

ONALASKA
INDEPENDENT SCHOOL DISTRICT
2011 - 2012
STUDENT CODE OF CONDUCT



APPROVED BY THE ONALASKA ISD BOARD OF TRUSTEES

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Acknowledgement _____

Dear Student and Parent:

As required by state law, the Onalaska Independent School District Board of Trustees officially adopted the Student Code of Conduct in order to promote a safe and orderly learning environment for every student.

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

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

Lynn Redden
Superintendent

We acknowledge that we have received a copy of the Onalaska ISD Student Code of Conduct for the 2011-2012 school year, and that we are responsible for reading and understanding the rules and other information contained in the Student Code of Conduct, and we 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: _____

Student's Signature: _____

Print Name of Parent: _____

Parent's Signature: _____

Date: _____

School: _____ Grade Level: _____

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

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Purpose of a Student Code of Conduct _____

The Student Code of Conduct that follows is the District's 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 including removal from a regular classroom or campus, suspension, placement in a disciplinary alternative education program (DAEP), or expulsion from school.

This Code has been adopted by the Onalaska ISD Board of Trustees with the advice of its District-level committee. The Code provides information to parents and students regarding expectations for behavior, consequences of misconduct, and procedures for administering discipline.

The Student Code of Conduct will be available for review at each campus in the principal's office. This Code is not a contract and can be amended by the District at any time. Because the Student Code of Conduct is adopted by the District's Board of Trustees, the Code has the force of policy; therefore, in case of conflict between the Code and the Student Handbook, the Code will prevail.

Violations of the Code of Conduct are documented by teachers and other professional employees using campus discipline referral forms. Parents will be notified of any conduct violation that may result in a student being suspended, placed in a DAEP, or expelled.

Teachers and Principals 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 also constitute violations of the Student Code of Conduct. Parents will not necessarily be informed of classroom infractions, but will be informed of any Code of Conduct violation.

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.

Expectations for Student Behavior _____

Each student is expected to:

- Demonstrate courtesy, respect others, even when others do not.
- Behave in a responsible manner, always exercising self-discipline.
- Attend all classes, regularly and on time.
- Be prepared 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, teachers and other District staff and volunteers.
- Respect the property of others, including District property and facilities.
- Cooperate with or assist the school staff in maintaining safety, order, and discipline.
- Adhere to the requirements of the Student Code of Conduct.

School District Authority and Jurisdiction _____

The school rules and the authority of the District to administer discipline apply whenever the interest of the District is involved, on or off school property, 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. Within 300 feet of school property as measured from any point on the school's real property boundary line;
3. For any school-related misconduct, regardless of time or location;
4. When criminal mischief is committed on or off school property, or at a school-related event;
5. During lunch periods (whether on or off school campus);
6. While the student is in attendance at any school-related activity, regardless of time or location;

7. When the student retaliates or threatens retaliation against a school employee or, volunteer regardless of time and location;
8. When the student commits a felony, as provided by Texas Education Code § 37.006 or 37.0081;
9. When the student is involved in criminal mischief while on or off school property or while attending a school-sponsored or school-related activity of another district in Texas; and
10. When the student is required to register as a sex offender.

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.

The District has the right to search a student's locker when there is reasonable cause to believe it contains articles or materials prohibited by the District.

Reporting Crimes

School administrators will report crimes as required by law and will call local law enforcement when an administrator suspects that a crime has been committed on campus.

Revoking Transfers

The District has the right to revoke the transfer of a nonresident student for violating the District's Code.

General Conduct Violations _____

Students will be subject to disciplinary consequences if they engage in any of the following prohibited conduct while they are subject to the school's jurisdiction as described in the School District Authority and Jurisdiction section of this Code of Conduct:

Students shall not:

- **Fail to comply with directives given by school personnel (insubordination).**
- **Leave classroom or assigned school ground areas or school-sponsored events without permission.**
- **Disobey rules for conduct on school buses.**
- **Refuse to accept discipline management techniques assigned by a teacher or principal.**
- **Use profanity, lewd or vulgar language, or make obscene gestures.**
- **Fight or scuffle or other inappropriate physical contact. (For assault, see DAEP Placement and Expulsion)**

- Threaten a District student, employee, or volunteer, including off school property if the conduct causes a substantial disruption to the educational environment.
- Engage in bullying, harassment, or making hit lists. (See glossary for all 3 terms)
- Engage in conduct that constitutes sexual harassment or sexual abuse, whether the conduct is by word, gesture, or any other conduct, directed toward another person, including a District student, employee, or volunteer.
- Engage in conduct that constitutes dating violence, including the intentional use of physical, sexual, verbal, or emotional abuse to harm, threaten, intimidate, or control another person with whom the student has or has had a dating relationship.
- Engage in inappropriate or indecent exposure of private body parts.
- Participate in hazing. (See glossary)
- Cause an individual to act through the use of or threat of force (coercion).
- Commit extortion, coercion, or blackmail (obtaining money or another object of value from an unwilling person).
- Engage in inappropriate verbal, physical, or sexual conduct directed toward another person, including a District student, employee, or volunteer.
- Record the voice or image of another without the prior consent of the individuals being recorded or in any way that disrupts the educational environment or invades the privacy of others.
- Damage or vandalize property owned by others.
- Deface or damage school property-including textbooks, lockers, furniture, and other equipment-with graffiti or other means.
- Steal from students, staff, or the school.
- Commit or assist in a robbery or theft even if it does not constitute a felony according to the Texas Penal Code. (For felony robbery and theft see DAEP Placement and Expulsion)
- Possess or sell seeds or pieces of marijuana in less than a usable amount. (For illegal drugs, alcohol, and inhalants see DAEP Placement and Expulsion)
- Sell, give, or deliver to another person or possess, use or be under the influence of marijuana or a controlled substance or a dangerous drug.
- Sell, give, or deliver to another person an alcoholic beverage; commit a serious act or offense while under the influence of alcohol; or possess, use, or be under the influence of alcohol.
- Possess or sell look-alike drugs or attempt to pass items off as drugs or contraband.
- Abuse the student's own prescription drug, give a prescription drug to another student, or possess or be under the influence of another person's

prescription drug on school property or at a school-related event. (See glossary for “abuse”)

- Abuse over-the-counter drugs. (See glossary for “abuse”)
- Be under the influence of prescription or over-the-counter drugs that cause impairment of the physical or mental faculties. (See glossary for “under the influence”)
- Have or take prescription drugs or over-the-counter drugs at school other than as provided by District policy.
- Violate computer use policies, rules, or agreements signed by the student or the student’s parent or guardian
- Attempt to access or circumvent passwords or other security-related information of the District, students, or employees or upload or create computer viruses, including off school property if the conduct causes a substantial disruption to the educational environment.
- Attempt to alter, destroy, or disable District computer equipment, District data, the data of others, or other networks connected to the District’s system, including off school property if the conduct causes a substantial disruption to the educational environment.
- Use the Internet or other electronic communications to threaten District students, employees, or volunteers, including off school property if the conduct causes a substantial disruption to the educational environment.
- Send or post electronic messages that are abusive, obscene, sexually oriented, threatening, harassing, damaging to another’s reputation, or illegal, including off school property if the conduct causes a substantial disruption to the educational environment.
- Use e-mail or Web sites at school to encourage illegal behavior or threaten school safety.
- Engage in verbal (oral or written) exchanges that threaten the safety of another student, a school employee, or school property.
- Make false accusations or perpetrate hoaxes regarding school safety.
- Engage in any conduct that school officials might reasonably believe will substantially disrupt the school the school program or incite violence.
- Throw objects that can cause bodily injury or property damage.
- Pull a fire alarm or discharge a fire extinguisher in a building or bus owned or operated by Onalaska ISD, when there is no smoke, fire, or danger that requires evacuation, without valid cause.
- Call 911 when no emergency exists.
- Violate dress and grooming standards as communicated in the student handbook.
- Scholastic dishonesty, which includes, but is not limited to, cheating on a test, plagiarism, or unauthorized collaboration with another person in preparing written work.

- **Gambling of any kind.**
- **Make ethnic, racial, or religious slurs.**
- **Possess or chew gum.**
- **Possess candy, food or drinks in the classroom or hallways.**
- **Truancy, i.e. skip school or cut class without the parent’s knowledge or permission.**
- **Violate safety rules.**
- **Be a member of, pledge to become a member of, or solicit another person to join or pledge a public school fraternity, sorority, secret society, or gang.**
- **Make a terroristic threat.**
- **Repeatedly violate other previously communicated campus or classroom standards of behavior.**
- **Falsify records, passes, or other school-related documents.**
- **Engage in actions or demonstrations that substantially disrupt or materially interfere with school activities.**
- **Possess, exhibit, or use:**
 1. **fireworks of any kind, smoke or stink bombs, or any other pyrotechnic device;**
 2. **a razor, box cutter, chain, or any other object used in a way that threatens or inflicts bodily injury to another person;**
 3. **a “look-alike weapon;**
 4. **a firearm;**
 5. **a pellet gun, an air gun, BB gun, air-powered rifle, toy gun or any other instrument that may be perceived by a third party as a firearm;**
 6. **ammunition;**
 7. **a stun gun;**
 8. **a pocketknife or any other small knife;**
 9. **martial arts objects (such as shurikan [throwing stars], nunchakus [“nun-chucks”], tonfa [wooden weapon], staff, baton [short stick], bolo [long cord with weights at end]**
 10. **a club;**
 11. **mace or pepper spray;**
 12. **pornographic material;**
 13. **tobacco products, smoking;**
 14. **drug paraphernalia (roach clips, rolling papers, needles, baggies with residue, razor blades, pipes, etc.);**
 15. **look-alike drugs or items attempted to be passed off as drugs or contraband;**

16. matches or a lighter;
17. a laser pointer for other than an approved use;
18. any articles not generally considered to be weapons, including school supplies (i.e. pencils, pens, scissors, etc.) or any other item in a manner that threatens to inflict or actually inflicts bodily harm to another person, when the principal or designee determines that a danger exists;
19. published or electronic material that is designed to promote or encourage illegal behavior or that could threaten school safety;
20. a paging device, cellular telephone, or other telecommunication device at school or at a school-related or school-sponsored event; and
21. stereo head sets, CD players, cassette players or electronic games;

Students shall not participate in:

- Conduct that contains the elements of an offense relating to abusable glue or aerosol paint or relating to volatile chemicals.
- Conduct punishable as a felony.
- Conduct that contains the elements of assault.
- Conduct that contains the elements of the offense of public lewdness or indecent exposure.
- Conduct containing the elements of the offense of aggravated assault, sexual assault, or aggravated sexual assault.
- Conduct containing the elements of the offense of arson.
- Conduct containing the elements of the offense of murder, capital murder, or criminal attempt to commit capital murder.
- Conduct containing the elements of the offense of indecency with a child.
- Conduct containing the elements of the offense of aggravated kidnapping.

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

Discipline Management Techniques _____

Discipline will be designed to improve conduct and to encourage students to adhere to their responsibilities as members of the school community. Disciplinary action will draw on the professional judgment of teachers and administrators and on a range of discipline management techniques.

When administering discipline, students will be treated fairly and equitably. Discipline will be based on a careful assessment of the circumstances of each case, reviewing factors such as:

1. The seriousness of the offense.
2. The student's age and grade level.
3. The frequency of the misconduct.
4. The student's attitude.
5. The potential effect of the misconduct on the school environment.
6. The statutory requirements.

Because of these factors, discipline for a particular offense (unless otherwise specified by law) may bring into consideration varying techniques and responses.

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 will prevail.

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

In deciding whether to order suspension, DAEP placement, or expulsion, the District will take into consideration a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct.

Techniques

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

- Verbal, oral or written 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 for cheating, plagiarism, and as otherwise permitted by policy.
- Rewards or demerits.
- Behavioral contracts.
- Detention.
- Sending the student to the office or other assigned area, or to in-school suspension.
- Assignment of school duties such as cleaning or picking up litter (other than class tasks).

- Withdrawal of privileges, such as participation in extracurricular activities, eligibility for seeking and holding honorary offices, and/or membership in school-sponsored clubs and organizations.
- Consequences or penalties identified in individual student organizations' extracurricular standards of behavior.
- Withdrawal or restriction of bus privileges.
- School-assessed and school-administered probation.
- Referral to outside agency and/or legal authority for criminal prosecution in addition to disciplinary measures imposed by the District.
- Corporal Punishment.
- In-school suspension.
- Formal removal from class by the teacher.
- Out-of-school suspension, not to exceed 3 school days at one time, as specified in the Suspension section of this Code.
- Placement in a DAEP, as specified in the DAEP section of this Code.
- Placement and/or expulsion in an alternative educational setting, as specified in the Placement and/or Expulsion for Certain Serious Offenses section of this Code.
- Expulsion from school, as specified in the Expulsion section of this Code.
- Other strategies and consequences as determined by school officials.

Corporal Punishment _____

Corporal punishment has been approved by the Onalaska ISD Board of Trustees as an appropriate disciplinary consequence for Code of Conduct violations.

Corporal punishment is limited to spanking or paddling the student and will be administered only in accordance with the following guidelines:

1. The student shall be told the reason corporal punishment is being administered.
2. Corporal punishment shall be administered only by an administrator.
3. The instrument to be used in administering corporal punishment shall be approved by the principal or a designee.
4. Corporal punishment shall be administered in the presence of one other District professional employee and in a designated place out of view of other students.

Notification

The Principal or appropriate administrator will notify a student's parent by phone or in writing of any violation that may result in a suspension, placement in a DAEP, or expulsion. Notification will be made within 3 school days after the administrator becomes aware of the violation.

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 the policy may be obtained from the central administration office or through Policy Online at the following address: www.onalaskaisd.net.

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

Discipline Management Charts

Elementary Pre-K – 6

A student who violates the District’s Student Code of Conduct shall be subject to a disciplinary action. In keeping with the District adopted Code of Conduct for safe and effective schools, on minor issues teachers will engage in proactive discipline methods prior to referral to office. When a discrepancy exists between the district code and the policy set forth by the Board, the Board policy will control. The Districts disciplinary options include, but are not limited to, using one or more discipline management technique, removal to an alternative education program, suspension, in-school suspension, corporal punishment and/or expulsion. Disciplinary measures are applied depending on the nature of the offenses. In some circumstances, disciplinary action may be preceded by a meeting of the Admission, Review, and Dismissal committee. In addition, when a student commits drug and/or alcohol-related tobacco offenses or any other criminal act, he or she shall be referred to the legal authorities. The following charts are guidelines and may be modified, based on all the information available, at the administrator’s discretion.

Level One Offenses		Level Two Offenses	
Behaviors	1 st Offense	2 nd Offense	3 rd Offense
Class Disruption	ISS (1 Day)	ISS (2 Days) CP 2	ISS (3 Days) CP 3
Failure to follow class/school rules (all minor infractions)	ISS (1 day)	ISS (2days) CP 2	ISS (3 days) CP 3
Food, Gum, Drinks w/o authorization	ISS (1 day)	ISS (2 days) CP 2	ISS (3 days) CP 3
Bus Violation	Conference Suspension	5 day Bus Suspension	*30 day Bus Suspension
Cheating	Grade of Zero	ISS (1 day) and grade of Zero	ISS (3 days) and grade of Zero
In unauthorized area	ISS (1 day)	ISS (2 day) CP 2	ISS (3 days) CP 3
Dress Code Violation	Conference with Student/Parent, comply	ISS (1 day)	ISS (2 days)
Forgery	ISS (1 day)	ISS (2 days) CP 2	ISS (3 days) CP 3
All offenses for dress code require compliance- Failure to comply results in immediate removal to ISS			

* Fourth Bus discipline referral will result in bus suspension for remainder of school year.

Level One Offenses		Level Two Offenses	
Behaviors	1 st Offense	2 nd Offense	3 rd Offense
Class Disruption	ISS (1 Day)	ISS (2 Days) CP 2	ISS (3 Days) CP 3
Failure to follow class/school rules (all minor infractions)	ISS (1 day)	ISS (2days) CP 2	ISS (3 days) CP 3
Food, Gum, Drinks w/o authorization	ISS (1 day)	ISS (2 days) CP 2	ISS (3 days) CP 3
Cheating	Grade of Zero	ISS (1 day) and grade of Zero	ISS (3 days) and grade of Zero
In unauthorized area	ISS (1 day)	ISS (2 day) CP 2	ISS (3 days) CP 3
Dress Code Violation	Conference with Student/Parent, comply	ISS (1 day)	ISS (2 days)

Forgery	ISS (1 day)	ISS (2 days) CP 2	ISS (3 days) CP 3
Level Three Offenses			
Behaviors	1 st Offense	2 nd Offense	3 rd Offense
Persistent Level 1 & 2 offenses, (4 th referral)	*ISS (5 days) CP 3	ISS (10 Days) Long Term ISS CP 3	ISS (15 days)
Profanity, Obscene Gesture or Materials, Racial Slurs	*ISS (5 days) CP 3	ISS (10 days) CP3	ISS (15 days)
Lying, Name Calling	*ISS (2 days)	ISS (3 days) CP 2	ISS (5 days) CP3
Disrespect/ Rudeness to student	*ISS (2 days)	ISS (3 days) CP 2	ISS (5 days) CP3
Insubordination	*ISS (2 days)	ISS (3 days) CP 2	ISS (5 days) CP3
Truancy/ off or on campus	*ISS (2 days)	ISS (3 days)	ISS (5 days)
Criminal Mischief Damage to District property or property of others \$50.00 or less	ISS (5 days)*** Restitution	ISS (10 days) Restitution	ISS (15 days) Restitution
Public Display of Affections	*ISS (2 days)	ISS (3 days) CP 2	ISS (5 days) CP3
Use or possession of Paging Devices or Cellular Phones	Dispose of confiscated device according to law and/or charge \$15.00 administrative fee before it is released to owner.		
Laser Devices, CD Players, Ipods, MP3's, Radios, ECT.	Dispose of confiscated device according to law and/or charge \$15.00 administrative fee before it is released to owner.		
Throwing objects that can cause harm	ISS (2) Days CP 2	ISS (3 days) CP 2	ISS (15 days)
Inappropriate physical contact (Pushing, Shoving)	ISS (2) Days CP 2	ISS (3 days) CP 2	ISS (5 days)
Possession of Tobacco Notify District Police	ISS (5 days)	ISS (10 days) Long Term	ISS (15 days) CP 3
Stealing (under \$10.00) pencils, supplies	ISS (2) Days CP 2	ISS (3 days) CP 3	ISS (5 days)
*Referrals while assigned to ISS will result in 2 additional days in ISS. Continued disruptions can result in Suspension or Expulsion			

Level Four Offenses			
Behaviors	1 st Offense	2 nd Offense	3 rd Offense
Repeated Level Three Notify Parent	ISS (15 days)	ISS (30 days)	ISS (45 days)
Blatant Insubordination or Disrespect toward School employee	ISS (5 days)	ISS (10 days)	ISS (45 days)
Threats to do harm to person or property	ISS (5 days)	ISS (15 days)	ISS (45 days)
Interfering, boycotts, sit-ins, or trespassing, or	ISS (3 days)	ISS (5 days)	ISS (10 days)

disruption of the school district operations			
Fighting or instigating a fight	ISS (15 days)***	ISS (30 days)	ISS (45 days)
Harm to oneself or others causing injury	ISS (15 days)	ISS (30 days)	ISS (45 days)
Stealing, Extortion	ISS (10 days) Restitution	ISS (15 days);Restitution	ISS (30 days); Restitution
Gambling or Gambling Paraphernalia	ISS (10 days)	ISS (15 days)	ISS (30 Days)
Failure to serve assigned consequences	ISS (2 days)	ISS (5 days)	ISS (15 days)
Possessing a harmful device, substance, or object	ISS (3 days) Confiscation	ISS (5 days) Confiscation	ISS (15 days) Confiscation
Failure to report knowledge of a harmful device, substance, event or object	*ISS (1 day)	ISS(2 days)	ISS (3 days)
Possession of knife, ammunition, chain ect.	ISS (15 days) Confiscation	ISS (30 days) Confiscation	Expulsion Confiscation
Representing a substance as drug or alcohol	ISS (5 days)	ISS (10 days)	ISS (15 days)
Sexual Harassment	ISS (10 days)	ISS (15 days)	ISS (30 days)
Behavior	1st offense	2nd Offense	3rd Offense
Sexual Misconduct	ISS (30 days)	ISS for 120 days or for the rest of the school year, whichever is longer	Expulsion
Gang Behavior or membership, soliciting members in gangs, fraternity, sorority or secret societies	ISS (90 days)	ISS for 120 days or for the rest of the school year, whichever is longer	Expulsion
Possession of smoke bomb or incendiary device Notify Parent	ISS (30 days) Confiscate	ISS (90 days)	Iss for 120 days or the rest of the school year; whichever is longer
Burglary or destruction of District Property (over \$50.00) Notify Parent	ISS (90 days) Prosecution	ISS for 120 days or the rest of the school year, whichever is longer; Prosecution	Expulsion Prosecution
Posting or distributing unauthorized communicative material Notify Parent	Removal of material, counseling	Removal of material, ISS (1 day)	Removal of material, ISS (2 days)
Hazing/ Bullying Notify Parent	ISS 15 days)***	ISS (30 days)	ISS (90 days)
Level Five Offenses			
Serious or persistent misbehaviors while placed in ISS or AEP	Expulsion		
Assault as defined by penal code 22.01(a)(1) Notify Police	Suspension (3 days)I and mandatory removal to AEP for 120 days or the rest of the school year, whichever is		

	longer. Automatic Expulsion for the 2 nd assault
Makes terroristic threat as defined by penal code 22.01 Notify Police	Mandatory removal to AEP for 120 days or the rest of the school year, whichever is longer
Sells, gives, delivers, uses, or possesses a controlled substance Notify Police	Mandatory removal to AEP for 120 days or the rest of the school year, whichever is longer
Commits a serious offense under the influence of a controlled substance Notify Police	Mandatory removal to AEP for 120 days or the rest of the school year, whichever is longer
Engages in conduct punishable as a felony Notify Police	Mandatory removal to AEP for 120 days or the rest of the school year, whichever is longer
Commits an offense relating to flue or aerosol paint Notify Police	Mandatory removal to AEP for 120 days or the rest of the school year, whichever is longer
Engages in indecent exposure under penal code 21.08 Notify Police	Mandatory removal to AEP for 120 days or the rest of the school year, whichever is longer
Engages in public lewdness under penal code 21.07 Notify Police	Mandatory removal to AEP for 120 days or the rest of the school year, whichever is longer
Retaliation against a school employee under penal code 36.06 Notify Police	Mandatory removal to AEP. If the student retaliates with a level five offense then it is mandatory Expulsion
Possession of a weapon as defined by penal code 46.01(6), 46.01(1), 46.05 Sexual assault, arson, murder, attempted murder, indecency with a child, kidnapping, felony drug or volatile chemical offenses Notify Police	Mandatory Expulsion (One year for weapons) Referral to the District Police.

Note: Unless otherwise specified, any initial assignment to AEP will be for a period of no less than 15 days. An initial assignment to long term ISS will be for a minimum of 20 days. In addition, all days listed refer to school days, not calendar days.

**The following substitutions may be made for any first offense resulting in an assignment to ISS for 3 days or less: a) no recess b)lunch/morning D-hall*

***Expulsion will occur where authorized by Chapter 37 of the Texas Education Code*

****The following substitutions may be made at the discretion of campus administration for any first offense resulting in an assignment to ISS: a) 5 days parental shadowing where the parent attends school with the student and models appropriate behavior during the entire school day.*

OJSH Discipline Level System _____

Level 1 Offenses: Offenses that may include, but are not limited to:

- Tardies: (3rd & over)
- Dress Code violations
- Cell Phone/Electronic devices
- Talking in class/making noises
- Incomplete work (class/home)
- Not prepared for class/lack of materials
- Throwing paper/littering
- Refusal to follow direct teacher instruction
- Refusal to participate in class
- Bothering classmates
- Cafeteria misbehavior
- Gum, food or drink in hallway/classroom
- Public Displays of Affection (i.e. holding hands, hugging, kissing, any physical contact deemed inappropriate by the faculty and staff.)

Responses/Consequences to Level 1 Offenses:

Disciplinary action for Level 1 offenses may include, but are not limited to verbal/written warning, corporal punishment or detention/d-hall.

Level 2 Offenses: Offenses that may include, but are not limited to:

-Persistent Level 1 offenses

- Failure to comply with school policies
- Refusal to follow direct instructions from administrator
- Academic dishonesty/cheating/plagiarism
- Computer use violations
- Rude/Disrespectful towards teacher/staff
- Disturbing the class/educational setting
- Profanity
- Horseplay/physical altercation
- Verbal altercation w/classmate
- Leaving class or school w/out permission (i.e., skipping)
- Being in a non-designated area w/out permission (i.e., parking lot, teacher workroom, ball field, etc...)

Responses/Consequences to Level 2 Offenses:

Disciplinary action for Level 2 offenses may include, but are not limited to, corporal punishment, or In-School Suspension.

Level 3 Offenses: Offenses that may include, but are not limited to:

-Persistent Level 1 & 2 offenses

- Fighting
- Assault
- Threatening students
- Interfering with school personnel
- Threatening teachers
- Criminal misconduct
- Vandalism/Destruction of school property
- Destruction of teacher or classmate's property
- Possession/Sale or usage of tobacco, alcohol, drugs, fireworks
- Being under the influence of a controlled substance or alcohol
- Truancy
- Theft
- Hazing
- Bullying
- Trespassing
- Lewd/Vulgar behavior

Responses/Consequences to Level 3 Offenses:

Disciplinary action for Level 3 offenses may include, but are not limited to corporal punishment, In-School Suspension, Out of School Suspension, AEP placement, expulsion, legal referral.

Removal from the Regular Educational Setting _____

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

Routine Referral

A routine referral occurs when a teacher sends a student to the principal's office for committing minor classroom infractions, as a discipline management technique.

Formal Removal

A teacher or administrator may formally remove a student who has been documented to repeatedly interfere with a teacher's ability to communicate effectively with the students in the class, or with the ability of the students to learn, or who behaves in a manner the teacher determines is so unruly, disruptive, or abusive that it seriously interferes with the teacher's ability to communicate effectively with the students or with the ability of other students to learn

A teacher or administrator *must* remove a student from class if the student engages in behavior that under the Education Code requires or permits the student to be placed in a DAEP or expelled. When removing for those reasons, the procedures in the subsequent sections of DAEP or expulsion will be followed. Otherwise, within 3 days of the formal removal, the principal or appropriate administrator will schedule a conference with the student's parent; the student; the teacher, in the case of removal by a teacher, and any other administrator.

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

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

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

Returning Student to Classroom

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

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

Detention

For minor infractions of the Student Code of Conduct or campus or classroom rules, teachers or administrators may detain students after school hours.

Before being assigned to detention, a student shall be informed of the behavior that allegedly constitutes the violation, and shall be given an opportunity to explain his or her version of the incident. The period of time for which a student is assigned to detention shall be used for educational or disciplinary purposes.

When detention is necessary, notice shall first be given to the parents of the student to inform them of the reason for the detention, and allow arrangements to be made for the necessary transportation of the student. The detention shall not begin until the parents have been notified. The student's parents, if the student is a minor, are required to provide transportation when the student has been assigned to detention. Students who do not attend detention may be placed in In-School Suspension.

In-School Suspension

For minor infractions of the Student Code of Conduct or campus or classroom rules, administrators may assign a student to one or more days of in-school suspension where, under the supervision of an aide and/or teacher, students will complete assignments given them by their regular teachers.

DISTRICT IN-SCHOOL SUSPENSION PROGRAM

In-School Suspension is a disciplinary alternative to out-of-school suspension for less serious disciplinary infractions, which do not pose a threat, or danger to other persons, the student, or school/personal property (Stallworth, Trechtling, & Frankel, 1983).

For a school to be an effective place for students to learn, there must be a sense of order and discipline. For students to benefit from that orderly environment, they must be in regular attendance at school. One of the traditional ways for order to be maintained in schools, and attendance encouraged, has been the removal of disorderly or truant students temporarily, by placing them in In-School Suspension.

The In-School Suspension Center is just one component of the school discipline/management system, and is closely coordinated with the rest of the school's programs and resources, so that the end result will be a system, which addresses the multiple needs of its students.

Length of stay in ISS is determined by the school's principal, or designee. Students are given a detailed discipline form informing them as to what that assignment is and the reason they are being placed in ISS.

If a student breaks ISS rules, he/she will be removed from the ISS room to have further disciplinary measures taken by the principal, or designee, and the parent(s) notified. Then, if misbehavior continues, a parent conference will be arranged to consider an out-of-school suspension or placement in DAEP.

IN-SCHOOL SUSPENSION–“ISS”
REGULATIONS, PROCEDURES, AND RULES

The In-School Suspension Center will be supervised by school personnel at all times.

The following regulations, procedures, and rules must be followed for In-School Suspension. Failure to follow these guidelines will result in additional days being added to your assignment or may result in your being referred for more severe disciplinary measures.

All students must report directly to the In-School Suspension Center upon arrival at school. A study carrel or student desk will be assigned to each student.

- I. Students must bring the following materials to the In-School Suspension Center:
 - a. All books and materials (paper, pens, pencils, folders, and books, if assigned) needed to complete assignments for each class.
 - b. School related books may be read after each assignment upon approval of the staff in charge.
- II. Students will be provided breakfast and lunch prepared by the school. **SOFT DRINKS WILL NOT BE ALLOWED.** Students may purchase milk or water to drink with their meals.
- III. Students assigned to the In-School Suspension Center may not attend or participate in any extracurricular activities during the days assigned.
- IV. To be released from the In-School Suspension Center, students must successfully fulfill the following obligations:
 - a. Attend In-School Suspension Center each day assigned. **ALL** absences (excused and/or unexcused) from the center must be made up.
 - b. Bring all the materials listed above.
 - c. Complete all assignments, including, but not limited to, ISS workbook. Students will receive credit for all work completed while in the center.
 - d. Conduct themselves according to the stated guidelines to the satisfaction of the supervisor in charge.
- V. Conduct Regulations:
 - a. Students must raise their hand to be recognized.
 - b. While in the In-School Suspension Center, students may not engage in talking, gesturing, or any voluntary activity, which may be considered distracting, disruptive or destructive.
 - c. Students may not leave their assigned study carrel or seat unless, under proper procedures of conduct, they are recognized by the teacher-in-charge and are given specific approval to be out of their seat.
 - d. Regular school rules and dress codes applies to the In-School Suspension Center.
 - e. Students will sit straight in their chair and remain alert. Students must stay on task throughout the school day.

- f. Students caught chewing gum, eating candy or food, or writing notes in ISS will earn an extra day added to their assigned time.
- VI. Lunch Regulations:
- You are required to eat in the ISS Center. Conversation is not allowed during lunch break. Students are required to continue to work on their assignments upon completion of lunch and proper disposal of trash.
- VII. Restroom Regulations:
- Students are allowed at least 2 restroom breaks during the school day. Conversation is not allowed during restroom breaks.
- VIII. Dismissal Regulations:
- Students will be dismissed individually by the teacher-in-charge after their carrel/desk has been examined for neatness and vandalism. Each student is responsible for repairing or replacing any carrel/desk, which has been vandalized or defaced during the day. They will be checked daily.
- IX. While assigned to the ISS Center, students will have the opportunity to receive guidance from the teacher, school counselor, or juvenile officer regarding their behavior and modifying their behavior as it may become necessary.

Out-of-School Suspension

Misconduct

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

In deciding whether to order suspension, the District will take into consideration:

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

Process

State law allows a student to be suspended for no more than 3 school days per behavior violation, with no limit on the number of times a student may be suspended in a semester or school year.

Before being suspended, a student will have an informal conference with the appropriate administrator, who shall advise the student of the conduct of which he/she is accused. The student will be given the opportunity to explain his/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 appropriate administrator, but will not exceed 3 school days. Neither state law nor this Code of Conduct imposes a limit on the number of times a student may be suspended during a semester or school year.

Suspended students are not allowed to participate in school-sponsored or school-related extracurricular and co-curricular activities during the period of suspension.

Disciplinary Alternative Education Program (DAEP) Placement

The District provides for an Alternative Education Program (AEP) to serve students who are removed from the regular program, either because the statute requires it or because the OISD Code of Conduct requires it.

The DAEP:

1. is in a setting other than the student's regular classroom;
2. is located off a regular school campus;
3. separates elementary school students assigned to DAEP from secondary school students assigned to DAEP (effective no later than January 1, 2000);
4. focuses on English language arts, mathematics, science, history, and self-discipline;
5. provides for students' educational and behavioral needs; and
6. provides supervision and counseling.

DAEP is located at Onalaska ISD, and operates between the hours of 7:45 a.m. and 3:45 p.m. District transportation is not provided, and students are not allowed to drive themselves to DAEP. Parents are responsible for making sure students attend while assigned. Failure to attend the DAEP is a violation of compulsory attendance laws, and students and parents may be prosecuted for failure to attend while assigned.

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

In deciding whether to order placement in a DAEP, the District will take into consideration:

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

Discretionary Placement: Misconduct That May Result in DAEP Placement

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

Misconduct Identified in State Law

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

- Involvement in a public school fraternity, sorority, or secret society, including participating as a member or pledge, or soliciting another person to become a pledge or member of a public school fraternity, sorority, secret society, or gang. (See glossary)
- Involvement in criminal street gang activity. (See glossary)
- Any criminal mischief, including a felony.

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

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

Mandatory Placement: Misconduct That Requires DAEP Placement

A student **must** be placed in a DAEP if the student:

- Engages in conduct relating to a false alarm or report (including a bomb threat) or a terroristic threat involving a public school. (See glossary)

Commits the following offenses on school property or within 300 feet of school property as measured from any point on the school’s real property boundary line, or while attending a school-sponsored or school-related activity on or off school property:

- Engages in conduct punishable as a felony.
- Commits an assault (see glossary) under Texas Penal Code 22.01(a)(1).
- 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 (first time, misdemeanor). (School-related felony drug offenses are addressed in the Expulsion section.) (See glossary for “under the influence”)
- 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 (first time misdemeanor). (School-related felony alcohol offenses are addressed in the Expulsion section.)
- Behaves in a manner that contains the elements of an offense relating to abusable volatile chemicals.
- Behaves in a manner that contains the elements of the offense of public lewdness or indecent exposure.
- Engages in expellable conduct and is between 6 and 9 years of age.

- Commits a federal firearms violation and is younger than 6 years of age.
- Engages in conduct that contains the elements of the offense of retaliation against any school employee or volunteer on or off school property. (Committing retaliation in combination with another expellable offense is addressed in the Expulsion section of this Code.)
- Committing extortion, coercion, or blackmail (obtaining money or another object of value from an unwilling person), or forcing an individual to act through the use of force or threat of force.
- Possessing a pellet gun, air-powered rifle, toy gun or any other instrument that may be perceived by a third party as a firearm.
- Possessing drug paraphernalia (roach clips, rolling papers, needles, baggies with residue, razor blades, pipes, etc.).

Conduct Unrelated to School – Title 5 Offenses

A student will be removed from class and placed in a DAEP based on off-campus criminal conduct punishable as a felony under Title 5, Texas Penal Code.

Title 5 offenses are crimes against the person, identified in Title 5 of the Texas Penal Code. Specifically, Title 5 offenses include: murder; capital murder; manslaughter; criminally negligent homicide; kidnapping; aggravated kidnapping; indecency with a child; sexual assault; aggravated assault; aggravated sexual assault; injury to a child, elderly individual, or disabled individual; abandoning or endangering a child; deadly conduct; terroristic threat; aiding a person to commit suicide; and tampering with a consumer product.

Conduct Unrelated to School – Non-Title 5 Offenses

A student will be removed from class and placed in a DAEP for off-campus criminal conduct punishable as a felony, other than offenses defined by Title 5, Texas Penal Code, if the administration determines that 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.

Relationship of Criminal Justice System and the School District

The school district may place a student in the DAEP and/or continue a student's placement in the DAEP regardless of any action or lack of action taken by the criminal justice system.

A student may be removed from class and placed in a DAEP if the administration has a reasonable belief that the student has committed a felony offense. If the offense is a Non-Title 5 felony, prior to the student being placed in the DAEP, the administration must also determine that the continued presence of the student in the regular classroom threatens the safety of other students or teachers or will be detrimental to the educational process.

In determining whether there is a reasonable belief that a student has engaged in conduct defined as a felony offense in the Penal Code, the administrator may consider all information available, including information furnished by law enforcement.

If, after the placement, the administration receives notice from an appropriate law enforcement agency that the student was found not guilty of the felony offense and the case was dismissed with prejudice, or that the student was not prosecuted and no formal proceedings, deferred adjudication, or deferred prosecution was initiated, the administration will review the student's placement in the DAEP.

The student will remain in the DAEP pending the review, which will take place within 3 class days of the administration's receiving the notice. The parents or guardian will be provided an opportunity for input. However, if after the review the administration believes that the presence of the student in the regular classroom threatens the safety of other students or teachers, the administration may continue the student's placement in the DAEP.

Sexual Assault and Campus Assignments

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

Emergencies

In an emergency, a campus administrator or the Superintendent may order a student immediately placed in a DAEP for any reason for which placement in a DAEP may be made on a non-emergency basis.

Procedures for Removal to DAEP

Removals to a DAEP will be made by the Principal or other administrator. Before a student is placed in a DAEP, the Principal or other administrator will tell the student briefly why he/she is being removed to that program and explain that the student will have an opportunity to give his/her version of events at a conference to be scheduled and held within the next week.

Conference

When a student is removed from class for a DAEP offense, the appropriate administrator will schedule a conference within 3 school days with the student's parent, the student, and the teacher, in the case of a teacher removal.

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

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

Placement Order

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

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

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

Length of Placement

The duration of a student's placement in a DAEP will be determined by the campus administrator or the Superintendent.

The duration of a student's placement 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 misconduct, the student's attitude, and statutory requirements.

The maximum period of DAEP placement shall be 1 calendar year except as provided below.

Exceeds One Year

Placement in a DAEP may exceed 1 year when a review by the District determines that:

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

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

Exceeds School Year

Students who commit offenses requiring placement in a DAEP at the end of 1 school year may be required to continue that placement at the start of the next school year to complete the assigned term of placement.

For placement in a DAEP to extend beyond the end of the school year, the campus administrator or Superintendent must determine that:

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

Exceeds 60 Days

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

Appeals

The student or the student's parent or guardian may appeal the decision to place a student in the DAEP to the Superintendent. The request for appeal must be in writing and must be received by the Superintendent within three (3) days of the date of the DAEP order. The Superintendent will schedule a conference with the student and the parent to be held within five (5) days, after which a written decision will be issued. If the parent is dissatisfied with the decision of the Superintendent, the student or the student's parent may appeal the decision to the Onalaska ISD Board of Trustees. The request for appeal must be in writing and must be received by the Superintendent within seven (7) days of the date of the Superintendent's decision. The appeal will be heard at the next regularly scheduled Board meeting. The student remains in the DAEP pending all appeals. Any decision by the Board is final and may not be appealed, in accordance with policy FNG(LOCAL). A copy of this policy may be obtained from the principal's office or the central administration office or through Policy On Line at www.onalaskaisd.net.

Disciplinary 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.

Placement Review

Both the discipline and the academic status of students assigned to the DAEP will be reviewed at the semester's end, but in any event, at least every 120-calendar days. At the review, the parents may make arguments for the student's return to the regular classroom. If the student is in high school and is to remain in the DAEP, the administration, together with the parents, will establish a plan designed to assist the student's progress toward meeting high school graduation requirements. The District is not obligated to provide any course other than English, math, science, and history to students assigned to the DAEP. The student may not be returned to the classroom of a teacher who removed the student without that teacher's consent.

Restrictions During Placement

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

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

For seniors assigned to a DAEP who are eligible to graduate, the placement in the program will continue through graduation, and the student will not be allowed to participate in the graduation ceremony and related graduation activities.

Additional Misconduct

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 appropriate administrator may enter an additional disciplinary order as a result of those proceedings.

Notice of Criminal Proceedings

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

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

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

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

The student or the student's parent may appeal the Superintendent's decision to the Board. The student may not be returned to the regular classroom pending the appeal. In the case of an appeal, the Board 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 student and the student's parent may appeal to the Commissioner of Education. The student may not be returned to the regular classroom pending the appeal.

Withdrawal During Process

When a student violates the District's Code in a way that requires or permits the student to be placed in a DAEP and the student withdraws from the District before a placement order is completed, the District may complete the proceedings and issue a placement order. If the student then reenrolls in the district during the same or a subsequent school year, the District may enforce the order at that time, less any period of the placement that has been served by the student during enrollment in another district. If the appropriate administrator or the Board fails to issue a placement order after the student withdraws, the next district in which the student enrolls may complete the proceedings and issue a placement order.

Newly Enrolled Students

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

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

If the student was placed in a DAEP by a school district in another state for a period that exceeds 1 year, this district, by state law, will reduce the period of the placement so that the total placement does not exceed 1 year. After a review, however, the placement may be extended beyond a year if the district determines that the student is a threat to the safety of other students or employees or the extended placement is in the best interest of the student.

Emergency Placement Procedure

When an emergency placement occurs, the student 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 assignment to a DAEP.

Placement and/or Expulsion for Certain Serious Offenses

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

Registered Sex Offenders

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

If the student is under any form of court supervision, including probation, community supervision, or parole, the placement will be in either DAEP or JJAEP for at least 1 semester.

If the student is not under any form of court supervision, the placement may be in DAEP or JJAEP for 1 semester or the placement may be in a regular classroom. The placement may not be in the regular classroom if the Board or its designee determines that the student's presence:

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

Review Committee

At the end of the first semester of a student's placement in an alternative educational setting and before the beginning of each school year for which the student remains in an alternative placement, the District shall convene a committee, in accordance with state law, to review the student's placement. The committee 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.

Certain Felonies

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

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

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

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

Hearing and Required Findings

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

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

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

Length of Placement

The student is subject to the placement until:

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

Newly Enrolled Students

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

Expulsion

In deciding whether to order expulsion, the District will take into consideration:

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

Discretionary Expulsion: Misconduct That May Result in Expulsion

At Any Location

A student **may** be expelled for:

- Engaging in the following, no matter where it takes place:
- Conduct that contains the elements of assault under Penal Code 22.01(a)(1) in retaliation against a school employee or volunteer.
- Criminal mischief, if punishable as a felony.
- Engaging in conduct that contains the elements of one of the following offenses against another student, without regard to where the conduct occurs:
 - Aggravated assault.

- Sexual assault.
- Aggravated sexual assault.
- Murder.
- Capital murder.
- Criminal attempt to commit murder or capital murder.
- Aggravated robbery.
- Engaging in conduct relating to a false alarm or report (including a bomb threat) or a terroristic threat involving a public school.

At School, Within 300 Feet, or at School Event

- Committing any of the following offenses on or within 300 feet of school property, as measured from any point on the school's real property boundary line, or while attending a school-sponsored or school-related activity on or off school property:
- Selling, giving, or delivering to another person, or possessing, using, or being under the influence of marijuana, a controlled substance, or a dangerous drug, if the conduct is not punishable as a felony.
- Selling, giving, or delivering to another person, or possessing, using, or being under the influence of alcohol; or committing a serious act or offense while under the influence of alcohol, if the conduct is not punishable as a felony.
- Engaging in conduct that contains the elements of an offense relating to abusable volatile chemicals.
- Engaging in conduct that contains the elements of assault under Section 22.01(a)(1) against an employee or a volunteer.
- Engaging in deadly conduct. (**See glossary**)

Within 300 Feet of School

- Engaging in the following conduct while within 300 feet of school property, as measured from any point on the school's real property boundary line:
- Aggravated assault, sexual assault, or aggravated sexual assault.
- Arson.
- Murder, capital murder, or criminal attempt to commit murder or capital murder.
- Indecency with a child, aggravated kidnapping, manslaughter, criminally negligent homicide, or aggravated robbery.
- Continuous sexual abuse of a young child or children.
- Felony drug- or alcohol-related offense.
- Use, exhibition, or possession of a firearm (as defined by state law), an illegal knife, a club, or prohibited weapon, or possession of a firearm (as defined by federal law).

Property of Another District

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

While in DAEP

- Engaging in serious offenses or persistent misbehavior (see glossary) that violates the district's Code, while placed in a DAEP.

Mandatory Expulsion: Misconduct That Requires 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:

Federal Law

- Bringing to school a firearm, as defined by federal law. "Firearm" under federal law includes:
 - Any weapon (including a starter gun) that will, is designed to, or may readily be converted to expel a projectile by the action of an explosive.
 - The frame or receiver of any such weapon.
 - Any firearm muffler or firearm weapon.
 - Any destructive device, such as any explosive, incendiary or poison gas bomb, or grenade.

Texas Penal Code

- Using, exhibiting, or possessing the following, as defined by the Texas Penal Code:
 - A firearm (any device designed, made, or adapted to expel a projectile through a barrel by using the energy generated by an explosion or burning substance or any device readily convertible to that use).
 - Any knife, including a pocketknife, if used to threaten or with intent to cause harm or bodily injury.
 - A club (see glossary) such as an instrument specially designed, made, or adapted for the purpose of inflicting serious bodily injury or death by striking a person with the instrument, including a blackjack, nightstick, mace, and tomahawk.
 - A prohibited weapon, such as an explosive weapon, a machine gun, a short-barrel firearm, a firearm silencer, a switchblade knife, knuckles, armor-piercing ammunition, a chemical dispensing device, or a zip gun. (See glossary)
- Behaving in a manner that contains elements of the following offenses under the Texas Penal Code:
 - Aggravated assault, sexual assault, or aggravated sexual assault.
 - Arson. (See glossary)

- Murder, capital murder, or criminal attempt to commit murder or capital murder.
- Indecency with a child.
- Aggravated kidnapping.
- Aggravated robbery.
- Manslaughter.
- Criminally negligent homicide.
- Continuous sexual abuse of a young child or children.
- Behavior punishable as a felony that involves selling, giving, or delivering to another person, or possessing, using, or being under the influence of marijuana, a controlled substance, a dangerous drug, or alcohol; or committing a serious act or offense while under the influence of alcohol.
- Engaging in retaliation against a school employee or volunteer combined with one of the above-listed mandatory expulsion offenses, with the exception of a federal firearm offense, on or off school property or at a school-related activity.

Under Age Ten

When a student under the age of 10 engages in behavior that is expellable behavior, the student will not be expelled, but will be placed in a DAEP. A student under age 6 will not be placed in a DAEP unless the student commits a federal firearm offense.

Emergency

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

Process

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. The student's parent 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
- DAEP

Hearing

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

1. Representation by the student's parent or another adult who can provide guidance to the student and who is not an employee of the District,
2. An opportunity to testify and to present evidence and witnesses in the student's defense, and

3. An opportunity to question the district's witnesses.

After providing notice to the student and parent of the hearing, the District may hold the hearing regardless of whether the student or the student's parent attends.

The Board of Trustees delegates to the Superintendent authority to conduct hearings and expel students.

Board Review of Expulsion

After the due process hearing, the expelled student may request that the Board review the expulsion decisions. The student or parent must submit a written request to the Superintendent within 7 days after receipt of the written decision. The Superintendent must provide the student or parent written notice of the date, time, and place of the meeting at which the Board will review the decision.

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

The Board 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 will make and communicate its decision orally at the conclusion of the presentation. Consequences will not be deferred pending the outcome of the hearing.

Expulsion Order

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

Not later than the second business day after the hearing, the Superintendent will deliver to the juvenile court a copy of the expulsion order and the information required by Section 52.04 of the Family Code.

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

Length of Expulsion

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.

The duration of a student's expulsion will be determined on a case-by-case basis. The maximum period of expulsion is 1 calendar year except as provided below.

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

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

State and federal law require a student to be expelled from the regular classroom for a period of at least 1 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.

Students who commit offenses that require expulsion at the end of 1 school year may be expelled into the next school year to complete the term of expulsion.

Withdrawal During Process

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

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

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

Additional Misconduct

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

Restrictions During Expulsion

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

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

Newly Enrolled Students

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

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

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

If a student is expelled by a district in another state for a period that exceeds 1 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 1 year, unless after a review it is determined that:

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

Emergency Expulsion Procedures

When an emergency expulsion occurs, the student will be given verbal notice of the reason for the action. Within 10 days after the date of the emergency expulsion, the student will be given appropriate due process required for a student facing expulsion.

DAEP Placement of Expelled Students

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

Glossary

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

Abuse is improper or excessive use.

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

Arson is a crime that involves starting a fire or causing 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:
 - a. Knowing that it is within the limits of an incorporated city or town,
 - b. Knowing that it is insured against damage or destruction,
 - c. Knowing that it is subject to a mortgage or other security interest,
 - d. Knowing that it is located on property belonging to another,
 - e. Knowing that it has located within it property belonging to another, or
 - f. When the person starting the fire is reckless about whether the burning or explosion will endanger the life of some individual or the safety of the property of another.

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

Bullying is written or oral expression or physical conduct that a school district's board of trustees or the board's designee 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 designed, made, or adapted for the purpose of causing an adverse psychological or physiological effect on a human being. A small chemical dispenser sold commercially for personal protection is not in this category.

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

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

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 recklessly engages in conduct that places another in imminent danger of serious bodily injury, such as knowingly discharging a firearm in the direction of an individual, habitation, building, or vehicle.

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

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

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

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

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

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

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

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

Harassment is:

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

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

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

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

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

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

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

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

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

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

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

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

Serious offenses include but are not limited to:

- Murder.
- Vandalism.
- Robbery or theft.
- Extortion, coercion, or blackmail.
- Actions or demonstrations that substantially disrupt or materially interfere with school activities.
- Hazing.
- Insubordination.
- Profanity, vulgar language, or obscene gestures.
- Fighting, committing physical abuse, or threatening physical abuse.
- Possession or distribution of pornographic materials.

- Leaving school grounds without permission and/or aiding another student in 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 assigned by the teacher or principal.

Short-barrel firearm is a rifle with a barrel length of less than 16 inches or a shotgun with a barrel length of less than 18 inches, or any weapon made from a rifle or shotgun that, as altered, has an overall length of less than 26 inches.

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 is a threat of violence to any person or property with intent to:

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

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

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

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

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