine to retrieve the device at the end of the school day.

### ***Disposal***

Confiscated electronic devices shall be held for a period up to 30 days after notification has been made. All reasonable attempts shall be made to return the electronic device to the parent. After the 30-day period has expired, the District shall dispose of the electronic device.

## Misuse of Computers and the Internet

- Violate computer use policies, rules, or agreements signed by the student or the student's parent.
- Attempt to access or circumvent passwords or other security-related information of the district, students, or employees or upload or create computer viruses, including off school property if the conduct causes a substantial disruption to the educational environment.
- Attempt to alter, destroy, or disable district computer equipment, district data, the data of others, or other networks connected to the district's system, including off school property if the conduct causes a substantial disruption to the educational environment.
- Use the Internet or other electronic communications to threaten district students, employees, or volunteers, or for cyberbullying, including off school property if the conduct causes a substantial disruption to the educational environment.
- Send or post electronic messages that are abusive, obscene, sexually oriented, threatening, harassing, damaging to another's reputation, bullying, or illegal, including off school property if the conduct causes a substantial disruption to the educational environment.
- Use e-mail or website at school to encourage illegal behavior or threaten school safety.

## Illegal, Prescription, and Over-the-Counter Drugs

A student possessing, consuming, or having consumed drugs/alcohol on the way to or from school, while at school, a school function, or in adjacent areas to school will be considered as having a drug/alcohol offense. (The term "drug" includes a prescription or over-the-counter drug that has not been placed in the nurse's office with the parent's instructions, or carried per state law with the correct McKinney ISD forms.) Possession of drug paraphernalia will be considered an offense. Student vehicles and lockers may be searched periodically for alcohol, narcotics, or other potentially dangerous substances/drugs.

- Possess or sell seeds or pieces of marijuana in less than a usable amount. (For illegal drugs, alcohol, and inhalants see DAEP Placement and Expulsion.)
- Possess, use, give, or sell paraphernalia related to any prohibited substance. (See glossary for "paraphernalia.")
- Possess or sell look-alike drugs or attempt to pass items off as drugs or contraband.
- Abuse the student's own prescription drug, including self-carry prescription policy (abusing insulin, inhalers, epipens), give a prescription drug to another student, or possess or be under the influence of another person's prescription drug on school property or at a school-related event. (See glossary for "abuse.")
- Abuse over-the-counter drugs. (See glossary for "abuse.")
- Be under the influence of prescription or over-the-counter drugs that cause impairment of the physical or mental faculties. (See glossary for "under the influence.")
- Have or take prescription drugs or over-the-counter drugs at school other than as provided by district policy.
- Possesses uses or is under the influence of restricted smoking material on school property or at school-related or school-sanctioned activities on or off school property. "*Restricted*

*Smoking Material* includes, but is not limited to, any substance, however marketed, which can reasonably be converted for smoking purposes whether it is presented as incense, tobacco, herbs, spices or any blend thereof, including but not limited to materials marketed as, but not limited to the following: Electronic Cigarettes, Vaporless Cigarettes, K-2, K-2 Summit, K-2 Sex, Genie, DaScents, Zohai, Sage, Spice, KO Knock-Out 2, Spice Gold, Spice Diamond, Yucatan Fire, Solar Flare, Pep Spice, Fire N' Ice, Black Mamba, Red V, Blaze, Dawn and Saliva Divinorum.

- “Electronic cigarette” means any electronic oral device, such as one composed of a heating element, battery, and/or electronic circuit, which provides a vapor of nicotine or any other substances for inhalation. The term shall include any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, or under any other product name or descriptor.

### **Safety Transgressions**

- Possess published or electronic material that is designed to promote or encourage illegal behavior or that could threaten school safety.
- Engage in verbal (oral or written) exchanges that threaten the safety of another student, a school employee, or school property.
- Make false accusations or perpetrate hoaxes regarding school safety.
- Engage in any conduct that school officials might reasonably believe will substantially disrupt the school program or incite violence.
- Throw objects that can cause bodily injury or property damage.
- Discharge a fire extinguisher without valid cause.

### **Miscellaneous Offenses**

- Violate dress and grooming standards as communicated in the student handbook.
- Cheat or copy the work of another.
- Gamble.
- Falsify records, passes, or other school-related documents.
- Engage in actions or demonstrations that substantially disrupt or materially interfere with school activities.
- Repeatedly violate other communicated campus or classroom standards of conduct.

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

McKinney ISD may bar or eject a person from school property and/or an event if the person poses a substantial risk of harm to any person, or behaves in a manner that is inappropriate for a school setting. McKinney ISD will first issue a verbal warning, but if the behavior continues, McKinney ISD may bar the person from entry, or order removal. McKinney ISD will provide the person with written information explaining the appeal process at the time of ejection/removal.

## **DISCIPLINE MANAGEMENT TECHNIQUES**

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

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

## **STUDENTS WITH DISABILITIES**

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

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

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

## **Techniques**

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

- Verbal correction, oral or written.
- Cooling-off time or “time-out.”
- Seating changes within the classroom.
- Temporary confiscation of items that disrupt the educational process.
- Rewards or demerits.
- Behavioral contracts.
- Counseling by teachers, counselors, or administrative personnel.
- Parent-teacher conferences, phone calls and other communications
- Grade reductions for cheating, plagiarism, and as otherwise permitted by policy.
- Detention, including outside regular school hours.
- Sending the student to the office or other assigned area, or to in-school suspension.
- Assignment of school duties such as cleaning or picking up litter.
- Withdrawal of privileges, such as participation in extracurricular activities, eligibility for seeking and holding honorary offices, or membership in school-sponsored clubs and organizations.

- Penalties identified in individual student organizations' extracurricular standards of behavior.
- Withdrawal or restriction of bus privileges.
- School-assessed and school-administered probation.
- Out-of-school suspension, as specified in the Out-of-School Suspension section of this Code.
- Placement in a DAEP, as specified in the DAEP section of this Code.
- Placement and/or expulsion in an alternative educational setting, as specified in the Placement and/or Expulsion for Certain Serious Offenses section of this Code.
- Expulsion, as specified in the Expulsion section of this Code.
- Referral to an outside agency or legal authority for criminal prosecution in addition to disciplinary measures imposed by the district.
- Other strategies and consequences as determined by school officials.

## **Notification**

The principal or appropriate administrator will notify a student's parent by phone or in 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 principal or appropriate administrator 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. However, if the officer or other authorized person taking a student into custody raises what the principal considers to be a valid objection to notifying the parents or guardians, the principal shall not notify the parent or guardian. Because the principal does not have the authority to prevent, delay, or otherwise interfere with the actions of law enforcement, any notification will most likely occur after the student has been taken into custody.

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.

## **Appeals**

Parental questions or complaints regarding disciplinary measures taken at the campus will be addressed only by the campus administration as appropriate, and in accordance with policy FNG (LOCAL). All student management consequences, up to and including out of school suspension is only appealable to the campus administrative staff. A copy of the policy may be obtained from the principal's office, the campus behavior coordinator's office, the central administration office, or through Board policy online at the following address: [www.mckinneyisd.net](http://www.mckinneyisd.net).

Consequences will not be deferred pending the outcome of a grievance.

## **Removal from the School Bus**

A bus driver may refer a student to the principal's office to maintain effective discipline on the bus. The principal must employ additional discipline management techniques, as appropriate, which can include restricting or revoking a student's bus riding privileges, placement in the district's DAEP or expulsion.

## REMOVAL FROM THE REGULAR EDUCATIONAL SETTING

In addition to other discipline management techniques, misconduct may result in removal from the regular educational setting in the form of a routine referral or a formal removal.

### Routine Referral

A routine referral occurs when a teacher sends a student to the principal or appropriate administrator's office as a discipline management technique. The principal or appropriate administrator may then employ additional techniques. A teacher or administrator may remove a student from class for a behavior that violates this Code to maintain effective discipline in the classroom.

### Formal Removal

A teacher **may** also initiate a formal removal from class if:

1. The student's behavior has been documented by the teacher as repeatedly interfering with the teacher's ability to teach his or her class or with the student's classmates' ability to learn; or
2. The behavior is so unruly, disruptive, or abusive that the teacher cannot teach, and the students in the classroom cannot learn.

Within three school days of the formal removal, the campus administrator will schedule a conference which includes the review committee, the student's parent, the student, and the teacher, in the case of removal by a teacher.

At the conference, the campus administrator will inform the student of the misconduct for which he or she is charged and the consequences. The student shall have an opportunity to give his or her version of the incident.

When a student is removed from the regular classroom by a teacher and a conference is pending, the campus behavior coordinator or other administrator may place the student in:

- Another appropriate classroom
- Detention (after school hours)
- In-school suspension
- Out-of-school suspension
- DAEP

### Returning Student to Classroom

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

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

## OUT-OF-SCHOOL SUSPENSION

### **Misconduct**

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

A student who is enrolled in a grade level below grade three may not be placed in out-of-school suspension unless while on school property or while attending as school-sponsored or school-related activity on or off of school property, the student engages in:

- (1) conduct that contains the elements of an offense related to weapons;
- (2) conduct that contains the elements of a violent offense;
- (3) selling, giving, or delivering to another person or possessing, using, or being under the influence of any amount of:
  - (A) marihuana or a controlled substance

### **Process**

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

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

The number of days of a student's suspension will be determined by the principal or appropriate administrator, but will not exceed three school days.

In deciding whether to order out-of-school suspension, the campus administrator will take into consideration:

1. Self-defense (see glossary),
2. Intent or lack of intent at the time the student engaged in the conduct, and
3. The student's disciplinary history or
4. A disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct

## DISCIPLINARY ALTERNATIVE EDUCATION PROGRAM (DAEP) PLACEMENT

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

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

DAEP students assigned to summer school may have the opportunity to take online courses at DAEP.

Students who are assigned to DAEP during the current school year, or who are returning to DAEP the following school year may not: attend co-curricular/extracurricular activities, summer camps, practices, social activities, school/district programs or activities during DAEP placement.

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

In deciding whether to place a student in a DAEP, regardless of whether the action is mandatory or discretionary, the principal or appropriate administrator will take into consideration:

1. Self-defense (see glossary),
2. Intent or lack of intent at the time the student engaged in the conduct, and
3. The student's disciplinary history or
4. A disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct

### Discretionary Placement: Misconduct That May Result in DAEP Placement

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

### Misconduct Identified in State Law

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

- Involvement in a public school fraternity, sorority, or secret society, including participating as a member or pledge, or soliciting another person to become a pledge or member of a public school fraternity, sorority, secret society, or gang. (See glossary)
- Involvement in criminal street gang activity. (See glossary)
- Criminal mischief, not punishable as a felony

In accordance with state law, a student **may** be placed in a DAEP if the superintendent or the superintendent's designee has reasonable belief (see glossary) that the student has engaged in conduct punishable as a felony, other than those listed as offenses involving injury to a person in Title 5 (see glossary) of the Texas Penal Code, that occurs off school property and not at a school-sponsored or school-related event, if the student's presence in the regular classroom threatens the safety of other students or teachers or will be detrimental to the educational process.

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

## **Mandatory Placement: Misconduct That Requires DAEP Placement**

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

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

## **Sexual Assault and Campus Assignments**

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

## **Emergencies**

In an emergency, the principal or the principal's designee may order the immediate placement of a student in a DAEP for any reason for which placement in a DAEP may be made on a nonemergency basis.

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

## **Conference**

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

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

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

## **Consideration of Mitigating Factors**

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

1. Self-defense (see glossary),
2. Intent or lack of intent at the time the student engaged in the conduct, and
3. The student's disciplinary history or
4. A disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct.

## **Placement Order**

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

No later than the second business day after the conference, the board's designee will deliver to the juvenile court a copy of the placement order and all information required by Section 52.04 of the Family Code.

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

### **Length of Placement**

The duration of a student's placement in a DAEP will be determined by the principal or appropriate administrator. The duration of a student's placement will be determined on a case-by-case basis. DAEP placement will be correlated to the seriousness of the offense, the student's age and grade level, the frequency of misconduct, the student's attitude, and statutory requirements.

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

#### **Exceeds One Year**

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

#### **Exceeds School Year**

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

For placement in a DAEP to extend beyond the end of the school year, the principal or appropriate administrator or board's designee must determine that:

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

#### **Exceeds 60 Days**

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

### **Appeals**

Parental questions or complaints regarding alternative education placement or other district disciplinary measures should be addressed to the campus administration, as appropriate and in accordance with policy FOC (LEGAL) and FNG (LEGAL) and (LOCAL). Appeals other than those identified in FOC (LEGAL) will be addressed in accordance with FNG (LEGAL) and (LOCAL); however, the decision issued at level two under FNG (LOCAL) is final and non-appealable. A copy

of this policy may be obtained from the principal's office, the central administration office, or online from the MISD website. **Consequences will not be deferred pending the outcome of an appeal.**

Appeals regarding the decision to place a student in a DAEP should be addressed to the Director of Administrative Services in accordance with policy FOC (LEGAL). All other appeals regarding a placement in a DAEP should be addressed in accordance with policy FNG (LOCAL). A copy of this policy may be obtained from the principal's office or the central administration office or through Board policy online at the following address: [www.mckinneyisd.net](http://www.mckinneyisd.net)

Disciplinary consequences will not be deferred pending the outcome of an appeal. The decision to place a student in a DAEP cannot be appealed beyond the board or its designee.

### **Restrictions During Placement**

State law prohibits a student placed in a DAEP for reasons specified in state law from attending or participating in school-sponsored or school-related extracurricular or co-curricular activity, including seeking or holding honorary positions and/or membership in school-sponsored clubs and organizations.

A student placed in a DAEP will not be provided transportation unless he or she is a student with a disability who has transportation designated as a related service in the student's IEP.

For seniors who are eligible to graduate and are assigned to a DAEP at the time of graduation, the placement in the program will continue through graduation, and the student will not be allowed to participate in the graduation ceremony and related graduation activities.

### **Placement Review**

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

### **Additional Misconduct**

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

### **Notice of Criminal Proceedings**

The office of the prosecuting attorney will notify the district if a student was placed in a DAEP for certain offenses including any felony, unlawful restraint, indecent exposure, assault, deadly conduct, terroristic threats, organized crime, certain drug offenses, or possession of a weapon, and:

1. Prosecution of a student's case was refused for lack of prosecutorial merit or insufficient evidence and no formal proceedings, deferred adjudication (see glossary), or deferred prosecution will be initiated; or
2. The court or jury found a student not guilty, or made a finding that the student did not engage in delinquent conduct or conduct indicating a need for supervision, and the case was dismissed with prejudice.

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

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

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

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

### **Withdrawal During Process**

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

### **Newly Enrolled Students**

The district will decide on a case-by-case basis whether to continue the placement of a student who enrolls in the district and was assigned to a DAEP in an open-enrollment charter school or another district. The district may place the student in the district's DAEP or a regular classroom setting.

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

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

### **Emergency Placement Procedure**

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

## PLACEMENT AND/OR EXPULSION FOR CERTAIN OFFENSES

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

### Registered Sex Offenders

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

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

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

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

### Review Committee

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

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

### Newly Enrolled Student

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

### Appeal

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

### Certain Felonies

Regardless of whether placement or expulsion is required or permitted by one of the reasons in the DAEP Placement or Expulsion sections, in accordance with Education Code 37.0081, a student **may** be expelled and placed in either DAEP or JJAEP if the board designee makes certain findings and the following circumstances exist in relation to a felony offense under Title 5 (see glossary) of the Texas Penal Code.

The student must:

## **Placement and/or Expulsion for Certain Serious Offenses**

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

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

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

## **Hearing and Required Findings**

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

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

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

## **Length of Placement**

The student is subject to the placement until:

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

## **Newly Enrolled Students**

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

## EXPULSION

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

1. Self-defense (see glossary),
2. Intent or lack of intent at the time the student engaged in the conduct,
3. The student's disciplinary history or
4. A disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct

### **Discretionary Expulsion: Misconduct That May Result in Expulsion**

#### **Any Location - A student may be expelled for:**

Engaging in the following, no matter where it takes place:

- Conduct that contains the elements of assault under Penal Code 22.01(a) (1) in retaliation against a school employee or volunteer
- Criminal mischief, if punishable as a felony
- Engaging in conduct that contains the elements of one of the following offenses against another student, without regard to where the conduct occurs:
  - Aggravated assault
  - Sexual assault
  - Aggravated sexual assault
  - Murder
  - Capital murder
  - Criminal attempt to commit murder or capital murder
  - Aggravated robbery
  - Engaging in conduct relating to a false alarm or report (including a bomb threat) or a terroristic threat involving a public school

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

Committing any of the following offenses on or within 300 feet of school property, as measured from any point on the school's real property boundary line, or while attending a school- sponsored or school-related activity on or off school property

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

an employee or a volunteer

- Engaging in deadly conduct. (See glossary)

### **Within 300 Feet of School**

Engaging in the following conduct while within 300 feet of school property, as measured from any point on the school's real property boundary line.

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

### **Property of another District**

Committing an offense that is a state-mandated expellable offense if the offense is committed on the property of another district in Texas or while the student is attending a school-sponsored or school-related activity of a school in another district in Texas.

### **While in DAEP**

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

1. Deliberate violent behavior that poses a direct threat to the health or safety of others.
2. Extortion, meaning the gaining of money or other property by force or threat;
3. Conduct that constitutes the offense of:
  - a. Public lewdness under Section 21.07, Penal Code;
  - b. Indecent exposure under Section 21.08, Penal Code;
  - c. Criminal mischief under Section 28.03, Penal Code;
  - d. Personal hazing under Section 37.152; or
  - e. Harassment under Section 420.07(a) (1), Penal Code, of a student or district employee.

## **Mandatory Expulsion: Misconduct That Requires Expulsion**

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

### **Under Federal Law**

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

### ***Texas Penal Code***

Carrying on or about the student's person the following, as defined by the Texas Penal Code:

- A handgun, defined by state law as any firearm designed, made, or adapted to be used with one hand. (See glossary). Note: A student may not be expelled solely on the basis of the student's use, exhibition, or possession of a firearm that occurs at an approved target range facility that is not located on a school campus, while participating in or preparing for a school sponsored shooting sports competition or a shooting sports educational activity that is sponsored or supported by the Parks and Wildlife Department or a shooting sports sanctioning organization working with the department. [See policy FNCG (LEGAL)]
- An illegal knife, as defined by state law. (See glossary)
- A club such as defined in state law. (See glossary)
- Possessing, manufacturing, transporting, repairing, or selling a prohibited weapon, as defined in state law. (See glossary)

Behaving in a manner that contains elements of the following offenses under the Texas Penal Code:

- Aggravated assault, sexual assault, or aggravated sexual assault
- Arson. (See glossary)
- Murder, capital murder, or criminal attempt to commit murder or capital murder
- Indecency with a child

- Aggravated kidnapping
- Aggravated robbery
- Manslaughter
- Criminally negligent homicide
- Continuous sexual abuse of a young child or children
- Behavior punishable as a felony that involves selling, giving, or delivering to another person, or possessing, using, or being under the influence of marijuana, a controlled substance, a dangerous drug, or alcohol; or committing a serious act or offense while under the influence of alcohol
- Engaging in retaliation against a school employee or volunteer combined with one of the above-listed mandatory expulsion offenses, with the exception of a federal firearm offense, on or off school property or at a school-related activity

### **Under Age Ten**

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

### **Emergency**

In an emergency, the principal or the principal's designee **may** order the immediate expulsion of a student for any reason for which expulsion may be made on a nonemergency basis.

### **Process**

If a student is believed to have committed an expellable offense, the board designee will schedule a hearing within a reasonable time. The student's parent will be invited in writing to attend the hearing.

Until a hearing can be held, the principal may place the student in:

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

### **Hearing**

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

1. Representation by the student's parent or another adult who can provide guidance to the student and who is not an employee of the district,
2. An opportunity to testify and to present evidence and witnesses in the student's defense, and
3. An opportunity to question the district's witnesses

After providing notice to the student and parent of the hearing, the district may hold the hearing regardless of whether the student or the student's parent attends

The Board of Trustees delegates to the Director of Administrative Services the authority to conduct hearings and expel students

### **Board Review of Expulsion**

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

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

The board shall hear statements made by the parties at the review and shall base its decision on evidence reflected in the record and any statements made by the parties at the review. The board will make and communicate its decision orally at the conclusion of the presentation.

Consequences will not be deferred pending the outcome of the hearing.

### **Expulsion Order**

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

1. Self-defense (see glossary),
2. Intent or lack of intent at the time the student engaged in the conduct,
3. The student's disciplinary history, or
4. A disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct

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

No later than the second business day after the hearing, the board's designee will deliver to the juvenile court a copy of the expulsion order and the information required by Section 52.04 of the Family Code.

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

### **Length of Expulsion**

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

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

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

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

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

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

### **Withdrawal during Process**

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

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

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

### **Additional Misconduct**

If during the expulsion, the student engages in additional conduct for which placement in a DAEP or expulsion is required or permitted, additional proceedings may be conducted. An additional disciplinary order may be a result of those proceedings.

### **Restrictions during Expulsion**

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

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

### **Newly Enrolled Students**

The district will decide on a case-by-case basis the placement of a student who is subject to an expulsion order from another district or an open-enrollment charter school upon enrollment in the district.

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

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

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

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

## **Emergency Expulsion Procedures**

When an emergency expulsion occurs, the student will be given verbal notice of the reason for the action. Within ten (10) days after the date of the emergency expulsion, the student will be given appropriate due process required for a student facing expulsion.

## **DAEP Placement of Expelled Students**

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

## McKinney ISD Extracurricular/Co-Curricular Drug Policy and Contract

1. The objectives for this program are:
  - To allow each student in programs subject to testing to make a commitment against drug/alcohol use
  - To provide a deterrent to drug/alcohol use for students in grades 7-12
  - To ensure the health and safety of students participating in an extracurricular activity
  - To provide a drug/alcohol education and counseling program for students who test positive for drug/alcohol use and for those students who are at risk for drug/alcohol use
  - To provide students with a tool to deal with peer pressure
2. Students in grades 7-12 who participate in extracurricular activities will be required to submit to drug/alcohol testing consistent with this policy. For the purpose of this policy, extracurricular activities include, but are not limited to:
  - All UIL activities
  - School-sponsored student groups/clubs/organizations
  - Student Council
  - All elected/appointed student officers

Additionally, any student may voluntarily agree to participate in the drug testing program with the written consent of their parents/guardians.

When the athletic director/sponsor/campus administrator has a reasonable suspicion that a student subject to the program is currently using drugs/alcohol, the athletic director or fine arts director may require the student to submit to a test under this policy. "Reasonable suspicion" means a suspicion of drug/alcohol use based on specific observations made by teachers/coaches/administrators/sponsors of the appearance, speech, or behavior of a student subject to this policy; the reasonable inferences that are drawn from those observations; and/or information of drug/alcohol use by a student subject to this policy supplied to school officials by other students, staff members, or patrons.

3. Prior to engaging in any extracurricular activity which is governed by this policy, a parent/guardian of a student, and the student, must both sign a written consent authorizing drug/alcohol testing of the student. Students who have reached the age of majority, or their disabilities of minority have been removed, will sign the written consent authorizing drug/alcohol testing of the student.

All students covered by this policy will be required to submit to random drug/alcohol testing. Random testing may be conducted at any time. Random testing may be conducted as determined by the Superintendent or the campus principal. The names of all eligible students will be placed in a computer generated "pool." Random selections from that pool will be conducted by the testing service contracted by the District.

4. The District will contract with a nationally certified drug-testing laboratory that will conduct all testing. The laboratory will follow strict procedures for the chain of custody and access to test results. The laboratory will provide qualified collectors to oversee collection of specimens. The service will provide Medical Review Officer.

The term “drug/alcohol” for the purpose of this policy includes the definition outlined in the *Student Code of Conduct*:

- Any controlled substance or dangerous drug as defined by state and federal law; without regard to amount, including but not limited to marijuana, any narcotic drug, hallucinogen, stimulant, depressant, amphetamine, or barbiturate;
- Alcohol or any alcoholic beverage;
- Any simulated controlled substance or dangerous drug;
- Any drug as defined by state and federal law without regard to amount;
- Any abusable volatile chemical substance for inhalation;
- Any prescription drug used in a manner not consistent with the prescription;
- Any other intoxicant or mood-changing, mind-altering, or behavior altering drugs, including pills and other over-the-counter stimulants and sedatives; or
- Any anabolic steroids.

(MRO) services for the interpretation and verification of positive results. The MRO will report all test results to designated school officials. Results will not be provided either orally or in writing to any person who has not been designated by the district to receive results. The District reserves the right to test for prohibited/illegal substances, including but not limited to: alcohol, amphetamines, barbiturates, benzodiazepines, cannabinoids, cocaine, methadone, methaqualone, opiates, phencyclidine, steroids, other illegal or addictive drug and any adulterant.

5. If the drug test indicates positive results, the laboratory will immediately forward the results to its MRO. The MRO will contact the parent/guardian to determine if prescription medication or other legal substances may have caused the positive result. The parent/guardian will have the opportunity to provide any prescriptions to the MRO for review and issuance of his/her determination. The MRO will contact the MISD after all procedures have been completed, and they have determined the test to be a positive. The school designee will then contact the parent to set up a meeting with the student.
6. Drug/Alcohol Testing will be performed by urinalysis in accordance with accepted practices and procedures as established by the certified drug/alcohol testing laboratory with whom the District contracts. Student privacy will be protected to the greatest extent possible during the collection and coding of urine specimens. Students will provide urine specimens in a private stall in a restroom. An adult monitor will be stationed at the entry of the restroom. After the specimen is produced, it will be handed to the monitor.
7. Results of any drug/alcohol test will not be given to law enforcement authorities nor be used for any school district discipline, except as related to applicable activities noted in this policy. Access to written drug/alcohol results will be limited to the following:

Parent/Guardian

Student

Superintendent Designee

Access to verbal notification that a student has tested positive for drug/alcohol use will be provided to the following:

Principal

Coach/sponsor of the specific activity in which the student participates at the time of the positive test.

All information related to the testing or the identification of students as a user of illegal drugs/alcohol will be protected by the District and its employees, officers, and agents as confidential, unless otherwise required by law, in response to overriding public health and safety concerns, or as authorized by the parent/guardian or student. The District will destroy the records maintained under this policy in accordance with the District's records retention schedule.

### **Consequences of Positive Testing**

Consequences of a **FIRST** confirmed positive test result shall be as follows:

1. Required conference with parent/guardian and student;
2. Referral to an MISD approved counseling program for an assessment which will determine the length of counseling needed for the student. The student must fulfill the recommendation of the counseling program, and provide documentation confirming completion of the program;
3. A minimum 20 school day suspension from all extracurricular activities;
4. Prior to rejoining any extracurricular activity, a negative test result must be obtained at the student's/parent's/guardian's expense;
5. After producing a negative test and regaining eligibility, the student will retest once a month for 4 months at the students, parents, or guardians expense.

Consequences of a **SECOND** confirmed positive test result shall be as follows:

1. Required conference with parent/guardian and student;
2. Referral to an MISD approved counseling program for an assessment which will determine the length of counseling needed for the student. The student must fulfill the recommendation of the counseling program, and provide documentation confirming completion of the program;
3. A minimum 60 school day suspension from all extracurricular activities;
4. Prior to rejoining any extracurricular activity, a negative test result must be obtained at the student's/parent's/guardian's expense;
5. After producing a negative test and regaining eligibility, the student will retest once a month for 4 months at the students, parents, or guardians expense.

Consequences of a **THIRD** confirmed positive test result shall be as follows:

1. Required conference with parent/guardian and student,
2. Referral to an MISD approved counseling program for an assessment which will determine the length of counseling needed for the student. The student must fulfill the recommendation of the counseling program, and provide documentation confirming completion of the program,
3. A minimum of one full calendar year suspension from all extracurricular activities,
4. Prior to rejoining any extracurricular activity, a negative test result must be obtained at the student's/parent's/guardian's expense,
5. After producing a negative test and regaining eligibility, the student will retest once a month for 4 months at the students, parents, or guardians expense.

Consequences of a **FOURTH** confirmed positive test result shall be as follows:

6. Required conference with parent/guardian and student;
7. The student will be removed from all participation in extracurricular activities for as long as the student is enrolled in McKinney ISD.

A positive test that results in a suspension in excess of the number of days remaining in the school year will continue on the first day of school of the next school year.

**Refusal to participate in a drug test after signing the consent form shall count as a positive test.**

8. Students who are not involved in extracurricular activities, but who voluntarily participate in the district drug testing program with consent of their parent/guardian will be subject to the same consequences for positive tests as set out herein.
9. Students who stop participating in extracurricular activities during the school year must submit a letter to the principal requesting removal from the random drug testing pool.
10. Appeal of the consequences of a positive result must be filed with the District by the student or parent/guardian in accordance with District policies FNG (LEGAL) and FNG (LOCAL). During the time of any appeal, the consequences outlined herein will remain in effect including but not limited to, suspension and/or removal from all applicable extracurricular activities. If the appeal is resolved in favor of the student, the student will be immediately reinstated to the extracurricular activity. Any drug/alcohol test incident to an appeal, in which the parent/guardian requests retesting, the parent/guardian must submit the appeal within forty-eight (48) hours of confirmation and notification of the positive result. Retesting must be performed by a nationally certified drug/alcohol testing laboratory using the original positive sample, and will be done at the parent/guardian's expense.

McKinney Independent School District  
**Drug/Alcohol Screening Test Parent/Guardian/Student Consent Form**

I, \_\_\_\_\_ (printed name of student) and  
\_\_\_\_\_ (printed name of parent/guardian)  
am the parent/guardian of \_\_\_\_\_ (print name of student) a  
student enrolled in the McKinney Independent School District.

I understand that participation in an extracurricular activity is a privilege that may be withdrawn for violations of McKinney ISD Board Policies. I understand that extracurricular activities include, but are not limited to: all UIL activities; school-sponsored student groups/clubs/organizations; student council; all elected/appointed student officers; and non-curriculum-related student groups.

I acknowledge that I have received a copy of the Random Drug/Alcohol Testing Program for McKinney ISD. I have read the District's Policy and understand the provisions of the random drug/alcohol testing program. I hereby consent to the testing provided by the program. I understand that Participation in extracurricular activities at McKinney ISD, as defined under the Policy, is conditioned upon my consent and participation in the random drug/alcohol testing program. In consideration of the benefits arising to me/my child from this activity, I hereby grant permission for me/my child to participate in the program. I further agree to and shall indemnify and hold harmless the District, its officers, agents and employees, from suits and liability of every kind, including expenses of litigation, court costs, and attorneys' fees for injury or damage which I or my child, or any other person might sustain as a result of my child's participation in the random drug/alcohol testing program.

I acknowledge that I have read and understand this consent and release. I represent that I am the student/parent or guardian of the student named above, and I hereby agree that we shall both be bound by the terms of the consent and release provisions set forth in the random drug/alcohol testing policy.

\_\_\_\_\_  
Circle which (Parent/Guardian Signature) (Date)

I, the student noted above, acknowledge that I have read the foregoing consent and release and that I understand it and agree to be bound by its terms and the terms of the random drug/alcohol testing program.

\_\_\_\_\_  
(Student Signature) (Date)

## NOTICE OF PARENT AND STUDENT RIGHTS: BULLYING, DISCRIMINATION, AND HARASSMENT

The McKinney Independent School District (MISD) is committed to providing a positive learning environment for all students that enhances personal safety and promotes respect, dignity, and equality among students. High standards are expected for both academic achievement and for behavior.

MISD strives to ensure that all of its students and employees are free from bullying, discrimination, harassment (including dating violence, gender-based harassment and sexual harassment). MISD prohibits these behaviors and all charges are to be taken very seriously by students, faculty, staff, administration, and parents/guardians. MISD will make every effort to handle and respond to every charge and complaint filed by students and employees in a fair, thorough, and just manner. Every effort will be made to protect the due process rights of all victims and all alleged perpetrators.

**Bullying** means a single significant act or pattern of acts by one or more students directed at another student that exploits an imbalance of power and involves engaging in written or verbal expression, expression through electronic means or physical conduct that satisfies the applicability requirements provided by Subsection (a-1) and 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 and includes cyberbullying.

**Cyberbullying** means 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, and text messaging, as social media application, an internet website, or any other internet-based communication tool.

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

**Discrimination** against a student is defined as conduct directed at a student on the basis of race, color, religion, gender, national origin, disability, or on any other basis prohibited by law, that adversely affects the student.

**Harassment** is defined as physical, verbal, or nonverbal conduct based on the student's race, color, religion, gender, national origin, disability, or any other basis prohibited by law that is so severe, persistent, or pervasive that the conduct:

1. Affects a student's ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening, hostile, or offensive educational environment;
2. Has the purpose or effect of substantially or unreasonably interfering with the student's academic performance; or
3. Otherwise adversely affects the student's educational opportunities

**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 the other 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.

For purposes of this policy, dating violence is considered prohibited harassment if the conduct is so severe, persistent, or pervasive that the conduct:

1. Affects a student's ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening, hostile, or offensive educational environment;
2. Has the purpose or effect of substantially or unreasonably interfering with the student's academic performance; or
3. Otherwise adversely affects the student's educational opportunities.

**Gender-based harassment** includes physical, verbal, or nonverbal conduct based on the student's gender, the student's expression of characteristics perceived as stereotypical for the student's gender, or the student's failure to conform to stereotypical notions of masculinity or femininity. For purposes of this policy, gender-based harassment is considered prohibited harassment if the conduct is so severe, persistent, or pervasive that the conduct:

1. Affects a student's ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening, hostile, or offensive educational environment;
2. Has the purpose or effect of substantially or unreasonably interfering with the student's academic performance; or
3. Otherwise adversely affects the student's educational opportunities.

**Sexual harassment** of a student, including harassment committed by another student, includes unwelcome sexual advances; requests for sexual favors; or sexually motivated physical, verbal, or nonverbal conduct when the conduct is so severe, persistent, or pervasive that it:

1. Affects a student's ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening, hostile, or offensive educational environment;
2. Has the purpose or effect of substantially or unreasonably interfering with the student's academic performance; or
3. Otherwise adversely affects the student's educational opportunities.

**Retaliation** by a student or District employee against a person who is a witness or participates in an investigation of alleged bullying, discrimination or harassment is prohibited. A person who makes a false claim or offers false statements or refuses to cooperate with a district investigation, however, may be subject to appropriate discipline.

Examples of retaliation against a student may include threats (from another student or employee), ostracism, assault, destruction of property, or when an employee imposes an unjustified punishment or unwarranted grade reduction. Retaliation does not include petty slights and annoyances from other students or adults.

**Reporting Procedures:** Any student who believes that he or she has experienced prohibited conduct or believes that another student has experienced prohibited conduct should immediately report the alleged acts to a teacher, counselor, principal, or other district employee as soon as possible to obtain assistance and intervention. The report may be made by the student's parent. Students, parents and staff members are encouraged to complete the MISD Bullying/Harassment Report Form available on the district's website at [www.mckinneyisd.net](http://www.mckinneyisd.net), or in the school's main office. Return to the campus administrator. For more information see MISD Board Policy FFH (Local) and FFI (Local).

To the greatest extent possible, the District shall respect the privacy of the complainant, persons against whom a report is filed, and witnesses. Limited disclosures may be necessary in order to conduct a thorough investigation and comply with applicable law.

Reports will be documented and investigated in accordance with MISD policy and guidelines. Any District employee who suspects or receives notice that a student or group of students has or may have experienced prohibited conduct shall immediately notify the campus principal who will take other steps required by board policy. Any staff member who learns of an incident of prohibited conduct shall submit a Complaint Form on behalf of the victim.

A student or parent/guardian who has a complaint alleging prohibited conduct may request a conference with the principal or the principal's designee. If the student or parent/guardian is not satisfied with the response from the campus staff, they may request a conference with the Superintendent or designee, or MISD's Title IX Coordinator.

A student or parent who is dissatisfied with the outcome of the investigation may appeal through FNG (LOCAL), beginning at the appropriate level. A student or parent shall be informed of his or her right to file a complaint with the United States Department of Education Office for Civil Rights.

For more information about your rights and responsibilities concerning bullying, harassment, dating violence or sexual violence, please contact the campus principal.

Any student who believes that he or she has experienced prohibited conduct or believes that another student has experienced prohibited conduct should immediately report the alleged acts to a teacher, counselor, principal, other District employee, or the appropriate District official in accordance with Board Policy. Students, parents and staff members are encouraged to complete the Student Incident Form available on the district's website and in the school's main office.

To the greatest extent possible, the District shall respect the privacy of the complainant, persons against whom a report is filed, and witnesses. Limited disclosures may be necessary in order to conduct a thorough investigation and comply with applicable law.

Reports will be documented and investigated in accordance with MISD policy and guidelines. Any District employee who suspects or receives notice that a student or group of students has or may have experienced prohibited conduct shall immediately notify the campus principal who will take other steps required by board policy. Any staff member who learns of an incident of prohibited conduct shall submit a Complaint Form on behalf of the victim.

A student or parent/guardian who has a complaint alleging prohibited conduct may request a conference with the principal or the principal's designee. If the student or parent/guardian is not satisfied with the response from the campus staff, they may request a conference with the Superintendent or designee, or MISD's Title IX Coordinator.

A student or parent who is dissatisfied with the outcome of the investigation may appeal through FNG (LOCAL), beginning at the appropriate level. A student or parent shall be informed of his or her right to file a complaint with the United States Department of Education Office for Civil Rights.

For more information about your rights and responsibilities concerning bullying, harassment, dating violence or sexual violence, please contact the campus principal.

## Glossary

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

**Abuse** is improper or excessive use.

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

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

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

**Arson** is:

A crime that involves starting a fire or causing an explosion with intent to destroy or damage:

- Any vegetation, fence, or structure on open-space land; or
- Any building, habitation, or vehicle:
- Knowing that it is within the limits of an incorporated city or town,
- Knowing that it is insured against damage or destruction,
- Knowing that it is subject to a mortgage or other security interest,
- Knowing that it is located on property belonging to another,
- Knowing that it has located within it property belonging to another, or
- When the person starting the fire is reckless about whether the burning or explosion will endanger the life of some individual or the safety of the property of another;

A crime that involves recklessly starting a fire or causing an explosion while manufacturing or attempting to manufacture a controlled substance and the fire or explosion damages any building, habitation, or vehicle; or

- A crime that involves intentionally starting a fire or causing an explosion and in so doing:  
Recklessly damages or destroys a building belonging to another, or
- Recklessly causes another person to suffer bodily injury or death.

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

**Bullying** means a single significant act or pattern of acts by one or more students directed at another student that exploits an imbalance of power and involves engaging in written or verbal expression, expression through electronic means or physical conduct that satisfies the applicability requirements provided by Subsection (a-1) and 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 and includes cyberbullying.

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

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

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

**Cyberbullying** means 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, and text messaging, as social media application, an internet website, or any other internet-based communication tool and that

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

**Dating violence** is the intentional use of physical, sexual, verbal, or emotional abuse by a person to harm, threaten, intimidate, or control another person with whom the student has or has had a dating relationship, as defined by Section 71.0021 of the Family Code.

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

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

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

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

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

**Discrimination** is defined as conduct directed at a student on the basis of race, color, religion, gender, national origin, disability, or on any other basis prohibited by law, that adversely affects the student.

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

**Explosive weapon** is any explosive or incendiary bomb, grenade, rocket, or mine and its delivery mechanism that is designed, made, or adapted for the purpose of inflicting serious bodily injury, death, or

substantial property damage, or for the principal purpose of causing such a loud report as to cause undue public alarm or terror.

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

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

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

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

**Handgun** is defined by Texas Penal Code 46.01(5) as any firearm that is designed, made, or adapted to be fired with one hand.

**Harassment** is:

1. Conduct that meets the definition established in district policies DIA(LOCAL) and FFH(LOCAL); or
2. Conduct that threatens to cause harm or bodily injury to another person, including a district student, employee, board member, or volunteer; is sexually intimidating; causes physical damage to the property of another student; subjects another student to physical confinement or restraint; or maliciously and substantially harms another student's physical or emotional health or safety.

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

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

**Illegal Knife** is defined by Texas Penal Code 46.01(6) as a

1. Knife with a blade of over five and one-half inches;
2. Hand instrument designed to cut or stab another by being thrown;
3. Dagger, including, but not limited to, a dirk, stiletto, or poniard;
4. Bowie knife;
5. Sword; or
6. Spear

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

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

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

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

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

**Prohibited weapon under Texas Penal Code 46.05(a) means**

1. An explosive weapon
2. A machine gun;
3. A short-barrel firearm or firearm silencer, unless registered with the U.S. Bureau of Alcohol, Tobacco, Firearms, and Explosives or classified as a curio or relic by the U.S. Department of Justice;
4. Knuckles;
5. Armor-piercing ammunition;
6. A chemical dispensing device;
7. A zip gun; or
8. A tire deflation device

**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; or any other school property used by the student, including but not limited to a locker or desk.

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

**Reasonable belief** is a determination made by the superintendent or designee using all available information, including the information furnished under Article 15.27 of the Code of Criminal Procedure.

**Self-defense** is the use of force against another to the degree a person reasonably believes the force is immediately necessary to protect him or herself.

**Serious misbehavior means:**

1. Deliberate violent behavior that poses a direct threat to the health or safety of others;
2. Extortion, meaning the gaining of money or other property by force or threat;
3. Conduct that constitutes coercion, as defined by Section 1.07, Penal Code; or
4. Conduct that constitutes the offense of:
  - a. Public lewdness under Section 21.07, Penal Code;
  - b. Indecent exposure under Section 21.08; Penal Code
  - c. Criminal Mischief under Section 28.03, Penal Code;
  - d. Personal hazing under Section 37.052; or
  - e. Harassment under Section 420.07 (a) (1), Penal Code, of a student or district employee.

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

- Behavior that is grounds for permissible expulsion or mandatory DAEP placement
- Behavior identified by the district as grounds for discretionary DAEP placement
- Actions or demonstrations that substantially disrupt or materially interfere with school activities
- Refusal to attempt or complete school work as assigned
- Insubordination

- Profanity, vulgar language, or obscene gestures
- Leaving school grounds without permission
- Falsification of records, passes, or other school-related documents
- Refusal to accept discipline assigned by the teacher or principal

**Sexting** intentionally or knowingly promoting by electronic means to another minor visual material depicting a minor, including the actor, engaging in sexual conduct, if the actor produced the visual material or knew that another minor produced it; or poses in electronic format visual material depicting another minor engaging in sexual conduct, if the actor produced the visual material or knew that another minor produced the visual material.

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

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

**Terroristic threat** is a threat of violence to any person or property with intent to:

1. Cause a reaction of any type by an official or volunteer agency organized to deal with emergencies;
2. Place any person in fear of imminent serious bodily injury;
3. Prevent or interrupt the occupation or use of a building; room, place of assembly, or place to which the public has access; place of employment or occupation; aircraft, automobile, or other form of conveyance; or other public place;
4. Cause impairment or interruption of public communications, public transportation, public water, gas, or power supply or other public service;
5. Place the public or a substantial group of the public in fear of serious bodily injury; or
6. Influence the conduct or activities of a branch or agency of the federal government, the state, or a political subdivision of the state (including the district).

**Tire deflation device** is defined in part by Section 46.01 of the Penal Code as a device, including a caltrop or spike strip, that, when driven over; impacts or stops the movement of a wheeled vehicle by puncturing one or more of the vehicle's tires.

**Title 5 offenses** are those crimes listed in the Title 5 of the Texas Penal Code that involve injury to a person and may include murder; kidnapping; trafficking of persons; smuggling or continuous smuggling of persons; assault; aggravated assault; sexual assault; aggravated sexual assault; unlawful restraint; voyeurism; indecency with a child; invasive visual recording; disclosure or promotion of intimate visual material; injury to a child, an elderly person, or a disabled person of any age; abandoning or endangering a child; deadly conduct; terroristic threat; aiding a person to commit suicide; and tampering with a consumer product. [See FOC (EXHIBIT)]

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

**Use** means voluntarily introducing into one's body, by any means, a prohibited substance recently enough that it is detectable by the student's physical appearance, actions, breath, odor or speech. Additionally,

student self-admission of use of prohibited substances is considered “use” for the purposes of the *Student Code of Conduct*.

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