

2018-2019 STUDENT CODE OF CONDUCT

TEX. EDUC. CODE Chapter 37; PISD Board Policy Manual (Adopted 9/4/18)

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. In incidences involving threats to safety and security, the district **may** require an outside assessment by a trained professional.

Expulsion Offenses:

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

- Engaging in conduct while on school property, while attending a school sponsored, or at a school related activity on or off school property containing the elements of:
 - a) Unlawfully carrying a firearm, location-restricted knife, or club pursuant to Section 46.01 of the Tex. Penal Code or
 - b) Intentionally or knowingly possessing, manufacturing, transporting, repairing or selling a weapon prohibited by Section 46.05 of the Tex. Penal Code.
 - c) Bringing a firearm on campus.
- Engaging in conduct while on school property, while attending a school sponsored, or at a school related activity on or off school property containing the elements of:
 - a) Aggravated assault, sexual assault or aggravated sexual assault.
 - b) Arson.
 - c) Murder, capital murder or criminal attempt to commit murder/capital murder.
 - d) Indecency with a child.
 - e) Aggravated kidnapping.
 - f) Aggravated robbery.
 - g) Manslaughter.
 - h) Criminally negligent homicide.
 - i) Conduct related to an alcohol or drug offense that is a felony
 - j) Continuous sexual abuse of a young child or children.
 - k) Retaliation against a school employee in connection with any offense listed above, whether on or off school property or at a school-related activity.

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

- The district **may** expel if the student 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.
- The district **may** expel for any offense listed above occurring within 300 ft. of school property, while attending a school sponsored or school related activity on or off school property.
- The district **may** expel a student, if the student sells, gives, or delivers to another person, or possesses, uses, or is under the influence of any amount of: (a) Marijuana or a controlled substance, as defined by Chapter 481, Health and Safety Code, or by 21 U.S.C. section 801 et seq.; (b) A dangerous drug, as defined by Chapter 483, Health and Safety Code; or (c) An alcoholic beverage, as defined by Section 1.04, Alcoholic Beverage Code within 300 ft. of school property, while attending a school sponsored, or school related activity on or off school property.
- The district **may** expel for selling, giving or delivering to another person or possessing, using or being under the influence of any type of drug, alcohol or controlled substance when not punishable as a felony.
- The district **may** expel for off campus felonies if they involve crimes of violence against a person, such as but not limited to assault, sexual assault or homicide or aggravated robbery, regardless of when or where the conduct occurred.
- The district **may** expel for serious misbehavior as defined by TEX. EDUC. CODE Chapter 37.007(c) only if the student is in a DAEP.
- The district **may** expel for criminal mischief, if punishable as a felony, whether committed on or off school property or at a school-related activity.
- The district **may** immediately expel if necessary to protect persons or property.
- The district **may** expel for 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.
- The district **may** expel for engaging in bullying that encourages a student to commit or attempt to commit suicide; inciting violence against a student through group bullying; or Releasing or threatening 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.
- The district **may** expel if a student engages in conduct that contains the elements of an offense relating to an abusable volatile chemical under Health and Safety Code 485.031–485.034.

- The district **may** expel if a student engages in conduct that contains the elements of an offense under Penal Code 22.01(a)(1) against a school district employee, or a volunteer as defined by Education Code 22.053.
- The district **may** expel if a student engages in conduct that contains the elements of the offense of deadly conduct under Penal Code 22.05.
- The district **may** expel if a student engages in an assault, under Penal Code 22.01(a)(1), on an employee or volunteer in retaliation for or as a result of the person's employment or association with a district, without regard to whether the conduct occurs on or off school property or while attending a school-sponsored or school-related activity on or off school property.
- The district **may** expel a student who attends school in the district if: 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 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.
- The district **may** expel a 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.

Discipline Alternative Education Placement Offenses:

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

- Engaging in conduct that contains elements of the offense of an assault under Penal Code 22.01(a)(1) or a terroristic threat.
- Engaging in conduct that contains elements of the offense of a false alarm or report.
- Engaging in conduct occurring within 300 ft. of school property, while attending a school sponsored, or school related activity on or off school property.
 - a) Selling, giving or delivering to another person or possessing, using or being under the influence of any type of drug, alcohol or controlled substance (see expellable offenses if punishable as a felony).
 - b) Engaging in conduct that contains the elements of an offense relating to abusable glue or aerosol paint or relating to volatile chemicals.
 - c) Engaging in conduct that contains the elements of assaults, under Penal Code 22.01(a)(1)
 - d) Engaging in conduct that contains the elements of the offense of public lewdness or indecent exposure.
 - e) Engaging in conduct punishable as a felony.
- Engaging in conduct that involves crimes of violence against a person, such as but not limited to assault, sexual offenses or homicide or aggravated robbery.

- Engaging in conduct in retaliating against a school employee, when not combined with another offense, 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.

Discretionary DAEP Offenses

- The district **may** place in a DAEP a student whom the district determines to be a member of, pledges to become a member of or solicits another person to join or pledge a public school fraternity, sorority, secret society or gang.
- The district **may** place in a DAEP a student whose conduct is reasonably believed to have the elements of a felony when off school property and not at a school-related activity if the continued presence of the student will cause a major disruption of the learning environment or a threat to safety and security.
- The district **may** immediately remove a student to a DAEP for behavior that is so unruly, disruptive or abusive that the teacher cannot communicate with the class.
- The district **may** place in a DAEP a student whose conduct contains serious or persistent* misbehavior. This may include the misuse of technology resources.
- The district **may** place in a DAEP a student whose conduct contains the elements of criminal mischief whether committed on or off school property or at a school-related activity.
- The district **may** place in a DAEP a student in use, exhibition or possession of a switchblade or butterfly knife on school property or at a school related event.
- The district may place in DEAP a student who engages in bullying that encourages a student to commit or attempt to commit suicide. Inciting violence against a student through group bullying. Releasing or threatening 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.

***Persistent misbehavior: the demonstration of a continued behavior that constitutes a major disruption to the learning environment or a threat to safety and security.**

Campus Discipline Management Offenses INCLUDE BUT NOT LIMITED TO:

- Dress Code. ([FNCA](#))
- Hazing, Organizations, Clubs. ([FNCC](#))
- Weapons. ([FNCG](#))
- Assault. ([FNCH](#))
- Drug and alcohol use. ([FNCF](#))
- Attendance. ([FED](#))
- Disruptive activities. ([FNCL](#), [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, 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 harassment or verbal or physical harassment based on another person's race, color, gender, national origin, disability or religion. ([FFH](#))
- Being disrespectful toward students, teachers, other school employees or school visitors.
- Cheating or copying the work of another student.
- Throwing objects, outside supervised school activities, that can cause bodily injury or property damage.
- Leaving school grounds or school-sponsored events without permission.
- Insubordination, including failure to comply with lawful directives from school personnel or school policies, rules and regulations.
- Possession or use of matches, lighters, etc.
- Committing robbery or theft.
- Disobeying school rules about conduct on buses. ([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, 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](#))
- Possession, use or distribution of prescription, nonprescription or homeopathic medication or dietary supplements. Except as allowed in ([FFAC](#)), all medication should be provided to and administered by authorized school personnel.

Length of expulsion or DAEP placements not to exceed 180 school days. 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: self-defense, intent or lack of intent at the time the student engaged in the conduct; and/or the student's disciplinary history.

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

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 “time-out.”
- 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.

Grade Level Restriction

A student who is below grade three may 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: marihuana 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.

Students with Disabilities

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

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

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

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/.

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. 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.

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 pending the outcome of the appeal.