

EDNA INDEPENDENT SCHOOL DISTRICT

STUDENT CODE OF CONDUCT

2008 - 2009

Edna High School

Meadie Pumphrey Junior High

Edna Elementary

EDNA ISD
Student Code of Conduct Acknowledgment

Dear Student and Parent:

As required by state law, the District 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 among your family. If you have any questions about the behaviors and consequences, 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.



Bob Wells
Superintendent

We acknowledge that we have received a copy of the Edna ISD Student Code of Conduct for the 2008-2009 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, remove it, and return it to the student's school. Thank you.

EDNA I.S.D. STUDENT CODE OF CONDUCT

THE PURPOSE OF THE STUDENT CODE OF CONDUCT

The Mission of the Edna Independent School District is to ensure a quality education for all. District *employees are* committed to providing the very best education for each student. To do so requires the establishment and support of a safe and orderly learning climate. Occasionally student behavior disrupts the learning climate and the district must enforce consequences in order to maintain ideal learning conditions. This document details those behaviors that merit district response, and the nature of that response.

The Student Code of Conduct that follows is the District’s specific response to the requirements of Chapter 37 of the Texas Education Code. The law requires the District to define misconduct that may—or must—result in a range of specific disciplinary consequences. This Student Code of Conduct is an outgrowth of collaboration among District and campus staff, parents, and other community members. This Code, adopted by the Board of Trustees, provides information and direction to students and parents regarding standards of behavior as well as consequences of misconduct. The behaviors and consequences listed in this document may not be an all-inclusive list, but represents the District’s efforts to best define those behaviors and consequences as required by law.

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The **Glossary** (page 22) at the back of the Student Code of Conduct provides easy access to definitions of legal terms.

In case of conflict between the Student Code of Conduct and the student handbook, the Student Code of Conduct will prevail. The Student Code of Conduct is adopted by the District’s Board of Trustees and has the force of policy.

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.

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 other students and of teachers and other District staff.
- Respect the property of others, including District property and facilities.
- Cooperate with and assist the school staff in maintaining safety, order, and discipline.
- Avoid violations of the Student Code of Conduct.

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

School District Authority and Jurisdiction

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

The District has disciplinary authority over a student:

1. During the regular school day and while the student is going to and from school on District transportation;
2. For certain mandatory DAEP and discretionary expulsion offenses, within 300 feet of school property as measured from any point on the school's real property boundary line;
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. For any mandatory expulsion offense committed while on school property or while attending a school-sponsored or school-related activity of another district in Texas;
6. When retaliation against a school employee or volunteer occurs or is threatened, regardless of time or location;
7. When the student commits a felony, as provided by Texas Education Code 37.006 or 37.0081;
9. When criminal mischief is committed on or off school property or at a school-related event;
10. The District has the right 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;
11. The District has the right to search a student's locker;
12. The District has the right to require a drug test of students whenever there is reasonable cause to believe the student may be using controlled substances;

(School District Authority and Jurisdiction continued)

13. A school administrator will report crimes as required by law. A school administrator who suspects that a crime has been committed on campus will call local law enforcement; and
14. The District has the right to revoke the transfer of a transfer student for violating the District's Student Code of Conduct.

In general, discipline will be designed to correct misconduct and to encourage all students to adhere to their responsibilities as citizens of the school community. Disciplinary action will draw on the professional judgment of teachers and administrators and on a range of discipline management techniques. Disciplinary action will be correlated to the seriousness of the offense, the student's age and grade level, the frequency of misbehavior, the student's attitude, the effect of the misconduct on the school environment, and statutory requirements. Because of these factors, discipline for a particular offense (unless otherwise specified by law) may bring into consideration varying techniques and responses.

For rule violations that are not also violations of the Student Code of Conduct, the teacher is not required to make a Student Code of Conduct violation report, and the principal is not required to notify parents.

The district may take into consideration self-defense as a factor in a decision to order suspension, removal to a DAEP, or expulsion.

A student whose behavior shows disrespect for others, including interference with learning and a safe environment, will be subject to disciplinary action.

Discipline Management Techniques

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

- Verbal correction.
- Cooling-off time or "time-out."
- Seating changes within the classroom.
- Counseling by teachers, counselors, or administrative personnel.
- Parent-teacher conferences.
- Temporary confiscation of items that disrupt the educational process.
- Grade reductions as permitted by policy.
- Rewards or demerits.
- Behavioral contracts.
- Detention.
- Sending the student to the office or other assigned area, or to in-school suspension.
- Out-of-school suspension as specified in the Suspension section.
- Placement in a disciplinary boot camp.
- Placement in a Disciplinary Alternative Education Program (DAEP) as specified in the DAEP section.
- Expulsion, as specified in the Expulsion section of this Student Code of Conduct.

(Discipline Management Techniques continued)

- Assignment of school duties such as scrubbing desks or picking up litter.
- Withdrawal of privileges, such as participation in extracurricular activities and eligibility for seeking and holding honorary offices, and/or membership in school-sponsored clubs or organizations.
- Techniques or penalties identified in individual student organizations' extracurricular standards of behavior.
- Withdrawal or restriction of bus privileges.
- School-assessed and school-administered probation.
- Corporal punishment.
- Referral to outside agency and/or legal authority for criminal prosecution in addition to disciplinary measures imposed by the District.
- Other strategies and consequences as specified by the Student Code of Conduct.

Suspicion Based Drug Testing

Board Policy FNF (LOCAL) provides that the Superintendent or designee may require a student to undergo a medical examination to determine whether the student is using or is under the influence of a controlled substance or alcohol. Such an examination may be required when the Superintendent or designee has reasonable cause to believe that the student is using or is under the influence of a controlled substance or alcohol while at school or at school-related activities. The District's determination that reasonable cause exists to require the alcohol or controlled substance test shall be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the student, or indications of the chronic and withdrawal effects of controlled substances.

Complaints and Appeals

Parental questions or complaints regarding disciplinary measures should be addressed to the teacher or campus administration, as appropriate and in accordance with policy FNG (LOCAL). A copy of this policy may be obtained from the principal's office or the central administration office. Consequences will not be deferred pending the outcome of a grievance.

Prohibited Behaviors

The following behaviors are prohibited at all school and school-related activities:

- Cheating or copying the work of another.
- Throwing objects that can cause bodily injury or property damage.
- Failing to comply with directives given by school personnel.
- Leaving school grounds or school-sponsored events without permission.
- Disobeying rules for conduct on school buses.
- Directing profanity, vulgar language, or obscene gestures toward other students or District employees.
- Fighting or scuffling.
- Hazing.
- Stealing from students, staff, or the school.
- Damaging or vandalizing property owned by others.
- Defacing or damaging school property—including textbooks, lockers, furniture, and other equipment—with graffiti or by other means.
- Possessing fireworks of any kind, smoke or stink bombs, or any other pyrotechnic device.
- Discharging a fire extinguisher.
- Possessing razors, box cutters, chains, or any other object used in a way that threatens or inflicts bodily injury to another person.
- Possessing or selling “look-alike” weapons.
- Possessing air guns, BB guns, or stun guns.
- Possessing ammunition.
- Possessing mace or pepper spray.
- Possessing or using articles not generally considered to be weapons, including school supplies, when the principal or designee determines that a danger exists.
- Gambling.
- Making false accusations or hoaxes regarding school safety.
- Falsifying records, passes, or other school-related documents.
- Being insubordinate.
- Refusing to accept discipline management techniques assigned by a teacher or principal.
- Committing extortion, coercion, or blackmail (obtaining money or another object of value from an unwilling person).

(Prohibited Behaviors continued)

- Forcing an individual to act through the use of force or threat of force.
- Engaging in disruptive actions or demonstrations that substantially disrupt or materially interfere with school activities.
- Committing or assisting in a robbery or theft that does not constitute a felony according to the Texas Penal Code. (Felony robbery or theft offenses are addressed later in the Student Code of Conduct.)
- Bullying including intimidation by name-calling, using ethnic or racial slurs, or derogatory statements that could disrupt the school program or incite violence.
- Engaging in threatening behavior toward another student or District employee on or off school property.
- Engaging in harassment motivated by race, color, religion, national origin, disability, or age and directed toward another student or District employee.
- Engaging in any misbehavior that gives school officials reasonable cause to believe that such conduct will substantially disrupt the school program or incite violence.
- Engaging in inappropriate verbal, physical, or sexual contact directed toward another student or District employee.
- Engaging in conduct that constitutes sexual harassment or sexual abuse whether the conduct is by word, gesture, or any other sexual conduct, including requests for sexual favors directed toward another student or District employee.
- Inappropriate or indecent exposure of a student's private body parts.
- Possessing or using matches or a lighter.
- Possessing, smoking, or using tobacco products.
- Possessing or selling look-alike drugs or items attempted to be passed off as drugs and contraband.
- Possessing or selling seeds or pieces of marijuana in less than a usable amount.
- Possessing, using, giving, or selling paraphernalia related to any prohibited substance.
- Abusing the student's own prescription drug, giving a prescription drug to another student, or being under the influence of another person's prescription drug on school property or at a school-related event.
- Violating the District's policy on taking prescription drugs and over-the-counter drugs at school.
- Possession and/or misuse of a paging device, cellular telephone, or other telecommunications device during the regular schedule day.
- Possessing or using a laser pointer for other than an approved use.
- Violating computer use policies, rules, or agreements signed by the student, and/or agreements signed by the student's parent or guardian.
- Using the Internet to threaten students, employees, or cause disruption to the educational program.
- Sending or posting electronic messages that are abusive, obscene, sexually oriented, threatening, harassing, damaging to another's reputation, or illegal.

(Prohibited Behaviors continued)

- Recording 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.
- Engaging in verbal or written exchanges that threaten the safety of another student, a school employee, or school property.
- Possessing published or electronic material that is designed to promote or encourage illegal behavior or could threaten school safety, using e-mail or Web sites at school to encourage illegal behavior, or threatening school safety.
- Possessing material that is pornographic.
- Violating dress and grooming standards as communicated in the student handbook.
- Participate in activities, dress and grooming associated with non-school sanctioned group(s), identified by the group's activities, behavior, dress, and grooming
- Violating extracurricular standards of behavior.
- Repeatedly violating other communicated campus or classroom standards of behavior.

Consequences

General misconduct identified in the list of prohibited behaviors will result in application of one or more discipline management techniques consistent with law and the Student Code of Conduct.

The parent will be notified by phone or in writing of any violation of the Student Code of Conduct that may result in a suspension, removal to a Disciplinary Alternative Education Program (DAEP), or expulsion. Notification will be made within three school days after the administrator becomes aware of the violation.

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

DISCRETIONARY REMOVAL

General misconduct violations will not necessarily result in the formal removal of the student from class or another placement but may result in a routine referral, formal removal, or the use of one or more discipline management techniques.

FORMAL REMOVAL

Formal removal initiated by a teacher will occur 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
2. The behavior is so unruly, disruptive, or abusive that the teacher cannot teach and the students in the classroom cannot learn.

Any removal of a student by a teacher for the behaviors described requires that the teacher report the offense to the principal or appropriate administrator. The principal or appropriate administrator will then send a copy of the report to the student's parent or guardian within three school days of receiving the teacher's report.

A teacher or administrator must remove a student from class if the student engages in behavior for which the Education Code requires the student to be placed in a disciplinary Alternative Education Program and/or suspended.

A teacher or administrator may remove a student from class for a behavior for which the District has determined a student may be placed in a disciplinary Alternative Education Program and/or suspended.

(Consequences continued)

Within three school days of receiving a Student Code of Conduct violation report, the principal will schedule a conference with the student's parent, the student, and the teacher in the case of a teacher removal.

At the conference, the principal or appropriate administrator will inform the student of the misconduct for which he or she is charged and give the student an opportunity to give his or her version of the incident. The principal or appropriate administrator will notify the student of the consequences of the Student Code of Conduct violation.

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

- Out-of-school suspension.
- In-school suspension.
- Another appropriate classroom.
- A disciplinary boot camp.
- A Disciplinary Alternative Education Program.

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.

Behaviors Leading to Suspension

Students may be suspended for any behavior listed in the Student Code of Conduct as a general misconduct violation, Disciplinary Alternative Education Program placement, or expellable offense.

Suspension as a Consequence

State law allows a student to be suspended for as many as 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.

A student who is to be suspended will be given an informal conference by the principal or appropriate administrator advising the student of the conduct with which he or she is accused. The student will be given the opportunity to explain his or her version of the incident before the administrator's decision is made.

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

The principal or other appropriate administrator will determine any restrictions on participation in school-sponsored or school-related extracurricular and noncurricular activities.

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

Disciplinary Alternative Education Program Placement as a Consequence

The Board has delegated to the Superintendent the authority to remove a student to a Disciplinary Alternative Education Program. The Superintendent will determine the duration of a student's placement in a Disciplinary Alternative Education Program. The duration of a student's placement in a DAEP will be determined on a case-by-case basis.

DAEP placement will be correlated to the seriousness of the offense, the student's age and grade level, the frequency of misbehavior, the student's attitude, and statutory requirements.

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

A student who, on or within 300 feet of school property or at a school-related event on or off school property:

- sells, gives, delivers, possesses, uses, or is under the influence of prohibited drugs or alcohol or
- engages in conduct punishable as an offense relating to an abusable volatile chemical will be placed in a DAEP on the first offense if the conduct is not punishable as a felony.

However, if the student sells, gives, delivers, possesses, uses, or is under the influence of prohibited drugs, alcohol, or an abusable volatile chemical of any amount a second time in the same school year, the student will be expelled.

When a student is removed from class by a teacher (formal removal) or an administrator for a mandatory or discretionary DAEP offense, the principal or other appropriate administrator will schedule a conference within three school days with the student's parent, the student, and the teacher, in the case of a teacher removal.

Until a conference can be held as a result of a formal teacher removal or administrator removal, the principal may place the student in:

- Another appropriate classroom.
- In-school suspension.
- Out-of-school suspension.
- A Disciplinary Alternative Education Program.

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

Following valid attempts to require their attendance, the District may hold the conference and make a placement decision regardless of whether the student or the student's parent attends the conference.

After the conference, if the student is placed in the DAEP and the length of placement is inconsistent with the guidelines included in the Student Code of Conduct, the DAEP placement order will give notice of the inconsistency.

Placement in a DAEP may not exceed one year unless a review by the District determines that:

- The student is a threat to the safety of other students or to District employees; or
- Extended placement is in the best interest of the student.

A DAEP placement in accordance with Education Code 37.0081 may be for any length of time determined necessary by the Board or its designee in light of the factors considered before placement. A student placed under this section is entitled to periodic status reviews by the Board or designee at intervals not to exceed 120 days. (DAEP Removal continued)

The Board's designee will send the student and the parents a copy of the DAEP order. Not later than the second business day after the conference, the Board's designee will deliver to the juvenile court a copy of the order placing the student in a DAEP and all information required by Section 52.04 of the Family Code.

After the conference, if the student is placed in a DAEP, the appropriate administrator will write a DAEP placement order. A copy of the DAEP placement order will be sent to the student and the student's parent. Parental questions or complaints regarding disciplinary measures should be addressed to the campus administration, in accordance with policy FNG (LOCAL). A copy of this policy may be obtained from the principal's office or the central administration office. Consequences will not be deferred pending the outcome of an appeal. The decision to place a student in a DAEP cannot be appealed beyond the Board.

State law prohibits students placed in a DAEP for mandatory removal reasons from attending or participating in school-sponsored or school-related extracurricular activities.

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

The District will provide transportation to students in a DAEP.

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

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

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 will be given notice and the opportunity to participate in a proceeding before the Board or the Board's designee. Any decision is final and may not be appealed beyond the Board.

For placement in a DAEP to extend beyond the end of the school year, the Superintendent or his/her designee must determine that:

1. The student's presence in the regular classroom or campus presents a danger of physical harm to the student or others; or
2. The student has engaged in serious or persistent misbehavior that violates the District's Student Code of Conduct.

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.

When a student violates the District's Student Code of Conduct in a way that requires or permits the student to be placed in a DAEP and the student withdraws from the District before a DAEP placement order is completed, the District may complete the proceedings and issue a DAEP 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 principal, or other appropriate administrator, or the Board fails to issue a DAEP placement order after the student withdraws, the next district in which the student enrolls may complete the proceedings and issue a DAEP placement order.
(DAEP Removal continued)

The District will decide on a case-by-case basis the placement of a student who enrolls in the District and was assigned to a DAEP in another district, including a district in another state (if the behavior committed is a reason for DAEP placement in the receiving district), or an open-enrollment charter school. The District may place the student in the District's DAEP or a regular classroom setting.

For seniors who are eligible to graduate and are assigned to a disciplinary Alternative Education Program at the time of graduation, the last day of placement in the program will be the last instructional day and the student *will* be allowed to participate in the graduation ceremony and related graduation activities.

The juvenile court will notify the District, if:

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

On receiving the notice from the juvenile court, the Superintendent or designee will review the student's placement in the disciplinary Alternative Education Program and will schedule a review of the student's placement with the student's parent or guardian not later than the third day after the Superintendent or designee receives notice from the juvenile court. The student may not be returned to the regular classroom pending the review.

The office of the prosecuting attorney will notify the District if a student was placed in a DAEP and:

- 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
- 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 conduct other than a false alarm or report or terrorist threat involving a public school or conduct on or within 300 feet of school property for which DAEP placement is required by law, on receiving the notice from the prosecutor, the Superintendent or designee will review the student's placement in the DAEP and schedule a review of the student's placement 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 in the DAEP 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.

The Board will, at the next scheduled meeting, review the notice from the prosecutor and receive information from the student, the student's parent, and the Superintendent or designee, and confirm or reverse the decision of the Superintendent or designee. The Board will make a record of the proceedings.

If the Board confirms the decision of the Superintendent or designee, the Board will inform the student and the student's parent of the right to appeal to the Commissioner of Education. The student may not be returned to the regular classroom pending the appeal.

When an emergency placement occurs, the student will be given oral notice of the reason for the action. Not later than the tenth day after the date of the placement, the student will be given the appropriate conference required for placement in a DAEP. If emergency placement involves a student with disabilities who receives special education services, the term of the student's emergency removal is subject to the requirements of federal law.

Behaviors Leading to DAEP Placement

A student **must be placed** in a disciplinary Alternative Education Program for any of the following offenses, if the student commits these offenses on school property or within 300 feet of school property, or while attending a school-sponsored or school-related activity on or off school property:

- Engages in conduct punishable as a felony.
- Commits an assault.
- Engages in conduct relating to a false alarm or report (including a bomb threat) or a terroristic threat involving a public school, or false accusations or hoaxes regarding school safety. (See glossary)
- Sells, gives, or delivers to another person, or possesses, uses, or is under the influence of marijuana, a controlled substance, or a dangerous drug in an amount not constituting a felony offense. (School-related felony drug offenses are addressed in the expulsion section in this Student Code of Conduct.) (See glossary)
- Sells, gives or delivers to another person an alcoholic beverage; commits a serious act or offense while under the influence of alcohol; or possesses, uses, or is under the influence of alcohol, if the conduct is not punishable as a felony offense. (School-related felony alcohol offenses are addressed in the expulsion section in this Student Code of Conduct.) However, if the student sells, gives, delivers, possesses, uses, or is under the influence of prohibited drugs, alcohol, or an inhalant of any amount a second time in the same school year, the student will be expelled.
- Behaves in a manner that contains the elements of an offense relating to abusable glue or aerosol paint or relating to volatile chemicals.
- Behaves in a manner that contains the elements of the offense of public lewdness.
- Behaves in a manner that contains the elements of the offense of indecent exposure.
- Engages in expellable conduct, if the student is between six and nine years of age.
- Engages in conduct that contains the elements of the offense of retaliation against any school employee, regardless of where or when the conduct occurs. (Committing retaliation in combination with another expellable offense is addressed in the expulsion section of this Student Code of Conduct.)
- Engages in conduct punishable as a felony that occurs off school property but not at a school-sponsored or school-related event, that injures a person in a way listed as a Title 5 offense in the Texas Penal Code, and that results in one of the following:
 1. The student receives deferred prosecution.
 2. A court or jury finds that the student has engaged in delinquent conduct.
 3. The Superintendent or designee determines there is reasonable belief that the student has engaged in the conduct.

A principal or other 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 principal or other appropriate administrator does not have knowledge of the conduct before the first anniversary of the date the conduct occurred.

In accordance with Education Code 37.0081state law, **a student may be placed** in a DAEP for any one of the following offenses:

- Engaging in conduct punishable as a felony, other than those listed as offenses involving injury to a person in Title 5 of the Texas Penal Code, that occurs off school property and not at a school-sponsored or school-related event, and for which the Superintendent or designee has reasonable belief that the student's presence in the regular classroom threatens the safety of other students or teachers or will hinder the education of students.

(DEAP Removal continued)

After an opportunity for a hearing before the Board or its designee, **a student may be placed** in a DAEP if:

- The student receives deferred prosecution for conduct defined as a felony offense in Title 5 of the Texas Penal Code.
- The student has been found by a court to have engaged in delinquent conduct for conduct defined as a felony offense in Title 5 of the Texas Penal Code. The Board or the Board's designee must determine that 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.

A student's placement in the DAEP as a result of receiving deferred prosecution or delinquent conduct, as described above, may occur regardless of:

- The date on which the student's conduct occurred;
 - The location at which the conduct occurred;
 - Whether the conduct occurred while the student was enrolled in the District; or
 - Whether the student has successfully completed any court disposition requirements imposed in connection with the conduct.
- Involvement in gang activity, including participating as a member or pledge, or soliciting another person to become a pledge or member of a gang.
 - 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, or secret society.
 - Any criminal mischief.
 - A federal firearms violation, for a student six years of age or younger.

The District has determined that **the following behaviors may result in a student's placement** in a Disciplinary Alternative Education Program:

- Fighting.
- Hazing.
- Stealing from students, staff, or the school.
- Damaging or vandalizing property owned by others.
- Cheating or copying the work of another.
- Throwing objects that can cause bodily injury or property.
- Failing to comply with directives given by school personnel.
- Leaving school grounds or school-sponsored events without permission.
- Disobeying rules for conduct on school buses.
- Directing profanity, vulgar language, or obscene gestures toward other students or a District employee.
- Defacing or damaging school property including textbooks, lockers, furniture, and other equipment.

(DAEP Removal continued)

- Possessing razors, box cutters, chains, or any other object used in a way that threatens or inflicts bodily injury to another person.
- Possessing or selling “look-alike” weapons.
- Possessing fireworks of any kind, smoke or stink bombs, or any other pyrotechnic device.
- Discharging a fire extinguisher.
- Possessing air guns or BB guns.
- Possessing ammunition.
- Possessing a stun gun.
- Possessing mace or pepper spray.
- Possessing or using any articles not generally considered to be a weapon, including school supplies, when the principal or designee determines that a danger exists.
- Gambling.
- Making false accusations or hoaxes regarding school
- Falsifying records, passes, or other school-related documents.
- Being insubordinate.
- Committing extortion, coercion, or blackmail (obtaining money or another object of value from an unwilling person).
- Engaging in disruptive actions or demonstrations that substantially disrupt or materially interfere with school activities.
- Refusing to accept discipline management techniques assigned by a teacher or principal.
- Forcing an individual to act through the use of force or threat of force.
- Committing or assisting in a robbery or theft even if it does not constitute a felony according to the Texas Penal Code. (Felony robbery or theft offenses are addressed elsewhere in the Student Code of Conduct.)
- Bullying, including intimidation by name-calling, using ethnic or racial slurs, or making derogatory statements that could disrupt the school program or incite violence.
- Engaging in harassment motivated by race, color, religion, national origin, disability, or age and directed toward another student or a District employee.
- Engaging in any misbehavior that gives school officials reasonable cause to believe that such conduct will substantially disrupt the school program or incite violence.
- Possessing or using matches or a lighter.
- Possessing a cellular telephone or other telecommunications device at school or at a school-related or school-sponsored event.
- Violating computer use policies, rules, or agreements signed the student, and/or agreements signed by the student's parent.
- Using the Internet or other electronic communications to threaten students, employees, or cause disruption to the educational program.
- Engaging in threatening behavior toward another student or District employee, on or off school property.
- Engaging in inappropriate verbal, physical, or sexual contact directed toward another student or District employee.
- Engaging in conduct that constitutes sexual harassment or sexual abuse whether the conduct is by word, gesture, or any other sexual conduct, including requests for sexual favors directed toward another student or District employee.
- Inappropriate or indecent exposure of a student’s private body parts.
- Possessing, smoking, or using tobacco products.

(DAEP Removal continued)

- Possessing or selling look-alike drugs or items attempted to be passed off as drugs and contraband.
- Possessing or selling seeds or pieces of marijuana in less than a usable amount.
- Possessing, using, giving, or selling paraphernalia related to any prohibited substance.
- Abusing the student's own prescription drug, giving a prescription drug to another student, or possessing or being under the influence of another person's prescription drug on school property or at a school-related event.
- Violating the District's policy on taking prescription drugs and over-the-counter drugs at school.
- Possessing or using a laser pointer for other than an approved use.
- Sending or posting messages that are abusive, obscene, sexually oriented, threatening, harassing, damaging to another's reputation, or illegal.
- Engaging in verbal or written exchanges that threaten the safety of another student, a school employee, or school property, using e-mail or Web sites at school to encourage illegal behavior, or threatening school safety.
- Possessing published or electronic material that is designed to promote or encourage illegal behavior or could threaten school safety.
- Possessing material that is pornographic.
- Violating dress and grooming standards as communicated in the student handbook.
- Repeatedly violating other communicated campus or classroom standards of behavior.

In an emergency, the principal or the principal's designee may order the immediate placement of a student in a disciplinary Alternative Education Program when a student is so unruly, disruptive, or abusive that the student's presence seriously interferes with a teacher's ability to communicate effectively with the students in a class, with the ability of the student's classmates to learn, or with the operation of school or a school-sponsored activity.

Registered Sex Offenders

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

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

If the student is not under any form of court supervision, the placement **may** be in DAEP or JJAEP for one semester or the placement may be in the 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 the student's placement in an alternative educational setting and before the beginning of each school year for which the student remains in an alternative placement, the district shall convene a committee, in accordance with state law, to review the student's placement. The committee will recommend whether the student should return to the regular classroom or remain in the placement. Absent a special finding, the board or its designee must follow the committee's recommendation.

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

Newly Enrolled Student

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

Appeal

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

Expulsion as a Consequence

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

When a student under the age of ten engages in behavior that is expellable behavior, the student will not be expelled, but will be placed in a disciplinary Alternative Education Program. Students under age six will not be removed from class or placed in a disciplinary Alternative Education Program unless the student commits a federal firearm offense.

State and federal law require a student to be expelled from the regular classroom for a period of at least one calendar year for bringing a firearm, as defined by federal law, to school. However, the Superintendent or other appropriate administrator may modify the length of the expulsion on a case-by-case basis and/or the District may provide educational services to the expelled student in a disciplinary Alternative Education Program. The District must provide educational services in the disciplinary Alternative Education Program if the student is between six and ten years of age.

If a student is believed to have committed an expellable offense, the principal or other appropriate administrator will schedule a hearing within a reasonable time with the student's parent or guardian, the student, and the teacher if appropriate. The student's parent or guardian will be invited in writing to attend the hearing.

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

- Another appropriate classroom.
- In-school suspension.
- Out-of-school suspension.
- A disciplinary Alternative Education Program

The duration of a student's expulsion will be determined on a case-by-case basis. The length of an expulsion will be correlated to the seriousness of the offense, the student's age and grade level, the frequency of misbehavior, the student's attitude, and statutory requirements.

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

1. Representation by the student's parent or guardian, 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.
3. An opportunity to question the District's witnesses.

The decision to expel will be made by the Superintendent.

A student expelled by the Superintendent after the due process hearing may request that the Board review the expulsion decision. 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. Consequences will not be deferred pending the outcome of 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 will review the record of the expulsion hearing in a closed meeting unless the parent/guardian requests in writing that the matter be held in an open meeting. The Board may also hear a statement from the student or parent/guardian and from the Board's designee.

(Expulsion continued)

The Board will 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 will not be deferred pending the outcome of the hearing.

After the due process hearing, if the student is expelled, the Board or its designee will deliver to the student and the student's parent a copy of the order expelling the student.

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

When a student has violated the District's Student Code of Conduct 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 principal, another 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. 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 principal, another appropriate administrator, or the Board may issue an additional disciplinary order as a result of those proceedings.

Not later than the second business day after the hearing, the Board's designee will deliver to the juvenile court a copy of the order expelling the student and the information required by Section 52.04 of the Family Code.

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.

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

No District academic credit will be earned for work missed during the period of expulsion (unless the student is enrolled in a Juvenile Justice Alternative Education Program or other District-approved program).

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

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

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

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

(Expulsion continued)

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

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

When an emergency expulsion occurs, the student will be given oral notice of the reason for the action. Within a reasonable amount of time after the emergency expulsion, the student will be given the appropriate due process required for a student facing expulsion. If emergency expulsion involves a student with disabilities who receives special education services, the term of the student's emergency expulsion is subject to the requirements of federal law.

In an emergency, the principal or the principal's designee may order the immediate expulsion of a student when people or property are in imminent danger of harm.

Behaviors Leading to Expulsion

A student **must** be expelled 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:

Bringing to school a firearm, as defined by federal law.

“Firearm” under federal law includes:

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

Using, exhibiting, or possessing the following, as defined by the Texas Penal Code:

1. A firearm (any device designed, made, or adapted to expel a projectile through a barrel by using the energy generated by an explosion or burning substance or any device readily convertible to that use).
2. 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.
3. A club 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.
4. A prohibited weapon, such as an explosive weapon; a machine gun; a short-barrel firearm; a firearm silencer; a switchblade knife; knuckles; armor-piercing ammunition; a chemical dispensing device; or a zip gun. (See glossary)

(Expulsion continued)

Behavior containing the elements of the following offenses under the Texas Penal Code:

1. Aggravated assault, sexual assault, or aggravated sexual assault.
2. Arson. (See Glossary)
3. Murder, capital murder, or criminal attempt to commit murder.
4. Indecency with a child.
5. Aggravated kidnapping.
6. Behavior punishable as a felony that involves the selling, giving, or delivering to another person, 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.
7. Retaliation against a school employee combined with one of the above-listed offenses on or off school property or at a school-related activity.
8. Aggravated robbery.
9. Manslaughter.
10. Criminally negligent homicide.
11. Continuous sexual abuse of a young child or children.

A student may be expelled for engaging in conduct relating to a false alarm or report (including a bomb threat) or a terroristic threat involving a public school.

A student may be expelled for 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 at a school in another district in Texas.

A student may be expelled for committing any of the following offenses on school property or while attending a school-sponsored or school-related activity on or off school property:

- Selling, giving, or delivering to another person, or possessing, using, or being under the influence of any amount of marijuana, a controlled substance, or a dangerous drug.
- Selling, giving, or delivering to another person, or possessing, using, or being under the influence of any amount 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 glue, aerosol paint, or volatile chemicals.
- Engaging in criminal mischief, if punishable as a felony, whether committed on or off school property or at a school-related event.
- Engaging in conduct that contains the elements of assault under Section 22.01(a) (1) against an employee or a volunteer on school property.
- Engaging in conduct that contains the elements of assault and retaliation against a school employee or volunteer, regardless of where or when the conduct occurs.
- Engaging in deadly conduct.

(Expulsion continued)

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

- Committing aggravated assault, sexual assault, or aggravated sexual assault.
- Committing arson.
- Committing murder, capital murder, or criminal attempt to
- Commit murder or capital murder.
- Committing indecency with a child, aggravated kidnapping, manslaughter, criminally negligent homicide, or aggravated robbery.
- Committing a felony drug- or alcohol-related offense.
- Using, exhibiting, or possessing a firearm (as defined by state law, an illegal knife, a club, or prohibited weapon, or possessing a firearm (as defined by federal law).

A student may be expelled if the student engages in the following conduct no matter where the conduct takes place:

- Engaging in conduct that contains the elements of assault under Penal Code 22.01(a)(1) in retaliation against a school employee
- Engaging in criminal mischief, if punishable as a felony.

A student may be expelled if the student engages in conduct that contains the elements of one of the following offenses against another student, without regard to where the conduct occurs:

- Aggravated assault and/or robbery.
- Sexual assault.
- Aggravated sexual assault.
- Murder.
- Capital murder.
- Criminal attempt to commit murder or capital murder.

A student may be expelled for engaging in serious or persistent misbehavior that violates the District's Student Code of Conduct, while placed in a DAEP. The District defines "persistent" as two or more violations of the Student Code of Conduct in general or repeated occurrences of the same violation. Serious offenses include, but are not limited to, the following:

- Murder.
- Vandalism.
- Robbery or theft.
- Extortion, coercion, or blackmail.
- Disruptive actions or demonstrations that substantially disrupt or materially interfere with school activities.
- Hazing.
- Insubordination.
- Profanity, vulgar language, or obscene gestures directed toward teachers or other school employees.
- Fighting, committing physical abuse, or threatening physical abuse

(Expulsion continued)

- Possession or distribution of pornographic materials.
- Leaving school grounds without permission.
- Sexual harassment of a student or District employee.
- Possession of or conspiracy to possess any explosive or explosive device.
- Falsification of records, passes, or other school-related documents.
- Refusal to accept discipline management techniques assigned by the teacher or principal.

GLOSSARY

Abuse is improper or excessive use.

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

Arson occurs when a person starts a fire, regardless of whether the fire continues after ignition, or causes an explosion with intent to destroy or damage:

1. Any vegetation, fence, or structure on open-space land; or
2. Any building, habitation, or vehicle; knowing that it:
 - a. Is within the limits of an incorporated city or town;
 - b. Is insured against damage or destruction;
 - c. Is subject to a mortgage or other security interest;
 - d. Is located on property belonging to another;
 - e. Has located within it property belonging to another; or
 - f. Knowing that it is reckless behavior and that the burning or explosion will endanger the life of some individual or the safety of the property of another.

Assault: Texas Penal Code 22.01(a) (1). A person commits an assault if the person intentionally, knowingly, or recklessly causes bodily injury to another.

Bullying: is written or oral expression or physical conduct that a school district's Superintendent determines:

1. To 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. To be sufficiently severe, persistent, or pervasive to create an intimidating, threatening, or abusive educational environment for a student.

Chemical dispensing device is a device other than a small chemical dispenser sold commercially for personal protection that is designed, made, or adapted for the purpose of causing an adverse psychological or physiological effect on a human being.

Club is 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, mace, and tomahawk.

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

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

Deferred adjudication may be offered to a student who is 17 or older, as an alternative to seeking a conviction in court.

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. Delinquent conduct also includes conduct that violates certain juvenile court orders, including probation orders. However, delinquent conduct does not include violations of traffic laws.

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

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.

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

Harassment means repeated unwelcome and offensive slurs, jokes, or other oral, written, graphic, or physical conduct related to an individual's race, color, religion, national origin, disability, or age that creates an intimidating, hostile, or offensive educational or work environment.

Hazing involves any knowing, intentional, or reckless act, occurring on or off the campus, by one person alone or acting with others, directed against a student, that endangers the mental or physical health or safety of a student for the purposes of pledging, initiation into,

GLOSSARY

affiliation with, holding office in, or maintaining membership in an organization.

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

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.

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

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

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

Reasonable belief determination can be made by the Superintendent or designee using all available information, including the information furnished under Article 15.27 of the Code of Criminal Procedure. Administrators may place a student in a disciplinary Alternative Education Program if they have a reasonable belief that the student engaged in felony conduct under Title 5. Administrators also may place a student in a disciplinary Alternative Education Program if they have a reasonable belief that the student committed felony conduct that is not a Title 5 offense, and the Superintendent believes the student's continued presence in the regular classroom threatens the safety of other students or teachers, or will be detrimental to the educational process.

Self-defense is using force against another when and to the degree a person reasonably believes the force is immediately necessary to protect himself or herself.

Short-barrel firearm is a rifle with a barrel length of less than 16 inches or a shotgun with a barrel length of less than 18 inches, or any weapon made from a rifle or

shotgun that, as altered, has an overall length of less than 26 inches.

Switchblade is any knife with a blade that folds, closes, or retracts into the handle or sheath and that opens automatically by pressing a button or by the force of gravity or centrifugal force.

Terroristic threat occurs when a person threatens to commit any offense involving violence to any person or property with intent to:

1. Cause a reaction of any type to his or her threat by an official or volunteer agency organized to deal with emergencies;
2. Place any person in fear of imminent serious bodily injury;
3. Prevent or interrupt the occupation or use of a building; room, place of assembly, place to which the public has access; place of employment or occupation; aircraft, automobile, or other form of conveyance; or other public place; or
4. Cause impairment or interruption of public communications, public transportation, public water, gas, or power supply or public service.

Title 5 offenses involve injury to a person and include murder; kidnapping; sexual assault; 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.

Under the influence means not having the normal use of mental or physical faculties; however, the student need not be legally intoxicated. Impairment of a person's physical and/or mental faculties may be evidenced by a pattern of abnormal or erratic behavior and/or the presence of physical symptoms of drug or alcohol use.

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

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