CLEVELAND
INDEPENDENT SCHOOL DISTRICT

2026-2027
STUDENT CODE OF CONDUCT

APPROVED BY THE CLEVELAND ISD BOARD OF TRUSTEES
JULY, 2026

If you have difficulty accessing the information in this document because of disability, please contact Otalia Chapa, Administrative Assistant to the Superintendent, at ochapa@clevelandisd.org or 281-592-8717.

Mission Statement

The mission of the Cleveland Independent School District is to build a community of empowered, life-long learners, in a way that staff and community support and take pride in Cleveland ISD, so that we can develop successful, productive, responsible, and healthy citizens of the world.

Annual Public Notification of Nondiscrimination

Cleveland ISD offers career and technical education programs in 13 different career clusters. Admission to these programs is based on open enrollment at the introductory level courses and standard progression through levels of the coursework

It is the policy of Cleveland ISD not to discriminate on the basis of race, color, national origin, sex or handicap in its vocational programs, services or activities and provides equal access to the Boy Scouts and other designated youth groups as required by Title VI of the Civil Rights Act of 1964, as amended; Title IX of the Education Amendments of 1972; and Section 504 of the Rehabilitation Act of 1973, as amended.

It is the policy of Cleveland ISD not to discriminate on the basis of race, color, national origin, sex, handicap, or age in its employment practices as required by Title VI of the Civil Rights Act of 1964, as amended; Title IX of the Education Amendments of 1972; the Age Discrimination Act of 1975, as amended; and Section 504 of the Rehabilitation Act of 1973, as amended.

Cleveland ISD will take steps to assure that lack of English language skills will not be a barrier to admission and participation in all educational and vocational programs.

The following district representatives have been designated to coordinate compliance with these legal requirements:

- Title IX/ADA Coordinator for Staff, for concerns regarding discrimination on the basis of sex, including sexual harassment or gender-based harassment: **Keith Garcia**, Title IX Coordinator for Staff. Located at 1901 East Houston Street, Cleveland, Texas, and can be reached at (281) 592-8717.
- Title IX/ADA Coordinator for Student, for concerns regarding discrimination on the basis of sex, including sexual harassment or gender-based harassment: **Dr. Cap Roder**, Title IX Coordinator for Students. Located at 1901 East Houston Street, Cleveland, Texas, and can be reached at (281) 592-8717.
- For concerns regarding discrimination on the basis of disability: Contact the Director of Special Education. Located at 316 East Dallas Street, Cleveland, Texas, and can be reached at (281) 592-8717.
- All other concerns regarding discrimination: **Dr. Glenn Barnes,** Superintendent of Schools. Located at 1901 East Houston Street, Cleveland, Texas, and can be reached at (281) 592-8717.

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ACKNOWLEDGEMENT

Student Code of Conduct & Handbook

Dear Student and Parent:

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

Parents and students are required to read and sign-off on this Student Code of Conduct and Student Handbook. Parents may always reference back to the Student Code of Conduct and the Student Handbook on the district's website at http://www.clevelandisd.org. If you have any questions about any of the materials in this handbook, please contact your campus specific teacher, counselor, or campus administrator.

The student and parent should each sign this page on the space provided below and submit this page to the student's school.

Thank you.

Dr. Glenn Barnes
Superintendent of Schools

My child and I have been offered the option to receive a paper copy of, or to electronically access at www.clevelandisd.org, the ***Cleveland ISD*** Code of Conduct & Student Handbook for the ***2026-2027*** school year.

I accept responsibility for accessing the Code of Conduct and the Student Handbook by visiting the web address listed above.

I understand that if I wish to receive a paper copy of the Code of Conduct and the Student Handbook, I must request a copy from the campus level secretary at my student's campus.

I understand that the Code of Conduct contains information that my child and I may need during the school year. I also understand that all students will be held accountable for their behavior and will be subject to the disciplinary consequences outlined in the Code of Conduct. If I have any questions regarding this Code of Conduct and Handbook; I will direct those questions to the principal at the campus which my student attends.

Student's name: *(print)* _____

Student's signature: _____

Parent's or guardian's name: *(print)* _____

Parent's or guardian's signature: _____

Date: _____

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STUDENT CODE OF CONDUCT

PURPOSE

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

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

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

This Student Code of Conduct has been adopted by the Cleveland Independent School District Board of Trustees and developed with the advice of the district-level committee. This Code provides information to parents and students regarding standards of conduct, consequences of misconduct, and procedures for administering discipline. It remains in effect during summer school and at all school-related events and activities outside of the school year until an updated version adopted by the board becomes effective for the next school year.

In accordance with state law, the Code shall be posted at each school campus or shall be available for review at the office of the campus principal, (also serving as the campus behavior coordinator) and posted on the district's web site located online at http://www.clevelandisd.org. Parents shall be notified of any conduct violation that may result in a student being suspended, placed in a DAEP, or JJAEP, expelled, or taken into custody by a law enforcement officer under Chapter 37 of the Education Code.

Not later than the first day of the 2025-2026 school year, the Texas Education Agency (TEA) shall prepare and provide to each school district a report identifying each law relating to school discipline that was amended or added by the 89th Legislature, Regular Session, 2025. A school district shall provide to each student and the parent of or person standing in parental relation to the student the prepared report.

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

ACCESSIBILITY

If you have difficulty accessing the information in the document because of disability, please contact the district at 281-592-8717 or ernest.roder@clevelandisd.org

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.

SCHOOL DISTRICT AUTHORITY AND JURISDICTION

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

The district has disciplinary authority over a student:

1. During the regular school day;
2. While the student is traveling on district transportation;
3. During lunch periods in which a student is allowed to leave campus;
4. At any school-related activity, regardless of time or location;
5. For any school-related misconduct, regardless of time or location;
6. When retaliation against a school employee, board member, or volunteer occurs or is threatened, regardless of time or location;

7. When a student engages in cyberbullying, as defined by Education Code 37.0832;
8. When criminal mischief is committed on or off school property or at a school-related event;
9. For certain offenses committed within 300 feet of school property as measured from any point on the school's real property boundary line;
10. For certain offenses committed while on school property or while attending a school-sponsored or school-related activity of another district in Texas;
11. When the student commits a felony, as provided by Education Code 37.006, 37.007, or 37.0081; and
12. When the student is required to register as a sex offender.

CAMPUS BEHAVIOR COORDINATOR

As required by law, a single person at each campus must be designated to serve as the campus behavior coordinator. The designated person may be the principal or any other campus administrator selected by the principal. Additional staff members may assist the CBC in the performance of the CBC's duties, provided that the CBC personally verifies that all aspects of Chapter 37, Subchapter A are appropriately implemented. The campus behavior coordinator is primarily responsible for maintaining student discipline. The CBC shall monitor disciplinary referrals and report the following behavior to the campus's threat assessment and safe and supportive school team:

- Conduct that contains the elements of the offense of terroristic threat under Penal Code 22.07;
- Conduct that contains the elements of the offense of unlawfully carrying weapons under Penal Code 46.02;
- Conduct that contains the elements of the offense of exhibiting, using, or threatening to exhibit or use a firearm under Education Code 37.125; and
- Any concerning student behaviors or behavioral trends that may pose a serious risk of violence to the student or others.

The district shall post on its website and in the Student Handbook, for each campus, the e-mail address and telephone number of the person serving as campus behavior coordinator. Contact information can be found at http://www.clevelandisd.org.

THREAT ASSESSMENT AND SAFE AND SUPPORTIVE SCHOOL TEAM

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

SEARCHES

District officials may conduct searches of students, their belongings, and their vehicle in accordance with state and federal law and district policy. Searches of students shall be conducted in a reasonable and nondiscriminatory manner. Refer to the district's policies at FNF (legal) and FNF (local) for more information regarding investigations and searches.

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.

REPORTING CRIMES

The principal or campus behavior coordinator and other school administrators as appropriate shall report crimes as required by law and shall call local law enforcement when an administrator suspects that a crime has been committed on campus.

SECURITY PERSONNEL

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

assigned to security staff. The law enforcement duties of district peace officers are listed in policy CKE (local). The law enforcement duties of school resource officers are to ensure visitors are properly checked in, maintain peace and structure during campus activities, and to provide a presence of security on the campus.

'Parent' Defined

Throughout the Code of Conduct and related discipline policies, the term "parent" includes a parent, legal guardian, or other person having lawful control of the child.

Participating in Graduation Activities

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

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

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

Unauthorized Persons

In accordance with Education Code 37.105, a school administrator, school resource officer (SRO), or district police officer shall have the authority to refuse entry or eject a person from district property if the person refuses to leave peaceably on request and:

1. The person poses a substantial risk of harm to any person; or
2. The person behaves in a manner that is inappropriate for a school setting, and the person persists in the behavior after being given a verbal warning that the behavior is inappropriate and may result in refusal of entry or ejection.

Appeals regarding refusal of entry or ejection from district property may be filed in accordance with FNG (LOCAL) or GF (LOCAL), as appropriate. However, the timelines for the district's grievance procedure shall be adjusted as necessary to permit the person to address the board in person within 90 days, unless the complaint is resolved before a board hearing.

See **DAEP—Restrictions During Placement** section of this Code, for information regarding a student assigned to DAEP at the time of graduation.

Standards for Student Conduct

Each student is expected to:

- Demonstrate courtesy, even when others do not.
- Behave in a responsible manner.
- Exercise self-discipline.
- Attend all classes, regularly and on time.
- Bring appropriate materials and assignments to class.
- Meet district and campus standards of grooming and dress.
- Obey all campus and classroom rules.
- Respect the rights and privileges of students, teachers, and other district staff and volunteers.
- Respect the property of others, including district property and facilities.
- Cooperate with and assist the school staff in maintaining safety, order, and discipline.
- Adhere to the requirements of the Student Code of Conduct.

General Conduct Violations
The categories of conduct below are prohibited at school, in vehicles owned or operated by the district, and at all school-related activities, but the list does not include the most severe offenses. In the subsequent sections on In-School Suspension, **Out-of-School Suspension** section of this Code, **DAEP Placement** section of this Code, **Placement and/or Expulsion for Certain Offenses** section of this Code, and **Expulsion** section of this Code, certain offenses that require or permit specific consequences are listed. Any offense, however, may be severe enough to result in **Removal from the Regular Educational Setting** as detailed section of this Code.

Disregard for Authority
Students shall not:
- Fail to comply with directives given by school personnel (insubordination).
- Leave school grounds or school-sponsored events without permission.
- Disobey rules for conduct on district vehicles.
- Refuse to accept discipline management techniques assigned by a teacher or principal.

Mistreatment of Others
Students shall not:
- Use profanity or vulgar language or make obscene gestures.
- Fight or scuffle. (For assault, see DAEP Placement and Expulsion section of this Code)
- 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, cyberbullying, harassment, or making hit lists. [see Glossary]
- Engage in any behavior that violates the Student Code of Conduct and is motivated by antisemitism. [see Glossary]
- Release or threaten to release intimate visual material of a minor or a student who is 18 years of age or older without the student's consent.
- Engage in conduct that constitutes sexual or gender-based harassment or sexual abuse, whether by word, gesture, or any other conduct, directed toward another person, including a district student, employee, board member, or volunteer.
- Engage in conduct that constitutes dating violence. [see Glossary]
- Engage in inappropriate or indecent exposure of private body parts.
- Participate in hazing. [see Glossary]
- Cause an individual to act through the use of or threat of force (coercion).
- Commit extortion or blackmail (obtaining money or an object of value from an unwilling person).
- Engage in inappropriate verbal, physical, or sexual conduct directed toward another person, including a district student, employee, or volunteer.
- Record the voice or image of another without the prior consent of the individuals being recorded or in any way that disrupts the educational environment or invades the privacy of others.

Property Offenses
Students shall not:
- Damage or vandalize property owned by others. (For felony criminal mischief, see **DAEP Placement or Expulsion** section of this Code)
- Deface or damage school property – including textbooks, technology and electronic resources, lockers, furniture, and other equipment – with graffiti or by other means.
- Steal from students, staff, or the school.
- Commit or assist in a robbery or theft even if it does not constitute a felony according to the Texas Penal Code. (For felony robbery, aggravated robbery and theft see **DAEP Placement and Expulsion** on section of this Code)
- Enter, without authorization, district facilities that are not open for operations.

Possession of Prohibited Items
Students shall not possess or use:
- Fireworks of any kind, smoke or stink bombs, or any other pyrotechnic device;
- A razor, box cutter, chain, or any other object used in a way that threatens or inflicts bodily injury to another person;

- A “look-alike” weapon that is intended to be used as a weapon or could reasonably be perceived as a weapon;
- An air gun or BB gun;
- A short barrel firearm;
- Ammunition;
- A hand instrument designed to cut or stab another by being thrown;
- A firearm silencer or suppressor;
- A location-restricted knife;
- A club;
- A firearm;
- A stun gun;
- Knuckles;
- A pocket knife or any other small knife;
- Mace or pepper spray;
- Pornographic material;
- Tobacco products (including nicotine pouches), e-cigarettes; and any component, part, or accessory for an e-cigarette;
- Matches or a lighter;
- A laser pointer for other than an approved use; or
- Any articles not generally considered to be weapons, including school supplies, when the principal or designee determines that a danger exists. For weapons and firearms, see **DAEP Placement and/or Expulsion for Certain Offenses** section of this Code. In many circumstances, possession of these items is punishable by mandatory expulsion under federal or state law.

Possession of Personal Communication Devices
Students shall:

- For safety purposes, be permitted to possess telecommunications and iPad-type devices, including mobile telephones; however, these devices must remain put away and turned off during the instructional day, per House Bill 1481 of the 89th Texas Legislative session.

Students shall not:

- Use any personal electronic communication device, including a cellular telephone, or other electronic device on school property during the school day and shall store the device in accordance with the method of storage established by the district.in violation of Texas law, district policy and campus expectations. [see Glossary]
- Use any personal communication device, including a cell telephone, or other electronic device on school property during the school day and shall store the device in accordance with the method of storage established by the district. [see Glossary]

The district may authorize the use of a personal communication device for the following reasons:

- To implement an individualized education program (IEP) or for a plan created under Section 504, Rehabilitation Act of 1973 (29 U.S.C Section 794) or a similar program or plan;
- With documented need based on a directive from a qualified physician; or
- To comply with a health or safety requirement imposed by law or as part of the district’s safety protocols.

Inappropriate use of a personal communication device during the school day will result in disciplinary action in accordance with this Code of Conduct. The district will not be responsible for any damaged, lost, or stolen device.

Illegal, Prescription, and Over-the-Counter Drugs
Students shall not:

- Possess, use, give, or sell alcohol or an illegal drug. (Also see **DAEP Placement** section of this Code and **Expulsion** section of this Code for mandatory and permissive consequences under state law.)
- Possess or sell seeds or pieces of marijuana in less than a usable amount.
- Possess, use, give, or sell paraphernalia related to any prohibited substance. (See **glossary** for “paraphernalia.”)

- Possess, use, abuse, or sell look-alike drugs or attempt to pass items off as drugs or contraband.
- Abuse the student's own prescription drug, give a prescription drug to another student, or possess or be under the influence of another person's prescription drug on school property or at a school-related event. (See **glossary** for "abuse.")
- Abuse over-the-counter drugs. (See **glossary** for "abuse.")
- Be under the influence of prescription or over-the-counter drugs that cause impairment of the physical or mental faculties. (See **glossary** for "under the influence.")
- Have or take prescription drugs or over-the-counter drugs at school other than as provided by district policy.

Misuse of Technology Resources and the Internet

Students shall not:

- Violate policies, rules, or agreements signed by the student or the student's parent regarding the use of technology resources.
- Attempt to access or circumvent passwords or other security-related information of the district, students, or employees or upload or create computer viruses, including off school property if the conduct causes a substantial disruption to the educational environment.
- Attempt to alter, destroy, or disable district technology resources, including but not limited to, computers and related equipment, district data, the data of others, or other networks connected to the district's system, including off school property if the conduct causes a substantial disruption to the educational environment.
- Use the internet or other electronic communications to threaten district students, employees, board members, or volunteers, including off school property if the conduct causes a substantial disruption to the educational environment or infringes on the rights of another student at school.
- Send, post, deliver, or possess electronic messages that are abusive, obscene, sexually oriented, threatening, harassing, damaging to another's reputation, or illegal, including cyberbullying and "sexting," either on or off school property, if the conduct causes a substantial disruption to the educational environment or infringes on the rights of another student at school.
- Use the Internet or other electronic communication to engage in or encourage illegal behavior or threaten school safety, including off school property if the conduct causes a substantial disruption to the educational environment or infringes on the rights of another student at school.
- Utilize artificial intelligence in a way that would constitute academic dishonesty or as a means of engaging in any other prohibited conduct.
- Be disciplined for technology misconduct related to possessing items described above so long as the student (1) did not contribute to creation of the item in any way, (2) possessed it only after receiving the item unsolicited from another, (3) either promptly destroyed the item or reported it to a school employee as soon as possible, and (4) did not provide a copy, forward, or re-post the item to anyone other than law enforcement, a school employee, or the student's parent/guardian.

Safety Transgressions

Students shall not:

- Possess published or electronic material that is designed to promote or encourage illegal behavior or that could threaten school safety.
- Engage in verbal (oral or written) exchanges that threaten the safety of another student, a school employee, or school property.
- Make false accusations or perpetrate hoaxes regarding school safety.
- Engage in any conduct that school officials might reasonably believe will substantially disrupt the school program or incite violence.
- Throw objects that can cause bodily injury or property damage.
- Discharge a fire extinguisher without valid cause.

Miscellaneous Offenses

Students shall not:

- Violate dress and grooming standards as communicated in the Student Handbook.
- Engage in academic dishonesty, which includes, cheating or copying the work of another student, unauthorized use of artificial intelligence, plagiarism, and unauthorized communication between students during an examination.

- Gamble.
- Falsify records, passes, or other school-related documents.
- Engage in actions or demonstrations that substantially disrupt or materially interfere with school activities.
- Repeatedly violate other communicated campus or classroom standards of conduct.

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

Discipline Management Techniques

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

First-Time Offense of Possession or Use of Nicotine Delivery Product or E-Cigarette
An appropriate administrator may place a student in a disciplinary alternative education program for the first-time offense of possession or use of a nicotine delivery product or e-cigarette, as defined by Section 161.081, Health and Safety Code.

If a student who possesses or uses an e-cigarette is not placed in a disciplinary alternative education program for the first-time offense under Education Code 37.008, the student shall be placed in in school suspension for a period of at least 10 school days.

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, the district shall comply with federal law. For more information regarding discipline of students with disabilities, see policy FOF (legal).

In accordance with the Education Code, a student who receives special education services may not be disciplined in a manner that results in a change to the student's educational placement 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.

Techniques
The following discipline management techniques may be used—alone, or 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, oral or written.
- Cooling-off time or a brief "time-out" period, in accordance with law.
- Seating changes within the classroom or vehicles owned or operated by the district.
- Temporary confiscation of items that disrupt the educational process.
- Rewards or demerits.
- Behavioral contracts.
- Counseling by teachers, school counselors, or administrative personnel.
- Parent-teacher conferences.
- Behavior coaching.
- Anger management classes.
- Mediation (victim-offender).
- Classroom circles.
- Family group conferencing.

- Grade reductions for cheating, plagiarism, and as otherwise permitted by policy.
- Detention, including outside regular school hours. Notice shall be given to the student's parent to inform him or her of the reason for the detention and permit arrangements for necessary transportation.
- Sending the student to the office or other assigned area, or to in-school suspension.
- Assignment of school duties, such as cleaning or picking up litter.
- Withdrawal of privileges, such as participation in extracurricular activities, eligibility for seeking and holding honorary offices, or membership in school-sponsored clubs and organizations.
- Penalties identified in individual student organizations' extracurricular standards of behavior.
- Restriction or revocation of district transportation privileges.
- School-assessed and school-administered probation.
- Corporal punishment, unless the student's parent or guardian has provided a signed statement prohibiting its use.
- In-school suspension, as specified in **In-School Suspension**.
- Out-of-school suspension, as specified in the **Out-of-School Suspension** section of this Code.
- Placement in a DAEP, as specified in the **DAEP** section of this Code.
- Placement and/or expulsion in an alternative educational setting, as specified in the Placement and/or Expulsion for Certain Offenses section of this Code.
- Expulsion, as specified in the **Expulsion** section of this Code.
- Referral to an outside agency or legal authority for criminal prosecution in addition to disciplinary measures imposed by the district.
- Other strategies and consequences as determined by school officials.

PROHIBITED AVERSIVE TECHNIQUES

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

- Using techniques designed or likely to cause physical pain, other than corporal punishment as permitted by district policy. [See policy FO (LOCAL)]
- Using techniques designed or likely to cause physical pain by electric shock or any procedure involving pressure points or joint locks.
- Directed release of noxious, toxic, or unpleasant spray, mist, or substance near a student's face.
- Denying adequate sleep, air, food, water. Shelter, bedding, physical discomfort, supervision, or access to a restroom facility.
- Ridiculing or demeaning a student in a manner that adversely affects or endangers the learning or mental health of the student or constitutes verbal abuse.
- Employing a device, material, or object that immobilizes all four of a student's extremities, including prone or supine floor restraint.
- Impairing the student's breathing, including applying pressure to the student's torso or neck or placing something in, on, or over the student's mouth or nose or covering the student's face.
- Restricting the student's circulation.
- Securing the student to a stationary object while the student is standing or sitting.
- Inhibiting, reducing, or hindering the student's ability to communicate.
- Using chemical restraints.
- Using time-out in a manner that prevents the student from being able to be involved in and progress appropriately in the required curriculum or any applicable individualized education program (IEP) goals, including isolating the student by use of physical barriers.
- Depriving the student of one or more of the student's senses, unless the technique does not cause the student discomfort or complies with the student's IEP or behavior intervention plan (BIP).

Notification

The campus behavior coordinator shall promptly notify a student's parent by phone or in person of any violation that may result in in-school or out-of-school suspension, placement in a DAEP, placement in a JJAEP, or expulsion. The campus behavior coordinator shall also notify a student's parent if the student is taken into custody by a law enforcement officer under the disciplinary provisions of the Education Code 37.0012(d).

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.

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

Parental Involvement
The principal, campus behavior coordinator, or other appropriate administrator shall notify the parent of or person standing in parental relation to a student who has been placed in a disciplinary alternative education program (DAEP) or expelled of the parent's or person's right to request a behavioral agreement that specifies the responsibilities of the parent or person and student.

The district has not adopted a policy for parental involvement in school disciplinary placements under Education Code 37.0014

Appeals
Questions from parents regarding disciplinary measures should be addressed to the teacher, campus administration, or campus behavior coordinator, as appropriate. Appeals or complaints regarding the use of specific discipline management techniques should be addressed in accordance with policy FNG (LOCAL). A copy of the policy may be obtained from the principal's office or through *Policy Online* at the following address: http://www.clevelandisd.org.

The district shall not delay a disciplinary consequence while a student or parent pursues a grievance. In the instance of a student who is accused of conduct that meets the definition of sexual harassment as defined by Title IX, the district will comply with applicable federal law, including the Title IX formal complaint process. See policies FFH (LEGAL) and (LOCAL).

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

To transport students safely, the vehicle operator must focus on driving and not be distracted by student misbehavior. Therefore, when appropriate disciplinary management techniques fail to improve student behavior or when specific misconduct warrants immediate removal, the principal or campus behavior coordinator may restrict or revoke a student's transportation privileges, in accordance with law.

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 campus behavior coordinator's office as a discipline management technique. The campus behavior coordinator shall employ alternative discipline management techniques, including progressive interventions. A teacher or administrator may remove a student from class for a behavior that violates this Code to maintain effective discipline in the classroom.

Formal Teacher Removal
A teacher **may** also initiate a formal removal from class if:

1. The student's behavior repeatedly interferes with the teacher's ability to teach his or her class or with the student's classmates' ability to learn;

2. A student demonstrates behavior that is unruly, disruptive, or abusive towards the teacher, another adult, or another student in the classroom.
3. A student engages in conduct that constitutes bullying, as defined by Education Code 37.0832.

A teacher, CBC, or other appropriate administrator must notify a parent or person standing in parental relation to the student of the formal removal. A teacher may remove a student from class based on a single incident of behavior.

Within three school days of the formal removal, the campus behavior coordinator or appropriate administrator shall schedule a conference with the student's parent; the student; the teacher who removed the student from class, and any other appropriate administrator.

At the conference, the campus behavior coordinator or appropriate administrator shall inform the student of the alleged misconduct and the proposed consequences. The student shall have an opportunity to respond to the allegations.

When a student is removed from the regular classroom by a teacher and a conference is pending, the campus behavior coordinator or other administrator may place the student in:

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

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 removed for those reasons, the procedures in the subsequent sections on DAEP or expulsion will be followed.

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, or aggravated sexual assault may not be returned to the teacher's class without the teacher's written consent.

When a student has been formally removed by a teacher for any other conduct, the student may not be returned to the teacher's class without the teacher's written consent, if the placement review committee determines that the teacher's class is the best or only alternative available and not later than the third class day after the day the student was removed from class, a conference in which the teacher was provided an opportunity to participate has been held. The student may not be returned to the teacher's class unless the teacher provides written consent for the student's return or a return to class plan has been prepared for that student.

Appeals of Formal Teacher Removals
A student may appeal the teacher's removal of the student from class to the school's placement review committee or the campus's threat assessment and safe and supportive school team, in accordance with a district policy providing for such an appeal to be made to this team.

In-School Suspensions
An in-school suspension is not subject to any time limit.

A school's principal or other appropriate administrator shall review the in-school suspension of a student at least once every 10 school days after the date of the suspension begins to evaluate the educational progress of the student and to determine if continued in-school suspension is appropriate.

During in-school suspension, a student shall receive appropriate behavioral support services and comparable educational services as the student would receive in the classroom. If the student receives special education services, the student must continue to receive special education and related services specified in the student's individualized education program (IEP) and continue to have an opportunity to progress in the general curriculum. [See First-Time Offense of Possession or Use of Nicotine Delivery Product or E-Cigarette for limitations to the general rule.]

Process
Before being suspended, a student shall have an informal conference with the CBC or appropriate administrator, who shall inform the student of the alleged misconduct and give the student an opportunity to respond to the allegation before the administrator makes a decision. The CBC shall determine the number of days of a student's suspension.

In deciding whether to order in-school suspension, the CBC shall take into consideration:

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

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

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. The district shall not use out of school suspension for students below grade 3 unless the conduct meets the requirements established by law.

A student below grade 3 or a student who is homeless shall not be placed in out of school suspension unless, while on school property or while attending a school-sponsored or school-related activity on or off school property, the student engages in:

- Conduct that contains the elements of a weapons offense, as provided in Penal Code Section 46.02 or 46.05;
- Conduct that threatens the immediate health and safety of other students in the classroom
- Documented conduct that results in repeated or significant disruption to the classroom; or
- Selling, giving, or delivering to another person or possessing, using, or being under the influence of any amount of marijuana, an alcoholic beverage, or a controlled substance or dangerous drug as defined by federal or state law.

The district shall use a positive behavior program as a disciplinary alternative for students below grade 3 who commit general conduct violations instead of suspension or placement in a DAEP. The program shall meet the requirements of law.

Process
State law allows a student to be assigned to out-of-school suspension 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 shall have an informal conference with the campus behavior coordinator or appropriate administrator, who shall advise the student of the alleged misconduct. The student shall have the opportunity to respond to the allegation before the administrator makes a decision.

The number of days of a student's suspension shall be determined by the campus behavior coordinator but shall not exceed 3 school days.

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

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

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

Alternative Assignment
A parent or person standing in parental relation to the student may submit a written request to the principal or other appropriate administrator to reassign a student placed in out-of-school suspension. The parent or person standing in parental relation to the student must provide information and documentation that they are unable to provide suitable supervision for the student during school hours during the period of the suspension. It is the sole discretion of the principal or other appropriate administrator to reassign the student placed in out-of-school suspension.

Coursework During Suspension
The district shall ensure a student receives access to coursework for foundation curriculum courses while the student is placed in in-school or out-of-school suspension, including at least one method of receiving this coursework that doesn't require the use of the internet.

A student removed from the regular classroom to in-school suspension or another setting, other than DAEP, will have an opportunity to complete before the beginning of the next school year each course the student was enrolled in at the time of removal from the regular classroom. The district MAY provide the opportunity by any method available, including a correspondence course, another distance learning option, or summer school. The district will not charge the student for any method of completion provided by the district.

Disciplinary Alternative Education Program (DAEP) Placement
The DAEP shall be provided in a setting other than the student's regular classroom. An elementary school student may not be placed in a DAEP with a student who is not an elementary school student.

For purposes of DAEP, elementary classification shall be kindergarten-grade 6 and secondary classification shall be grades 7-12.

Summer programs provided by the district may serve students assigned to a DAEP separately or in conjunction with other students who are not assigned to the program.

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

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

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

In addition to the policies, rules, regulations, and guidelines contained in this volume, students assigned to the Cleveland ISD Disciplinary Alternative Education Program (DAEP) will be governed by the DAEP Student Handbook while assigned to the alternative campus.

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:

- Engaging in bullying that encourages a student to die by 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 student's consent.
- Involvement in a public school fraternity, sorority, or secret society, including participating as a member or pledge, or soliciting another person to become a pledge or member of a public school fraternity, sorority, secret society, or gang. (See **glossary.**)
- Involvement in criminal street gang activity. (See **glossary**.)
- Any criminal mischief, including a felony.
- Assault (no bodily injury) with threat of imminent bodily injury.
- Assault by offensive or provocative physical contact.
- Engages in conduct that contains the elements of the offense of disruptive activities under Education Code 37.123.
- Engages in conduct that contains the elements of the offense of disruption of classes under Education Code 37.124.
- Possesses or uses an e-cigarette, as defined by Section 161.081,Health and Safety Code, except that if a student who possesses or uses an e-cigarette is not placed in a disciplinary alternative education program for the first-time offense under Education Code 37.008, the student shall be placed in in-school suspension for a period of at least 10 school days. See First-Time Offense of Possession or Use of Nicotine Delivery Product or E-Cigarette for additional information.

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 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. Aggravated robbery or felonies listed as offenses in Title 5 [see Glossary] of the Penal Code are punishable as mandatory expulsions.

The campus behavior coordinator **may 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).
    - Except as provided by Education Code 37.007(a)(3), sells, gives, or delivers to another person or possesses, uses, or is under the influence of a controlled substance or dangerous drug in an amount not constituting a felony offense. [School-related felony drug offenses are addressed in Expulsion.] [See Glossary for "under the influence," "controlled substance," and "dangerous drug."]

- 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. A student with a valid prescription for low-THC cannabis as authorized by Chapter 487 of the Health and Safety Code does not violate this provision. (School-related felony drug offenses are addressed in the **Expulsion** section of this Code.) (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. (School-related felony alcohol offenses are addressed in the **Expulsion** section of this Code.)
- Sells, gives, or delivers to another person an e-cigarette, as defined by Section 161.081, Health and Safety Code.
- 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 (See **glossary**.)
- Engages in conduct that contains the elements of an offense of harassment against an employee under Penal Code 42.07(a)91), (2), (3), or (7).
- Engages in expellable conduct and is between six and nine years of age.
- Commits a federal firearms violation and is younger than six years of age.
- Engages in conduct that contains the elements of the offense of retaliation under Penal Code 36.06 against any school employee or volunteer on or off school property.
- Engages in conduct that contains the elements of harassment under Penal Code 42.07 against any school employee or volunteer on or off of school property.
- The student receives deferred prosecution [see Glossary], or a court or jury finds that the student has engaged in delinquent conduct [see Glossary], or the superintendent or designee has a reasonable belief [see Glossary] under Section 53.03, Family Code, for conduct defined as any of the following offenses under the Penal Code:

  i. A felony offense under Title 5;

  ii. The offense of deadly conduct under Section 22.05;

  iii. The felony offense of aggravated robbery under Section 29.03;

  iv. The offense of disorderly conduct involving a firearm under Section 42.01(a)(7) or (8); or

  v. The offense of unlawfully carrying weapons under Section 46.02, except for an offense punishable as a Class C misdemeanor under that section.

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

Process
Removals to a DAEP shall be made by the campus behavior coordinator/administration officer. All DAEP placements are reviewed by the Office of Student Service, to verify validity and equitable use of placement.

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

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

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

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

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

Placement Order
After the conference, if the student is placed in the DAEP, the campus behavior coordinator/administrator shall write a placement order. A copy of the DAEP placement order shall be sent to the student and the student's parent.

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

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

DAEP at Capacity
If a DAEP is at capacity at the time the CBC is deciding placement for conduct related to marijuana, THC, an e-cigarette, alcohol, or an abusable volatile chemical, the student shall be placed in ISS then transferred to a DAEP for the remainder of the period if space becomes available before the expiration of the period of the placement.

If a DAEP is at capacity at the time the CBC is deciding placement for a student who engaged in violent conduct, a student placed in a DAEP for conduct related to marijuana, THC, an e-cigarette, alcohol, or an abusable volatile chemical may be placed in ISS to make a position in the DAEP available for the student who engaged in violent conduct. If a position becomes available in a DAEP before the expiration of the period of the placement for the student removed, the student shall be returned to a DAEP for the remainder of the period.

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

Length of Placement
A student's placement in a DAEP shall be determined by the campus behavior coordinator/administrator. An assignment to DAEP may be for as brief a time as 15 school days or up to 1 full year from the date of the order. The administrator issuing the removal order will use his or her best professional judgment, taking into account the factors considered in all disciplinary actions, in making a DAEP placement. The duration of a student's placement in DAEP shall be determined after a review of the student's successful completion of the behavioral components of the program. Students must be in attendance for a minimum of 10 days before the initial review is conducted.

The duration of a student's placement shall be determined on a case-by-case basis. DAEP placement shall be correlated to the seriousness of the offense, the student's age and grade level, the frequency of misconduct, the student's attitude, and statutory requirements. Absences (excused or unexcused) do not count toward days served.

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 the student is a threat to the safety of other students or to district employees.

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 a 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 behavior coordinator or the board's designee must determine that:

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

Exceeds 60 Days
For placement in a DAEP to extend beyond 60 days or the end of the next grading period, whichever is sooner, a student's parent shall be given notice and the opportunity to participate in a hearing with the appropriate home campus administration.

Appeals
Questions from parents regarding disciplinary measures should be addressed to the campus administering the discipline.

Student or parent appeals regarding a student's placement in a DAEP should be addressed in accordance with FNG (LOCAL). A copy of this policy may be obtained from the principal's office or through *Policy Online* at the following address: http://www.clevelandisd.org.

Appeals shall begin at Level 1 with the campus behavior coordinator.

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

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

A student placed in a DAEP shall NOT be provided transportation unless he or she is a student with a disability who has transportation designated as a related service in the student's IEP or Section 504 plan.

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

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

Additional Misconduct
If during the term of placement in a DAEP the student engages in additional misconduct for which placement in a DAEP or expulsion is required or permitted, additional proceedings may be conducted, and the campus behavior coordinator may enter an additional disciplinary order as a result of those proceedings.

Notice of Criminal Proceedings
When a student is placed in a DAEP for certain offenses, the office of the prosecuting attorney shall notify the district if:

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

If a student was placed in a DAEP for such conduct, on receiving the notice from the prosecutor, the superintendent or designee shall review the student's placement and schedule a review with the student's parent not later than the 3rd day after the superintendent or designee receives notice from the prosecutor. The student may not be returned to the regular classroom pending the review.

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

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

If the board confirms the decision of the superintendent or designee, the student and the student's parents 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 campus behavior coordinator may complete the proceedings and issue a placement order. If the student then re-enrolls 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 campus behavior coordinator or the board fails to issue a placement order after the student withdraws, the next district in which the student enrolls may complete the proceedings and issue a placement order.

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

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

If the student was placed in a DAEP by a school district in another state for a period that exceeds 1 year, this district, by state law, shall 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 is necessary because the student's behavior is so unruly, disruptive, or abusive that it seriously interferes with classroom or school operations, the student shall be given oral notice of the reason for the action. Not later than the 10th day after the date of the placement, the student shall be given the appropriate conference required for assignment to a DAEP.

Transition Services
In accordance with law and district procedures, campus staff shall provide transition services to a student returning to the regular classroom from an alternative education program, including a DAEP. See policy FOCA (legal) for more information.

Placement and/or Expulsion for Certain Offenses
This section includes two categories of offenses for which the Education Code provides unique procedures and specific consequences.

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

If the student is under any form of court supervision, including probation, community supervision, or parole, the placement shall be in either DAEP or JJAEP for at least 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 interest of the district's students.

Review Committee
At the end of the first semester of a student's placement in an alternative educational setting and before the beginning of each school year for which the student remains in an alternative placement, the district shall convene a committee, in accordance with state law, to review the student's placement. The committee shall recommend whether the student should return to the regular classroom or remain in the placement. Absent a special finding, the board or its designee must follow the committee's recommendation.

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

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

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

EXPULSION

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

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

Discretionary Expulsion: Misconduct That May Result in Expulsion

Some of the following types of misconduct may result in mandatory placement in a DAEP, whether or not a student is expelled. (See **DAEP Placement** section of this Code).

Any Location

A student **may** be expelled for:

- Engaging in bullying that encourages a student to die by 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 student's consent.
- Criminal mischief, if punishable as a felony.
- Breach of computer security. [see Glossary]
- Engaging in conduct relating to a false alarm or report (including a bomb threat) or a terroristic threat involving a public school.

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

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

- Selling, giving, or delivering to another person, or possessing, using, or being under the influence of marijuana, a controlled substance, or a dangerous drug, unless the conduct is punishable as a felony. A student with a valid prescription for low-THC cannabis as authorized by Chapter 487 of the Health and Safety Code does not violate this provision. (See **glossary** for "under the influence.")
- Selling, giving, or delivering to another person, or possessing, using, or being under the influence of alcohol; or committing a serious act or offense while under the influence of alcohol, if the conduct is not punishable as a felony.
- Engaging in conduct that contains the elements of an offense relating to abusable volatile chemicals.
- Engaging in deadly conduct. (See **glossary**.)

Within 300 Feet of School

A student may be expelled for possession of a firearm, as defined by federal law, while within 300 feet of school property, as measured from any point on the school's real property boundary line

Property of Another District

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

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

1. Deliberate violent behavior that poses a direct threat to the health or safety of others;
2. Extortion, meaning the gaining of money or other property by force or threat;
3. Conduct that constitutes coercion, as defined by Penal Code Section 1.07; or
4. Conduct that constitutes the offense of:
   a. Public lewdness under Penal Code Section 21.07,
   b. Indecent exposure under Penal Code Section 21.08,
   c. Criminal mischief under Penal Code Section 28.03,
   d. Personal hazing under Penal Code Section 37.152; or
   e. Harassment under Penal Code Section 42.07(a)(1), of a student or district employee.

Mandatory Expulsion: Misconduct That Requires Expulsion
A student must be expelled under federal or state law for any of the following offenses that occur on or off school property:

Under Federal Law
- Bringing to school or possessing at school, including any setting that is under the district's control or supervision for the purpose of a school activity, a firearm, as defined by federal law. (See **glossary**.)

  Note: Mandatory expulsion under the federal Gun Free Schools Act does not apply to a firearm that is lawfully stored inside a locked vehicle, or to firearms used in activities approved and authorized by the district when the district has adopted appropriate safeguards to ensure student safety.

Under the Texas Penal Code
- Unlawfully carrying on or about the student's person the following, as defined by the Texas Penal Code 46.02:
  - A handgun, defined by state law as any firearm designed, made, or adapted to be used with one hand. (See **glossary**.) Note: A student may not be expelled solely on the basis of the student's use, exhibition, or possession of a firearm that occurs at an approved target range facility that is not located on a school campus, while participating in or preparing for a school-sponsored, shooting sports competition or a shooting sports educational activity that is sponsored or supported by the Parks and Wildlife Department, or a shooting sports sanctioning organization working with the department. [See policy FNCG (LEGAL).]
  - A location-restricted knife, as defined by state law. (See **glossary**.)
  - Possessing, manufacturing, transporting, repairing, or selling a prohibited weapon, as defined in state law. (See **glossary**.)
  - Engages in conduct that contains the elements of the offense of exhibiting, using, or threatening to exhibit or use a firearm under Education Code 37.125.
  - 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.
    - Kidnapping or Aggravated kidnapping.
    - Burglary, robbery or aggravated robbery.
    - Manslaughter.
    - Criminally negligent homicide.
    - Continuous sexual abuse of a young child or disabled individual.
    - 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 conduct that contains elements of assault against a school employee or volunteer

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

Virtual Expulsion Program
In some circumstances a student may be placed in a virtual expulsion program
- The school must ensure students in the program have the necessary technology and internet and must provide it if needed.
- The virtual program must, as much as possible, meet the same requirements as an in-person disciplinary alternative education program (DAEP).
- The student's placement must be reviewed every 45 school days.
- If an in-person spot becomes available, the school should plan the student's return to in-person learning.
- If continued virtual placement is appropriate, the school must document the decision

Consideration of Virtual Education as Alternative to Expulsion
Before a school district may expel a student, the district must consider the appropriateness and feasibility of, as an alternative to expulsion, enrolling the student in a full-time hybrid program, full-time virtual program, full-time hybrid campus, or full-time virtual campus. This requirement does not apply to a student expelled under Education Code 37.0081 or 37.007(a), (d), or (e).

Process
If a student is believed to have committed an expellable offense, the campus behavior coordinator or other appropriate administrator shall schedule a hearing within a reasonable time. The student's parents shall be invited in writing to attend the hearing.

Until a hearing can be held, the campus behavior coordinator or other appropriate administrator may place the student in:
- Another appropriate classroom.
- In-school suspension.
- Out-of-school suspension.
- DAEP.

Hearing
A student facing expulsion shall be given a hearing with appropriate due process. The student is entitled to:
1. Representation by the student's parent or another adult who can provide guidance to the student and who is not an employee of the district,
2. An opportunity to testify and to present evidence and witnesses in the student's defense, and
3. An opportunity to question the witnesses called by the district at the hearing.

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

The hearing shall be conducted by the board of trustees and the decision to expel shall be made by the board or the board of trustees delegates to the **Senior Director of Student Services, Dr. E. Cap Roder,** with 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 shall review the record of the expulsion hearing in a closed meeting unless the parent requests in writing that the matter be held in an open meeting. The board may also hear a statement from the student or parent and from the board's designee.

The board shall consider and base its decision on evidence reflected in the record and any statements made by the parties at the review. The board shall make and communicate its decision orally at the conclusion of the presentation. Consequences shall not be deferred pending the outcome of the hearing.

Expulsion Order
Before ordering the expulsion, the board or campus behavior coordinator shall take into consideration:

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

If the student is expelled, the board or its designee shall deliver to the student and the student's parent, a copy of the order expelling the student.

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

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

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

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

An expulsion may not exceed 1 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 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 re-enrolls in the district during the same or subsequent school year, the district may enforce the expulsion order at that time, less any expulsion period that has been served by the student during enrollment in another district.

If the campus behavior coordinator 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 campus behavior coordinator or other appropriate administrator or the board may issue an additional disciplinary order as a result of those proceedings.

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

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

Newly Enrolled Students
The district shall continue the expulsion of any newly enrolled student expelled from another public school district until the period of the expulsion is completed. Campus administration, in conjunction with the Office of Student Services, will evaluate discipline records of students expelled from open-enrollment charter schools. Decisions will be made whether to continue the expulsion as ordered or align the district discipline management process and place the student into DAEP until the period of the expulsion is completed. These decisions will be made on a case-by-case basis.

The district shall not place a newly enrolled student expelled from another district or another open-enrollment charter school directly into a regular classroom setting.

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 shall 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 is necessary to protect persons or property from imminent harm, the student shall be given verbal notice of the reason for the action. Emergency expulsion may be ordered based on a single incident of behavior by the student. Within 10 days after the date of the emergency expulsion, the student shall be given appropriate due process required for a student facing expulsion.

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

Transition Services
In accordance with law and district procedures, campus staff shall provide a transition service for a student returning to the regular classroom from placement in an alternative education program, including a DAEP or JJAEP.

Certain Felonies
Regardless of whether DAEP 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 CBC makes certain findings and the following circumstances exist in relation to aggravated robbery or a felony offense under Title 5 [see Glossary] of the Penal Code. The student must have:

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

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

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

Hearing and Required Findings

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

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

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

Length of Placement

The student is subject to the placement until:

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

Placement Review

A student placed in a DAEP or JJAEP under this section is entitled to a review of his or her status, including academic status, by the CBC or board's designee at intervals not to exceed 120 days. In the case of a high school student, the student's progress toward graduation and the student's graduation plan shall also be reviewed. At the review, the student or the student's parent shall have the opportunity to present arguments for the student's return to the regular classroom or campus.

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.

APPENDICES

The following appendices delineate specific Code of Conduct and Program Policies and Regulations.

APPENDIX A: DISTRICT DISCIPLINE MATRIX

The following information identifies levels of actions and possible consequences that the district may administer if the student engages in the indicated violation.

Specific entries below may be grade level specific:

Levels of Discipline

- Level I Misconduct: Minor
- Level II Misconduct: Serious
- Level III Misconduct: Persistent Serious Misconduct, Mandatory Teacher Removal or severe Misconduct
- Level IV Misconduct: Misconduct that leads to mandatory placement within the Discipline School
- Level V Misconduct: Misconduct that leads to expulsion

Level I Misconduct: Minor

Definition: Level I refers to minor acts of misconduct. Discipline for Level I offenses is most often managed by the classroom teacher. A formal Student Code of Conduct violation report is **not required** for Level I violations.

Examples of minor misbehavior are:

- ➔ Violation of written classroom guidelines, regulations, and expectations
- ➔ Minor bus misconduct
- ➔ Violation of written non-classroom guidelines, regulations, and expectations
- ➔ Violation of bus guidelines, regulations, and expectations

Right of Appeal: Any student and/or parent may appeal the decision of the teacher to the campus principal within 72 hours of the time the parent becomes aware of the discipline. The appeal decision of the campus principal is final.

Level II Misconduct: Serious

Definition: Level II refers to a major act of misconduct that does not require immediate placement in the Discipline School or expulsion, but does require a Student Code of Conduct violation report. 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 assign out-of-school suspension, the district will take into consideration:
1. Self-defense
2. Intent or lack of intent at the time the student engaged in the conduct, and
3. The student's disciplinary history.

Examples of serious misbehavior:

- ➔ Persisting in Level I misconduct (Definition: The student continues to engage in violation of a written rule, regulation, or guideline after the teacher has completed the disciplinary techniques reflected in his or her plan of discipline.)
- ➔ Failing to cooperate with the classroom teacher's discipline options. (Definition: The student is cited for violation of a written classroom rule, regulation, or guideline and thereafter fails to complete the approved disciplinary techniques as reflected in the teacher's plan of discipline.)
- ➔ Gambling
- ➔ Stealing from students, staff, or the school
- ➔ Cutting class, including leaving campus or school - sponsored events without permission or not being in assigned location, and excessive tardies
- ➔ Harassing, which includes using abusive, indecent, or profane language either spoken or written and/or offensive body gestures toward a student
- ➔ Speaking, directing, or writing language that is abusive, indecent, or profane toward an adult or engaging in minor physical contact with an adult

- ➔ Fighting - elementary students (in grades 3-5) after a finding of fact a Student Code of Conduct violation report may be processed with a three (3) day suspension, a citation, and the consequences of a Student Code of Conduct violation report. *NOTE:A student has the right of*
- ➔ *self-defense. The district expects a student to prevent a fight by walking away, seeking adult help, not to engage in verbal altercations or incitement, and to report that trouble is coming if possible.*
- ➔ Possessing, purchasing, using, or accepting a cigarette or tobacco product or electronic cigarette or other electronic vaporizing device (Health & Safety Code Sec. 3.01 Ch. 161.252)
- ➔ Violating safety rules (including bicycle and traffic)
- ➔ Possessing unacceptable items
- ➔ Misusing food in the cafeteria and/or violating cafeteria rules
- ➔ Violating required school attendance laws (TEC 25.085)
- ➔ Attempting physical contact with another student with the implied intent to intimidate or cause harm (including throwing objects that can cause bodily injury or property damage)
- ➔ Engaging in acts of public displays of affection with another (PDA)
- ➔ Selling or soliciting for sale unauthorized merchandise
- ➔ Directing abusive, indecent, profane, or vulgar language toward a student
- ➔ Engaging in any misbehavior that gives school officials reasonable cause to believe that such conduct will substantially disrupt the school program or incite violence
- ➔ Failing to comply with directives given by school personnel
- ➔ Forging or writing parents' or staff's name (examples: notes, hall passes, school documents, etc.)
- ➔ Giving false information to a staff member
- ➔ Giving another student any type of non-prescription medication or unauthorized substance
- ➔ Violating dress code, repeatedly (after the first time). Students in violation of the dress code will be required to remain within in-school suspension until violation is corrected. Students will not be sent home without prior parental permission.
- ➔ Academic dishonesty, cheating, or plagiarism
- ➔ Failure to properly display ID, defacing ID, wearing another student's ID, failure to wear ID while on campus, arriving on campus without a proper student ID, after receiving a written warning (**Secondary Students**)
- ➔ Violating any other written Code of Conduct as determined by the principal, approved by the Superintendent, and communicated in writing to the students (such as being posted)
- ➔ Damage or destruction of school property that is not considered a Penal Code (28.03) offense
- ➔ Mooning or other reckless type of display (elementary students PK- 5th)
- ➔ Elopement/ leaving class without permission (elementary PK – 5th)
- ➔ Possessing, purchasing, using, or accepting a vaping device that is a non-felony charge
- ➔ Possessing, purchasing, using, or accepting CBD products
- ➔ Violation of Dress Code: Hoodies worn over the head/Head cover
- ➔ Hitting, Kicking and Spitting (Elementary Only)
- ➔ Inappropriate Use of Technology or Internet
- ➔ Bullying In-Person – Single significant act or patterns of acts by one or more students directed at another student that exploits an imbalance of power (Substantiated)
- ➔ Bullying In-Person – Single significant act or patterns of acts by one or more students directed at another student that exploits an imbalance of power (Unsubstantiated)
- ➔ Cyberbullying – Use of any electronic communication device including through the use of a cellular or other type of telephone, a computer, a camera, e-mail, instant messaging, a social media application, an internet website, or any other internet-based communication tool (Substantiated)
- ➔ Cyberbullying – Use of any electronic communication device including through the use of a cellular or other type of telephone, a computer, a camera, e-mail, instant messaging, a social media application, an internet website, or any other internet-based communication tool (Unsubstantiated)

The options indicated each time a Student Code of Conduct violation report is sent home are equal in nature and the campus administration should work with the parent and/or student as to correct the offending behaviors. Campus-based discipline consequences will be implemented at the discretion of the administrator. Special mitigating circumstances may

allow for discipline options, in most cases discipline will the same, or similar offenses, will progressively incur more stringent consequences; the same behavior will not result in the same consequence over time and repeated behaviors.

Prior to disciplinary action, an administrator shall conduct a conference with the student at which:

(1) The student is advised of the misconduct; and
(2) The student is given an opportunity to explain his or her version of the incident

Fourth Referral - If not from the same teacher, the administrator shall use appropriate discipline. In general, a student may not be allowed to stay in any teacher's classroom in which the teacher has written four (4) Student Code of Conduct violation reports.

Right of Appeal: Any student and/or parent may appeal the decision of the assistant principal to the campus principal. All appeals should be addressed through the Cleveland Independent School District Complaint/Grievance procedures that are contained in school district policies, FNG (LOCAL), and FNG (LEGAL).

Level III Misconduct: Persistent Serious Misconduct, Mandatory Teacher Removal, and Severe Misconduct

Definition: Level III is defined as persistent Level II misbehavior, or a formal removal by a classroom teacher under Sec. 37.002 (b) of the TEC, or after a finding of fact indicates that the student engaged in severe misconduct.

Examples of severe misconduct are:

- ➔ Unauthorized actions (refusal of a student who is engaging in misbehavior or does not have legitimate business to obey a reasonable order in regards to the entry, ejection from school property, or fails to give identification of name when asked) (TEC 37.105)
- ➔ Trespassing on school grounds (TEC 37.107)
- ➔ Loitering (any student who remains on school property after being advised by the person in charge to leave)
- ➔ Disrupting activities (TEC 37.123)
- ➔ Disrupting classes (TEC 37.124)
- ➔ Disrupting transportation (TEC 37.126)
- ➔ Personal hazing (TEC 37.152) and/or organization hazing (TEC 37.153)
- ➔ Criminal mischief (Penal Code 28.03) i.e. - vandalism and marking on property under $1500
- ➔ Criminal mischief (Penal Code 28.03) i.e. – vandalism and marking on property over $1500
- ➔ Reckless damage or destruction (Penal Code 28.04)
- ➔ Offensive gesture towards an employee [Penal Code 42.01 (2)]
- ➔ Physical contact with an employee with the implied intent to intimidate or cause harm
- ➔ Incitement (abusive, indecent, profane, or vulgar language which implies intent to harm) [Penal Code 42.01 (1)]
- ➔ Gross/willful insubordination as determined by the principal (Definition: Student willfully or intentionally disregards reasonable instructions)
- ➔ Abusive, indecent, profane, or vulgar language directed towards an employee [Penal Code 42.01(1)]
- ➔ Possession or distribution of pornographic materials
- ➔ Possession or use of fireworks, stink bomb, smoke bomb, or other noxious chemical [Penal Code 42.01 (3)]
- ➔ Sending or posting messages, physical contact, or verbal or written messages that are abusive, obscene, sexually oriented, threatening, harassing, damaging to another's reputation, or illegal
- ➔ Gang-related behavior, including pledging to become a member, soliciting another student to join, clothing, signs, which includes: [Definition: Gang related behavior used to intimidate non-gang members; use of fist/hand in a striking motion to the body (TEC 37.121)]
- ➔ Fighting (in grades 6-12), after a finding of fact a Student Code of Conduct violation report may be processed with three days of suspension, a citation, and placement in the discipline school.
- ➔ Disruption of a lawful assembly
- ➔ Disorderly conduct (Penal Code 42.01)
- ➔ Extortion, coercion, or blackmail

- ➔ Possession and/or concealment of a weapon not included under expellable offenses (this includes possessing or selling "look-alike" weapons)
- ➔ Perjury or lying as a witness during a school investigation
- ➔ Hacking (illegal or unauthorized entry or attempted entry into computer files or unauthorized websites)
- ➔ Mooning or other reckless type of displays [Penal Code 42.01 (12)] (Secondary 6th-12th)
- ➔ Engaging in inappropriate sexual conduct
- ➔ Behavior that is illegal that does not constitute an expellable offense
- ➔ Possessing or selling look-alike drugs, drug paraphernalia, or items attempted to be passed off as drugs and contraband
- ➔ Engaging in verbal or written exchanges (may be via Internet, sending or posting messages or verbal or written exchanges) that threaten the safety of another student, school employee, or school property
- ➔ Possession of published or electronic material that is designed to promote or encourage illegal behaviors and could threaten school safety
- ➔ Refusal to accept discipline management techniques assigned by the teacher or principal
- ➔ Possession of or conspiring to possess an explosive or explosive device
- ➔ Persisting in Level II misbehavior (Definition: A student who has been correctly placed
- ➔ academically is issued a 4th discipline referral by the same teacher)
- ➔ Used, exhibited, or possessed a non-illegal knife as defined by the Student Code of Conduct and is allowed under [TEC 37.007] (knife blade equal to or less than 5.5 inches)
- ➔ Misbehavior while at DAEP
- ➔ Formal removal by a teacher for student behavior that seriously interferes with a teacher's ability to conduct class (TEC 37.002). Formal procedure for removal followed.
- ➔ Violation of Student Code of Conduct not included under TEC 37.006 or 37.007
- ➔ Persistent elopement – leaving class without permission on a repeated basis (Elementary PK-5th)
- ➔ Elopement – leaving the building without permission constitutes a serious safety violation (Elementary PK-5th)
- ➔ Simple Assault: the action of one student being the aggressor and causing minor injury to the other student.

The principal or designee may process a Student Code of Conduct violation report for severe misconduct. The principal or designee has authority to place students in the DAEP for grades 4th – 12th (10 years of age and up) for any Level III offense.

Right of Appeal**:** Any student and/or parent may appeal the decision of the principal or designee to place the student in the DAEP. All appeals should be addressed through the Cleveland Independent School District complaint/grievance procedures that are contained in school district policies, FNG (LOCAL), and FNG (LEGAL).

Note: *The student shall be removed from the regular program and attend their assigned placement at the DAEP until the appeal process has been completed.*

Level IV Misconduct: Misconduct that leads to discretionary or mandatory placement at the DAEP Campus

Definition: Level IV is defined as offenses that require discretionary or mandatory placement in DAEP. Mandatory placement in DAEP is defined as those offenses that require placement in DAEP by state law and those offenses designated by the Board of Education that require mandatory placement in DAEP.

- ➔ Engaging in conduct punishable as a felony or within 300 feet of school property or while attending a school sponsored activity.
- ➔ Sells, gives, delivers to another person or possession of drugs that is not a felony (Chapter 481, Health & Safety Code or by 21 U.S.C. Section 801) or is under the influence of an illegal drug.
- ➔ Sells, gives, delivers to another person or possession of alcohol that is not a felony (Section 1.04, Alcoholic Beverage Code) or is under the influence of alcohol [TEC 37.007 (a) (3) or (b)]
- ➔ Offense relating to a usable glue or aerosol paint (Chapter 485.031-485-035 of Health & Safety Code)

- ➔ Offense of public lewdness or indecent exposure (Penal Code 21.07/Penal Code 21.08)
- ➔ Retaliation against school employee or volunteer [TEC 37.006(b) and 37.007(d)]
- ➔ Off campus conduct in which the student received deferred prosecution for conduct defined as a felony offense in (Family Code 53.03) (Title 5, Penal Code), engaged in delinquent misconduct defined in (Family Code 54.03) (Title 5, Penal Code), or the superintendent has a reasonable belief that the student has engaged in a felony offense
- ➔ Terroristic threat Penal Code Section 22.07 [TEC 37.006(a) (2)] [TEC 37.007(a)(1)(3) (b)(1)]
- ➔ Assault against a school district employee or volunteer [Penal Code 22.01(a) (1), 22.07]
- ➔ Assault under penal Code Section 22.01 (a) against someone other than a school district employee or volunteer
- ➔ Off campus conduct by the student if the superintendent has a reasonable belief that the student has engaged in a felony offense and 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
- ➔ Emergency placement (TEC 37.019)
- ➔ False alarm, bomb threat, bomb hoax, or any other hoax regarding verbal or written threats
- ➔ Student is required to register as a sex offender under Chapter 62 of the Code of Criminal Procedure and is under court supervision – TEC 37.304. The offense(s) for which the student is required to register as a sex offender must have occurred on or after September 1, 2007.
- ➔ Student is required to register as a sex offender under Chapter 62 of the Code of Criminal Procedure and is not under court supervision – TEC 37.305. The offense(s) for which the student is required to register as a sex offender must have occurred on or after September 1, 2007.
- ➔ Public urination or defecation
- ➔ Harassment against school district employee (Penal Code 42.07(a)(1) TEC 37.006(a)(2)(G)
- ➔ Bullying to the effect of encouraging a student to commit suicide, casual violence toward a student through group bullying or release or threaten to release intimate visual material of a student without consent from the student. TEC 37.005(2)(b) *Consult Central Administration*

Right of Appeal: Any student and/or parent may appeal the mandatory decision of the principal or designee to assign a student to DAEP. All appeals should be addressed through the Cleveland Independent School District Complaint/Grievance procedures that are contained in school district policies, FNG (LOCAL), and FNG (LEGAL).

Note: *The student shall be removed from the regular program and attend their assigned placement at the DAEP until the appeal process has been completed.*

Level V Misconduct: Misconduct that Leads to discretionary or mandatory expulsion

Definition: Level V is defined as offenses that require discretionary or mandatory expulsion from all education services for the remainder of the school year, unless the misconduct occurred in the last six weeks, in which case placement shall continue until the end of the following semester. Mandatory expulsion is defined as those offenses that require expulsion by state law and those offenses designated by the Board of Education that require mandatory expulsion. If a student under ten engages in expellable conduct, the student must be placed in a Discipline School.

- ➔ Drug offenses when punishable as felonies [TEC 37.006 (a) 3 and 37.007(b) or 37.007(a) (3)]
- ➔ Sells, gives, delivers to another person or possession of alcohol that is a felony [TEC 37.006(a) 4 and 37.007 (b) or 37.007(a) (3)]
- ➔ Student commits retaliation against a school employee [TEC 37.006(b) and 37.007 (d)]
- ➔ Uses, possesses, or exhibits a firearm [TEC 37.007(a) (1) (A) and 37.007(e)]
- ➔ Uses, possesses, or exhibits location restricted knife [TEC 37.007 (a) (1) (B)]
- ➔ Uses, possesses, or exhibits a prohibited weapon [TEC 37.007 (a) (1) (D)]
- ➔ Arson [TEC 37.007 (a) (2) (B)]
- ➔ Murder, capital murder, criminal attempt to commit murder, or capital murder [TEC 37.007 (a) (2) (C)]
- ➔ Indecency with a child [TEC 37.007(a) (2) (D)]
- ➔ Aggravated kidnapping [TEC 37.007(a) (2) (E

- ➔ Aggravated assault against an employee or volunteer [TEC 37.007 (d)]
- ➔ Aggravated assault against a non-employee [TEC 37.007(a) (2) (A)]
- ➔ Sexual assault or aggravated sexual assault against an employee or volunteer [TEC 37.007(d)]
- ➔ Sexual assault or aggravated sexual assault against a non-employee [TEC 37.007(a) (2) (A)]
- ➔ Emergency Placement [TEC 37.019]
- ➔ Aggravated Robbery [TEC 37.007]
- ➔ Manslaughter [TEC 37.007 (a) (2) (G)]
- ➔ Criminally Negligent Homicide [TEC 37.007 (a) (2) (h)]
- ➔ Engages in Deadly Conduct [TEC 37.007(a) (2) (f)
- ➔ Continuous sexual abuse of young child or children under Penal Code 21.02, occurring on school property or while attending a school-sponsored or school-related activity on or off school property – TEC 37.007 (a) (2) (l).
- ➔ Title 5 Felony off campus
- ➔ Possessing, purchasing, using, or accepting a vaping device that is a felony charge (TEC 37.007)(a)(3)

Right of Appeal: Any student and/or parent may appeal the mandatory decision of the principal or designee to expel a student. All appeals should be addressed through the Cleveland Independent School District Complaint/Grievance procedures that are contained in school district policies, FNG (LOCAL), and FNG (LEGAL).

Note: *The student shall be removed from the regular program and attend their assigned placement at the DAEP until the appeal process has been completed.*

APPENDIX B: USE OF HAND-HELD METAL DETECTORS &/OR USE OF TRAINED DOGS FOR SECURITY PURPOSES

The Board authorizes the use of hand-held metal detectors by school administrators when there is reasonable cause to believe those weapons or dangerous metal objects are in the possession of a student. Searches shall be systematic, shall not discriminate on the basis of race, gender, or ethnicity. Additionally, in order to maintain a safe and disciplined learning environment, the District reserves the right to subject students to metal detector searches when entering a District campus and at off-campus, school-sponsored activities. [For further information, see the Student Code of Conduct and FNF (LOCAL Drug-Testing (Secondary Grade Levels Only)

The Board of Trustees adopted a policy in the 2007-2008 school year in which all students involved in extracurricular activities and for students who obtain a parking sticker are subject to random drug testing as outlined in this handbook.

HAND-HELD METAL DETECTORS

1. The principal or assistant principal, in the presence of another adult witness, shall conduct the hand-held metal detector search, preferably in a private location.
2. If the detector used on a student registers the presence of a metal object, the student shall be asked to remove all metal objects from his/her possession and shall be checked again.
3. If after removal of all other metal objects, the detector continues to register the presence of metal, the student shall be taken to an area out of view from other students for a more thorough search.
4. This search shall be conducted by school personnel of the same gender as the student and shall be limited to the student's clothing, bags, parcels, and/or other containers capable of containing a weapon.
5. If the school personnel conducting a search suspects an object which may have activated the metal detecting device, the student will be asked to remove the object. If the student declines to remove the object, it may then be removed by school personnel.
6. If the object removed from the student could have activated the metal detector, the school personnel will cease performing the search. In such an event, the student will again be scanned with a hand-held metal detector and the search will continue only if the device again yields a positive reading.
7. All property removed from the student as a result of the above procedure, which may legitimately be brought onto school premises, must be returned to the student.
8. Property removed from the student, possession of which is a violation of the policy on discipline and student rights shall be confiscated and the student shall be disciplined in accordance with the Student Code of Conduct.
9. Students who fail to cooperate with school personnel performing their duties under these procedures may be subject to disciplinary action.
10. Random metal detector searches of classrooms may be conducted as a proactive measure to ensure the safety of our students and faculty.

USE OF TRAINED DOGS

The district may use trained dogs to screen for concealed, prohibited items, including drugs and alcohol. Screenings conducted by trained dogs will not be announced in advance. The dogs will not be used with students, but students may be asked to leave personal belongings in an area that is going to be screened, such as a classroom, a locker, or a vehicle. If a dog alerts to an item or an area, it may be searched by district officials.

1. Trained dogs may sniff lockers at any time.
2. Trained dogs may sniff vehicles parked on school property at any time.
3. Classrooms and other common areas may be sniffed by trained dogs at any time students are not present.
4. If contraband of any kind is found, the student shall be subject to appropriate disciplinary action.
5. The student's parent or legal guardian shall be notified if any prohibited articles or materials are found in a student's locker or vehicle parked on school property or on the student's person as a result of a search conducted in accordance with board policy.
6. If, as a result of the sniffing, the dog becomes alert so that there is reason to believe that illegal and/or dangerous items are present in any location, the following procedures will be followed:

a. The person owning or having temporary custody of the area under question will be contacted and informed that there is reason to suspect illegal substances in the area because the dog was alerted. He/she will be asked to allow a voluntary search of the area under suspicion.
b. If the person refuses permission, the parent or legal guardian of the person will be contacted if that individual is a minor. If the parent or legal guardian refuses a voluntary search of the area, the appropriate law enforcement agency will be contacted.

7. If any illegal substance or item is found after the search is completed, it will be removed and reported to the proper authorities. All Code of Conduct procedures regarding possession of illegal substances or items will be followed.

APPENDIX C: DRESS AND GROOMING

It is essential that school guidelines be such that an atmosphere of learning is created. It is impractical to list every possibility of dress and grooming. It shall be the responsibility of the professional staff to determine the appropriateness of attire for all school occasions. Dress regulations should discourage the extremes and the trends that may lead to disruptions. Such regulations will provide appropriate standards for the general appearance of students, foster good physical and mental health, and encourage students in appropriate dress habits. The faculty and the administration will enforce the policy governing dress and grooming uniformly. All students have the responsibility to wear clothing that contributes to their own health and safety as well as those of others. The following policies have been reviewed, enhanced, and approved by the District Educational Improvement Committee. Students are required to be clean and well groomed, and their dress must be modest and non-disruptive.

Fingertip length for purposes of dress and grooming is defined as when a student's arms are relaxed and at their sides. Clothing of any type that is shorter than extended fingertips of the individual or whose clothing is in question, is not permitted. Slits on skirts, dresses, or shorts may be no higher than fingertip length.

Pants, Shorts, and Skirts

- Pants are not to sag inappropriately and are to be worn snug at the waist. Undergarments must not be visible.
- Pajama pants/shorts are not acceptable.
- Shorts, jeans, and pants with inappropriate holes and/or tears are prohibited. Holes are subject to the fingertip length rule. Any pants, shorts, and jeans with holes above fingertip length must be worn with leggings underneath to cover any exposed skin.
- Shorts may be worn by students in Pre-Kindergarten thru 12th grade and must meet the fingertip length rule.
- Jogging shorts, gym shorts, cut-offs, nylon shorts, biker shorts, wind shorts and boxer shorts are not acceptable.
- Tights, yoga pants, or stretch pants must be covered by shorts, skirts, or shirts/tops that are fingertip length.
- Skirts may be worn and must meet the fingertip length requirement.

Shirts and Dresses

- Blouses or shirts of see-through material without an appropriate shirt or blouse underneath are not permitted.
- Blouses and shirts must cover the waistband when arms are extended overhead.
- Tops exposing midriffs, back area, or cleavage are prohibited.
- Reasonable movement in these garments should not expose midriffs, back area, or cleavage.
- Undergarments must not be exposed.
- Halter tops, tank tops, spaghetti strap tops, shirts with the sleeves cut off, torn apparel or clothing with holes, and fishnet are not acceptable.
- Sleeveless shirts that do not expose undergarments are permitted.
- Dresses must be of fingertip length.
- Hoods are prohibited during the educational day. Clothing containing a hood is permitted, but the hood cannot be worn on the head during the school day.

Footwear

- All students shall wear shoes for health reasons.
- Shoes with wheels, flip-flops, shower shoes, house shoes, slides, and shoes with hidden compartments are not permitted.
- Rollerblades, skateboards, and scooters are not permitted.
- Appropriate footwear for physical activity can be required by the campus.

Accessories

- Hats and hoods are not permitted to be worn while on school property. This also includes caps, visors, doo-rags, and bandanas.
- Sunglasses are not to be worn in the building.
- Dog collars and spikes cannot be worn as jewelry and are prohibited.
- Chains of any length (including wallet chains) are not permitted.
- No blankets are allowed.All secondary student (6th-12th) backpacks must be clear or mesh and no oversized purses/bags exceeding 8 x 11.
- Elementary students (Pk-5th) have the liberty to choose a character bag, superheroes, or a clear back pack if they so choose.

Jackets and Coats

- Jackets and/or coats, sweaters and sweatshirts cannot hang below the buttocks.
- Lightweight jackets will be allowed in the building.

- Oversized jackets, sweaters, and sweatshirts will not be permitted.
- Clothing with hoods are permitted while on school grounds however, once inside any CISD school or facility, to ensure a safe learning environment, all hoods must be removed to ensure clear student identification.

Body Piercings and Tattoos

- Piercings should not compromise school-related safety standards or cause distractions in the learning environment
- No visible tattoos or body art of any kind will be permitted. This includes the drawing or marking on hands and arms or other body parts with pens, pencils, or any other devices that leave designs or marks, temporary or permanent.
- Tattoos which are not visible in normal clothing, but which are visible in athletic clothing shall not be permitted.
- Existing tattoos shall be covered at all times.

Hair and Facial Hair

- Hair color, like other aspects of grooming, can be a way for individuals to express their personality, creativity, and cultural identity as long as it does not cause a disruption to the learning environment.
- Texas's CROWN Act (Creating a Respectful and Open World for Natural Hair Act) explicitly prohibits race-based hair discrimination in schools, workplaces, and housing.

Images and Graphics

- Clothing with pictures/writing that have an inappropriate double meaning are prohibited.
- Clothing, jewelry, and any other items worn by a student that display gang affiliations and/or symbols, obscenities, sexual innuendos, depictions of violence or weapons, advertise or promote alcoholic beverages, narcotics, tobacco, or other prohibited substances, or items that could be viewed as lewd, vulgar, or offensive to others are not permitted.

Each year there are trends that appear on our campuses. We are neither listing nor making a regulation to cover all problems that may arise. When a trend begins on campus and becomes a distraction, it shall be immediately eliminated. It is impractical to list every possibility of dress and grooming. The administration of each campus shall apply the dress code and make all final decisions regarding what is acceptable and appropriate.

Violations of the dress code will result in the student being sent to an assistant principal's office. On the first offense, the violation will be corrected as soon as possible, parents/guardians will be contacted and may need to bring compliant articles of clothing. The first offense will result in a warning. The second offense will follow the aforementioned procedure except discipline consequences may be issued. The third offense will require a parent conference and the student will be placed in ISS for the remainder of the school day. A student may be assigned additional consequences for excessive non-compliance.

No student will be allowed to return to class until they are in compliance with the dress code policy. If a parent/guardian cannot bring clothing to remedy a violation, the student will be placed in ISS for the remainder of the day. If a student fails to report to the office when instructed, they will receive the appropriate discipline consequence for insubordination.

Any absence from class due to inappropriate dress or grooming will be counted as unexcused.

The final determination of what is disruptive or distracting shall be made by the principal or assistant principal. Parents/Guardian and students who disagree shall follow the procedure of appeals as outlined in Board Policy FNG.

School organizations, such as, band, athletics, and STUCO, along with various events, such as Prom or field trips, may require additional guidelines for dress and grooming.

APPENDIX D: HOUSE BILL 1481 PERSONAL COMMUNICATION DEVICES AT SCHOOL

House Bill 1481, passed during the 89th Texas Legislative Session and signed into law by Governor Abbott, aims to enhance learning environments by reducing distractions and addressing cyberbullying and social media misuse in schools. The law, effective for the 2026-2027 school year, mandates that public school districts prohibit the use of personal electronic devices that can send or receive data on school property during the school day, including during passing periods and lunch.

This includes devices such as:

- ➔ Cell phones
- ➔ Smart watches
- ➔ Fitness trackers with messaging capabilities
- ➔ Bluetooth earbuds or headphones
- ➔ Tablets and personal computers
- ➔ Gaming devices
- ➔ Two-way radios
- ➔ Pagers
- ➔ Any other telecommunication or digital device

Students will be required to use district-issued devices for educational purposes only. Exceptions are made for students with documented medical needs, special education accommodations, or other health and safety requirements.

If a personal communication device is in the possession of the school, the school will take appropriate efforts to keep the device appropriately stored and free from damage. However, parents should note the school specifically disclaims any liability for devices that are damaged or lost while in the school's possession. Parents will not be compensated for devices that have been in the school's possession in the event those devices are lost or damaged while in possession of the school.

The updated policy to comply with the recent legislative changes will require students to keep personal devices off and stored away (backpack, purse, pocket, etc.) once they enter the school building and prohibits the use throughout the school day from morning arrival thru the afternoon dismissal, including while in the cafeteria, in hallways, and between classes

APPENDIX E: PROVISIONS FOR STUDENTS WITH DISABILITIES

Placement of Student with Disabilities Texas Education Code, Chapter 37.004

The placement of a student with a disability who receives special education services may be made only by a duly constituted admission, review, and dismissal committee. A student with a disability who receives special education services may not be placed in disciplinary alternative education programs solely for educational purposes if the student does not also meet the criteria for alternative placement in Section 37.006(a) or 37.007(a).

Removal from Classes and/or School

In some cases, inappropriate behavior may cause your child to be removed from classes and/or school for a few days or to be sent to a disciplinary alternative education program, such as a supervised setting separate from regular classes. In either case, your child will be given the opportunity to complete assignments and earn course credit.

A student with a disability may not be suspended from school for more than 3 consecutive school days per offense. When a series of suspensions create a pattern of exclusions that constitute a significant change in placement, the ARD/504 Committee must convene to determine if the misconduct bears a relationship to his/her condition of disability. (Manifestation Determination).

The determination of whether a series of suspensions is a significant change of placement will be made on a case-by-case basis by the ARD/504 Committee. The factors to be considered will be the length of each suspension, the proximity of the suspension to one another, and the total amount of time the disabled student is suspended from school.

When it is determined that the misconduct of the student with a disability is related to his/her condition of disability, the student may not be suspended from school. The ARD/504 Committee will then determine whether the student's current educational placement or accommodation plan is appropriate.

MANIFESTATION DETERMINATION

If a student commits a serious offense outlined in the Texas Education Code, Chapter 37 (Section 37.007. Expulsion for Serious Offenses; and Section 37.008. Disciplinary Alternative Education Programs) that violates Texas State law and the district's Code of Conduct, he/she shall be expelled or placed in an Alternative Education setting
Before an expulsion or other exclusion that constitutes a significant change in placement, the ARD/504 Committee must conduct a "manifestation determination" to determine whether the student's misconduct was related to his/her condition of disability.

The determination will be based on current/relevant information and re-evaluation data. The evaluation data considered in a manifestation determination meeting must be based on the kind of information necessary to make a competent professional decision and must be recent enough to afford an understanding of the student's current behavior. In making a proper determination, it is critical that the ARD/504 Committee consider the relationship between the behavior and the disability.

The student may be expelled only if the ARD/504 committee determines, based on adequate and current evaluation data, that the student's misbehavior was not a result of either (1) an inappropriate placement, or (2) the student's disability.

If it is determined by the ARD/504 Committee that the misconduct is not related to the student's disabling condition, the student may be excluded from school in the same manner as similarly situated non-disabled students are excluded. However, the district may not totally cease educational services to a student with a disability during the action period.

APPENDIX F: *TRANSPORTATION*

Transportation is provided on school buses to and from school. This is done as a convenience and a privilege for our students. Students are required to comply with rules for conduct on the school bus and the Student Code of Conduct while at authorized school bus stops. Students who misbehave or violate the Student Code of Conduct while on the bus will be disciplined according to the Student Code of Conduct and may be suspended from the bus for a period of time.

Bus drivers can discipline when necessary, as long as it is in an appropriate manner. When administering discipline, students will be treated fairly and equitably. When a student commits offenses of a serious nature or demonstrates persistent misbehavior, it will be necessary to document the infraction on a discipline referral form. The discipline form will be completed immediately after the bus run and delivered to the appropriate campus. The administrator at the campus will make the determination of the disciplinary consequences.

Discipline options to be used by bus drivers include, but are not limited to:

- Change or assign seating. A bus driver may assign seating at any time when attempting to maintain appropriate conduct and/or bus safety. Seat assignments can be for any length of time, including up to an entire school year if necessary.
- Verbal reprimand.
- Take student's personal items away until the student gets off at their destination.
- Parent contact.
- In severe cases, contact law enforcement authorities.

When riding in District vehicles, students are held to behavioral standards established in the Student Code of Conduct. Students must:

- Wait at the designated bus stop;
- Follow the driver's directions at all times;
- Enter and leave the vehicle in an orderly manner at the designated bus stop nearest home;
- Keep feet, books, instrument cases, and other objects out of the aisle;
- Do not deface the vehicle or its equipment;
- Keep head, hands, arms, or legs out of the window, hold any object out of the window, or throw objects within or out of the vehicle;
- Avoid or use any form of tobacco, including electronic vaporizing cigarette devices, in any district vehicle;
- Observe all school rules;
- Be seated while the vehicle is moving;
- Have seat belts fastened at all times, if available;
- Wait for the driver's signal upon leaving the vehicle and before crossing in front of the vehicle;
- Follow any other rules established by the operator of the vehicle;
- Students will only be transported to and from the house they reside in that matches their school records; and
- Change of address must be submitted to the campus 72 hours in advance, so that it can be processed before a student can ride the bus.

Misconduct will be punished in accordance with the Student Code of Conduct; the privilege to ride in a district vehicle, including a school bus, may be suspended or revoked.

The district utilizes Smart Tag for the safety of all students. Students are required to have a Smart Tag to be able to ride the bus. CISD issues one tag per school year to each student at no cost. Replacement tags are $5 and will be at the expense of the student or parent. Students without a tag will not be allowed to ride the bus. Smart Tags will be available for purchase at each campus.

APPENDIX G: *FREEDOM FROM BULLYING POLICY*

Below is the text of Cleveland ISD's policy FFI (LOCAL) as of the date that this Student Code of Conduct Handbook was finalized for this school year. Note that school board policies may be revised at any time. For legal context and the most current copy of the local policy, visit http://www.clevelandisd.org.

The District prohibits bullying as defined by this policy. Retaliation against anyone involved in the complaint process is a violation of District policy and is prohibited.

Bullying occurs when a student or group of students engages in written or verbal expression, expression through electronic means, or physical conduct that occurs on school property, at a school-sponsored or school-related activity, or in a vehicle operated by the District and that:

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

This conduct is considered bullying if it:

3. Exploits an imbalance of power between the student perpetrator and the student victim through written or verbal expression or physical conduct; and
4. Interferes with a student's education or substantially disrupts the operation of a school.

Bullying of a student may include hazing, threats, taunting, teasing, confinement, assault, demands for money, destruction of property, theft of valued possessions, name calling, rumor spreading, or ostracism.

The District prohibits retaliation by a student or District employee against any person who in good faith makes a report of bullying, serves as a witness, or participates in an investigation.

Examples of retaliation may include threats, rumor spreading, ostracism, assault, destruction of property, unjustified punishments, or unwarranted grade reductions. Unlawful retaliation does not include petty slights or annoyances.

A student who intentionally makes a false claim, offers false statements, or refuses to cooperate with a District investigation regarding bullying shall be subject to appropriate disciplinary action.

Reports of bullying shall be made as soon as possible after the alleged act or knowledge of the alleged act. A failure to immediately report may impair the District's ability to investigate and address the prohibited conduct.

To obtain assistance and intervention, any student who believes that he or she has experienced bullying or believes that another student has experienced bullying should immediately report the alleged acts to a teacher, counselor, principal, or other District employee.

Any District employee who suspects or receives notice that a student or group of students has or may have experienced bullying shall immediately notify the principal or designee.

A report may be made orally or in writing. The principal or designee shall reduce any oral reports to written form.

The principal or designee shall determine whether the allegations in the report, if proven, would constitute prohibited conduct as defined by policy FFH, including dating violence and harassment or discrimination on the basis of race, color, religion, gender, national origin, or disability. If so, the District shall proceed under policy FFH. If the allegations could constitute both prohibited conduct and bullying, the investigation under FFH shall include a determination on each type of conduct.

The principal or designee shall conduct an appropriate investigation based on the allegations in the report. The principal or designee shall promptly take interim action calculated to prevent bullying during the course of an investigation, if appropriate.

Absent extenuating circumstances, the investigation should be completed within ten District business days from the date of the initial report alleging bullying; however, the principal or designee shall take additional time if necessary to complete a thorough investigation.

The principal or designee shall prepare a final, written report of the investigation. The report shall include a determination of whether bullying occurred, and if so, whether the victim used reasonable self-defense. A copy of the report shall be sent to the Superintendent or designee.

If an incident of bullying is confirmed, the principal or designee shall promptly notify the parents of the victim and of the student who engaged in bullying.

If the results of an investigation indicate that bullying occurred, the District shall promptly respond by taking appropriate disciplinary action in accordance with the District's Student Code of Conduct and may take corrective action reasonably calculated to address the conduct.

A student who is a victim of bullying and who used reasonable self-defense in response to the bullying shall not be subject to disciplinary action.

The discipline of a student with a disability is subject to applicable state and federal law in addition to the Student Code of Conduct.

Examples of corrective action may include a training program for the individuals involved in the complaint, a comprehensive education program for the school community, follow-up inquiries to determine if any new incidents or any instances of retaliation have occurred, involving parents and students in efforts to identify problems and improve the school climate, increasing staff monitoring of areas where bullying has occurred, and reaffirming the District's policy against bullying.

The principal or designee shall refer to FDB for transfer provisions.

The principal or designee shall notify the victim, the student who engaged in bullying, and any students who witnessed the bullying of available counseling options.

If the investigation reveals improper conduct that did not rise to the level of prohibited conduct or bullying, the District may take action in accordance with the Student Code of Conduct or any other appropriate corrective action.

To the greatest extent possible, the District shall respect the privacy of the complainant, persons against whom a report is filed, and witnesses. Limited disclosures may be necessary in order to conduct a thorough investigation.

A student who is dissatisfied with the outcome of the investigation may appeal through FNG (LOCAL), beginning at the appropriate level.

Retention of records shall be in accordance with CPC (LOCAL).

This policy and any accompanying procedures shall be distributed annually in the employee and student handbooks. Copies of the policy and procedures shall be posted on the District's Web site, to the extent practicable, and shall be readily available at each campus and the District's administrative offices.

APPENDIX H: *TEA OVERVIEW OF SCHOOL DISCIPLINE IN TEXAS*

Overview of School Discipline in Texas

For Parents

Texas Education Agency

August 2025

Your school district has a Student Code of Conduct (SCOC) that sets the rules for student behavior and explains what happens when those rules are broken. State law also sets discipline rules.

How Students are Expected to Behave

Students need to arrive at school and at each class on time, ready to learn. To learn actively, students must participate and follow their teacher's instructions.

Teachers use different strategies to manage behavior and give consequences if students misbehave.

Strategies to manage behavior could include:

- Praising good behavior
- Using assigned seating
- Using visual or nonverbal cues to redirect
- Communicating behavior expectations and consequences at the beginning of school year and as needed

For minor misconduct, consequences might include:

- Private talk or warning
- Contacting student's parent
- Meeting with the parent
- Assigning detention

For more serious misbehavior, the student could be removed from the classroom, the school, or even the district, temporarily or permanently.

Removals from Class by the Teacher

Under Texas law, a teacher has broad authority to remove a student from their classroom, which can carry significant consequences to a student. A teacher can remove a student from class who:

- Repeatedly disrupts teaching and learning;
- Acts in a way that is unruly, disruptive, or abusive to others; or
- Engages in bullying behavior.



Teachers have the legal authority to remove a student from class if a student does any of the above even if it only occurs once.* You will be notified if a teacher removes your child from class for one of these reasons.

Campus Behavior Coordinator and Managing Discipline

Each school must designate an administrator* to help manage student misconduct as the campus behavior coordinator (CBC). CBCs attempt many different strategies to help improve the behavior of students who have misbehaved.

Management strategies might look like:

- A behavior contract
- Regular check-ins between the CBC and student
- Setting up a peer or mentor support system
- Explicitly teaching how to appropriately handle disagreements with peers

More serious consequences could include:

- In-school suspension (ISS)
- Out-of-school suspension (OSS)
- Transfer to Disciplinary Alternative Education Program (DAEP) – sometimes referred to as "alternative school" or "alternative campus"
- Expulsion

Overview of School Discipline in Texas

Discipline Conferences, Appeals, and Parent Rights



When a student is removed from the classroom for disciplinary reasons, not later than the third class day after the student was removed, a conference must be held. At the conference, you will

- Learn more about why your child was removed;
- Learn of your right to appeal your child's removal*;
- Discuss a return-to-class plan with the CBC if the reason for the removal was for one of the reasons described above at Removals from Class by the Teacher.*

After the conference, the CBC will give a consequence and will note if the consequence is inconsistent with the SCOC. With an expulsion, a student will always be provided a hearing to which you and your child will be invited.

To return to the classroom after a removal, the teacher must give written consent. The teacher can be overruled by a campus placement review committee, except in cases of an assault against the teacher.

If your school board has a policy for behavioral agreements, you can request one when your child is placed in a DAEP or is expelled. If followed by you and your child, an administrator may shorten the length of the disciplinary placement.*

Discipline and Students with Disabilities

Students with disabilities can typically be removed from class if they misbehave under the same rules as students without disabilities. However, when a student is removed from their typical classroom and doesn't receive their required services for a certain number of days, the student's Section 504 committee or admission, review, and dismissal (ARD) committee must review whether the misconduct was caused by the student's disability or the school's failure to follow the student's plan or program.

Types of Disciplinary Removals

	ISS	OSS	DAEP	Expulsion
What is it?	Removal from regular classroom but stays at school under the supervision of school staff	Removal from campus and cannot come back to campus until after suspension period	Removal from regular classroom; can be on or off campus. Some DAEP removals are required by law (mandatory).	Removal from campus (and sometimes the district). Sometimes expulsion is required by law (mandatory). Expulsion can be at a juvenile justice program or can be a virtual expulsion program* in some cases.
How long is the removal?	Not limited but CBC must review at least every 10 school days*	3 school days per incident	Set by the SCOC (with limited exception)	Set by the SCOC (with limited exception)
Are there age or grade level limits?	No	Student below grade 3 or who is experiencing homelessness cannot be assigned OSS except for very limited offenses	Students younger than 6 years of age cannot be placed in DAEP	Students younger than 10 years of age cannot be expelled (with limited exception)

*This symbol means that this is a change in law related to discipline in public schools made by the Texas Legislature in the 89th (2025) Regular Session.

GLOSSARY

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

Abuse is improper or excessive use.

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

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

Antisemitism is defined by Government Code section 448.001 as a certain perception of Jews that may be expressed as hatred toward Jews. The term includes rhetorical and physical acts of antisemitism directed toward Jewish or non-Jewish individuals or their property or toward Jewish community institutions and religious facilities. Examples of antisemitism are included with the International Holocaust Remembrance Alliance's "Working Definition of Antisemitism" adopted on May 26, 2016.

Armor-piercing ammunition is defined by Texas Penal Code 46.01 as handgun ammunition used in pistols and revolvers and designed primarily for the purpose of penetrating metal or body armor.

Arson is defined bin part by Texas Penal code 28.02 as:

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

Assault is defined in part by Texas Penal Code 22.01 as intentionally, knowingly, or recklessly causing bodily injury to another; §22.01(a)(2) as intentionally or knowingly threatening another with imminent bodily injury; and §22.01(a)(3) as intentionally or knowingly causing physical contact with another that can reasonably be regarded as offensive or provocative.

Breach of computer security includes knowingly accessing a computer, computer network, or computer system without the effective consent of the owner as defined in Texas Penal Code 33.02, if the conduct involves accessing computer, computer network, or computer system owned by or operated on behalf of a school district; 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.

Bullying is defined in section 37.0832 of the Education Code as a single significant act or a pattern of acts by one or more students directed at another student that exploits an imbalance of power and involves engaging in written or verbal expression, expression through electronic means, or physical conduct that:

1. Has the effect or will have the effect of physically harming a student, damaging a student's property, or placing a student in reasonable fear of harm to the student's person or of damage to the student's property;

2. Is sufficiently severe, persistent, or pervasive enough that the action or threat creates an intimidating, threatening, or abusive educational environment for a student.
3. Materially and substantially disrupts the educational process or the orderly operation of a classroom or school; or
4. Infringes on the rights of the victim at school.

Bullying includes cyberbullying. (See below) This state law on bullying prevention applies to:

1. Bullying that occurs on or is delivered to school property or to the site of a school-sponsored or school-related activity on or off school property;
2. Bullying that occurs on a publicly or privately owned school bus or vehicle being used for transportation of students to or from school or a school-sponsored or school-related activity; and
3. Cyberbullying that occurs off school property or outside of a school-sponsored or school-related activity if the cyberbullying interferes with a student's educational opportunities or substantially disrupts the orderly operation of a classroom, school, or school-sponsored or school related activity.

Please see local board policy for more information regarding the district's bullying policy. A copy is also available in the principal's office, superintendent's office, and on the district's Web site at http://www.clevelandisd.org. Then click on Administration and scroll down the page to Board Policy to FFI (LOCAL) – STUDENT WELFARE: FREEDOM FROM BULLYING, adopted by the Board on 2/29/2013. Note that school board policies may be revised at any time.

Chemical dispensing device is defined by Texas Penal Code 46.01 as a device designed, made, or adapted for the purpose of dispensing a substance capable 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 defined by Texas Penal Code 46.01 as an instrument specially designed, made, or adapted for the purpose of inflicting serious bodily injury or death. A blackjack, nightstick, mace, and tomahawk are in the same category.

Controlled Substance means a substance, including a drug, an adulterant, and a diluent, listed in Schedule I through V or penalty group 1, 1-A, 2, 1-B, 2, 2-A, 3, or 4 of the Texas Controlled Substances Act. The term includes the aggregate weight of any mixture, solution, or other substance containing a controlled substance. The term does not include hemp, as defined by Agriculture Code 121.001, or the tetrahydrocannabinols (THC) in hemp.

Criminal street gang is defined by Penal Code 71.01, as three or more persons having a common identifying sign or symbol or an identifiable leadership who continuously or regularly associate in the commission of criminal activities.

Cyberbullying is defined by Section 37.0832 of the Education Code as bullying that is done through the use of any electronic communication device, including through the use of a cellular or other type of telephone, a computer, a camera, electronic mail, instant messaging, text messaging, a social media application, an Internet website, or any other Internet-based communication tool.

Dangerous drugs are defined by Health and Safety Code 483.001 as a device or a drug that is unsafe for self-medication and that is not included in Schedules I through V or penalty groups 1 through 4 of the Texas Controlled Substances Act. The term includes a device or drug that federal law prohibits dispensing without a prescription or restricts to use by or on the order of a licensed veterinarian.

Dating violence occurs when a person in a current or past dating relationship uses physical, sexual, verbal, or emotional abuse to harm, threaten, intimidate, or control another person in the relationship. Dating violence also occurs when a person commits these acts against a person in a marriage or dating relationship with the individual who is or was once in a marriage or dating relationship with the person committing the offense, as defined by Section 71.0021 of the Family Code.

Deadly conduct under Penal Code 22.05 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.

E-cigarette means an electronic cigarette or any other device that simulates smoking by using a mechanical heating element, battery, or electronic circuit to deliver nicotine or other substances to the individual inhaling from the device, or a consumable liquid solution or other material aerosolized or vaporized during the use of an electronic cigarette or other device described by this provision. The term includes any device that is manufactured, distributed, or sold as an e-cigarette, e-cigar, or e-pipe or under another product name or description and a component, part, or accessory for the device, regardless of whether the component, part, or accessory is sold separately from the device.

Explosive weapon is defined by Texas Penal Code 46.01 as 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 under Penal Code 42.06 occurs when a person knowingly initiates, communicates, or circulates a report of a present, past, or future bombing, fire, offense, or other emergency that he or she knows is false or baseless and that would ordinarily:

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

Firearm is defined by federal law (18 U.S.C. § 921(a)) as:

1. Any weapon (including a starter gun) that will, is designed to, or may readily be converted to expel a projectile by the action of an explosive;
2. The frame or receiver of any such weapon;
3. Any firearm muffler or firearm silencer, defined as any device for silencing, muffling, or diminishing the report of a portable firearm; or
4. Any destructive device, such as any explosive, incendiary or poison gas bomb, or grenade.
5. Such a term does not include an antique firearm.

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

Handgun is defined by Texas Penal Code 46.01 as any firearm that is designed, made, or adapted to be fired with one hand.

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 person, including a district student, employee, board member, or volunteer; 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, as defined in section 37.001(b) (2) of the Education Code.
3. Conduct that is punishable as a crime under Penal Code 42.07, including the following types of conduct if carried out with the intent to harass, annoy, alarm, abuse, torment, or embarrass another:

a. Initiating communication and, in the course of the communication, making a comment, request, suggestion, or proposal that is obscene, as defined by law;
b. Threatening, in a manner reasonably likely to alarm the person receiving the threat, to inflict bodily injury on the person or to commit a felony against the person, a member of the person's family or household, or the person's property;
c. Conveying, in a manner reasonably likely to alarm the person receiving the report, a false report, which is known by the conveyor to be false, that another person has suffered death or serious bodily injury;

d. sending repeated electronic communications in a manner reasonably likely to harass, annoy, alarm, abuse, torment, embarrass, or offend another; and
e. Publishing on an internet website, including a social media platform, repeated electronic communications in a manner reasonably likely to cause emotional distress, abuse, or torment to another person, unless the communications are made in connection with a matter of public concern, as defined by law.

Hazing is defined by section 37.151 of the Education Code as an intentional, knowing, or reckless act, on or off campus, by one person alone or acting with others, directed against a student for the purpose of pledging, initiation into, affiliation with, holding office in, or maintaining membership in a student organization if the act meets the elements in Education Code 37.151, including:

1. Any type of physical brutality;
2. An activity that subjects the student to an unreasonable risk of harm or that adversely affects the student's mental or physical health, such as sleep deprivation, exposure to the elements, confinement to small spaces, calisthenics, or consumption of food, liquids, drugs, or other substances;
3. An activity that induces, causes, or requires the student to perform a duty or task that violates the Penal Code; and
4. Coercing a student to consume a drug or alcoholic beverage in an amount that would lead a reasonable person to believe the student is intoxicated.

Hit list is defined in section 37.001(b) (3) of the Education Code as 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.

Improvised Explosive Device is defined by Texas Penal Code 46.01 as a completed and operational bomb designed to cause serious bodily injury, death, or substantial property damage that is fabricated in an improvised manner using nonmilitary components.

Indecent Exposure is defined by Penal Code 21.08 as an offense that occurs when a person exposes the person's anus or any part of the person's genitals with intent to arouse or gratify the sexual desire of any person, and is reckless about whether another person is present who will be offended or alarmed by the act.

Intimate visual material is defined by Civil Practices and Remedies Code 98B.001 and Penal Code 21.16 as visual material that depicts a person with the person's intimate parts exposed or engaged in sexual conduct. "Visual material" means any film, photograph, video tape, negative, or slide of any photographic reproduction or any other physical medium that allows an image to be displayed on a computer or other video screen and any image transmitted to a computer or other video screen.

Location-restricted Knife is defined by Texas Penal Code 46.01 as a knife with a blade over five and one-half inches.

Knuckles means 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.

Look-Alike Weapons means an item that resembles a weapon but is not intended to be used to cause serious bodily injury.

Machine gun as defined by Texas Penal Code 46.01 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.

Personal Communication Device means a telephone, cell phone such as a smartphone or flip phone, tablet, smartwatch, radio device, paging device, or any other electronic device capable of telecommunication or digital communication.

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; personal communication device or electronic devices; or any school property used by the student, including but not limited to a locker or desk.

Prohibited weapon under Texas Penal Code 46.05(a) means**:**

1. The following items unless registered with the U.S. Bureau of Alcohol, Tobacco, Firearms, and Explosives or otherwise not subject to that registration requirement or unless the item is classified as a curio or relic by the U.S. Department of Justice:
    a. An explosive weapon;
    b. A machine gun;
2. Armor-piercing ammunition;
3. A chemical dispensing device;
4. A zip gun;
5. A tire deflation device;
6. An improvised explosive device; or

Public Lewdness is defined by Texas Penal Code 21.07 as an offense that occurs when a person knowingly engages in an act of sexual intercourse, deviate sexual intercourse, or sexual contact in a public place or, if not in a public place, is reckless about whether another is present who will be offended or alarmed by the act.

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 that which an ordinary person of average intelligence and sound mind would believe. Chapter 37 requires certain disciplinary decisions when the superintendent or designee has a reasonable belief that a student engaged in conduct punishable as a felony offense. In forming such a reasonable belief, the superintendent or designee may use all available information, including the notice of a student's arrest under Article 15.27 of the Code of Criminal Procedure.

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

Serious misbehavior means:

1. Deliberate violent behavior that poses a direct threat to the health or safety of others;
2. Extortion, meaning the gaining of money or other property by force or threat;
4. Conduct that constitutes coercion, as defined by Section 1.07, Penal Code; or
5. Conduct that constitutes the offense of:
    a. Public lewdness under Section 21.07, Texas Penal Code;
    b. Indecent exposure under Section 21.08; Texas Penal Code;
    c. Criminal mischief under Section 28.03, Texas Penal Code;
    d. Personal hazing under Section 37.152; Education Code or
    e. Harassment under Section 42.07(a)(1), Texas Penal Code, of a student or district employee.

Serious or persistent misbehavior includes but is not limited to:

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

Short-barrel firearm is defined by Texas Penal Code 46.01 as a rifle with a barrel length of less than 16 inches or a shotgun with a barrel length of less than 18 inches, or any weapon made from a rifle or shotgun that, as altered, has an overall length of less than 26 inches.

Terroristic threat is defined by Texas Penal Code 22.07 as a threat of violence to any person or property with intent to:

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

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

Title 5 felonies are those crimes listed in Title 5 of the Texas Penal Code that involve injury to a person and may include:

- Murder, manslaughter, or homicide under Sections 19.02, - .05, Texas Penal Code;
- Kidnapping under section 20.03, Texas Penal Code;
- Trafficking of persons under Section 20A.02, Texas Penal Code;
- Smuggling or continuous smuggling of persons under Section 20.05-.06, Texas Penal Code;
- Assault under Section 22.01, Texas Penal Code;
- Aggravated assault under Section 22.02, Texas Penal Code;
- Sexual assault under Section 22.011, Texas Penal Code;
- Aggravated sexual assault under Section 22.021, Texas Penal Code;
- Unlawful restraint under Section 20.02, Texas Penal Code;
- Continuous sexual abuse of a young child or disabled individual under Section 21.02, Texas Penal Code;
- Bestiality under Section 21.09, Texas Penal Code;
- Improper relationship between educator and student under Section 21.12, Texas Penal Code;
- Voyeurism under Section 21.17, Texas Penal Code;
- Indecency with a child under Section 21.11, Texas Penal Code;
- Invasive visual recording under Section 21.15, Texas Penal Code;
- Disclosure or promotion of intimate visual material under Section 21.16, Texas Penal Code;
- Sexual Coercion under Section 21.18, Texas Penal Code;
- Injury to a child, an elderly person, or a disabled person of any age under Section 22.04, Texas Penal Code ;
- Abandoning or endangering a child under Section 22.041, Texas Penal Code ;
- Deadly conduct under Section 22.05, Texas Penal Code ;
- Terroristic threat under Section 22.07, Texas Penal Code;
- Aiding a person to die by suicide under Section 22.08, Texas Penal Code ; and
- Tampering with a consumer product under Section 22.09, Texas Penal Code .
- [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 defined by Texas Penal Code 46.01 as 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.