

## 2019-2020 STUDENT CODE OF CONDUCT

(TEX. EDUC. CODE Chapter 37); PISD Board Policy Manual (Adopted 10/1/2019)

### Standards of Conduct

Student responsibilities for achieving a positive learning environment at school or school-sponsored activities will include:

- Attending all classes daily and on time.
- Being prepared for each class with appropriate materials and assignments.
- Meeting district and campus standards of grooming and dress.
- Exhibiting an attitude of respect toward others, even when others do not.
- Conducting one's self in a responsible manner, always exercising self-discipline.
- Obeying all campus and classroom rules.
- Refraining from violations of the [Student Code of Conduct](#).
- Respecting the rights and privileges of students, teachers, other district staff and volunteers.
- Respecting the property of others, including district property and facilities.
- Cooperating with and assisting the school staff in maintaining safety, order and discipline.
- Reporting to school officials and/or proper authorities threats to safety and security.
- Seeking changes in school policies and regulations in an orderly and responsible manner through appropriate channels.

### Discipline Management Techniques

The following discipline management techniques include, but are not limited to, the following which may be used – alone, in combination or as part of progressive interventions – for behavior prohibited by the [Student Code of Conduct](#) or by campus or classroom rules:

- Verbal correction.
- Cooling-off time or a brief “time-out” period in accordance with law.
- Seating changes within the classroom.
- Temporary confiscation of items that disrupt the educational process.
- Restorative practices
- Rewards or demerits.
- Behavior contracts.
- Counseling by teachers, special services or administrative personnel.
- Parent-teacher conferences.
- Grade reductions as permitted by policy.
- Detention.
- Sending the student to the office, or other assigned area, or to in-school suspension.

- Assignment of school duties other than school tasks.
- Withdrawal of privileges, including participation in extracurricular activities or honorary positions.
- Penalties identified in individual student organizations' extracurricular standards of behavior.
- Withdrawal or restriction of bus privileges.
- Probation.
- Out of school suspension.
- Removal to a disciplinary alternative education program (DAEP).
- Expulsion.
- Referral to an outside agency or legal authority for criminal prosecution in addition to disciplinary measures imposed by the district.
- Other appropriate strategies and consequences as determined by school officials.

A student who engages in one or more of the offenses listed below is subject to the appropriate discipline or action as stated. To assist students involved in violations of the Drug/Alcohol Policy, the district requires an outside assessment by a trained professional be conducted. In incidences involving threats to safety and security, including but not limited to harmful, threatening, or violent behaviors, the district may conduct a threat assessment as required by District policies and procedures, and shall take appropriate disciplinary action. Further, the District may provide recommendations or referrals to outside resources.

District [Discipline Management Plan](#) Procedures MUST be followed for ALL offenses

### Prohibited Forms of Discipline

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

The Board also prohibits the use of corporal punishment in the District. Students shall not be spanked, paddled, or subjected to other physical force as a means of discipline for violations of the Student Code of Conduct.

### Campus Discipline Management Offenses INCLUDE BUT NOT LIMITED TO:

- Dress Code ([FNCA](#))
- Hazing, Organization, Clubs ([FNCC](#))
- Weapons including “look-alike” weapons, items intended to be used as a weapon or items that could be reasonably perceived as a weapon, ammunition, fireworks, knuckles, an air gun or BB gun, a hand instrument designed to cut or stab, a stun gun, pepper spray or mace, and any other item not generally considered to be weapons when the principal determines that a danger exists. ([FNCG](#))

- Assault. ([FNCH](#))
- Drug and alcohol use. ([FNCF](#))
- Attendance. ([FED](#))
- Disruptive activities. ([FNCI](#), [GKA](#))
- Gambling.
- Publications and prior review. ([FMA](#))
- Possession of prohibited electronic or telecommunication devices. ([FNCE](#))
- Possession, use or being under the influence of restricted smoking material including, but not limited to, tobacco, electronic cigarettes or other substances which can be reasonably converted for smoking purposes whether it is presented as incense, herbs, cannabidiol, spices or any blend thereof. ([FNCD](#))
- Damaging or vandalizing property owned by the district, other students or district employees. ([FNCB](#))
- Using profanity or vulgar language, name calling, religious, ethnic or racial slurs, hate language, obscene gestures or derogatory statements. ([FFH](#))
- Engaging in sexual or gender-based harassment or verbal or physical harassment based on another person's race, color, gender, national origin, disability, religion, or other lawfully protected characteristic. ([FFH](#))
- Being disrespectful toward students, teachers, other school employees or school visitors.
- Cheating or copying the work of another student.
- Falsifying records or school-related documents.
- Throwing objects, outside supervised school activities, that can cause bodily injury or property damage.
- Leaving school grounds or school-sponsored events without permission.
- Insubordination or other disregard for authority, including failure to comply with lawful directives from school personnel or school policies, rules and regulations.
- Possession or use of prohibited items including matches, lighters, and pornographic material.
- Committing robbery or theft or assisting in another committing robbery or theft.
- Disobeying school rules about conduct on buses or other school district transportation. ([FOA](#))
- Fighting, committing physical abuse or threatening physical abuse. ([FNCI](#))
- Committing extortion, coercion, blackmail, that is, obtaining money or other objects of value from an unwilling person or forcing an individual to act through the use of force or threat of force.
- Engaging in inappropriate physical or sexual conduct disruptive to other students or the school environment.
- Engaging in dating violence, bullying, cyberbullying, harassment or making hit lists. ([FFI](#), [FFH](#))
- Engaging in any other conduct that disrupts the school environment or educational process. ([FNCI](#))
- Improper use of technology resources. ([FOD](#))

- Make false accusations or perpetuate hoaxes regarding school safety.
- Repeatedly violate other communicated campus or classroom standards of conduct.
- Possession, use or distribution of prescription, nonprescription or homeopathic medication, or dietary supplements, including CBD oil or products derived from hemp that contain less than 0.3% unless otherwise allowed in Board Policy FFAC. Except as allowed in ([FFAC](#)), all medication should be provided to and administered by authorized school personnel.

### Out-of-School Suspension

Students may be suspended for any behavior listed in the Code as a general conduct violation, DAEP offense, or expellable offense subject to the restrictions identified herein. In accordance with Chapter 37 of the Texas Education Code, a student may be suspended no more than three school days per behavior incident/violation with no limit to the number of suspensions that may occur during the school year.

### Discipline Alternative Education Placement Offenses:

#### Mandatory DAEP Offenses (FOE (LEGAL); FOC (LEGAL))

The District shall place a student in DAEP if the student’s conduct includes the following:

- Engaging in conduct that contains elements of a terroristic threat under Penal Code 22.07.
- Engaging in conduct that contains elements of the offense of a false alarm or report under Penal Code 42.06.
- Commits the following on or within 300 ft. of school property, while attending a school sponsored, or school related activity on or off school property:
  - a) Sells, gives or delivers to another person or possesses, uses or is under the influence<sup>1</sup> of any type of dangerous drug, marihuana or controlled substance as defined by law (see expellable offenses if punishable as a felony).<sup>2</sup>
  - b) Sells, gives or delivers to another person an alcoholic beverage<sup>3</sup>, commits a serious act or offense while under the influence of alcohol, or possesses, uses, or is under the influence of an alcoholic beverage.
  - c) Engages in conduct that contains the elements of an offense relating to abusable volatile chemicals under the Health and Safety Code.
  - d) Engages in conduct that contains the elements of the offense of assault under Penal Code 22.01(a)(1).
  - e) Engages in conduct that contains the elements of the offense of public lewdness under Penal Code 21.07 or indecent exposure under Penal Code 21.08.
  - f) Engages in conduct punishable as a felony.
  - g) Engages in conduct that contains the elements of the offense of harassment against an employee under Penal Code 42.07(a)(1), (2), (3), or (7).

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<sup>1</sup> “Under the influence” for purposes of student discipline is defined as any ingestion of a prohibited substance and does not require legal intoxication to trigger disciplinary action.

<sup>2</sup> A student with a valid prescription for low-THC cannabis does not violate this provision.

<sup>3</sup> “Alcoholic beverage” has the meaning assigned in the Alcoholic and Beverage Code §1.04.

Engages in conduct that involves crimes under Title 5 in the Penal Code of violence against a person, such as but not limited to assault, sexual offenses or homicide or aggravated robbery regardless of location of the conduct

- Engages in expellable conduct and is between six and nine years of age.
- Commits a federal firearms violation and is younger than six years of age.
- Engages in conduct that contains the elements of retaliation under Section 36.06 of the Penal Code against a school employee, either on or off school property.
- A student that is required to register as a sex offender, and who is under any form of court supervision, including probation, community supervision or parole must be removed to the DAEP for at least one semester, unless otherwise court-ordered to JJAEP.
- A student that is required to register as a sex offender but who is not under any form of court supervision, and the board or its designee determines that the student's presence:
  - a) Threatens the safety of other students or teachers,
  - b) Will be detrimental to the educational process, or
  - c) Is not in the best interests of the district's students.

### Discretionary DAEP Offenses

The District may place a student in DAEP for the following offenses:

- Involvement in a public school fraternity, sorority, secret society or gang, or soliciting another person to become a pledge or member of a public school fraternity, sorority, secret society or gang.
- District reasonably believes the student engaged in conduct punishable as a felony, off school property and not at a school sponsored or school-related activity, that does not constitute a Title 5 felony or aggravated robbery, if the continued presence of the student threatens the safety of other students or teachers or will be detrimental to the educational process.
- **EMERGENCY.** A student's conduct is so unruly, disruptive or abusive that the teacher cannot communicate with the class. If deemed an emergency placement, oral notice will be provided and not later than the 10<sup>th</sup> day after the date of the placement, a conference will be provided for the assignment of DAEP.
- A student whose conduct constitutes serious or persistent misbehavior.<sup>4</sup> This may include the misuse of technology resources.
- A student whose conduct contains the elements of any criminal mischief whether committed on or off school property or at a school-related activity.
- A student uses, exhibits or possesses a switchblade or butterfly knife on school property or at a school related event.
- A student engages in the following conduct:
  - a) Bullying that encourages a student to commit or attempt to commit suicide.
  - b) Incites violence against a student through group bullying.

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<sup>4</sup> Persistent misbehavior: the demonstration of a continued behavior that constitutes a major disruption to the learning environment or a threat to safety and security.

- c) Releases or threatens to release intimate visual material of a minor or a student who is 18 years of age or older without the adult student's consent.
- A student engages in assault (no bodily injury) with threat of imminent bodily injury or by offensive or provocative physical contact.
- A student fails to comply with directives of a school official conducting or attempting to conduct a search or security screening pursuant to board policy FNF (LOCAL).

## Expulsion Offenses:

### Mandatory Expellable Offenses (FOD (LEGAL); FNCG (LEGAL); FNCG (LOCAL))

A student must be expelled for engaging the following conduct while on school property, while attending a school sponsored, or at a school related activity on or off school property, for the following conduct:

- Carrying an unlawful weapon, pursuant to Section 46.02 of the Penal Code or offense relating to prohibited weapons under Section 46.05 of the Penal Code.
- Conduct that contains the elements of:
  - a) Aggravated assault, sexual assault or aggravated sexual assault.
  - b) Arson under section 28.02 of the Penal Code.
  - c) Murder under section 19.02 of the Penal Code.
  - d) Criminal attempt to commit murder/capital murder under section 15.01 of the Penal Code.
  - e) Capital murder under section 19.03 of the Penal Code.
  - f) Indecency with a child under section 21.11 of the Penal Code.
  - g) Aggravated kidnapping under section 20.04 of the Penal Code.
  - h) Aggravated robbery under section 29.03 of the Penal Code.
  - i) Manslaughter under section 19.04 of the Penal Code.
  - j) Criminally negligent homicide under section 19.05 of the Penal Code.
  - k) Continuous sexual abuse of a young child or children under section 21.02 of the Penal Code.
- Conduct related to an alcohol or drug offense as described under "DAEP offenses" above, that is punishable as a felony
- Retaliation against a school employee in connection with any offense listed above, whether on or off school property or at a school-related activity.
- Bringing a firearm, as defined by federal law, on campus.

### Discretionary Expellable Offenses (FOD (LEGAL); FOC (LEGAL))

- The District may expel a student for the following conduct regardless of the location of the conduct, whether on or off school property for the following conduct:
  - a) Engages in conduct involving a public school that contains the elements of the offense of false alarm or report under Penal Code 42.06, or terroristic threat under Penal Code 22.07.

- b) Engages in conduct against another student that contains the elements of aggravated assault, sexual assault, aggravated sexual assault, arson, murder, capital murder, criminal attempt to commit capital murder, or aggravated robbery.
  - c) Engages in criminal mischief, if punishable as a felony.
  - d) Engages in a breach of computer security if it involves accessing a district computer, computer network or computer and the student knowingly alters, damages or deletes school district property or information, or commits a breach of any other computer, computer network or computer system.
  - e) Engages in bullying that encourages a student to commit or attempt to commit suicide;
  - f) Incites violence against a student through group bullying.
  - g) Releases or threatens to release intimate visual material of a minor or of a student who is 18 years of age or older without the student's consent.
  - h) Student who is required to register as a sex offender and who is under any form of court supervision, including probation, community supervision or parole.
- The District may expel a student for any of the following offenses occurring within 300 ft. of school property, while attending a school sponsored or school related activity on or off school property for the following conduct:
    - a) Sells, gives, or delivers to another person, or possesses, uses, or is under the influence of any amount of:
      - Marijuana or a controlled substance as defined by Chapter 481, Health and Safety Code, or by 21 U.S.C. section 801 et seq.;<sup>5</sup>
      - A dangerous drug, as defined by Chapter 483, Health and Safety Code; or
      - An alcoholic beverage, as defined by Section 1.04, Alcoholic Beverage Code.
    - b) Engages in conduct that contains the elements of the offense of deadly conduct under Section 22.05 of the Penal Code.
    - c) Engages in conduct that contains the elements of an offense under section 22.01(a)(1) of the Penal Code against a District employee or volunteer.
  - **EMERGENCY.** The District may immediately expel if necessary to protect persons or property from imminent harm. When an emergency exists, the student will be given verbal notice of the reason for the action and the student will be given the appropriate due process within ten days after the date of the emergency expulsion.
  - The district may expel a student who attends school in the district if:
    - a) The student engages in conduct for which expulsion would have been mandatory if the conduct had occurred on district property or while attending a district-sponsored or district-related activity; and
    - b) The student engages in that conduct on the property of another district or while attending a school-sponsored or school related activity of another district in this state.

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<sup>5</sup> A student with a valid prescription for low-THC cannabis does not violate this provision.

- The District may expel a student for the following conduct that occurs within 300 feet of school property:
  - a) Engages in conduct that contains the elements of:
    - Aggravated assault, sexual assault or aggravated sexual assault.
    - Arson under section 28.02 of the Penal Code.
    - Murder under section 19.02 of the Penal Code.
    - Criminal attempt to commit murder/capital murder under section 15.01 of the Penal Code.
    - Capital murder under section 19.03 of the Penal Code.
    - Indecency with a child under section 21.11 of the Penal Code.
    - Aggravated kidnapping under section 20.04 of the Penal Code.
    - Aggravated robbery under section 29.03 of the Penal Code.
    - Manslaughter under section 19.04 of the Penal Code.
    - Criminally negligent homicide under section 19.05 of the Penal Code.
    - Continuous sexual abuse of a young child or children under section 21.02 of the Penal Code.
  - b) Carrying an unlawful weapon, pursuant to Section 46.02 of the Penal Code or offense relating to prohibited weapons under Section 46.05 of the Penal Code.
  - c) Conduct related to an alcohol or drug offense as described under “DAEP offenses” above, that is punishable as a felony.
  - d) Possession of a firearm, as defined by federal law.
- The District may expel a student to either DAEP or JJAEP if the student:
  - a) Has received deferred prosecution for a Title 5 felony or aggravated robbery;
  - b) Has been found by a court or jury to have engaged in delinquent conduct for a Title 5 felony or aggravated robbery;
  - c) Is charged with engaging in conduct defined as a Title 5 felony or aggravated robbery;
  - d) Has been referred to a juvenile court for allegedly engaging in delinquent conduct for a Title 5 felony or aggravated robbery;
  - e) Has received probation or deferred adjudication for a Title 5 felony or aggravated robbery;
  - f) Has been convicted of a Title 5 felony or aggravated robbery;
  - g) Has been arrested for or charged with a Title 5 felony or aggravated robbery; AND
  - h) The board or board’s designee determines that the student’s regular presence in the regular classroom:
    - Threatens the safety of other students or teachers;
    - Will be detrimental to the educational process; or
    - Is not in the best interests of the district’s students.



## Length of Removal

The Campus Behavior Coordinator or other campus administrator in conjunction with the committee determines the duration of a student's disciplinary placement. The duration of a student's placement shall be determined on an individual-basis in light of numerous factors, including but not limited to the student's age and grade, seriousness of the offense, frequency of misconduct, and other statutory requirements. The length of expulsion or DAEP placements not to exceed 180 school days. A review of the disciplinary placement will occur at intervals not to exceed 120 days.

## Considerations of Mitigating Factors

The following factors will be taken into consideration in each decision concerning suspension, removal to a disciplinary alternative education program, expulsion or placement in a juvenile justice alternative education program, regardless of whether the decision concerns a mandatory or discretionary action:

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

## Restrictions on Removal from Regular Setting

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

- conduct that contains the elements of an offense related to weapons ([FNCG](#)),
- the elements of a violent offense: Assault, Sexual Assault, Aggravated Assault, Aggravated Sexual ([FNCH](#)), or
- selling, giving, or delivering to another person or possessing, using, or being under the influence of any amount of: marijuana or a controlled substance, or a dangerous drug, or an alcoholic beverage ([FNCF](#)).

Notwithstanding any other provision of the Education Code, a student who is younger than six years of age may not be removed from class and placed in a DAEP, except that a student younger than six years of age who has been expelled pursuant to the Gun Free Schools Act ([FOD](#)) shall be provided educational services in a DAEP.

A student who is younger than ten shall be removed from class and placed in a DAEP if the student in conduct for which expulsion would be required in FOD.

## Restrictions on Students During Period of Removal

A student placed in an alternative setting are prohibited from attending or participating in school-sponsored or school-related activities. Additionally, the District has the right to limit a student's participation in graduation activities for violations of the District's Code of Conduct. For seniors who are in DAEP on the last instructional day, the placement in DAEP and participation in graduation activities will be determined by the campus principal.

## 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. For more information regarding discipline of students with disabilities, see policy FOF (LEGAL).

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

## Campus Behavior Coordinator

By law, each campus has a campus behavior coordinator to apply discipline management techniques and administer consequences for certain student misconduct, as well as provide a point of contact for student misconduct. The district maintains a list of campus behavior coordinators on the district's website, [www.pisd.edu/](http://www.pisd.edu/).

## Notification

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

Until the requisite due process conference or hearing may occur, a student may be placed in another appropriate classroom, in-school suspension, or out-of-school suspension, as determined appropriate by the campus behavior coordinator or other administrator.

### Conference - DAEP

When a student is removed from class for a DAEP offense, the campus behavior coordinator or other administrator, in conjunction with the campus committee shall schedule a conference within three school days with the student's parent, the student and the teacher, if necessary, unless otherwise mutually agreeable by the campus and the parent. Reasonable efforts will be made to schedule the conference with the parents, however, in the event reasonable efforts fail, the District will hold the conference with or without parents' presence at the conference.

At the conference, the campus behavior coordinator or other appropriate administrator will provide notice to the student regarding the reasons for the removal, an explanation of the removal, and an opportunity to respond to the reasons for removal. A placement order will be issued and a copy of the order will be sent to the student and the student's parents pursuant to Board Policy FOC (LOCAL).

### Hearing – Expulsion

A student who is recommended for expulsion is entitled to a hearing. During the hearing, the student is entitled to: (1) representation by the student's parent or another adult; (2) an opportunity to testify, present evidence and witnesses in the student's defense; and (3) an opportunity to question witnesses presented by the District. Reasonable efforts will be made to schedule the hearing with the parents, however, in the event reasonable efforts fail, the District will hold the hearing with or without parents' presence at the conference.

### Appeals

Parental questions or complaints regarding disciplinary measures should be addressed to the teacher, campus behavior coordinator or campus administration, as appropriate, and in accordance with Policy (FO). 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: <http://pol.tasb.org/Home/Index/312>.

Consequences will not be deferred or delayed pending the outcome of the appeal.

### Withdrawal During the Disciplinary Process

If a student withdraws during the pendency of a disciplinary conference or hearing for removal from the educational setting, the Campus Behavior Coordinator, other appropriate administrator in conjunction with the committee may complete the placement proceedings and issue a placement order. If the student then returns to the District, the District may enforce the order at that time, less any period of the placement that the student served in another district.

Alternatively, if a Campus Behavior Coordinator does not complete the proceedings upon the student's withdrawal, the Campus Behavior Coordinator can re-initiate the proceedings upon the student's re-enrollment with the District.

### Coursework and Transition Services

During a removal from the regular, educational environment, the student will receive access to coursework for foundation curriculum courses, including one option for receiving the course work that does not require the use of the internet. Additionally, campus staff will provide transition service to a student returning to the regular educational environment after a removal to DAEP or JJAEP, as required by law.

### Threat Assessment and Safe and Supportive School Team

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

### Security Personnel

To ensure security and protection of students, staff, and property the board employs school resource officers (SROs) and security personnel. In accordance with law, the board has coordinated with the campus behavior coordinator and other district employees to ensure appropriate law enforcement duties are assigned to security staff.

The law enforcement duties of SROs are: protecting the safety and welfare of any person in the jurisdiction of the peace officer; protecting the property of the school district; investigation of criminal offenses and incidents affecting the safety and welfare of students, staff and others; performing any duty required by law of peace officers; presenting approved educational or safety programs to students or staff members where such programs promote the safety and welfare of students, staff or others.

The law enforcement duties of contract peace officers serving as security personnel are: protecting the safety and welfare of any person in the jurisdiction of the peace officer; protecting the property of the school district; performing any duty required by law of peace officers.

Security Personnel who are not law enforcement officers shall have duties and responsibilities within the proper scope of their role or position, including activities that promote the safety and welfare of persons on district property, and the protection of district property.