

RIO HONDO INDEPENDENT SCHOOL DISTRICT

2015-2016

STUDENT CODE OF CONDUCT

ONE DISTRICT



United to Achieve Academic Excellence

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RIO HONDO INDEPENDENT SCHOOL DISTRICT

Mission Statement

The mission of Rio Hondo ISD is to develop a positive environment that promotes academic excellence in college readiness and lifelong skills while developing productive, successful citizens.

Vision Statement

“Academic Excellence”

Contractual Disclaimer

The provisions and information set forth in this handbook are intended to be informational and not contractual in nature. Thus, this handbook is not intended and shall not be construed to constitute a contract between the Rio Hondo ISD and any student, prospective student, agency of the local, state or federal government, or any other person or legal entity of any and every nature whatsoever.

The District hereby reserves and retains the right to amend, alter, change, delete, or modify any of the provisions of this handbook at any time, without notice, in any manner that the Administration or the Board of Trustees of the District deems to be in the best interest of the District. The contents of this student handbook apply to all students and programs in the District and do not amend, abridge or replace Board Policies of Administrative Regulations established by the District. As necessary, principals may include supplementary regulations and directives pertinent to their individual campuses.

Students and their parents are required to acknowledge that they have received and read the 2014-2015 Student Code of Conduct by signing and returning the Receipt Form found on page v. A copy of this handbook may also be downloaded at www.riohondoisd.net.

RIO HONDO INDEPENDENT SCHOOL DISTRICT

BOARD OF TRUSTEES

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Mr. Manuel Flores, Jr., Vice-President
Ms. Claudia Villalobos, Secretary
Mr. Noe Alaniz, Jr., Member

Mr. Arnold Martinez, Jr., Member
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Monthly Board Meetings are held on the 2nd Monday of the month at 7:00pm at the Central Office Administration Building located at 215 W. Colorado Street, Rio Hondo, TX

CENTRAL OFFICE ADMINISTRATION

Mr. Ismael Garcia, Superintendent
Dr. Sylvia P. Atkinson, Assistant Superintendent of Curriculum & Instruction
Mrs. Rita O. Lopez, Assistant Superintendent of Special Programs
(956) 748-1000

CAMPUS ADMINISTRATION

HIGH SCHOOL

Mrs. Deyanira Garcia, Principal
Mrs. Alma Alvarez, Assistant Principal/Instructional Facilitator
Mr. Emilio Trevino, Assistant Principal/Instructional Facilitator
(956) 748-1200

JUNIOR HIGH SCHOOL

Mr. Fidel Garza, Jr., Principal
Mrs. Ruby Brady, Assistant Principal/Instructional Facilitator
Mrs. Rebecca Mesa, Assistant Principal/Instructional Facilitator
(956) 748-1150

INTERMEDIATE SCHOOL

Mrs. Adriana Q. Lippa, Principal
Mrs. Diana Tijerina, Assistant Principal/Instructional Facilitator
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(956) 748-1100

ELEMENTARY SCHOOL

Mrs. Annette Jaramillo, Principal
Mr. Ricardo Ortiz, Assistant Principal/Instructional Facilitator
Mrs. Lisa Leal, Assistant Principal/Instructional Facilitator
(956) 748-1050

DAEP

Mrs. Vicky Guillen, DAEP Director
(956) 748-1012

RIO HONDO INDEPENDENT SCHOOL DISTRICT

DISTRICT GOALS

Because our primary concerns are focused on what we want our students to know and be able to do while at RHISD and beyond, we annually review and revise our District's goals. Any revisions made to our goals are based upon data available from the Rio Hondo community and schools, the State Accountability System, the NCLB system, and the Performance Based Analysis System that indicate our progress toward reaching our vision and our mission for our students and on moving our students to higher standards. Annual objectives provide us with measures to ensure that we accurately gauge our progress in attaining each goal.

1. Academic excellence and learning.
2. Safe environment.
3. Community Parental engagement.
4. Fiscal responsibility.
5. Hire and retain highly qualified teachers.

BELIEF STATEMENTS

1. It takes the effort of our entire community to educate a child
2. Children are eager to learn given a positive climate, engaging materials and expectable mentors.
3. Each student should have the opportunity to succeed according to his/her own potential.

2015-2016 Student Code of Conduct

Dear Parents or Guardians,

This publication contains the Student Code of Conduct for Rio Hondo I.S.D. and is intended to serve as a resource to students, parents, staff, and the Board of Trustees. The information in this publication is reviewed and revised annually. The Student Code of Conduct, which is approved by the Board of Trustees, specifies the expectations for student behavior, the discipline management techniques that are utilized by teachers and administrators, and the consequences for student misconduct.

It is very important that you and your child review this information. There is a shared understanding of the district's expectations for student behavior and the consequences should misconduct occur. With your support and encouragement we are confident your child will adhere to the behavioral expectations outlined in the Student Code of Conduct. Also, in addition to the normal communication that takes place between school and home, we are encouraging students and parents to provide any helpful information to campus or district officials that will reinforce the district's priority goal of safe schools for all students and staff.

Sincerely,



Ismael Garcia
Superintendent of Schools

ACKNOWLEDGMENT

Rio Hondo Independent School District
Student Code of Conduct 2015-2016

Dear Student and Parent:

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

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

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

Thank you.

Ismael Garcia

We acknowledge that we have received a copy of the Rio Hondo ISD Student Code of Conduct for the 2015–2016 school year and understand that students will be held accountable for their behavior and will be subject to the disciplinary consequences outlined in the Code.

Print name of student: _____

Signature of student: _____

Print name of parent: _____

Signature of parent: _____

Date: _____

School: _____

Grade level: _____

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

RIO HONDO INDEPENDENT SCHOOL DISTRICT

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STUDENT CODE OF CONDUCT

Purpose

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

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

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

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

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

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

All students are expected to adhere to the Safety Pledge:

Elementary/Intermediate Safety Pledge

- ❖ I want my school to be a place where all students feel safe and treat each other with respect.
- ❖ I will not bully, tease or hurt anyone. If I hear or see bullying or teasing, I will tell the person to stop and report it to an adult.
- ❖ I will tell an adult right away if I hear anyone threaten another person.
- ❖ I will immediately tell an adult if a student brings something to school that could hurt someone.

Jr. High/High School Safety Pledge

Recognizing that every student has the right to a safe environment where everyone is treated with respect:

- ❖ I understand that I have an essential role in school safety and violence prevention.
- ❖ I will not bully, tease or hurt anyone. If I hear or see bullying or teasing, I will tell the person to stop and report it to an adult.
- ❖ I will immediately report any threats of violence, suicide, presence of weapons, explosives or drugs to school administrators, allowing them to investigate and determine the seriousness of the report.
- ❖ I will do all I can to stop harassment of others.
- ❖ I will promote the acceptance of individual differences, recognizing that diversity contributes to the strength of my school.

School District Authority and Jurisdiction

Campus Behavior Coordinator

As required by law, a person at each campus must be designated to serve as the campus behavior coordinator. The designated person may be the principal of the campus or any other campus administrator selected by the principal (Asst. Principal is the designee at each campus). The campus behavior coordinator is primarily responsible for maintaining student discipline. The district maintains a current list of the persons serving as a campus behavior coordinator in the student handbook or on the district's website at (www.riohondisd.net under Resources).

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

The district has disciplinary authority over a student:

1. During the regular school day and while the student is going to and from school or a school-sponsored or school-related activity on district transportation;
2. During lunch periods in which a student is allowed to leave campus;
3. While the student is in attendance at any school-related activity, regardless of time or location;
4. For any school-related misconduct, regardless of time or location;

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

The District has the Right:

1. to revoke the transfer of a resident or non-resident for violating the Student Code of Conduct.
2. to search a vehicle driven to school by a student and parked on school property whenever there is reasonable cause to believe it contains articles or materials prohibited by the district.
3. to search a student's locker or desk when there is reasonable cause to believe it contains articles or materials prohibited by the district.
4. 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.

Reporting Crimes

School administrators 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.

Participating in Graduation Activities

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

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

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

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

See **DAEP—Restrictions During Placement** on page 24, for information regarding a student assigned to DAEP at the time of graduation.

Standards for Student Conduct

Each student is expected to:

- Demonstrate courtesy, even when others do not.
- Behave in a responsible manner, always exercising self-discipline.
- Attend all classes, regularly and on time.
- Prepare for each class; take appropriate materials and assignments to class.
- Meet district and campus standards of grooming and dress.
- Obey all campus and classroom rules.
- Respect the rights and privileges of students, teachers, and other district staff and volunteers.
- Respect the property of others, including district property and facilities.
- Cooperate with and assist the school staff in maintaining safety, order, and discipline.
- Adhere to the requirements of the Student 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 Out-of-School Suspension, DAEP Placement, Placement and/or Expulsion for Certain Offenses, and Expulsion, certain 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 as detailed in that section.

Disregard for Authority

Students shall not:

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

Mistreatment of Others

Students shall not:

- Use profanity or vulgar language or make obscene gestures.
- Fight or scuffle. (For assault see DAEP Placement and Expulsion.)

- Threaten a district student, employee, or volunteer, including off school property, if the conduct causes a substantial disruption to the educational environment.
- Engage in bullying, harassment, or making hit lists. (See glossary for all three terms.)
- Engage in conduct that constitutes sexual or gender-based harassment or sexual abuse, whether by word, gesture, or any other conduct, directed toward another person, including a district student, employee, or volunteer.
- Engage in conduct that constitutes dating violence. (See glossary.)
- Engage in inappropriate or indecent exposure of private body parts.
- Participate in hazing. (See glossary.)
- Cause an individual to act through the use of or threat of force (coercion).
- Commit extortion or blackmail (obtaining money or an object of value from an unwilling person).
- Engage in inappropriate verbal, physical, or sexual conduct directed toward another person, including a district student, employee, or volunteer.
- Record the voice or image of another without the prior consent of the individuals being recorded or in any way that disrupts the educational environment or invades the privacy of others.

Property Offenses

Students shall not:

- Damage or vandalize property owned by others. (For felony criminal mischief see DAEP Placement or Expulsion.)
- 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 Texas Penal Code. (For felony robbery, aggravated robbery, and theft see DAEP Placement and Expulsion.)

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;
- An air gun or BB gun;
- Ammunition;

- A stun gun;
- A pocketknife or any other small knife;
- Mace or pepper spray;
- Pornographic material;
- Tobacco products, including electronic cigarettes;
- Matches or a lighter;
- A laser pointer for other than an approved use; or
- Any articles not generally considered to be weapons, including school supplies, when the principal or designee determines that a danger exists. (For weapons and firearms see DAEP Placement and Expulsion.)

Possession of Telecommunications or Other Electronic Devices

Students shall not:

- Use a telecommunications device, including a cellular telephone, or other electronic device in violation of district and campus rules.

Illegal, Prescription, and Over-the-Counter Drugs

Students shall not:

- Possess or sell seeds or pieces of marijuana in less than a usable amount. (For illegal drugs, alcohol, and inhalants see DAEP Placement and Expulsion.)
- Possess, use, give, or sell paraphernalia related to any prohibited substance. (See glossary for “paraphernalia.”)
- Possess or sell look-alike drugs or attempt to pass items off as drugs or contraband.
- Abuse the student’s own prescription drug, give a prescription drug to another student, or possess or be under the influence of another person’s prescription drug on school property or at a school-related event. (See glossary for “abuse.”)
- Abuse over-the-counter drugs. (See glossary for “abuse.”) Be under the influence of prescription or over-the-counter drugs that cause impairment of the physical or mental faculties. (See glossary for “under the influence.”)
- Have or take prescription drugs or over-the-counter drugs at school other than as provided by district policy.

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 district students, employees, or volunteers, including off school property if the conduct causes a substantial disruption to the educational environment.
- Send, post, 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.
- Use e-mail or Web sites 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.

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.
- Cheat or copy the work of another.
- Gamble.
- Falsify records, passes, or other school-related documents.
- Engage in actions or demonstrations that substantially disrupt or materially interfere with school activities.

- Repeatedly violate other communicated campus or classroom standards of conduct.

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

Discipline Management Techniques

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

Because of these factors, discipline for a particular offense, including misconduct in a district vehicle owned or operated by the district, unless otherwise specified by law, may bring into consideration varying techniques and responses.

Student consequences shall be administered fairly and equitably and be based on a careful assessment of the circumstances of each case. Factors that will be considered when deciding whether to suspend, place or expel shall include:

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

The district will provide, as appropriate for students at each grade level, methods for discipline management including, but not limited to, options for:

- (A) managing students in the classroom, on school grounds, and on the school bus, or vehicle owned or operated by the district;
- (B) disciplining students; and
- (C) preventing and intervening in student discipline problems, including bullying, harassment, and making hit lists.

Students with Disabilities

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

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

In deciding whether to order suspension, DAEP placement, or expulsion, regardless of whether the action is mandatory or discretionary, the district 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 or in combination—for behavior prohibited by the Student Code of Conduct or by campus or classroom rules:

- Verbal correction, oral or written.
- Cooling-off time or “time-out.”
- Seating changes within the classroom 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.
- Grade reductions for cheating, plagiarism, and as otherwise permitted by policy.
- Detention, including outside regular school hours.
- Sending the student to the office or other assigned area, or to in-school suspension.
- Assignment of school duties such as cleaning or picking up litter.
- Withdrawal of privileges, such as participation in extracurricular activities, eligibility for seeking and holding honorary offices, or membership in school-sponsored clubs and organizations.
- Penalties identified in individual student organizations' extracurricular standards of behavior.
- Restriction or revocation of district transportation privileges.
- School-assessed and school-administered probation.
- Out-of-school suspension, as specified in the Out-of-School Suspension section of this Code.
- Placement in a DAEP, as specified in the DAEP section of this Code.
- Placement and/or expulsion in an alternative educational setting, as specified in the Placement and/or Expulsion for Certain Offenses section of this Code.
- Expulsion, as specified in the Expulsion section of this Code.
- Referral to an outside agency or legal authority for criminal prosecution in addition to disciplinary measures imposed by the district.
- Other strategies and consequences as determined by school officials.

Notification

The campus principal or appropriate administrator shall promptly notify a student's parent by phone or in person of any violation that may result in in-school or out-of-school suspension, placement in a DAEP, placement in a JJAEP, or expulsion. The campus principal or appropriate administrator shall also notify a student's parent if the student is taken into custody by a law enforcement officer under the disciplinary provisions of the Education Code. A good faith effort shall be made on the day the action was taken to provide to the student for delivery to the student's parent written notification of the disciplinary action. If the parent has not been reached by telephone or in person by 4:00 p.m. of the first business day after the day the disciplinary action was taken, the campus principal or appropriate administrator shall send written notification by U.S. Mail.

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

Appeals

Questions from parents regarding disciplinary measures should be addressed to the teacher or campus administration, 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 the policy may be obtained from the principal's office or the central administration office or through Policy On Line at the following address: www.riohondoisd.net

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

Removal from the School Bus

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

Bus Conduct/Transportation

School buses are provided to transport students to and from school and/or related activities. In order to promote a safe and pleasant ride, video cameras may be used to assist the driver. All students are expected to adhere to the following rules when being transported by buses or vehicles owned, operated or controlled by the district.

District rules and guidelines are applicable on the buses or vehicles owned, operated or controlled by the district.

1. Students are expected to follow a driver's instruction when given.
2. The driver is authorized to assign seats. After the initial seating choice, students must sit in their assigned seats each day. Students are responsible for any vandalism to that seat and to their area.

3. Students must not, at any time, extend any part of their bodies out the bus windows, nor shall they in any way touch or hang onto the bus before boarding or after leaving.
4. Students must not try to get on or off the bus or move about within the bus while it is in motion.
5. Students must not write on or deface any part of the bus. Any damage to the bus must be reported to the driver immediately. Students who write on or deface any part of the bus are subject to suspension and restitution for damages.
6. Glass containers of any type may not be brought on the school bus.
7. No live animals may be transported on school buses, with the exception of official service animals.
8. The emergency exits will be used only in emergencies.
9. Boarding school buses:
 - a. Be at your stop at least 5 minutes prior to scheduled pick up time. The bus cannot wait.
 - b. Please wait for your bus in designated areas, away from roadway.
 - c. Be seated and remain seated until the bus is released by your driver.
10. Departing school buses:
 - a. Depart from the bus in an orderly manner. Students who need to cross the roadway must stop and await the signal from the bus driver.
 - b. Stay out of the bus 'danger zone' (within 10 feet of the bus). Never cross behind the bus.
11. Fighting in any form while riding on the bus may result in suspension of bus-riding privileges.
12. Students must respect private property at each designated bus stop.
13. Students are not permitted to bring skateboards on the bus.
14. Students are not permitted to play loud music on the bus. Students will be permitted to listen to music through the use of headphones.

Any violation of the rules will be reported by the bus driver to the respective principal for corrective action. All principals are directed to enforce these safety rules by the appropriate action, which may include the temporary or permanent withdrawal of riding privileges, depending upon the seriousness of the violation and all other circumstances of each individual case.

Notwithstanding the above, serious misbehavior could result in immediate removal from the bus. Citations or criminal complaints may be filed on students in accordance with state law. Restitution for any damages incurred must be made before returning to the bus.

Note to Parents:

- Unauthorized entry on the bus without driver’s permission is strictly prohibited and could result in citation or arrest in accordance with state law.
- Transportation is not provided to non-school employees during field trips.
- District cell phone policy applies to buses.
- While students are suspended and/or removed from the bus, it will be the responsibility of the parents or guardians to transport students to and from school.

Parents, guardians and persons acting in *loco parentis* should:

- Understand and support district guidelines and policies, and regulations and principles of school bus safety;
- Assist students in understanding safety rules and encourage them to abide by them;
- Recognize their own responsibilities for the actions of their children.

Understanding this, parents or guardians shall be responsible and accountable for the conduct and safety of their children at all times prior to the arrival and after the departure of the school bus at the assigned school bus stop.

The school bus is considered an extended part of the school day. Students violating bus rules are subject to disciplinary consequences, which may include having a re-assigned seat on the bus and/or suspension of bus riding privileges. In addition to school disciplinary action, students may receive written citations or criminal complaints filed against them by RHISD Police Department in accordance with state law. When a disruption occurs on a RHISD bus, students may be removed from the bus and transported to the student’s respective campus where a parent/guardian will be contacted to pick up his/her child. If a parent/guardian cannot be contacted, the student may be transported to the Child Protective Services (CPS).

Removal from the Regular Educational Setting

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

Routine Referral

A routine referral occurs when a teacher sends a student to the principal’s office as a discipline management technique. The principal may then employ additional techniques.

Discipline Assignments and Notification

Assignment	Recommended or Assigned By	Notification / Due Process	Appeal To
Removal from educational setting	Teacher or AP / Administrator	Written communication and/or conference*	Principal or designee
Counseling Session	Administrator	Written communication and conference*	Principal or designee
In School Suspension (ISS)	Administrator	Written communication and conference*	Principal or designee
Out of School Suspension (Expulsion)	Administrator	Written communication and conference*	Principal or designee

Disciplinary Alternative Education Program (DAEP) Placement of 15 days or longer	Administrator	Written communication and conference*	Principal or designee
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*Conference - a meeting with parent or guardian in person or via phone regarding discipline infraction.

Formal Removal

A teacher or administrator **may** remove a student from class for a behavior that violates this Code to maintain effective discipline in the classroom. A teacher **may** also initiate a formal removal from class if:

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

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 will be followed. Otherwise, within three school days of the formal removal, the appropriate administrator shall schedule a conference with the student's parent; the student; the teacher, in the case of removal by a teacher; and any other administrator.

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

When a student is removed from the regular classroom by a teacher and a conference is pending, the principal may place the student in:

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

Returning Student to Classroom

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

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

Out-of-School Suspension

Misconduct

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

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

1. Self-defense (see glossary),
2. Intent or lack of intent at the time the student engaged in the conduct, and
3. The student's disciplinary history.

Process

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

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

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

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

1. Self-defense (see glossary),
2. Intent or lack of intent at the time the student engaged in the conduct, and
3. The student's disciplinary history.

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

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 / Intermediate classification shall be kindergarten–grade 5 and secondary classification shall be grades 6–12.

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

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

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

1. Self-defense (see glossary),
2. Intent or lack of intent at the time the student engaged in the conduct, and
3. The student’s disciplinary history.

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.

ON CAMPUS INFRACTION	PLACEMENT SITE			PLACEMENT LENGTH		
	High School	Jr. High School	Elem/Int School	High School	Jr. High School	Elem/Int School
General Conduct Violations	DAEP	DAEP	DAEP	30 to 45 days	30 to 45 days	15 to 30 days
Misconduct Identified by State Law	DAEP	DAEP	DAEP	30 to 45 days	30 to 45 days	15 to 30 days

* Number of days are subject to the superintendent or designee’s discretion

Misconduct Identified in State Law

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

- Involvement in a public school fraternity, sorority, or secret society, including participating as a member or pledge, or soliciting another person to become a pledge or member of a public school fraternity, sorority, secret society, or gang. (See glossary.)
- Involvement in criminal street gang activity. (See glossary.)
- Any criminal mischief, including a felony.
- Assault (no bodily injury) with threat of imminent bodily injury.
- Assault by offensive or provocative physical contact.

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

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

Mandatory Placement: Misconduct That Requires DAEP Placement

Transportation is not provided

ON CAMPUS INFRACTION - MANDATORY	PLACEMENT SITE			PLACEMENT LENGTH		
	High School	Jr. High School	Elem/Int, School	High School	Jr. High School	Elem/Int School
Level IV - infractions which require mandatory placement in a DAEP						
False Alarm or Report	DAEP	DAEP	DAEP	30 to 45 days	30 to 45 days	15 to 30 days
Terroristic Threat	DAEP	DAEP	DAEP	30 to 45 days	30 to 45 days	15 to 30 days
Felony Activity/Conduct – excluding drug infractions that are punishable as a felony	DAEP	DAEP	DAEP	30 to 45 days	30 to 45 days	15 to 30 days
Assault (Class A)	DAEP	DAEP	DAEP	30 to 45 days	30 to 45 days	15 to 30 days
Marijuana, Controlled Substance or Dangerous Drugs. Possession, use or under the influence (non-felony) including some, but not all, prescription medications	DAEP	DAEP	DAEP	30 to 45 days	30 to 45 days	15 to 30 days
Marijuana, Controlled Substances or Dangerous Drugs. Sells, gives or delivers (non-felony) including some, but not all, prescription medications	DAEP	DAEP	DAEP	30 to 45 days	30 to 45 days	15 to 30 days
Alcohol – Possession, use or under the influence	DAEP	DAEP	DAEP	30 to 45 days	30 to 45 days	15 to 30 days
Alcohol – Sells, gives or delivers	DAEP	DAEP	DAEP	30 to 45 days	30 to 45 days	15 to 30 days
Engages in conduct that contains the elements of an offense relating to Abusable Glue, Aerosol Paint or Volatile Chemicals	DAEP	DAEP	DAEP	30 to 45 days	30 to 45 days	15 to 30 days
Public Lewdness	DAEP	DAEP	DAEP	30 to 45 days	30 to 45 days	15 to 30 days
Indecent Exposure	DAEP	DAEP	DAEP	30 to 45 days	30 to 45 days	15 to 30 days
Retaliation against a school employee	DAEP	DAEP	DAEP	30 to 45 days	30 to 45 days	15 to 30 days
Between 6 and 9 yrs. of age – engages in expellable conduct	N/A	N/A	DAEP	N/A	N/A	15 to 30 days
Registered Sex Offender	DAEP	DAEP	DAEP	85 days to completion of graduation requirements		15 days to complete Grad. Require.
2nd placement to DAEP in the same school year	DAEP	DAEP	DAEP	45 days	45 days	30 days

* Number of days are subject to the superintendent or designee's discretion

According to Texas Education Code Section 37.006, a student shall (must) be removed from class and placed in a disciplinary alternative education program if the student:

a. while on school property (including school buses, or vehicles owned or operated by the district), or within 300 feet of school property, or while attending a school-sponsored or school-related activity on or off school property:

- (1) engages in conduct punishable as a **felony**; or
- (2) engages in conduct that contains elements of the offense of **assault** under Section 22.01 (a)(1), Texas Penal Code;
- (3) **sells, gives, or delivers** to another person or **possesses, uses** or is **under the influence of marijuana, a controlled substance, or a dangerous drug** in an amount not constituting a felony offense (including oral and/or written admission); (School-related felony drug offenses are addressed in the Expulsion section.) (See glossary for “under the influence.”)

Note: Controlled substances and dangerous drugs include some, but not all, prescription medications. Examples of prohibited medications include, but are not limited to, Xanax, Adderall, Ritalin, Vyvanse, and medications that contain codeine, as well as many other prescriptions provided by a physician.

An assessment may be administered by a school nurse. If a student refuses to cooperate with the assessment, where there is reasonable cause or suspicion, the student’s parents are to be notified, and the student becomes subject to disciplinary sanctions.

- (4) **sells, gives, or delivers to** another person an alcoholic beverage; commits a serious act or offense while under the influence of alcohol; or **possesses, uses,** or is **under the influence of alcohol**, if the conduct is not punishable as a felony offense (including oral and/or written admission); (School-related felony alcohol offenses are addressed in the Expulsion section.)
- (5) engages in conduct that contains the elements of an offense relating to an **abusable volatile chemical** under Sections 485.031 through 485.035, Texas Health & Safety Code;
- (6) engages in conduct that contains the elements of the offense of **public lewdness** under Section 21.07, Texas Penal Code;
- (7) engages in conduct that contains the elements of the offense of **indecent exposure** under Section 21.08, Texas Penal Code;
- (8) engages in expellable conduct and is between six and nine years of age;
- (9) commits a federal firearms violation and is younger than six years of age.

b. while on or off school property, regardless of location or time, a student shall be placed in a DAEP for the following conduct:

- (1) engages in conduct relating to false alarm or report (including a bomb threat) under Section 42.06, Texas Penal Code, or a terroristic threat involving a public school under Section 22.07, Texas Penal Code (see glossary);

- (2) **retaliation** against any school employee under Section 36.06, Texas Penal Code; or
- (3) **Title 5 of Texas Penal Code felony** that occurs off school property and not at a school-related activity, if the student received deferred prosecution, a court or jury finds that the student has engaged in delinquent conduct for a Title 5 felony, has been charged with engaging in conduct defined as a Title 5 felony offense, has been referred to a juvenile court for allegedly engaging in delinquent conduct for a Title 5 felony offense, has received probation or deferred adjudication or has been arrested for, charged with, or convicted of a Title 5 felony offense, or the superintendent or designee has a reasonable belief that the student has engaged in a Title 5 felony. (Title 5 offenses include: criminal homicide, murder, capital murder, manslaughter, criminally negligent homicide, improper photography or visual recording, unlawful restraint, kidnapping, aggravated kidnapping, indecency with a child, sexual assault, aggravated assault, aggravated sexual assault, injury to a child, elderly or disabled individual, abandoning or endangering a child, deadly conduct, terroristic threat, aiding a suicide, continuous sexual abuse of a young child or children, tampering with a consumer product and aggravated robbery under Section 29.03, Texas Penal Code).

The district maintains the option to expel Title 5 off-campus felonies and registered sex offenders until they have completed graduation requirements.

- c. **pursuant to Section 37.006(f), any student under age 10 who commits an expellable offense pursuant to Texas Education Code Section 37.007, other than a federal firearm offense (Section 37.007(e)), must be removed to a disciplinary alternative education program (DAEP).**
- d. **a student younger than six may not be removed from class and placed in a DAEP unless the student commits a federal firearm offense.**
- e. **an elementary school student may not be placed in a DAEP with any other student who is not an elementary school student.**

Sexual Assault and Campus Assignments

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

Emergencies

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

Process

Removals to a DAEP shall be made by the Campus Principal.

Conference

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

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

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

Consideration of Mitigating Factors

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

1. Self-defense (see glossary),
2. Intent or lack of intent at the time the student engaged in the conduct, and
3. The student's disciplinary history.

Placement Order

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

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

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

Coursework Notice

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

Length of Placement

The duration of a student's placement in a DAEP shall be determined by the Campus Principal.

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

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

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:

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

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

Exceeds School Year

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

For placement in a DAEP to extend beyond the end of the school year, the Campus Principals must determine that:

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

Exceeds 60 Days

For placement in a DAEP to extend beyond 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.

Appeals regarding the decision to place a student in a DAEP should be addressed to the Campus Principals in accordance with policy FOC(LEGAL).

Student or parent appeals regarding the process used for the placement decision, such as issues related to the administrator's handling of the conference or proper notice being provided, should be addressed in accordance with policy FNG(LOCAL). A copy of this policy may be obtained

from the principal's office or the central administration office or through Policy On Line at the following address: (www.riohondoisd.net)

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

Restrictions during Placement

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

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

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

Placement Review

A student placed in a DAEP shall be provided a review of his or her status, including academic status, by the Superintendent or their 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 appropriate administrator may enter an additional disciplinary order as a result of those proceedings.

Notice of Criminal Proceedings

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

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

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

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

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

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

Withdrawal during Process

When a student violates the district's Code in a way that requires or permits the student to be placed in a DAEP and the student withdraws from the district before a placement order is completed, the district may complete the proceedings and issue a placement order. If the student then reenrolls in the district during the same or a subsequent school year, the 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 appropriate administrator or the board fails to issue a placement order after the student withdraws, the next district in which the student enrolls may complete the proceedings and issue a placement order.

Newly Enrolled Students

The district shall continue the DAEP placement of a student who enrolls in the district and was assigned to a DAEP in an open-enrollment charter school or another district.

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

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

Emergency Placement Procedure

When an emergency placement occurs, 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.

Placement and/or Expulsion for Certain Offenses

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

Registered Sex Offenders

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

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

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

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 Student

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

Appeal

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

Certain Felonies

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

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

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

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

Hearing and Required Findings

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

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

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

Length of Placement

The student is subject to the placement until:

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

Newly Enrolled Students

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

Expulsion

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

1. Self-defense (see glossary),
2. Intent or lack of intent at the time the student engaged in the conduct, and
3. The student's disciplinary history.

Discretionary Expulsion: Misconduct That May Result in Expulsion

ON CAMPUS INFRACTION	SITE			LENGTH		
	High School	Middle School	Elem/Int School	High School	Middle School	Elem/Int School
Infractions which require mandatory expulsion						
Firearms – Uses, exhibits, possesses	JJAEP	JJAEP	SOS	1 calendar year	1 calendar year	1 calendar year
Illegal Knife – Uses, exhibits, possesses	JJAEP	JJAEP	SOS	45 to 180 days	45 to 180 days	15 to 45 days
Club – Uses, exhibits, possesses	JJAEP	JJAEP	SOS	45 to 180 days	45 to 180 days	15 to 45 days
Prohibited Weapon – Uses, exhibits, possesses	JJAEP	JJAEP	SOS	45 to 180 days	45 to 180 days	15 to 45 days
Aggravated Assault	JJAEP	JJAEP	SOS	45 to 180 days	45 to 180 days	15 to 45 days
Sexual Assault	JJAEP	JJAEP	SOS	45 to 180 days	45 to 180 days	15 to 45 days
Aggravated Sexual Assault	JJAEP	JJAEP	SOS	45 to 180 days	45 to 180 days	15 to 45 days
Arson	JJAEP	JJAEP	SOS	45 to 180 days	45 to 180 days	15 to 45 days
Murder	JJAEP	JJAEP	SOS	1 calendar year	1 calendar year	1 calendar year
Capital Murder	JJAEP	JJAEP	SOS	1 calendar year	1 calendar year	1 calendar year
Indecency with a Child	JJAEP	JJAEP	SOS	45 to 180 days	45 to 180 days	15 to 45 days
Aggravated Kidnapping	JJAEP	JJAEP	SOS	1 calendar year	1 calendar year	1 calendar year
Aggravated Robbery	JJAEP	JJAEP	SOS	1 calendar year	1 calendar year	1 calendar year
Manslaughter	JJAEP	JJAEP	SOS	1 calendar year	1 calendar year	1 calendar year
Criminally Negligent Homicide	JJAEP	JJAEP	SOS	1 calendar year	1 calendar year	1 calendar year
Felony Drug Infraction	JJAEP	JJAEP	SOS	45 to 180 days	45 to 180 days	15 to 45 days
Continuous sexual abuse of a young child or children	JJAEP	JJAEP	SOS	45 to 180 days	45 to 180 days	15 to 45 days

Serious misbehavior while in a DAEP (Discretionary Assignment)	JJAEP	JJAEP	SOS	Extended placement in JJAEP	Extended placement in JJAEP	Extended placement in SOS
Second Expulsion in the same school year	JJAEP	JJAEP	SOS	1 calendar year	1 calendar year	Extended place in SOS
Students between 6 and 9 yrs.of age and engages in expellable conduct	N/A	N/A	SOS	N/A	N/A	15 - 30 days

* Number of days are subject to the superintendent or designee's discretion

NOTES:

- If end of placement occurs during the last two weeks of a semester, students will be provided the option of remaining at JJAEP for exams.
- All placements will be assigned for the designated length of time or one calendar year, whichever occurs first.
- A second JJAEP placement in the same school year will result in a one (1) calendar year expulsion.
- Level V mandatory expulsions for infractions occurring while student is assigned to the DAEP will result in an expulsion to JJAEP for one (1) calendar year.

Any Location

A student **may** be expelled for:

- Engaging in the following, no matter where it takes place:
 - Conduct that contains the elements of assault under Penal Code 22.01(a)(1) in retaliation against a school employee or volunteer.
 - Criminal mischief, if punishable as a felony.
- Engaging in conduct that contains the elements of one of the following offenses against another student, without regard to where the conduct occurs:
 - Aggravated assault.
 - Sexual assault.
 - Aggravated sexual assault.
 - Murder.
 - Capital murder.
 - Criminal attempt to commit murder or capital murder.
 - Aggravated robbery.
 - Breach of computer security.
 - Engaging in conduct relating to a false alarm or report (including a bomb threat) or a terroristic threat involving a public school.

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

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

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

Within 300 Feet of School

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

- Aggravated assault, sexual assault, or aggravated sexual assault.
- Arson. (See glossary.)
- Murder, capital murder, or criminal attempt to commit murder or capital murder.
- Indecency with a child, aggravated kidnapping, manslaughter, criminally negligent homicide, or aggravated robbery.
- Continuous sexual abuse of a young child or children.
- Felony drug- or alcohol-related offense.
- Use, exhibition, or possession of a firearm (as defined by state law), an illegal knife, a club, or prohibited weapon, or possession of a firearm (as defined by federal law).

Property of Another District

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

While in DAEP

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

1. Deliberate violent behavior that poses a direct threat to the health or safety of others;
2. Extortion, meaning the gaining of money or other property by force or threat;
3. Conduct that constitutes coercion, as defined by Section 1.07, Penal Code; or
4. Conduct that constitutes the offense of:

- a. Public lewdness under Section 21.07, Penal Code;
- b. Indecent exposure under Section 21.08, Penal Code;
- c. Criminal mischief under Section 28.03, Penal Code;
- d. Personal hazing under Section 37.152; or
- e. Harassment under Section 42.07(a)(1), Penal Code, of a student or district employee.

Mandatory Expulsion: Misconduct That Requires Expulsion

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

Under Federal Law

- Bringing to school a firearm, as defined by federal law. “Firearm” under federal law includes:
 - 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.
 - The frame or receiver of any such weapon.
 - Any firearm muffler or firearm weapon.
 - Any destructive device, such as any explosive, incendiary or poison gas bomb, or grenade.

Under the Texas Penal Code

- Using, exhibiting, or possessing the following, as defined by the Texas Penal Code:
 - A firearm (any device designed, made, or adapted to expel a projectile through a barrel by using the energy generated by an explosion or burning substance or any device readily convertible to that use), unless the use, exhibition, or possession of the firearm occurs at an off-campus approved target range facility 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.
 - An illegal knife, such as a knife with a blade over 5½ inches; hand instrument, designed to cut or stab another by being thrown; dagger, including but not limited to a dirk, stiletto, and poniard; bowie knife; sword; or spear.
 - A club (see glossary) such 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, including a blackjack, nightstick, mace, and tomahawk.
 - A prohibited weapon, such as an explosive weapon, a machine gun, a short-barrel firearm, a firearm silencer, knuckles, armor-piercing ammunition, a chemical dispensing device, a zip gun, or a tire deflation device. (See glossary.)

- Behaving in a manner that contains elements of the following offenses under the Texas Penal Code:
 - Aggravated assault, sexual assault, or aggravated sexual assault.
 - Arson. (See glossary.)
 - Murder, capital murder, or criminal attempt to commit murder or capital murder.
 - Indecency with a child.
 - Aggravated kidnapping.
 - Aggravated robbery.
 - Manslaughter.
 - Criminally negligent homicide.
 - Continuous sexual abuse of a young child or children.
 - Behavior punishable as a felony that involves selling, giving, or delivering to another person, or possessing, using, or being under the influence of marijuana, a controlled substance, a dangerous drug, or alcohol; or committing a serious act or offense while under the influence of alcohol.
- Engaging in retaliation against a school employee or volunteer combined with one of the above-listed mandatory expulsion offenses.

Under Age Ten

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

Emergency

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

Process

If a student is believed to have committed an expellable offense, the principal 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 principal may place the student in:

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

Hearing

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

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 Superintendent and their designee authority to conduct hearings and expel students.

Board Review of Expulsion

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

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

The board shall hear statements made by the parties at the review and will 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

After the due process hearing, 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 Superintendent and their designee shall deliver to the juvenile court a copy of the expulsion order and the information required by Section 52.04 of the Family Code.

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

Length of Expulsion

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

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

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

If the appropriate administrator 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 appropriate administrator 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 occurs, the student shall be given verbal notice of the reason for the action. Within ten days after the date of the emergency expulsion, the student shall be given appropriate due process required for a student facing expulsion.

DAEP Placement of Expelled Students

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

Glossary

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

Abuse is improper or excessive use.

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

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

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

Arson is:

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

Assault is defined in part by Texas Penal Code §22.01(a)(1) as intentionally, knowingly, or recklessly causing bodily injury to another; §22.01(a)(2) as intentionally or knowingly threatening

another with imminent bodily injury; and §22.01(a)(3) as intentionally or knowingly causing physical contact with another that can reasonably be regarded as offensive or provocative.

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

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

This conduct is considered bullying if it:

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

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

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

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

Cyberbullying is the use of any electronic communication device to engage in bullying or intimidation.

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 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.

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

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

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

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

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

Harassment is:

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

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

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

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

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

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

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

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

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

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

Self-defense is the use of force against another to the degree a person reasonably believes the force is immediately necessary to protect 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 Section 1.07, Penal Code; or
4. Conduct that constitutes the offense of:
 - a. Public lewdness under Section 21.07, Penal Code;
 - b. Indecent exposure under Section 21.08; Penal Code;
 - c. Criminal mischief under Section 28.03, Penal Code;
 - d. Personal hazing under Section 37.152; or
 - e. Harassment under Section 42.07(a)(1), Penal Code, of a student or district employee.

Serious or persistent misbehavior includes but is not limited to:

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

- Refusal to accept discipline assigned by the teacher or principal.

Short-barrel firearm is 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 a threat of violence to any person or property with intent to:

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

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

Title 5 offenses are those that involve injury to a person and include murder; kidnapping; assault; aggravated assault; sexual assault; aggravated sexual assault; unlawful restraint; indecency with a child; injury to a child, an elderly person, or a disabled person; abandoning or endangering a child; deadly conduct; terroristic threat; aiding a person to commit suicide; and tampering with a consumer product. [See FOC(EXHIBIT)]

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

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

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