



# Student Code of Conduct



**2025-2026  
Academic  
School Year**



Dear Parent and Student:

The Student Code of Conduct is designed to provide each family with information about the procedures that your school and your school district follow. Changes in policy that affect this document will be shared through school newsletters and other parent and student communications (available both printed and electronically). We believe that this document is a useful reference for your family.

The district requires that the school receive a signed statement from each student's parent that the Student and Parent Handbook and the Student Code of Conduct have been received and reviewed. Please review the materials and sign the required form during the online registration process.

We encourage each parent to become an active member of the educational team. We hope that parents will take time to get to know their child's teachers and principal.

Our community has created a quality school system for our students. The investment that parents and the community have made combined with our district's outstanding teachers and staff makes a strong learning environment for students.

Sincerely,

A handwritten signature in blue ink that reads 'Susannah Holbert O'Bara'.

Dr. Susannah Holbert O'Bara  
Superintendent of Schools

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## **Statement of Receipt**

### **STUDENT AND PARENT HANDBOOK/STUDENT CODE OF CONDUCT**

The Denton Independent School District requires that students and parents indicate by signature that they have accessed and read a copy of the Student and Parent Handbook and Student Code of Conduct including the district's Electronic Communication and Data Management Acceptable Use Policy.

We (student and parent) have received and reviewed the Denton Independent School District Student and Parent Handbook/Student Code of Conduct. We understand that we are expected to become familiar with the policies, procedures, and consequences explained in these documents. We understand that students will be held accountable for the behavior and consequences outlined in the Student Code of Conduct at school and at school-sponsored/ school related activities, including school-sponsored travel, and for any school-related misconduct regardless of time or location. We understand that a lack of knowledge of the policies listed herein will not be an acceptable defense in the event of a policy violation.

We understand that in certain courses my child may be required to identify, use, and apply all laboratory safety procedures and guidelines and to successfully complete a safety assessment. Students will receive detailed information regarding specific safety procedures as they apply to each individual course and will be held accountable for their behavior and safety during these activities.

We understand that the district assumes my consent to display my child's artwork, special projects, photographs taken by my child, and similar work on the district's website, in printed material, in video, or by any other method of mass communication. If I do not wish to give consent, I will notify my child's principal in writing within 10 school days of enrollment.

We have read and discussed the Electronic Communication and Data Management Acceptable Use Policy together and understand that these expectations apply to the use of the district's computers, telephones, and any other communication technology that is used at school including personal devices. We understand that the Internet will be used in class activities and that safeguards have been taken to minimize the chance of accessing inappropriate materials. We know that all students will be expected to follow specific directions regarding the use of the Internet whether during class or leisure time, and that deliberately accessing a site that is unacceptable for a given assignment will subject them to disciplinary action.

We agree to support and promote the goals of the Student Code of Conduct and make every effort to work with school officials to resolve any disciplinary issues that may arise.

I CHOOSE TO ACCESS THE ELECTRONIC FORM OF THE *STUDENT and PARENT HANDBOOK / STUDENT CODE OF CONDUCT* ON-LINE AT [www.dentonisd.org](http://www.dentonisd.org)

I REQUEST TO RECEIVE A PRINTED PAPER COPY OF THE *STUDENT and PARENT HANDBOOK / STUDENT CODE OF CONDUCT*.

(I understand that the campus will forward a copy to me as quickly as possible upon receipt of this request.)

***Parents and guardians respond to these questions as part the online student registration process.***

## **Consent to the Use of Student Directory Information**

The Family Educational Rights and Privacy Act (FERPA), a federal law, requires that school districts, with certain exceptions, obtain a parent's written consent prior to the disclosure of personally identifiable information from your child's educational records. The primary purpose of using limited information is to allow school districts to include this type of information from your child's education records in certain district publications. A written explanation of the provisions of the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Sec.1232g) can be found in the student handbook.

Denton ISD has designated the following as "directory information" and it will use to promote school programs and student achievements: Student's name, photograph/image, grade level, enrollment status, participation in officially recognized activities and sports, weight and height of members of athletic teams, honors and awards received, and the name of schools attended. We use this information for campus and district publicity or recognitions only.

Denton ISD has designated the following as "directory information" for release to third-party requestors: "student name." This information will be released if the request follows proper procedures and is in accordance with the Texas Public Information Act. Section 552.101 of the Texas Public Information Act does not mandate the disclosure of information that other law requires be kept confidential. In addition, the district does not associate a student's full name with their image on public websites or channels unless we check with the parent for permission.

If you do not want Denton ISD to release "directory information" from your child's educational records without your prior written consent, you must notify the district in writing within 10 school days of enrollment by submitting this form electronically with your registration materials.

**Option 1: Yes, Denton ISD can release all directory information.**

**Option 2: Yes, Denton ISD can release limited directory information** for school-sponsored purposes/recognitions only, including Denton ISD publications (ex: yearbooks, athletic programs, concert programs, playbills, etc.) and Denton ISD media (ex: cable channel, websites, news releases, etc.)

**Option 3: NO, I do not allow the release of any directory information.**

**PLEASE NOTE: If you choose this option and deny use of ANY "directory information", Denton ISD will not be able to include your child's' photo or information in student directories, student yearbooks, or district publications** including athletic programs, concert programs, commencement programs, group or individual photos, cable news segments, the Denton ISD website, broadcast or print media or district news releases to broadcast student accomplishments, recognitions or events to any media, newspapers, or other publications.

***Parents and guardians respond to these questions as part the online student registration process.***



## Statement of Philosophy

We, in the Denton Independent School District, believe that every student should have the opportunity to learn in a safe, orderly and supportive school environment. One of the most important lessons education should teach is that of self-discipline. Self-discipline is the tendency to behave in ways that are mutually beneficial to oneself and others. While it does not appear as a subject, it underlies and supports the entire educational process. It is the training that develops self-control and character and teaches respect and responsibility. Self-discipline is the key to good conduct and proper consideration for other people; discipline is an essential component of the educative process.

Education in this community represents a significant commitment of human and financial resources. The benefits a student derives from this investment depend very much on the student's attitude toward learning and the student's adherence to high standards of behavior.

## The Purpose of the Student Code of Conduct

The purpose of this document is to describe the expectations of the Denton Independent School District Board of Trustees, administrators and staff regarding student conduct. The *Student Code of Conduct* is the district's response to the requirements of Chapter 37 of the Texas Education Code. It provides methods and options for managing students in the classroom and on school grounds, disciplining students, and preventing and intervening in student discipline problems.

It is the belief of the school district that the rights of all students can be protected only as long as an atmosphere of organization and cooperation exists in the classrooms and at school-related functions. By respecting student rights and encouraging student and parental responsibility, the district seeks the full development of each student's potential.

Our goal is to provide a cooperative school climate that is free of disruptions where students can pursue their studies in a manner most conducive to learning. In an effort to fully inform students and parents of the expectations of the school district, the following board policies and District rules of conduct have been outlined. Parents are urged to contact the teacher and/or principal/ designee concerning school discipline questions.

*The Student Code of Conduct* has been developed in compliance with relevant law. 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 juvenile justice education program (JJAEP), or expulsion from school.

Violation of the statutes, policies, regulations and rules will result in appropriate behavior management methods as outlined under this Code. Serious and/or persistent violations of the statute, policies, regulations and rules will ultimately result in a student being subject to increasingly more serious penalties.

This *Student Code of Conduct* has been adopted by the Denton ISD Board of Trustees and developed with the advice of the district level improvement committee. It remains in effect

during summer school and at all school-related events and activities outside of the school year until an updated version adopted by the board becomes effective for the next school year. It has the force of policy; therefore, in case of conflict between the Code and the Student and Parent Handbook, the Code shall prevail. In accordance with state law, the Code shall be available for review at the office of each campus principal. Additionally, the Code shall be posted on the district’s website, [www.dentonisd.org](http://www.dentonisd.org).

## **Student Code of Conduct**

### **Accessibility**

If you have difficulty accessing the information in this document because of disability, please contact Courtney Dunning, Web Accessibility Coordinator, 940-369-0180.

### **Purpose**

The Student Code of Conduct (“Code of Conduct”), as required by [Chapter 37](#) of the Texas Education Code, provides methods and options for managing student behavior, preventing and intervening in student discipline problems, and imposing discipline.

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), placement in a juvenile justice alternative education program (JJAEP), or expulsion from school.

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

In accordance with state law, the Code of Conduct shall be posted on each school campus or shall be available for review at the campus principal’s office. Additionally, the Code of Conduct shall be available at the campus behavior coordinator’s office and posted on the district’s website. Parents shall be notified of any conduct violation that may result in a student being suspended, placed in a DAEP or JJAEP, expelled, or taken into custody by a law enforcement officer under [Chapter 37](#) of the Education Code.

Because the Code of Conduct is adopted by the district’s board of trustees, it has the force of policy. In the event of a conflict between the Code of Conduct and the Student Handbook, the Code of Conduct shall 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 district’s authority to administer discipline apply whenever the interest of the district is involved, on or off school grounds, in conjunction with or independent of classes and school-sponsored activities.

The district has disciplinary authority over a student:

1. During the regular school day;
2. While the student is traveling on district transportation;
3. During lunch periods in which a student is allowed to leave campus;
4. At any school-related activity, regardless of time or location;
5. For any school-related misconduct, regardless of time or location;
6. When retaliation against a school employee, board member, or volunteer occurs or is threatened, regardless of time or location;
7. When a student engages in cyberbullying, as defined by [Education Code 37.0832](#);
8. When criminal mischief is committed on or off school property or at a school-related event;
9. For certain offenses committed within 300 feet of school property as measured from any point on the school's real property boundary line;
10. For certain offenses committed while on school property or while attending a school-sponsored or school-related activity of another district in Texas;
11. When the student commits a felony, as provided by [Education Code 37.006, 37.007, or 37.0081](#); and
12. When the student is required to register as a sex offender.

### **Campus Behavior Coordinator**

As required by law, a single person at each campus must be designated to serve as the campus behavior coordinator (CBC). The designated person may be the principal, or any other campus administrator selected by the principal. Additional staff members may assist the CBC in the performance of the CBC's duties, provided that the CBC personally verifies that all aspects of [Chapter 37, Subchapter A](#) are appropriately implemented. The CBC is primarily responsible for maintaining student discipline. The CBC shall monitor disciplinary referrals and report the following behavior to the campus's threat assessment and safe and supportive school team:

- Conduct that contains the elements of the offense of terroristic threat under [Penal Code 22.07](#);
- Conduct that contains the elements of the offense of unlawfully carrying weapons under [Penal Code 46.02](#);
- Conduct that contains the elements of the offense of exhibiting, using, or threatening to exhibit or use a firearm under [Education Code 37.125](#); and
- Any concerning student behaviors or behavioral trends that may pose a serious risk of violence to the student or others.

The district shall post on its website and in the Student & Parent Handbook, for each campus, the email address and telephone number of the person serving as CBC. Contact information may be found at [www.dentonisd.org](http://www.dentonisd.org) and at <https://www.dentonisd.org/Domain/13252>.

### **Threat Assessment and Safe and Supportive School Team**

The CBC or other appropriate administrator will work closely with the campus threat assessment and safe and supportive school team to implement the district's threat assessment policy and procedures, as required by law, and shall take appropriate disciplinary action in accordance with the Code of Conduct.

## **Searches**

District officials may conduct searches of students, their belongings, and their vehicles in accordance with state and federal law and district policy. Searches of students shall be conducted in a reasonable and nondiscriminatory manner. Refer to the district's policies at FNF(LEGAL) and FNF(LOCAL) for more information regarding investigations and searches.

The district has the right to search a vehicle driven to school by a student and parked on school property whenever there is reasonable suspicion to believe it contains articles or materials prohibited by the district.

Desks, lockers, district-provided technology, and similar items are the property of the district and are provided for student use as a matter of convenience. District property is subject to search or inspection at any time without notice.

## **Reporting Crimes**

The principal or CBC and other school administrators as appropriate shall report crimes as required by law and shall call local law enforcement when an administrator suspects that a crime has been committed on campus.

## **Security Personnel**

The board utilizes police officers, school resource officers (SROs), and student security officers (SSO) to ensure the security and protection of students, staff, and property. In accordance with law, the board has coordinated with the CBC and other district employees to ensure appropriate law enforcement duties are assigned to these persons. Provisions addressing the various types of security personnel can be found in the CKE policy series.

As referenced in Board Policy CKE, school resource officers shall protect the safety and welfare of individuals and District property, enforce laws and District policies, investigate violations, make lawful arrests, coordinate with other law enforcement agencies, carry firearms per the MOU, and fulfill all other duties outlined in the MOU and applicable laws.

In addition, school resource officers and student security officers shall protect individuals and District property, maintain campus security through regular patrols and door checks, assist with safety drills, report security-related maintenance issues, notify appropriate authorities in emergencies, and perform other assigned duties.

## **“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 limit a student's participation in graduation activities for violating the district's Code of Conduct.

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 eligible, a student shall not have engaged in any misconduct that resulted in an out-of-school suspension, removal to a DAEP, or expulsion during the semester immediately preceding graduation.

The valedictorian and salutarian 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 that resulted in an out-of-school suspension, removal to a DAEP, or expulsion during the semester immediately preceding graduation.

## **Unauthorized Persons**

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

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

Appeals regarding refusal of entry or ejection from district property may be filed in accordance with policies FNG(LOCAL) or GF(LOCAL), as appropriate. However, the timelines for the district's grievance procedures shall be adjusted as necessary to permit the person to address the board in person within 90 calendar days, unless the complaint is resolved before a board hearing.

[See 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.
- Exercise self-discipline.
- Attend all classes regularly and on time.
- Bring 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 the Code of Conduct.

## **General Conduct Violations**

The categories of conduct below are prohibited at school, in vehicles owned or operated by the district, and at all school-related activities, but the list does not include the most severe offenses. In the subsequent sections on In-School Suspension, Out-of-School Suspension, Disciplinary Alternative Education Program (DAEP) Placement, Placement and/or Expulsion for Certain Offenses, and Expulsion,

those offenses that require or permit specific consequences are listed. Any offense, however, may be severe enough to result in Removal from the Regular Educational Setting.

### **Disregard for Authority**

Students shall not:

- Fail to comply with directives given by school personnel.
- Leave school grounds or school-sponsored events without permission.
- Disobey rules for conduct in district vehicles.
- Refuse to accept discipline or consequence assigned by a teacher or principal.

### **Mistreatment of Others**

Students shall not:

- Use profanity or vulgar language or make obscene gestures.
- Fight, scuffle or engage in mutual combat. [See Placement and/or Expulsion for Certain Offenses for assault.]
- Threaten a district student, employee, or volunteer, including off school property if the conduct causes a substantial disruption to the educational environment.
- Engage in any behavior that violates the Student Code of Conduct and is motivated by antisemitism. [See Glossary]
- Engage in bullying, cyberbullying, harassment, or making hit lists. (See Glossary for all four terms.)
- Release or threaten to release intimate visual material of a minor or a student who is 18 years of age or older without the student's consent.
- Engage in sexual or gender-based harassment or sexual abuse, whether by word, gesture, or any other conduct directed toward another person, including a district student, employee, board member, or volunteer.
- Engage in conduct that constitutes dating violence. [See Glossary]
- Engage in inappropriate or indecent exposure of private body parts.
- Participate in hazing. [See Glossary]
- Coerce an individual to act through the use or threat of force.
- Commit extortion or blackmail.
- 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 individual being recorded or in any way that disrupts the educational environment or invades the privacy of others.

### **Property Offenses**

Students shall not:

- Damage or vandalize property owned by others. [See Placement and/or Expulsion for Certain Offenses for felony criminal mischief.]
- Deface or damage school property, including textbooks, technology and electronic resources, 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 Penal Code. [See Placement and/or Expulsion for Certain Offenses for felony robbery, aggravated robbery, and theft.]
- Enter, without authorization, district facilities that are not open for operations.

## **Possession of Prohibited Items**

Students shall not possess or use:

- Fireworks of any kind, smoke or stink bombs, or any other pyrotechnic device;
- A razor, box cutter, chain, or any other object used in a way that threatens or inflicts bodily injury to another person;
- A “look-alike” weapon that is intended to be used as a weapon or could reasonably be perceived as a weapon;
- An air gun or BB gun;
- A short barrel firearm;
- Ammunition;
- A hand instrument designed to cut or stab another by being thrown;
- A firearm silencer or suppressor;
- A location-restricted knife\*;
- A club\*;
- A firearm\*;
- A stun gun;
- Knuckles;
- A pocketknife or any other small knife;
- Mace or pepper spray;
- Pornographic material;
- Tobacco products (including nicotine pouches), cigarettes, e-cigarettes, and any component, part, or accessory for an e-cigarette device;
- Matches or a lighter;
- A laser pointer, unless it is for 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.

\*See Placement and/or Expulsion for Certain Offenses for weapons and firearms. In many circumstances, possession of these items is punishable by mandatory expulsion under federal or state law.

## **Possession of Personal Communication Devices**

Students shall not:

- Use a personal communication device, including a cell phone, tablet, smart watch, or other electronic device on school property during the school day and shall store the device in accordance with the method of storage established by the district. [See Glossary]
- The district may authorize the use of a personal communication device for the following reasons:
  - To implement an individualized education program (IEP) or for a plan created under [Section 504, Rehabilitation Act of 1973 \(29 U.S.C Section 794\)](#) or a similar program or plan;
  - With documented need based on a directive from a qualified physician; or
  - To comply with a health or safety requirement imposed by law or as part of the district's safety protocols.

Inappropriate use of a personal communication device during the school day will result in disciplinary action in accordance with this Code of Conduct. Consequences may include having the device confiscated, in-school or out-of-school suspension, or even removal to DAEP for more serious offenses.

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

Students shall not:

- Possess, use, give, or sell alcohol or an illegal drug. [See Disciplinary Alternative Education Program (DAEP) Placement and Expulsion for mandatory and permissive consequences under state law.]
- Possess or sell seeds or pieces of marijuana in less than a usable amount.
- Possess, use, give, or sell paraphernalia related to any prohibited substance. [See Glossary for "paraphernalia."]
- Possess, use, abuse, or sell look-alike drugs or attempt to pass items off as drugs or contraband.
- Abuse the student's own prescription drug, 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 to body or mind. [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.

## **Misuse of Technology Resources and the Internet**

Students shall not:

- Violate policies, rules, or agreements signed by the student or the student's parent regarding the use of technology resources.



- 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 technology resources including, but not limited to, computers and related 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 or harass district students, employees, board members, or volunteers, including off school property if the conduct causes a substantial disruption to the educational environment or infringes on the rights of another student at school.
- Send, post, deliver, or possess electronic messages that are abusive, obscene, sexually oriented, threatening, harassing, damaging to another's reputation, or illegal, including cyberbullying and "sexting," either on or off school property, if the conduct causes a substantial disruption to the educational environment or infringes on the rights of another student at school.
- Use the internet or other electronic communication to engage in or encourage illegal behavior or threaten school safety, including off school property if the conduct causes a substantial disruption to the educational environment or infringes on the rights of another student at school.
- Utilize artificial intelligence in a way that would constitute academic dishonesty or as a means of engaging in any other prohibited conduct.

## **Safety Transgressions**

Students shall not:

- 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**

Students shall not:

- Violate dress and grooming standards as communicated in the Student Handbook.
- Engage in academic dishonesty, which includes cheating or copying the work of another student, unauthorized use of artificial intelligence, plagiarism, and unauthorized communication between students during an examination.
- 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 of Conduct. These rules may be posted in classrooms or given to the student and may or may not constitute violations of the Code of Conduct.

## **Discipline Management Techniques**

Discipline shall be designed to improve conduct and encourage students to be responsible members of the school community. Disciplinary action shall draw on the professional judgment of teachers and administrators and on a range of discipline management techniques, including restorative practices. Discipline shall be based on 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.

### **First-Time Offense of Possession or Use of Nicotine Delivery Product or E-Cigarette**

An appropriate administrator may place a student in a disciplinary alternative education program for the first-time offense of possession or use of a nicotine delivery product or e-cigarette, as defined by [Section 161.081, Health and Safety Code](#).

If a student who possesses or uses an e-cigarette is not placed in a disciplinary alternative education program for the first-time offense under [Education Code 37.008](#), the student shall be placed in in-school suspension for a period of at least 10 school days.

## **Students with Disabilities**

The discipline of students with disabilities is subject to applicable state and federal law in addition to the Code of Conduct. In the event of any conflict, the district shall comply with federal law. For more information regarding discipline of students with disabilities, see policy FOF(LEGAL).

In accordance with the [Education Code](#), a student who receives special education services may not be disciplined in a manner that results in a change to the student's educational placement for conduct meeting the definition of bullying, cyberbullying, harassment, or making hit lists [see Glossary] until an Admission, Review, and Dismissal (ARD) committee meeting has been held to review the conduct.

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

## **Techniques**

The following discipline management techniques may be used alone, in combination, or as part of progressive interventions for behavior prohibited by the Code of Conduct or by campus or classroom rules:

- Verbal correction, oral or written.
- Cooling-off time or a brief "time-out" period, in accordance with law.
- Seating changes within the classroom or vehicles owned or operated by the district.
- Temporary confiscation of items that disrupt the educational process.

- Rewards or demerits.
- Behavioral contracts.
- Counseling by teachers, school counselors, or administrative personnel.
- Parent-teacher conferences.
- Behavior coaching.
- Anger management classes.
- Mediation (victim-offender).
- Classroom circles.
- Family group conferencing.
- Grade reductions for cheating, plagiarism, and as otherwise permitted by policy.
- Detention, including outside regular school hours.
- Sending the student to the office, another assigned area, or to in-school suspension (ISS).
- 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 student organizations' extracurricular standards of behavior.
- Restriction or revocation of district transportation privileges.
- School-assessed and school-administered probation.
- In-school suspension, as specified in In-School Suspension.
- Out-of-school suspension, as specified in Out-of-School Suspension.
- Placement in a DAEP, as specified in Disciplinary Alternative Education Program (DAEP) Placement.
- Expulsion and/or placement in an alternative educational setting, as specified in Placement and/or Expulsion for Certain Offenses.
- Expulsion, as specified in Expulsion.
- 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.

### **Prohibited Aversive Techniques**

Aversive techniques are prohibited for use with students and are defined as techniques or interventions intended to reduce the reoccurrence of a behavior by intentionally inflicting significant physical or emotional discomfort or pain. Aversive techniques include:

- Using techniques designed or likely to cause physical pain, other than corporal punishment as permitted by district policy. [See policy FO(LOCAL)]
- Using techniques designed or likely to cause physical pain by electric shock or any procedure involving pressure points or joint locks.

- Directed release of noxious, toxic, or unpleasant spray, mist, or substance near a student's face.
- Denying adequate sleep, air, food, water, shelter, bedding, physical comfort, supervision, or access to a restroom facility.
- Ridiculing or demeaning a student in a manner that adversely affects or endangers the learning or mental health of the student or constitutes verbal abuse.
- Employing a device, material, or object that immobilizes all four of a student's extremities, including prone or supine floor restraint.
- Impairing the student's breathing, including applying pressure to the student's torso or neck or placing something in, on, or over the student's mouth or nose or covering the student's face.
- Restricting the student's circulation.
- Securing the student to a stationary object while the student is standing or sitting.
- Inhibiting, reducing, or hindering the student's ability to communicate.
- Using chemical restraints.
- Using time-out in a manner that prevents the student from being able to be involved in and progress appropriately in the required curriculum or any applicable individualized education program (IEP) goals, including isolating the student using physical barriers.
- Depriving the student of one or more of the student's senses, unless the technique does not cause the student discomfort or complies with the student's IEP or behavior intervention plan (BIP).

## **Notification**

The CBC shall promptly notify a student's parent by phone or in person of any violation that may result in in-school or out-of-school suspension, placement in a DAEP, placement in a JJAEP, or expulsion. The CBC shall also notify a student's parent if the student is taken into custody by a law enforcement officer under the disciplinary provisions of [Education Code 37.0012\(d\)](#).

A good-faith effort shall be made to provide written notice of the disciplinary action to the student, on the day the action was taken, for delivery to the student's parent. If the parent has not been reached by telephone or in person by 5:00 p.m. of the first business day after the day the disciplinary action was taken, the CBC shall send written notification by U.S. Mail. If the CBC is not able to provide notice to the parent, the principal or designee shall provide the notice.

Before the principal or appropriate administrator assigns a student under age 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.

## **Parental Involvement**

The principal, campus behavior coordinator, or other appropriate administrator shall notify the parent of or person standing in parental relation to a student who has been placed in a disciplinary alternative education program (DAEP) or expelled of the parent's or person's right to request a behavioral agreement that specifies the responsibilities of the parent or person and student.

The behavioral agreement must specify the responsibilities of the student and parent/guardian. If followed, the agreement may result in a reduced disciplinary placement period, as outlined in the agreement. Reduction in the disciplinary placement period does not entitle the student to different

disciplinary placement. The decision to reduce, revoke, or amend the disciplinary placement period is at the sole discretion of the school administration. Compliance with the agreement is required for the reduction to remain valid.

## **Appeals**

Questions from parents regarding disciplinary measures should be addressed to the teacher, campus administration, or CBC, as appropriate. Appeals or complaints regarding the use of specific discipline management techniques should be addressed in accordance with policy FNG(LOCAL). A copy of this policy may be obtained from the central administration office or online at <https://pol.tasb.org/PolicyOnline/PolicyDetails?key=383&code=FNG#localTabContent>.

Appeals shall begin at Level One with the campus principal and the decision to place a student in the DAEP cannot be appealed beyond the campus principal. Consequences shall not be delayed and shall remain in place pending the outcome of the FNG (Local) complaint. In the instance of a student who is accused of conduct that meets the definition of sexual harassment as defined by Title IX, the district will comply with applicable federal law, including the Title IX formal complaint process. [See policies FFH(LEGAL) and (LOCAL)]

## **Removal from the School Bus**

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

To transport students safely, the vehicle operator must focus on driving and not be distracted by student misbehavior. Therefore, when appropriate disciplinary management techniques fail to improve student behavior or when specific misconduct warrants immediate removal, the principal, transportation administrator, or the CBC may restrict or revoke a student's transportation privileges, in accordance with law.

## **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 CBC's office as a discipline management technique. The CBC shall employ alternative discipline management techniques, including progressive interventions. A teacher or administrator may remove a student from class for behavior that violates this Code of Conduct to maintain effective discipline in the classroom.

### **Formal Teacher Removal**

A teacher may initiate a formal removal from class if:

1. A student's behavior repeatedly interferes with the teacher's ability to teach the class or with other students' ability to learn.
2. A student demonstrates behavior that is unruly, disruptive, or abusive toward the teacher, another adult, or another student in the classroom.
3. A student engages in conduct that constitutes bullying, as defined by [Education Code 37.0832.0](#).

A teacher, CBC, or other appropriate administrator must notify a parent or person standing in parental relation to the student of the formal removal. A teacher may remove a student from class based on a single incident of behavior.

Within three school days of the formal removal, the CBC or appropriate administrator shall schedule a conference with the student's parent, the student, the teacher who removed the student from class, and any other appropriate administrator.

At the conference, the CBC or appropriate administrator shall inform the student of the alleged misconduct and the proposed consequences. The student shall have an opportunity to respond to the allegations.

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

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

A teacher or administrator must remove a student from class if the student engages in behavior that under the [Education Code](#) requires or permits the student to be placed in a DAEP or expelled. When removing for those reasons, the procedures in the subsequent sections on DAEP or expulsion shall be followed.

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

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

A student who has been formally removed by a teacher for any other conduct may not be returned to the teacher's class without the teacher's written consent unless the placement review committee determines that the teacher's class is the best or only alternative, and not later than the third class day after the day the student was removed from class, a conference in which the teacher was provided an opportunity to participate has been held. The student may not be returned to the teacher's class unless the teacher provides written consent for the student's return or a return to class plan has been prepared for that student.

## **Appeals of Formal Teacher Removals**

A student may appeal the teacher's removal of the student from class to the school's placement review committee or the campus's threat assessment and safe and supportive school team, in accordance with a district policy providing for such an appeal to be made to this team.

## **In-School Suspension**

An in-school suspension is not subject to any time limit.

A school's principal or other appropriate administrator shall review the in-school suspension of a student at least once every 10 school days after the date of the suspension begins to evaluate the educational progress of the student and to determine if continued in-school suspension is appropriate.

During in-school suspension, a student shall receive appropriate behavioral support services and comparable educational services as the student would receive in the classroom. If the student receives special education services, the student must continue to receive special education and related services specified in the student's individualized education program (IEP) and continue to have an opportunity to progress in the general curriculum.

[See First-Time Offense of Possession or Use of Nicotine Delivery Product or E-Cigarette for limitations to the general rule.]

### **Process**

Before being suspended, a student shall have an informal conference with the CBC or appropriate administrator, who shall inform the student of the alleged misconduct and give the student an opportunity to respond to the allegation before the administrator makes a decision.

The CBC shall determine the number of days of a student's suspension.

In deciding whether to order in-school suspension, the CBC shall take into consideration:

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

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

## **Out-of-School Suspension**

### **Misconduct**

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

The district shall not use out-of-school suspension for students below grade 3 unless the conduct meets the requirements established in law.

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

- Conduct that contains the elements of a weapons offense, as provided in [Penal Code sections 46.02 or 46.05](#);
- Conduct that threatens the immediate health and safety of other students in the classroom;
- Documented conduct that results in repeated or significant disruption to the classroom; or
- Selling, giving, or delivering to another person or possessing, using, or being under the influence of any amount of marijuana, an alcoholic beverage, or a controlled substance or dangerous drug as defined by federal or state law.

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

## **Process**

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

Before being suspended a student shall have an informal conference with the CBC or appropriate administrator, who shall inform the student of the alleged misconduct and give the student an opportunity to respond to the allegation before the administrator makes a decision.

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

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

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

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

## **Alternative Assignment**

A parent or person standing in parental relation to the student may submit a written request to the principal or other appropriate administrator to reassign a student placed in out-of-school suspension. The parent or person standing in parental relation to the student must provide information and documentation that they are unable to provide suitable supervision for the student during school hours during the period of the suspension. It is the sole discretion of the principal or other appropriate administrator to reassign the student placed in out-of-school suspension.



## **Coursework During Suspension**

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

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

## **Disciplinary Alternative Education Program (DAEP) Placement**

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

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

Summer programs provided by the district shall serve students assigned to a DAEP in conjunction with other students.

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 CBC shall take into consideration:

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

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

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

The District defines "persistent" to be two or more violations of the Student Code of Conduct in general or repeated occurrences of the same violation. Misconduct needs not be persistent depending on the circumstances and severity of the violation.

### **Misconduct Identified in State Law**

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

- Engaging in bullying that encourages a student to die by suicide.

- Inciting violence against a student through group bullying.
- Releasing or threatening to release intimate visual material of a minor or of a student who is 18 years of age or older without the student's consent.
- Involvement in a public school fraternity, sorority, or secret society, or gang 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.
- Assault (no bodily injury) with threat of imminent bodily injury.
- Assault by offensive or provocative physical contact.
- Engages in conduct that contains the elements of the offense of disruptive activities under [Education Code 37.123](#).
- Engages in conduct that contains the elements of the offense of disruption of classes under [Education Code 37.124](#).
- Possesses or uses an e-cigarette, as defined by [Section 161.081, Health and Safety Code](#), except that if a student who possesses or uses an e-cigarette is not placed in a disciplinary alternative education program for the first-time offense under [Education Code 37.008](#), the student shall be placed in in-school suspension for a period of at least 10 school days. See First-Time Offense of Possession or Use of Nicotine Delivery Product or E-Cigarette for additional information.

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 engaged in conduct punishable as a felony 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. Aggravated robbery or felonies listed as offenses in Title 5 [see Glossary] of the Penal Code are punishable as mandatory expulsions.

The CBC **may** 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, within 300 feet of school property as measured from any point on the school's real property boundary line, or while attending a school-sponsored or school-related activity on or off school property:
  - Engages in conduct punishable as a felony.
  - Commits an assault [see Glossary] under [Penal Code 22.01\(a\)\(1\)](#).
  - Except as provided by [Education Code 37.007\(a\)\(3\)](#), sells, gives, or delivers to another person or possesses, uses, or is under the influence of a controlled substance or dangerous

drug in an amount not constituting a felony offense. [School-related felony drug offenses are addressed in Expulsion.] [See Glossary for "under the influence," "controlled substance," and "dangerous drug."]

- Sells, gives, or delivers to another person or possesses, uses, or is under the influence of marijuana or THC. A student with a valid prescription for low-THC cannabis as authorized by [Chapter 487 of the Health and Safety Code](#) does not violate this provision.
- 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.
- Behaves in a manner that contains the elements of an offense relating to abusable volatile chemicals.
- Sells, gives, or delivers to another person an e-cigarette, as defined by [Section 161.081, Health and Safety Code](#).
- Behaves in a manner that contains the elements of the offense of public lewdness or indecent exposure. [see Glossary]
- Engages in conduct that contains the elements of an offense of harassment against an employee under [Penal Code sections 42.07\(a\)\(1\), \(2\), \(3\), or \(7\)](#).
- Engages in expellable conduct and is six to 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 under [Penal Code 36.06](#) against any school employee or volunteer on or off school property.
- Engages in conduct that contains the elements of harassment under [Penal Code 42.07](#) against any school employee or volunteer on or off of school property.

The student receives deferred prosecution [see Glossary], or a court or jury finds that the student has engaged in delinquent conduct [see Glossary], or the superintendent or designee has a reasonable belief [see Glossary] under [Section 53.03, Family Code](#), for conduct defined as any of the following offenses under the Penal Code:

1. A felony offense under [Title 5](#);
2. The offense of deadly conduct under [Section 22.05](#);
3. The felony offense of aggravated robbery under [Section 29.03](#);
4. The offense of disorderly conduct involving a firearm under [Section 42.01\(a\)\(7\) or \(8\)](#); or
5. The offense of unlawfully carrying weapons under [Section 46.02](#), except for an offense punishable as a Class C misdemeanor under that section.

## **Sexual Assault and Campus Assignments**

A student shall be transferred to another campus if:

- The student has been convicted of continuous sexual abuse of a young child or disabled individual or convicted of or placed on deferred adjudication for sexual assault or aggravated sexual assault against another student on the same campus; and

- 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.

If there is no other campus in the district serving the grade level of the offending student, the offending student shall be transferred to a DAEP.

## **Process**

Removals to a DAEP shall be made by the CBC.

## **Conference**

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

At the conference, the CBC or appropriate administrator shall provide the student:

- Information, orally or in writing, of the reasons for the removal;
- An explanation of the basis for the removal; and
- An opportunity to respond to the reasons for the removal.

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 CBC shall take into consideration:

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

## **Placement Order**

After the conference, if the student is placed in a DAEP, the CBC shall write a placement order. A copy of the DAEP placement order and information for the parent or person standing in parental relation to the student regarding the process for requesting a full individual and initial evaluation of the student for purposes of special education services shall be sent to the student and the student's parent.

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

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

**DAEP at Capacity**

If a DAEP is at capacity at the time the CBC is deciding placement for conduct related to marijuana, THC, an e-cigarette, alcohol, or an abusable volatile chemical, the student shall be placed in ISS then transferred to a DAEP for the remainder of the period if space becomes available before the expiration of the period of the placement.

If a DAEP is at capacity at the time the CBC is deciding placement for a student who engaged in violent conduct, a student placed in a DAEP for conduct related to marijuana, THC, an e-cigarette, alcohol, or an abusable volatile chemical may be placed in ISS to make a position in the DAEP available for the student who engaged in violent conduct. If a position becomes available in a DAEP before the expiration of the period of the placement for the student removed, the student shall be returned to a DAEP for the remainder of the period.

**Coursework Notice**

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

**Length of Placement**

The CBC shall determine the duration of a student's placement in a DAEP.

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

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

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

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

**Exceeds One Year**

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

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

**Exceeds School Year**

Students who are in a DAEP placement 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 CBC or the 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 of Conduct.

### **Exceeds 60 Days**

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

### **Appeals**

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

Student or parent appeals regarding a student's placement in a DAEP should be addressed in accordance with policy FNG(LOCAL). A copy of this policy may be obtained from the central administration office or online at <https://pol.tasb.org/PolicyOnline/PolicyDetails?key=383&code=FNG#localTabContent>.

Appeals shall begin at Level One with the campus principal and the decision to place a student in the DAEP cannot be appealed beyond the campus principal. Consequences shall not be delayed and shall remain in place pending the outcome of the FNG (Local) complaint. In the instance of a student who is accused of conduct that meets the definition of sexual harassment as defined by Title IX, the district will comply with applicable federal law, including the Title IX formal complaint process. [See policies FFH(LEGAL) and (LOCAL)]

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

### **Restrictions During Placement**

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 activities.

The district shall provide transportation to students in a DAEP.

For seniors who are eligible to graduate and are assigned to the DAEP at the time of graduation, the last day of placement in the program shall be the last instructional day. The student's participation in the graduation ceremony and related graduation activities is subject to review by the campus principal as specified in the DAEP placement order.

### **Placement Review**

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

## **Additional Misconduct**

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

## **Notice of Criminal Proceedings**

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

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 shall review the student's placement and schedule a review with the student's parent not later than the third day after the superintendent or designee receives notice from the prosecutor. The student may not be returned to the regular classroom pending the review.

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

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

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

## **Withdrawal During Process**

When a student violates the district's Code of Conduct 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 CBC may complete the proceedings and issue a placement order. If the student then re-enrolls in the district during the same or a subsequent school year, the district may enforce the order at that time, less any period of the placement that has been served by the student during enrollment in another district. If the CBC or the board fails to issue a placement order after the student withdraws, the next district in which the student enrolls may complete the proceedings and issue a placement order.

## **Newly Enrolled Students**

The district shall decide on a case-by-case basis whether to continue the placement of a student who enrolls in the district and was assigned to the DAEP in an open-enrollment charter school or another district. A newly enrolled student with the DAEP placement from a district in another state shall be placed

as any other newly enrolled student if the behavior committed is a reason for DAEP placement in the receiving district.

When a student enrolls in the district with a DAEP placement from a district in another state, the district has the right to place the student in DAEP to the same extent as any other newly enrolled student if the behavior committed is a reason for DAEP placement in the receiving district.

State law requires the district to reduce a placement imposed by a district in another state that exceeds one year 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 if the extended placement is in the best interest of the student.

### **Emergency Placement Procedure**

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

### **Transition Services**

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

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

This section includes two categories of offenses for which the [Education Code](#) provides unique procedures and specific consequences.

### **Registered Sex Offenders**

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

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

If the student is not under any form of court supervision, the student may be placed in DAEP or JJAEP for one semester or placed in a regular classroom. The student may not be placed 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 shall recommend whether the student should return to the regular classroom or remain in the placement. Absent a special finding, the board or its designee must follow the committee's recommendation.

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

### **Newly Enrolled Students**

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.

## **Expulsion**

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

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

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

Some of the following types of misconduct may result in mandatory placement in a DAEP, whether or not a student is expelled. [see Disciplinary Alternative Education Program (DAEP) Placement]

### **Any Location**

A student **may** be expelled for:

- Engaging in bullying that encourages a student to die by suicide.
- Inciting violence against a student through group bullying.
- Releasing or threatening to release intimate visual material of a minor or of a student who is 18 years of age or older without the student's consent.
- Criminal mischief, if punishable as a felony.

- Breach of computer security. [see Glossary]
- Engaging in conduct relating to a false alarm or report (including a bomb threat) or a terroristic threat involving a public school.

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

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

- Selling, giving, or delivering to another person, or possessing, using, or being under the influence of any amount of marijuana, a controlled substance, or a dangerous drug, unless the conduct is punishable as a felony. A student with a valid prescription for low-THC cannabis as authorized by [Chapter 487 of the Health and Safety Code](#) does not violate this provision. [See Glossary for "under the influence."]
- Selling, giving, or delivering to another person, or possessing, using, or being under the influence of alcohol; or committing a serious act or offense while under the influence of alcohol.
- Engaging in conduct that contains the elements of an offense relating to abusable volatile chemicals.
- Engaging in deadly conduct. [see Glossary]

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

A student may be expelled for possession of a firearm, as defined by federal law, while within 300 feet of school property, as measured from any point on the school's real property boundary line.

### **Property of Another District**

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

### **While in a DAEP**

A student may be expelled for engaging in documented serious misbehavior that violates the district's Code of Conduct, 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 coercion, as defined by [Penal Code 1.07](#); or
4. Conduct that constitutes the offense of:
  - a. Public lewdness under [Penal Code 21.07](#);
  - b. Indecent exposure under [Penal Code 21.08](#);
  - c. Criminal mischief under [Penal Code 28.03](#);
  - d. Hazing under [Education Code 37.152](#); or
  - e. Harassment under [Penal Code 42.07\(a\)\(1\)](#) of a student or district employee.

## **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 or off school property.

### **Under Federal Law**

Bringing to school or possessing at school, including any setting that is under the district's control or supervision for the purpose of a school activity, a firearm, as defined by federal law. [see Glossary]

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

### **Under the Penal Code**

- Unlawfully carrying on or about the student's person the following, in the manner prohibited by [Penal Code 46.02](#):
  - A handgun, defined by state law as any firearm designed, made, or adapted to be used with one hand. [see Glossary] Note: A student may not be expelled solely on the basis of the student's use, exhibition, or possession of a firearm that occurs at an approved target range facility that is not located on a school campus; while participating in or preparing for a school-sponsored, shooting sports competition or a shooting sports educational activity that is sponsored or supported by the Parks and Wildlife Department; or a shooting sports sanctioning organization working with the department. [See policy FNCG(LEGAL).]
- A location-restricted knife, as defined by state law. [see Glossary]
- Possessing, manufacturing, transporting, repairing, or selling a prohibited weapon, as defined in state law. [see Glossary]
- Engages in conduct that contains the elements of the offense of exhibiting, using, or threatening to exhibit or use a firearm under Education Code 37.125.
- Behaving in a manner that contains elements of the following offenses under the Penal Code:
  - Aggravated assault, sexual assault, or aggravated sexual assault.
  - Arson. [see Glossary]
  - Murder, capital murder, or criminal attempt to commit murder or capital murder.
  - Indecency with a child.
  - Kidnapping or aggravated kidnapping.
  - Burglary, robbery or aggravated robbery.
  - Manslaughter.
  - Criminally negligent homicide.
  - Continuous sexual abuse of a young child or disabled individual.
  - Behavior punishable as a felony that involves selling, giving, or delivering to another person or possessing, using, or being under the influence of a controlled substance or a dangerous drug.

- Engaging in conduct that contains elements of assault against a school employee or volunteer.

## **Under Age 10**

When a student under the age of 10 engages in behavior that is expellable behavior, the student shall not be expelled but shall be placed in a DAEP. A student under age six shall not be placed in a DAEP unless the student commits a federal firearm offense.

## **Virtual Expulsion Program**

In some circumstances, a student may be placed in a virtual expulsion program.

- The school must ensure students in the program have the necessary technology and internet and must provide it if needed.
- The virtual program must, as much as possible, meet the same requirements as an in-person disciplinary alternative education program (DAEP).
- The student's placement must be reviewed every 45 school days.
- If an in-person spot becomes available, the school should plan the student's return to in-person learning.
- If continued virtual placement is appropriate, the school must document the decision.

## **Consideration of Virtual Education as Alternative to Expulsion**

Before a school district may expel a student, the district must consider the appropriateness and feasibility of, as an alternative to expulsion, enrolling the student in a full-time hybrid program, full-time virtual program, full-time hybrid campus, or full-time virtual campus. This requirement does not apply to a student expelled under [Education Code 37.0081 or 37.007\(a\), \(d\), or\(e\)](#).

## **Process**

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

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

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

## **Hearing**

A student facing expulsion shall 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 witnesses called by the district at the hearing.

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

### **Expulsion Order**

Before ordering the expulsion, the board or CBC shall take into consideration:

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

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

Not later than the second business day after the hearing, the campus administrator shall deliver to the juvenile court a copy of the expulsion order and the information required by [Section 52.04 of the Family Code](#).

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

### **Length of Expulsion**

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

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

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

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 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's conduct requires or permits expulsion from the district and the student withdraws from the district before the expulsion hearing takes place, the district may conduct the hearing after sending written notice to the parent and student.

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

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

### **Additional Misconduct**

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

### **Restrictions During Expulsion**

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

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

### **Newly Enrolled Students**

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

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

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 shall reduce the period of the

expulsion or DAEP placement so that the entire period does not exceed one year, unless after a review it is determined that:

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 is necessary to protect persons or property from imminent harm, the student shall be given verbal notice of the reason for the action. Emergency expulsion may be ordered based on a single incident of behavior by the student. Within 10 days after the date of the emergency expulsion, the student shall be given appropriate due process required for a student facing expulsion.

### **DAEP Placement of Expelled Students**

The district may provide educational services to any expelled student in a DAEP; however, educational services in the DAEP must be provided if the student is less than 10 years of age.

### **Transition Services**

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

### **Certain Felonies**

Regardless of whether DAEP placement or expulsion is required or permitted by one of the reasons in the DAEP Placement or Expulsion sections, in accordance with [Education Code 37.0081](#), a student may be expelled and placed in either DAEP or JJAEP if the board or CBC makes certain findings and the following circumstances exist in relation to aggravated robbery or a felony offense under Title 5 [see Glossary] of the Penal Code. The student must have:

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

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

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.

## **Placement Review**

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

## **Newly Enrolled Students**

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



## Glossary

**Abuse** is improper or excessive use.

**Aggravated robbery** is defined in part by [Penal Code 29.03\(a\)](#) as when a person commits robbery and:

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.

**Antisemitism** is defined by [Government Code section 448.001](#) as a certain perception of Jews that may be expressed as hatred toward Jews. The term includes rhetorical and physical acts of antisemitism directed toward Jewish or non-Jewish individuals or their property or toward Jewish community institutions and religious facilities. Examples of antisemitism are included with the International Holocaust Remembrance Alliance's "Working Definition of Antisemitism" adopted on May 26, 2016.

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

**Arson** is defined in part by [Penal Code 28.02](#) as a crime that involves:

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

**Assault** is defined in part by [Penal Code 22.01](#) as intentionally, knowingly, or recklessly causing bodily injury to another; intentionally or knowingly threatening another with imminent bodily injury; or intentionally or knowingly causing physical contact with another that can reasonably be regarded as offensive or provocative.

**Breach of computer security** includes knowingly accessing a computer, computer network, or computer system without the effective consent of the owner as defined in [Penal Code 33.02](#), if the conduct involves accessing a computer, computer network, or computer system owned by or operated on behalf of a school district and the student knowingly alters, damages, or deletes school district property or information or commits a breach of any other computer, computer network, or computer system.

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

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

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

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

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

**Club** is defined by [Penal Code 46.01](#) as an instrument, specially designed, made, or adapted for the purpose of inflicting serious bodily injury or death by striking a person with the instrument, and includes but is not limited to a blackjack, nightstick, mace, and tomahawk.

**Controlled substance** means a substance, including a drug, an adulterant, and a dilutant, listed in [Schedules I through V or Penalty Group 1, 1-A, 1-B, 2, 2-A, 3, or 4 of the Texas Controlled Substances Act](#). The term includes the aggregate weight of any mixture, solution, or other

substance containing a controlled substance. The term does not include hemp, as defined by [Agriculture Code 121.001](#), or the tetrahydrocannabinols (THC) in hemp.

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

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

**Dangerous drug** is defined by [Health and Safety Code 483.001](#) as a device or a drug that is unsafe for self-medication and that is not included in [Schedules I through V or Penalty Groups 1 through 4 of the Texas Controlled Substances Act](#). The term includes a device or drug that federal law prohibits dispensing without prescription or restricts to use by or on the order of a licensed veterinarian.

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

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

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

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

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

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

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

**Explosive weapon** is defined by [Penal Code 46.01](#) as any explosive or incendiary bomb, grenade, rocket, or mine and its delivery mechanism that is designed, made, or adapted for the purpose of

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

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

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

**Firearm** is defined by [federal law \(18 U.S.C. 921\(a\)\)](#) as:

1. Any weapon (including a starter gun) that will, is designed to, or may readily be converted to expel a projectile by the action of an explosive;
2. The frame or receiver of any such weapon;
3. Any firearm muffler or firearm silencer, defined as any device for silencing, muffling, or diminishing the report of a portable firearm; or
4. Any destructive device, such as any explosive, incendiary or poison gas bomb, or grenade.

Such term does not include an antique firearm.

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

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

**Harassment** includes:

1. Conduct that meets the definition established in district policies DIA(LOCAL) and FFH(LOCAL);
2. Conduct that threatens to cause harm or bodily injury to another person, including a district student, employee, board member, or volunteer; is sexually intimidating; causes physical damage to the property of another student; subjects another student to physical confinement or restraint; or maliciously and substantially harms another student's physical or emotional health or safety, as defined in [Education Code 37.001\(b\)\(2\)](#); or
3. Conduct that is punishable as a crime under [Penal Code 42.07](#), including the following types of conduct if carried out with the intent to harass, annoy, alarm, abuse, torment, or embarrass another:
  - a. Initiating communication and, in the course of the communication, making a comment, request, suggestion, or proposal that is obscene, as defined by law;
  - b. Threatening, in a manner reasonably likely to alarm the person receiving the threat, to inflict bodily injury on the person or to commit a felony against the person, a member of the person's family or household, or the person's property;

- c. Conveying, in a manner reasonably likely to alarm the person receiving the report, a false report, which is known by the conveyor to be false, that another person has suffered death or serious bodily injury;
- d. Causing the telephone of another to ring repeatedly or making repeated telephone communications anonymously or in a manner reasonably likely to harass, annoy, alarm, abuse, torment, embarrass, or offend another;
- e. Making a telephone call and intentionally failing to hang up or disengage the connection;
- f. Knowingly permitting a telephone under the person's control to be used by another to commit an offense under this section;
- g. Sending repeated electronic communications in a manner reasonably likely to harass, annoy, alarm, abuse, torment, embarrass, or offend another;
- h. Publishing on an internet website, including a social media platform, repeated electronic communications in a manner reasonably likely to cause emotional distress, abuse, or torment to another person, unless the communications are made in connection with a matter of public concern, as defined by law; or
- i. Making obscene, intimidating, or threatening telephone calls or other electronic communications from a temporary or disposable telephone number provided by an internet application or other technological means.

**Hazing** is defined by [Education Code 37.151](#) as an intentional, knowing, or reckless act, on or off campus, by one person alone or acting with others, directed against a student for the purpose of pledging, initiation into, affiliation with, holding office in, or maintaining membership in a student organization if the act meets the elements in [Education Code 37.151](#), including:

- 1. Any type of physical brutality;
- 2. An activity that subjects the student to an unreasonable risk of harm or that adversely affects the student's mental or physical health, such as sleep deprivation, exposure to the elements, confinement to small spaces, calisthenics, or consumption of food, liquids, drugs, or other substances;
- 3. An activity that induces, causes, or requires the student to perform a duty or task that violates the Penal Code; or
- 4. Coercing a student to consume a drug or alcoholic beverage in an amount that would lead a reasonable person to believe the student is intoxicated.

**Hit list** is defined in [Education Code 37.001\(b\)\(3\)](#) as a list of people targeted to be harmed, using a firearm, a knife, or any other object to be used with intent to cause bodily harm.

**Improvised explosive device** is defined by [Penal Code 46.01](#) as a completed and operational bomb designed to cause serious bodily injury, death, or substantial property damage that is fabricated in an improvised manner using nonmilitary components.

**Indecent exposure** is defined by [Penal Code 21.08](#) as an offense that occurs when a person exposes the person's anus or any part of the person's genitals with intent to arouse or gratify the sexual desire of any person, and is reckless about whether another is present who will be offended or alarmed by the act.

**Intimate visual material** is defined by [Civil Practices and Remedies Code 98B.001](#) and [Penal Code 21.16](#) as visual material that depicts a person with the person's intimate parts exposed or engaged in sexual conduct. "Visual material" means any film, photograph, video tape, negative, or slide of any photographic reproduction or any other physical medium that allows an image to be displayed on a computer or other video screen and any image transmitted to a computer or other video screen.

**Location-restricted knife** is defined by [Penal Code 46.01](#) as a knife with a blade over five and one-half inches.

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

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

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

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

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

**Personal Communication Device** means a telephone, cell phone such as a smartphone or flip phone, tablet, smartwatch, radio device, smart glasses, paging device, or any other electronic device capable of telecommunication or digital communication.

**Possession** means to have an item on one's person or in one's personal property, including, but not limited to:

1. Clothing, purse, or backpack;
2. 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;
3. Personal communication devices or electronic devices; or
4. Any school property used by the student, including, but not limited to, a locker or desk.

**Prohibited weapon** under [Penal Code 46.05\(a\)](#) means:

1. The following items, unless registered with the U.S. Bureau of Alcohol, Tobacco, Firearms, and Explosives or otherwise not subject to that registration requirement or unless the item is classified as a curio or relic by the U.S. Department of Justice:
  - a. An explosive weapon; or
  - b. A machine gun.
2. Armor-piercing ammunition;
3. A chemical dispensing device;
4. A zip gun;
5. A tire deflation device; or

6. An improvised explosive device.

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

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

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

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

**Serious misbehavior** means:

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

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

- 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 schoolwork as assigned.
- Insubordination.
- Profanity, vulgar language, or obscene gestures.
- Leaving school grounds without permission.



- Falsification of records, passes, or other school-related documents.
- Refusal to accept discipline assigned by the teacher or principal.

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

**Terroristic threat** is defined by [Penal Code 22.07](#) as a threat of violence to any person or property with intent to:

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

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

**Title 5 felonies** are those crimes listed in [Title 5 of the Penal Code](#) that typically involve injury to a person and may include:

- Murder, manslaughter, or homicide under [Sections 19.02–.05](#);
- Kidnapping under [Section 20.03](#);
- Trafficking of persons under [Section 20A.02](#);
- Smuggling or continuous smuggling of persons under [Sections 20.05–.06](#);
- Assault under [Section 22.01](#);
- Aggravated assault under [Section 22.02](#);
- Sexual assault under [Section 22.011](#);
- Aggravated sexual assault under [Section 22.021](#);
- Unlawful restraint under [Section 20.02](#);
- Continuous sexual abuse of a young child or disabled individual under [Section 21.02](#);
- Bestiality under [Section 21.09](#);
- Improper relationship between educator and student under [Section 21.12](#);
- Voyeurism under [Section 21.17](#);
- Indecency with a child under [Section 21.11](#);



- Invasive visual recording under [Section 21.15](#);
- Disclosure or promotion of intimate visual material under [Section 21.16](#);
- Sexual coercion under [Section 21.18](#);
- Injury to a child, an elderly person, or a disabled person of any age under [Section 22.04](#);
- Abandoning or endangering a child under [Section 22.041](#);
- Deadly conduct under [Section 22.05](#);
- Terroristic threat under [Section 22.07](#);
- Aiding a person to die by suicide under [Section 22.08](#); and
- Tampering with a consumer product under [Section 22.09](#).

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

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

**Zip gun** is defined by [Penal Code 46.01](#) as a device or combination of devices that was not originally a firearm and is adapted to expel a projectile through a smooth-bore or rifled-bore barrel by using the energy generated by an explosion or burning substance.

# **Student Code of Conduct Appendix**

## **Academic Integrity Policy**

Academic integrity is an essential element to the Denton Independent School District's philosophy and practice of promoting academic excellence. For an academic institution to be successful, an honor code and consequences for violating the honor code must be established. Indeed, once the student is in a university, college, or workplace, any form of dishonesty will result in serious penalties, including automatic course failure and expulsion, losing your job, etc. Cheating, dishonesty, and plagiarism will not be tolerated in Denton Independent School District.

Cheating includes, but is not limited to, the following examples:

- Taking, stealing, and/or using an assignment from someone else and submitting it as one's own.
- Allowing another to take and/or use an assignment to submit as his/her own.
- Looking at another's test or essay with or without his consent for the purpose of duplicating that work and submitting it as one's own.
- Representing as one's own the work or words of a parent, sibling, friend, or anyone else.
- Discussing or revealing the contents of a test or quiz with students who have not completed the assessment.
- Unauthorized use of teacher test materials, answer sheets, computer files, or grading programs.
- Using any type of "crib/cliff notes" on your person, an object, or programmed within graphing calculators, cell phones, or other electronic devices without teacher permission.
- Receiving answers for assignments or exams from any unauthorized source.
- Working on assignments with others when not authorized by the instructor.
- Copying from other students during an exam.
- Giving answers to another student for an assignment or exam.

Dishonesty includes, but is not limited to, the following examples:

- Agreeing with other students to commit academic dishonesty.
  - Falsification of results from research or laboratory experiments.
  - Written or oral presentation of results from research, which was never performed.
- Plagiarism includes, but is not limited to the following examples:

- Directly quoting or rephrasing all or part of another's written or spoken words without appropriately crediting the source.
- Presenting an idea, theory, argument, line of thinking, creative work, or formula originated by someone or something else as your own.

- Purchasing or receiving in any other manner an essay, paper, or other assignment that is the work of another person and submitting that assignment as your own work.
- Repeating information, such as statistics or demographics, which is not common knowledge, and which was originally compiled by another person or organization.
- Failing to acknowledge another's original arguments or lines of thinking as well as using information and ideas without proper documentation.
- Presenting information from other sources in a misleading way, even if they are properly cited.

**Plagiarism** is the act of using another person's work, ideas, words, artistic productions, or expressions without appropriately crediting the original source. Plagiarism can be subtle, unintentional acts of neglect (such as forgetting to use quotation marks or references), and it can be blatant acts of knowingly stealing or taking credit for work that is not your own (such as copying an entire paper or parts of it or submitting someone else's assignment). Students are responsible for understanding and avoiding plagiarism.

Additionally, the use of generative artificial intelligence for the purpose of plagiarism is strictly prohibited as a violation of the district's acceptable use policy. Generative AI refers to the use of computer algorithms to generate original content that mimics human writing styles. While this technology can be useful for various academic and creative purposes, it is important to note that using generative AI to plagiarize someone else's work, including that of a computer program is unethical and can result in academic consequences, consistent with Denton ISD's academic integrity policy.

The ***MLA Style Manual and Guide to Scholarly Publishing*** further defines plagiarism as:

“Forms of plagiarism include the failure to give appropriate acknowledgments when repeating another's wording or particularly apt phrase, paraphrasing another's argument, and presenting another's line of thinking. You may certainly use other person's words and thoughts, but the borrowed material must not appear to be your creation. In your writing, then, you must document everything you borrow; not only direct quotations and paraphrases, but also information and ideas.”

Gibaldi, Joseph. MLA Style Manual and Guide to Scholarly Publishing. New York: The Modern Language Association of America, 1998.

**Plagiarism.org** indicates:

*“Plagiarism is the improper use of, or failure to give credit to another person's writing, visual or musical representation, or ideas. It can be an act as subtle as inadvertently neglecting to use quotation marks or references when using another source or as blatant as knowingly copying an entire paper, or parts of a paper, and claiming it as your own”*

## **Academic Integrity Policy Processes and Consequences**

### **1<sup>st</sup> Offense Process**

1. Classroom Teacher documents suspected or observed cheating/dishonesty/plagiarism.

2. Classroom Teacher conferences with student and determines whether cheating/plagiarism has occurred.
3. If the Classroom Teacher concludes cheating/plagiarism has occurred, the teacher will contact the parent and document the contact.
4. The Campus Administrator will determine consequences for the infraction and be informed on the weight of the grade (major/minor) and severity of the infraction.
5. Classroom Teacher will inform the following campus personnel:
  - a. Academic Instructional Leader (Department Chair)
  - b. Student's Assigned Assistant Principal
  - c. Coach(es) specific to student's involvement
  - d. Sponsor(s) specific to student's involvement

### **1<sup>st</sup> Offense Consequences**

1. Mandatory resubmission of assignment or assessment after meeting specific criteria to qualify to resubmit or reassess.
2. Possible 1 day of In School Suspension
3. Teacher documentation of violation and/or documentation of discipline infraction in eSchool.
4. Placement of all documentation in the student's *Academic Integrity Folder* until the end of the academic year.

### **2<sup>nd</sup> Offense Process**

1. Classroom Teacher documents suspected or observed cheating/dishonesty/plagiarism.
2. Classroom Teacher conferences with student and determines whether cheating/plagiarism has occurred.
3. If the Classroom Teacher concludes that cheating/plagiarism has occurred, the teacher will set up a meeting with the parent and document the contact.
4. The mandatory meeting shall include the Classroom Teacher, Department Chair, Parent, Student, Assistant Principal, and Counselor. The following items must be available:
  - a. A copy of the work in question
  - b. DISD Academic Integrity Policy
5. Classroom Teacher will inform the following campus personnel:
  - a. Coach(es) specific to student's involvement
  - b. Sponsor(s) specific to student's involvement

### **2<sup>nd</sup> Offense Consequences**

1. Mandatory resubmission of assignment or assessment after meeting specific criteria to qualify to resubmit or reassess.
2. Additional days of In School Suspension

3. Possible removal from Honors/AP Course in which the infraction occurred
4. Teacher documentation of violation and/or documentation of discipline infraction in eSchool.
5. Placement of all documentation in the student's *Academic Integrity Folder* until the end of the academic year.

### **3<sup>rd</sup> Offense Process**

1. Classroom Teacher documents suspected or observed cheating/dishonesty/plagiarism.
2. Classroom Teacher conferences with student and determines whether cheating/plagiarism has occurred.
3. If the Classroom Teacher concludes that cheating/plagiarism has occurred, the teacher will set up a meeting with the parent and document the contact.
4. The mandatory meeting shall include the Classroom Teacher, Department Chair, Parent, Student, Assistant Principal, and Counselor. The following items must be available:
  - a. A copy of the work in question
  - b. DISD Academic Integrity Policy
5. Classroom Teacher will inform the following campus personnel:
  - a. Coach(es) specific to student's involvement
  - b. Sponsor(s) specific to student's involvement

### **3<sup>rd</sup> Offense Consequences**

1. Mandatory resubmission of assignment or assessment after meeting specific criteria to qualify to resubmit or reassess.
2. Additional days of In School Suspension
3. Possible removal from Honors/AP Course in which the infraction occurred
4. Teacher documentation of violation and/or documentation of discipline infraction in eSchool.
5. Placement of all documentation in the student's *Academic Integrity Folder* until the end of the academic year.

### **References**

This document was compiled based upon the honor codes and definitions of academic integrity from the following:

*Academic Integrity: What Every Aggie Needs To Know*. Texas A&M University. 25 Oct 1996. 7 Feb 2004. Beaconsfield High School Department of English. *Plagiarism Policy*. 24 Nov 2000. 7 Feb 2004.

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Staples High School. *Academic Integrity Policy: Regarding Plagiarism*. 5 Dec 2001. 7 Feb 2004.

*Student Press Review*. “Mass. High School’s Policy Clearly Defines Plagiarism and Consequences.” Columbia Scholastic Press Association: Columbia University, 2001. 7 Feb 2004.

Tipton High School. *Tipton High School: Honor Code*. 7 Feb 2004.

Washington Township Public Schools. “Plagiarism.” 23 Oct 2003. 7 Feb 2004.

## **Children’s Internet Protection Act (CIPA)**

The Children’s Internet Protection Act (CIPA) was enacted by Congress in 2000 to address concerns about children’s access to obscene or harmful content over the Internet. CIPA imposes certain requirements on schools or libraries that may receive discounts for Internet access or internal connections through the E-rate program – a program that makes certain communications services and products more affordable for eligible schools and libraries. In early 2001, the FCC issued rules implementing CIPA and provided updates to those rules in 2011.

### **What CIPA Requires**

Schools and libraries subject to CIPA may not receive the discounts offered by the E-rate program unless they certify that they have an Internet safety policy that includes technology protection measures. The protection measures must block or filter Internet access to pictures that are: (a) obscene; (b) child pornography; or (c) harmful to minors. Before adopting this Internet safety policy, schools and libraries must provide reasonable notice and hold at least one public hearing or meeting to address the proposal.

Schools subject to CIPA have two additional certification requirements: 1) their Internet safety policies must include monitoring the online activities of minors; and 2) as required by the Protecting Children in the 21st Century Act, they must provide for educating minors about appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms, and cyberbullying awareness and response.

Schools and libraries subject to CIPA are required to adopt and implement an Internet safety policy addressing:

- a) access by minors to inappropriate matter on the Internet;
- b) the safety and security of minors when using electronic mail, chat rooms and other forms of direct electronic communications;
- c) unauthorized access, including so-called “hacking,” and other unlawful activities by minors online;
- d) unauthorized disclosure, use, and dissemination of personal information regarding minors; and
- e) measures designed to restrict minors’ access to material harmful to minors.

Schools and libraries must certify they are in compliance with CIPA before they can receive E-rate funding. However, CIPA does not apply to schools and libraries receiving discounts for telecommunications service only. CIPA does allow for an authorized person to disable the blocking or filtering measure during use by an adult to enable access for bona fide research or other lawful purposes and it does not require the tracking of Internet use by minors or adults.

Denton ISD complies with all CIPA requirements as found in the AUP, Board Policy CQ Local, and CQ Legal.

### **Children's Online Privacy Protection Act (COPPA)**

Congress enacted the Children's Online Privacy Protection Act (COPPA) in 1998. COPPA required the Federal Trade Commission to issue and enforce regulations concerning children's online privacy. The primary goal of COPPA is to place parents in control over what information is collected from their young children online.

The Rule was designed to protect children under age 13 while accounting for the dynamic nature of the Internet. The Rule applies to operators of commercial websites and online services (including mobile apps) directed to children under 13 that collect, use, or disclose personal information from children, and operators of general audience websites or online services with actual knowledge that they are collecting, using, or disclosing personal information from children under 13.

COPPA does not preclude schools from acting as intermediaries between operators and parents in the notice and consent process, or from serving as the parent's agent in the process of collecting personal information online from students in the school context.

For more information regarding COPPA, please visit <http://www.ftc.gov/> and search for COPPA.

### **Monitored Use**

Electronic mail transmissions and any other use of the electronic communications system by students are not confidential and may be monitored at any time by designated District staff to ensure appropriate use for educational purposes.

The district filters the Internet for objectionable material. However, families should be aware that some material might still contain items that are illegal, defamatory, inaccurate, or potentially offensive. While the intentions of the district are to use Internet resources for constructive, educational goals, students may find ways to access other materials. Inappropriate use will be handled by campus administration. We believe the educational benefits, access to informational resources, and opportunities for global collaboration exceed the disadvantages. The district considers computer and guided Internet use a part of the instructional program just like a textbook.

### **Login Security**

It is the responsibility of the student to keep their district issued network and email account safe and secure. Do not share usernames, passwords or other account information. Report any suspected unauthorized use of their account to a teacher or district official immediately. Cyber-bullying and harassment will not be tolerated. Report any suspicious or threatening communication to a teacher or other district official immediately.

### **Student Email**

Email is a vital form of communication in the modern school, business world, and home. Denton ISD will provide all students with a monitored, filtered, school email account.

Denton ISD student email complies with the Children's Internet Protection Act through the use of active content filtering and faculty monitoring. District issued email accounts are for educational purposes only.

Failure to comply with the AUP of Denton ISD can result in restrictions being placed upon the accounts, loss of access, and possible disciplinary consequences. Parents can opt out by written request to campus administration.

### **Student Email Use Guidelines**

Student email accounts are to be used for the following purposes only:

- Teacher-student correspondence
- Accessing/submission of classroom assignments or materials
- Creation of accounts for classroom web-based tools, such as blogs, wikis, podcasts, etc.
- Correspondence with students/partners in collaborative class activities such as pen pals

Student email accounts should not be used for:

- Unauthorized personal communication
- Bullying or harassment of other students
- Forwarding chain mail, spam or commercial content
- Sending inappropriate or immoral content or language
- Registering for any personal Internet account

### **Email Privacy**

District issued email accounts are the property of Denton ISD. All email is monitored and filtered at all times. Students should not expect their email to be private.

### **Social Media in the Classroom**

Online communication is critical to students' learning of 21st Century Skills and tools such as blogging and podcasting offer an authentic, real-world vehicle for student expression. The use of blogs, wikis, chat rooms, podcasts or other web 2.0 tools is an extension of a classroom and school. What is inappropriate in the classroom is inappropriate online.

1. Be aware of what you post online. What you contribute leaves a digital footprint for all to see. Do not post anything you wouldn't want friends, enemies, parents, teachers, or a future employer to see.
2. Follow the Denton ISD Student Code of Conduct when writing online. It is acceptable to disagree with someone else's opinions, however, do it in a respectful way.
3. Be safe online. Never give out personal information, including, but not limited to, last names, phone numbers, addresses, exact birthdates, and pictures. Do not share your password with anyone.
4. Do your own work! Do not use other people's intellectual property without their permission.

***It is a violation of copyright law to copy and paste other's works.***



5. Be aware that pictures may also be protected under copyright laws. Verify you have permission to use the image or it is under Creative Commons attribution.
6. How you represent yourself online is an extension of yourself.
7. If you run across inappropriate material, material that makes you feel uncomfortable, or is not respectful, tell your teacher or other district personnel immediately.
8. For your safety and protection, we encourage you to follow these Social Media guidelines outside of school as well as during the school day.

### **Posting Policies**

Denton ISD teachers or administrators may post the following with written parental/guardian and student approval to the campus principal:

- Student authored work
- Pictures, audio or video of student (alone or in a group)
- Student first and last name

### **Inappropriate Materials or Language**

A good rule to follow is never view, send, or access materials, which you would not want your teachers, parents or administrators to see. Should students encounter profane, objectionable material by accident, they should report it to their teacher or administrator immediately. Any assumed violation will be reported to the appropriate district administrator and the user's privilege revoked until the violation is reviewed by the appropriate district administrator.

### **General Guidelines for Using Technology**

1. The Denton ISD Student Code of Conduct applies to electronic interaction, just as it would in any face-to-face interaction. What is inappropriate in the classroom is inappropriate online.
2. Passwords are private. I will not allow others to use my account name and password, nor will I use other account names and passwords.
3. Be polite and use appropriate language in my electronic mail messages, multiuser role-playing and/or virtual learning environments, online postings, and other digital communications with others. I will refrain from using profanity, vulgarities, or any other inappropriate language as determined by school administrators.
4. Use electronic mail and other means of communications such as blogs, wikis, podcasting, chat, instant-messaging, discussion boards, and virtual learning environments responsibly. I will not use computers, handheld computers, digital audio players, cell phones, personal digital devices or the Internet to send or post hate or harassing mail, pornography, make discriminatory or derogatory remarks about others, or engage in bullying, harassment, or other antisocial behaviors either at school or at home.
5. Masquerading, spoofing, or pretending to be someone else is forbidden. This includes, but is not limited to, sending out e-mail, creating accounts, or posting messages or other online content (e.g. text, images, audio or video) in someone else's name.

6. Use technology resources responsibly. I will not retrieve, save, or display hate- based, offensive or sexually explicit material. I am responsible for not pursuing material that could be considered offensive. I understand that I am to notify a teacher or administrator immediately if I encounter materials which violate appropriate use.
7. Use technology resources productively and responsibly for school-related purposes.
8. Refrain from attempting to bypass, hack, or circumvent security settings or Internet filters, or interfere with the operation of the network by installing software or web-based services.
9. Vandalism is prohibited. This includes but is not limited to modifying or destroying equipment, programs, files, or settings on any computer or other technology resource.
10. Respect the intellectual property of other users and information providers. I will obey copyright guidelines. I will not plagiarize or use other's work without proper citation and permission.
11. Refrain from the use of or access of files, software, or other resources owned by others without the owner's permission. I will use only those school network directories that are designated for my use and for the purpose designated by my teacher.
12. Follow all guidelines set forth by the District and/or my teachers when publishing schoolwork online such as a website, blog, wiki, discussion board, podcasting or video server.
13. The Internet is a source for information that is both true and false and that the school is not responsible for inaccurate information obtained from the Internet.
14. The district and/or campus administrators will deem what conduct is inappropriate use if such conduct is not specified in this agreement.
15. Abide by all Internet safety guidelines that are provided by the school and to complete all assignments related to Internet safety.
16. I agree that Denton ISD may access my web-enabled device at any time to determine whether there has been a violation of the AUP.
17. Any reported assumed violation of the Student Acceptable Use Policy will be judged by the appropriate district administrator. I also understand that any or all of my privileges may be revoked at any time until the appropriate administrator reviews the concern or violation and makes a ruling.
18. Never install or download any software or applications onto network drives or disks. Any assumed violation will be reported to the appropriate district administrator and the user's privilege revoked until the concern of violation is reviewed by the appropriate district administrator.
19. Any dispute involving the Acceptable Use Policy will be settled at the discretion of the school or district administrator that is responsible for student discipline. Failure to abide by Denton ISD's Acceptable Use Policy could result in suspending online privileges and district issued accounts, disciplinary and/or legal action.

## **Disclaimer of Liability**

The district shall not be liable for users' inappropriate use of electronic communication resources or violations of copyright restrictions, users' mistakes or negligence, inappropriate use of third-party sites or costs incurred by user. The District shall not be responsible for ensuring the accuracy or usability of any information found on the Internet. The District does not warrant that the functions or services performed by, or that the information or software contained on, the system will meet the system users' requirements, or the system will be uninterrupted or error-free. The district shall not be liable for lost, stolen or damaged devices brought from home.

Any dispute involving Acceptable Use of district or personal resources will be settled at the discretion of district personnel.

## **Electronic Communication and Data Management Acceptable Use Policy**

The Denton ISD Acceptable Use Policy applies to all users of Denton ISD's Electronic Communications Systems. Users include:

- Denton ISD employees
- Denton ISD students
- Contractors
- Consultants
- Student Teachers
- Temporary workers
- Any third parties that use the system

Denton ISD is pleased to offer students access to a computer network for file sharing, storage, printing, electronic mail and the Internet while at school. Additionally, the district provides online and cloud-based resources such as Google Apps and Microsoft Office365.

Access to the Internet, will allow students access to available online textbooks, to explore thousands of libraries, databases, museums, and other repositories of information, and to collaborate with other students and classrooms both locally and globally.

Parents who prefer their child not to have computer access should send a request in writing to the campus principal. Educating minors about appropriate online behavior such as ethical use of information, interacting with other individuals on social networking websites, chat rooms and cyber bullying is required by law and will be addressed by Denton ISD campus staff such as Digital Learning Specialists, Librarians, teachers and counselors.

The Denton ISD Student Code of Conduct applies to electronic interaction, just as it would in any face-to-face interaction. What is inappropriate in the classroom will be deemed inappropriate online.

It is expected that users will comply with district standards and the specific rules set forth below. The use of the network is a privilege, not a right, and may be revoked if abused. The user is personally responsible for his/her actions in accessing and utilizing the school's computer resources or personal computer resources used on district property. The students are advised

never to access, keep, or send anything that they would not want their parents, teachers, or administrators to see.

## **Staff Acceptable Use Policy (AUP) [Regarding Students]**

### **Posting Policies – Student Work, Pictures, Videos, Student Name - Technology**

Denton ISD teachers or administrators may post the following with written parental/guardian and/or student approval to the principal:

- Student authored work
- Pictures, audio or video of student (alone or in a group)
- Student first and last names

### **Social Media Use with Students - Technology**

- Read and follow all District policies.
- Read and follow the Terms of Use for all sites. For example, if the site says, “you must be 13 to use this site,” then it should not be used by students under 13
- Ensure that privacy settings protect students, faculty and the district.
- Do not share personally identifying information on education sites. (personal address, personal telephone number, personal pictures.)
- Instruct students in how to use the site for educational purposes
- Abide by AUP and Terms of Use for all Internet sites
- Report illegal, abusive, bullying, and other negative dangerous behaviors
- Do not allow non-district users to participate on any classroom instructional site without administrative approval
- Invite administrator’s access to the site being used
- Monitor student use of the site
- Delete all sites that are no longer in use

### **Electronic Communications Between Educators and Students - Definitions**

The following definitions apply for the use of electronic media with students:

**Electronic media** includes all forms of social media, such as text messaging, instant messaging, e- mail), Web logs/blogs, wikis, electronic forums/chat rooms, video-sharing Web sites, editorial comments posted on the Internet, and social network sites. Electronic media also includes all forms of telecommunication such as landlines, cell phones, and Web-based applications.

**Communicate** means to convey information and includes a one-way communication as well as a dialogue between two or more people. A public communication by an employee that is not targeted at students (e.g., a posting on the employee's personal social network page or a blog) is not a communication: however, the employee may be subject to district regulations on personal electronic communications. Unsolicited contact from a student through electronic means is not a communication.

## **Student Acceptable Use Policy (AUP)**

The Superintendent or designee shall implement, monitor, and evaluate electronic media resources for instructional and administrative purposes.

Access to the District's electronic communications system, including the Internet, shall be made available to students and employees in accordance with administrative regulations. Access to the District's electronic communications system is a privilege, not a right.

All users shall be required to acknowledge receipt and understanding of all administrative regulations governing use of the system and shall agree in writing to comply with such regulations and guidelines. Noncompliance with applicable regulations and guidelines may result in suspension or termination of privileges and other disciplinary action consistent with District Policies. [See DH, FNC, CQ, FO, and the Student Code of Conduct]

The Superintendent or designee shall develop and implement administrative regulations, guidelines, and user agreements, consistent with the purposes and mission of the District and with law and policy governing copyright. [See CQ]

Electronic mail transmissions and other use of the electronic communications system by students and employees shall not be considered confidential and may be monitored at any time by designated District staff.

The District shall not be liable for users' inappropriate use of electronic communication resources or violations of copyright restrictions, users' mistakes or negligence, or costs incurred by users. The District shall not be responsible for ensuring the accuracy or usability of any information found on the Internet.

### **Training**

Denton ISD will provide training to users in proper use of the system and will provide all users with copies of the Denton ISD Acceptable Use Policy. All Denton ISD training for the system will emphasize its ethical use.

### **Copyrighted Materials**

Copyrighted software or data may not be installed on the system without permission from the holder of the copyright. Only the owner of the copyright (or individuals the owner specifically authorizes in writing) may upload copyrighted material to the system.

### **Internet Safety**

Denton ISD will use technology protection measures to prevent users and students from accessing pornography or other material deemed harmful to minors. Technology Protection Measures are defined as specific technologies that block or filter Internet access to inappropriate content.

Inappropriate content is defined as:

- Obscene, as defined in section 1460 of title 18, United States Code.
- Child pornography, as defined in section 2256 of title 18, United States Code.
- Harmful to minors (including websites about violence, racism/hate).
- Disruptive to learning in the classroom (including sites with non-educational games).

- Inappropriate for minors (including websites that contain hacking instructions, Web email, Adware, Spyware, SPAM Internet fraud and scams and any other areas deemed inappropriate as determined by the campus administrator).
- Harmful to the technology protection measure (including websites with proxy servers that can be used to bypass the filters).
- Illegal (including piracy websites).
- Personal Web spaces should not identify the user's relationship to Denton ISD.
- Controls on the technology protection measures may be updated daily. Sometimes the controls may prevent access to sites needed for educational or administrative use. If a user needs to access a blocked site, they may submit a HEAT ticket to have the website reviewed.

## **Responsibilities**

The Superintendent will designate a district-level administrator to:

- Disseminate and enforce acceptable use policies and guidelines at the district level.
- Ensure that all users read and sign an agreement to abide by Denton ISD's policies and guidelines regarding use of the system.
- Have campus personnel store student signed agreements (electronic or handwritten).
- Monitor activity on the system (as needed).
- Establish a retention schedule for messages on any electronic bulletin board. Remove local messages that are inappropriate.
- Set limits for disk utilization and mailbox sizes on Denton ISD's system.

Campus principals will designate campus-level coordinators to:

- Disseminate and enforce acceptable use policies and guidelines at the campus level.
- Ensure that teachers adequately supervise their students and are responsible for their students' use of the system.
- Ensure that teachers who supervise students provide training to students that emphasize appropriate use of the system.

## **Cyberbullying and Harassment**

Threatening, harassing, and/or bullying others using electronic means to include the Internet and/or mobile technology is strictly prohibited.

## **Vandalism and Abuse**

Vandalism is activity that intends to harm or destroy any part of the system, another user's data, or any agencies or network connected to the Internet or using any means to possess vandalism tools on network drives, pen drives, removable media, or the local computer.

Vandalism includes deliberate attempts to degrade or disrupt system performance. Vandalism includes, but is not limited to:

- Denials of Service (DOS) attacks

- Distributed Denial of Service (DDoS) attacks
- Uploading or creating viruses
- Using keystroke recording systems
- Loading Spyware or Adware
- Using port scanners or other tools to do network reconnaissance
- IP spoofing
- Man-in-the-Middle attacks
- Traffic sniffing
- Using any other tools to hack into or spy on the system

Vandalism is strictly prohibited, and vandals will lose access to the system and must provide restitution for hardware and software costs associated with system restoration. Vandals may be prosecuted under applicable state and federal laws. Denton ISD will cooperate fully with local, state, or federal officials in any investigation concerning or relating to vandalism of Denton ISD's system, any other system or any investigation of misuse.

### **Email Abuse**

Attempts to read, delete, copy, or modify the electronic mail of other users or deliberate interference with the ability of other system users to send/receive email is prohibited. Forgery or attempted forgery of email is prohibited.

### **Plagiarism**

Copying any content from the Internet or the system that doesn't belong to the user and claiming that the content is the property of the user is prohibited. Users must cite the source when including content from the Internet or the system.

### **Third Party Content**

Users and parents of students with access to the system should be aware that users and students might access other systems in the global network that may contain inaccurate and/or objectionable material. Any student or employee who brings prohibited materials into the system is subject to suspension, revocation of access, and is subject to disciplinary action in accordance with the Student Code of Conduct.

### **Revocation of Access**

If any user violates the Acceptable Use Policy, Denton ISD may suspend the user's access to the system. Denton ISD will terminate the user's accounts on the date the campus principal or Denton ISD administrator receives notice of student withdrawal or revocation of system privileges, or on a future date if specified in the notice.

### **Disclaimers**

**System Access:** Access to the system is provided on an "as is, available" basis. Denton ISD does not make any warranties with respect to any services provided by the system and about any information or software contained on the system. Denton ISD does not guarantee that the functions or services performed by, or that the information of software contained on the system will meet the user's requirements, or that the system will be uninterrupted or error-free, or that defects will be corrected.

User Information: Opinions, advice, services, and all other information expressed by system users, information providers, service providers, or other third-party individuals in the system belong to the providers and not Denton ISD.

### **Liability**

Denton ISD is not liable for inappropriate use of Denton ISD's system or violations of copyright restrictions, mistakes or negligence caused directly or indirectly by users, or costs that users incur. Denton ISD is not responsible for ensuring the accuracy or usability of any information on the Internet.

## **Violence Provisions**

In an effort to eliminate violence from the Denton Independent School District, the Board of Trustees approved this Violence Provision for all students age ten (10) and older.

Violence Provisions govern any form of violence, fighting and/ or physical altercations, abusive language, and threats among students as defined by the Texas Penal Code will be reported to the local police as a violation of the following penal codes: Disorderly Conduct and Assault.

### Penal Code 42.01 Disorderly Conduct

A person commits an offense if he intentionally or knowingly:

- 1) uses abusive, indecent, profane, or vulgar language in a public place, and the language by its very utterance tends to incite an immediate breach of the peace;
- 2) makes an offensive gesture or display in a public place, and the gesture or display tends to incite an immediate breach of the peace;
- 3) creates, by-chemical means, a noxious and unreasonable odor in a public place;
- 4) abuses or threatens a person in a public place in an obviously offensive manner;
- 5) makes unreasonable noise in a public place other than a sport shooting range, as defined by Section 250.001, Local Government Code, or in or near a private residence that he has no right to occupy;
- 6) fights with another in a public place.

### Penal Code 22.01 Assault

A person commits an offense if the person:

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

School Procedure—In the event of student conduct that violates local policy including violent acts, fighting and/or physical altercations, abusive language, and threats between two or more students, the procedures listed below will be followed:

1. Students are referred to the campus principal or the principal's designee who decides whether to report the incident to police.



- If an incident is not reported, the District's Discipline Management Plan is followed and punishment is administered according to policy (for example, scuffling, profanity, etc. may merit only suspensions).
- If incident is reported, the following sequence of events will occur:
  - a. Police will be notified according to local policy;
  - b. Parents will be notified by either the administrator or the police and told where the student will be detained;
  - c. Students may be removed from campus by police with possibility of citation and a hearing before the municipal judge within ten (10) days, or if the offense is serious enough, the student may be incarcerated according to state law and will be prosecuted to the fullest extent of the law;
  - d. Students shall be suspended from school for a maximum of three (3) days;
  - e. Parents must initiate a meeting with the campus principal or the principal's designee during the term of the suspension.
- 2. Violations for fighting may include an immediate three-day suspension from school.
- 3. Persistent offenses may result in suspension and recommendation for assignment to an Alternative Educational Placement in accordance with state statutes, state regulations, and district policies.
- 4. Persistent offenses (two or more previous suspensions) for fighting (42.01, 6) will result in DAEP placement.
- 5. Offenses for assault shall result in a 3-day suspension and a DAEP placement (Ch. 37).

Our hope is that the establishment of the above procedure will curtail the frequency of violence of any form at school and will provide all students a safe, threat-free environment which they deserve.

In summary, if your son or daughter is involved in a fight or engages in a physical altercation, abusive language, or threats during school hours, on school property, or during a school-related event, the school principal or designee responsible for discipline will consider the circumstances and the parents will be notified by either the administrator OR the police. Your child will be released into the custody of the police. The police will have the option of citing any student offender(s) with disorderly conduct and/or assault. Parents and/or student offender(s) may be responsible for fines up to (\$500) five hundred dollars.