



Midland Independent School District

**Midland Independent School District
STUDENT CODE OF CONDUCT
2021 - 2022**

Our mission is for all students to graduate prepared and ready for college or career.

www.midlandisd.net

Superintendent's Message

Dear Parent/Legal Guardian:

Welcome to the 2021-2022 school year. We know you have many choices when selecting a school and we appreciate your decision to enroll your child in Midland Independent School District.

One of the highest priorities for Midland ISD is providing a safe learning environment for all students. In order to help us meet this goal, please read and review the 2021-2022 Student Code of Conduct. This Code provides important information for parents/legal guardians and students about the rights and responsibilities of all members of the MISD community. It outlines expectations for student behavior to foster a safe, positive, and supportive learning environment.

After you have reviewed this guide with your child, please sign and date the enclosed Acknowledgement of Electronic Distribution of Student Code of Conduct form on page 3 and return it to your child's teacher.

An electronic copy of this Code is available at [MISD Student Services](#). Please refer to it as needed throughout the school year.

Thank you in advance for your cooperation in helping to make your child's school a safe place for learning.

Sincerely,
Angelica Ramsey
Superintendent of Schools

Acknowledgement of Electronic Distribution of Student and Family Guide to Success

Dear Students and Parent(s)/Legal guardian(s):

We know that you share Midland ISD's priority of providing a safe school environment. In order to help us reach this goal, we ask you to please read and review this Student Code of Conduct. In our continued efforts to be as efficient as possible, the MISD website is the primary source for access to this document. Families who do not have Internet access can receive a copy at their campus upon request at any time during the school year. To ensure that every district student has had the opportunity to access the information contained within the document, we are requiring that a parent or legal guardian of every student complete the requested information below and return it to your child's teacher and/or the school's administrative team. This form will remain in your child's cumulative folder.

I acknowledge that I can electronically access the Midland ISD Student Code of Conduct by visiting this MISD Internet address: [Student Services](#)

I acknowledge that I can obtain a paper copy by visiting the administrative office of my child's school. The Midland ISD Student Code of Conduct will be available annually in the school's administrative office.

You are responsible for reading the rules, expectations and other information contained herein including signing and returning the attached acknowledgement form. All students will be held accountable for their behavior and will be subject to disciplinary consequences outlined in the Midland ISD Student Code of Conduct. Failure to read the Midland ISD Student Code of Conduct does not excuse the student from any consequences if they are in violation.

Student Name: _____ ID#: _____ Grade: _____

Student Signature

Date

Parent/Legal guardian Signature

Date

Teacher Signature

Date

Each school year, a paper copy of the Code will be available to you in the administrative office of your child's school. Please visit this office to obtain the most recent copy of the Code.

Overview of Responsibilities

We believe students are capable of:

- Following the district's and/or campus dress code.
- Being on time and attending school for the entire instructional day, in-person or virtually, except when ill or otherwise lawfully excused, and being on time to all classes.
- Following the rules and regulations established by the teacher and the school as stated in the Code, campus handbooks and the procedures concerning appropriate behavior.
- Cooperating with all lawful and reasonable directives issued by school personnel. Working cooperatively with students and teachers to achieve high academic goals and behavior.
- Respecting and being polite to staff, students and school visitors by using positive interactions and comments.
- Abstaining from use of profanity or threatening statements towards anyone.
- Abstaining from posting threatening messages on social-media outlets, directed at students, parents, staff or school property.
- Helping to keep the campus safe by reporting any verbal threats or incidents of violence toward other students, staff or district property.
- Being prepared to learn something new every day; preparing yourself to be successful in college, career and community leadership.
- Expressing opinions and ideas in a respectful and courteous manner.
- Complying with campus administrator's authority to determine appropriate possession and use of electronic devices (mobile phones included) on campus and at school-sponsored activities.
- Respecting the district's electronic communications systems; understanding that use of school computers and Internet services is a privilege.
- Taking responsibility for all items they bring on campus and inspecting items in their personal belongings before arriving at school.
- Understanding that drugs, alcohol, firearms and other illegal weapons are prohibited on campus, on district vehicles and at school-related and school-sponsored events.
- Following higher standards of behavior than those in the district's Code as a condition of participating in sports or other extra-curricular activities.
- Participate in extracurricular activities at School.

District Personnel are expected to:

- Value parents/legal guardians as partners to assist their children with academic success.
- Promptly contact parents when there is a change in the student's performance or when an improvement is not sustained.
- Respond promptly and appropriately to parents' inquiries about their child/children.
- Work with students and parents/legal guardians to solve problems at the classroom level.
- Promote a safe and positive learning environment for all.
- Demonstrate a positive attitude with actions and words toward students and parents/legal guardians.
- Assist students in development of good study habits.
- Promptly work with parents/legal guardians and other district professionals to address behaviors of concern.
- Promptly notify parents/legal guardians when students are suspended due to serious or persistent misconduct.
- As required by law, notify law enforcement when a student's inappropriate behavior breaks local, state, and federal laws.
- Follow local and state guidelines to maintain discipline and keep all students safe.
- Help students resolve conflicts in positive, nonviolent ways through conflict resolution with counselors, teachers and administrators.
- Increase student participation in extracurricular activities

Parents or Legal guardians are expected to:

- Strive to prepare their child emotionally and socially to be receptive to learning and discipline.
- Send their child to school on time each day as required by law.
- Bring to the attention of school authorities any learning problem or condition that may relate to their child's education.
- Establish and maintain a positive attitude toward education and school personnel.
- Cooperate with administrators and teachers in their efforts to achieve and maintain a quality school system.
- Cooperate with school personnel when their child is involved in a discipline problem.
- Encourage their child to adhere to the Student Code of Conduct and school discipline policies.
- Encourage their child to participate in extracurricular activities to promote a positive school environment
- Help their child resolve conflicts in positive, nonviolent ways through conflict resolution with counselors, teachers and administrators.

Summary

This Student Code of Conduct (Code), approved by the Midland ISD Board of Trustees, provides information and direction to students and parents regarding behavioral expectations and consequences for violations. Parents/legal guardians and students are encouraged to read and regularly review the district's Code to ensure a successful and productive school year for all.

The district has the best interest of each student in mind. When managing discipline, the district has the authority to determine consequences when:

- The interest of the school is involved on or off school grounds in conjunction with or independent of classes and school-sponsored activities.
- Students violate the code of conduct during the school day while attending or participating in a school-related or school-sponsored activity, including virtual learning platforms, and also including in any vehicle owned/leased/rented by the district.
- Students post threatening messages on social media towards another student, staff, or district property, regardless of time or location.
- Students engage in specific criminal activity, as determined by law enforcement, regardless of time or location.
- During the regular school day (in-person or participating virtually), the student is within 300 feet of the school's real property boundary line and while the student is going to and from school on district transportation.

Determining consequences:

As required by law, the principal or the assistant principal(s) will serve as the Campus Behavior Coordinator (CBC). The CBC is primarily responsible for maintaining student discipline. (See [Page 19](#) for more detailed information)

Before the CBC recommends a suspension or the student's removal to an alternative school setting, they must consider:

Considerations

- The student's intent or lack of intent at the time the student engaged in the conduct
- The student's disciplinary history
- If the student acted in self-defense as determined by the CBC
- Whether the student has a disability that substantially impairs the student's capacity to appreciate the wrongfulness of their conduct, regardless of whether the decision involves a mandatory or discretionary action.
- A student's status in the conservatorship of the Department of Family and Protective Services or a student's status as a student who is homeless.

- The CBC can offer students the following options to restore order, help students with their social and emotional development, and keep students engaged with their academic progress at their home campus:

CBC Options

- Parent/Teacher Conference
- Conflict Resolution
- Restorative Conference
- Classroom Circles
- Behavior Coaching
- Behavior Improvement Plan
- Referral to Campus Behavior Team (CBT)
- Referral to social services in the community
- Transfer student to another classroom
- In-school suspension (ISS)
- Out of school suspension

The district has the right, and in some instances is required, to remove a student to an alternative school setting for serious or persistent misconduct or when the student breaks local, state or federal law:

- Students have the right to participate in a due-process conference before they are removed from their regular school setting.
- Students can be removed to a district alternative education program (DAEP) either at the Elementary DAEP or at the Midland Alternative Program (MAP) campus.
- If a student engages in a serious and/or criminal act, the student can be expelled to the District's Disciplinary Alternative Education Program (DDAEP) at the Midland Alternative Program (MAP) campus.
- Students placed in alternative educational programs (DAEP) are not allowed to attend or participate in any extracurricular activities.
- Students are not allowed to visit any district facilities, other than MAP or elementary DAEP, during the time of removal.
- Students have the right to appeal a removal or expulsion to an alternative education program. Students will remain in DAEP or expelled during the appeal process. (See page 31 for more Appeal Process information.)

[Appeal Page 31](#)

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Midland ISD Student Code of Conduct

Midland ISD Mission Statement

MISD exists to fulfill the mission put forth by the State of Texas: to ensure that all Texas children have access to a quality education that enables them to achieve their potential and fully participate now and in the future in the social, economic and educational opportunities of our state and nation. [[Texas Education Code § 4.001\(a\)](#)] All students will graduate prepared and ready for college or career.

In order to achieve this mission, all District personnel will demonstrate the attitude and skills to model and support responsible, fulfilling and respectful lives. To ensure that students' learning environment is socially and emotionally safe and free from disruption, each educator is expected to:

- Develop positive relationships in the school community.
- Look for opportunities for proactive intervention before disciplinary action.
- Model courtesy and respect.
- *Take a restorative approach* to conflict and problem solving.
- Be an active listener.
- Communicate with all pertinent stakeholders.

Parents* as Partners

*Parents includes a person standing in parental relation but does not include a person as to whom the parent-child relationship has been terminated or a person not entitled to possession of or access to a child under court order [[Education Code §26.002](#)].)

Students, parents, and school personnel all have a role in making schools safe and must cooperate with one another to achieve this goal. School staff should keep parents informed of their child's behavior and enlist parents as partners in addressing areas of concern. Outreach to parents can include, but is not limited to, a phone call and/or a written communication. As role models, parents and school staff should exhibit the behaviors that they would like to see students emulate.

Parents must be familiar with the Student Code of Conduct (Code) to ensure that they become active and involved partners in promoting a safe and supportive environment. School officials are responsible for sharing the information in this document with students, parents, and staff. Educators are responsible for informing parents about their child's behavior and for nurturing the skills students need to succeed in school and in society. Parents are encouraged to discuss with their child's teacher and other school staff issues that may affect and strategies that may be effective toward student behaviors.

Maximum consultation and communication between the school and the home is important. Campus Behavior Team (CBT) ([see glossary](#)) conferences attended by the principal or principal's designee, a guidance counselor, the student's parent(s) and one or more of the student's teachers are an effective means of encouraging parental input and should be held with the student when appropriate. Parents who want to discuss interventions in response to student behavior should contact their child's school.

In the event a student engages in inappropriate behavior, the principal or principal's designee must report the behavior to the student's parent. When a student is believed to have committed a crime, the police must be summoned, and the parent must be contacted.

Parents who have questions or concerns about student discipline decisions arising from violations of the code should contact the campus principal.

Promoting Positive Student Behavior

School culture and climate have a profound impact on students' academic progress and their relationships with peers and adults. Each school is expected to promote a positive school culture that provides students a supportive environment that helps them grow socially and academically. Student connections to school through opportunities to participate in a wide range of prosocial ([see glossary](#)) activities and to bond with caring, supportive adults, coupled with a comprehensive program of prevention and intervention, provides students with the experiences, strategies, life skills and support they need to thrive.

Restorative practice is a basic component of a school's program of universal prevention for all students. Schools are expected to take a proactive role in nurturing students' prosocial behavior. Providing a range of positive behavioral supports as well as meaningful opportunities for restorative practice fosters resiliency. Effective restorative practice helps students develop fundamental life skills, including recognizing and managing emotions, developing caring and concern for others, establishing positive relationships, making responsible decisions, and constructively and ethically handling challenging situations. When students develop these skills, they experience more positive relationships with peers, engage in more positive social behaviors and are less likely to engage in misconduct.

The establishment of a school-wide, tiered framework of behavioral supports and interventions is essential to implementing progressive discipline. The goal of behavioral supports is to foster resiliency, help students understand and follow school rules and support students in developing the skills they need to meet behavioral expectations. School staff members are also responsible for addressing inappropriate student behaviors that disrupt learning.

Administrators, teachers, counselors, and other school staff are expected to engage all students in intervention and prevention strategies that address a student's behavioral issues and discuss these strategies with the student and his/her parent(s).

Intervention and prevention strategies may include but are not limited to: CBT (Campus Behavior Team) support and services that address personal and family circumstances; conflict resolution; peer mediation; collaborative negotiation; restorative circles; anger management; stress management; collaborative problem-solving; communication skills acquisition; the use of alternative instructional materials and/or methods; enrichment services; alternative class placement; development or review of functional behavioral assessments and behavioral intervention plans, which should be developed and/or reviewed as an early intervention strategy. If at any time, school officials suspect that a student's difficulties may be a result of a disability that may require special educational services, the student should be referred immediately to the CBT.

Through the use of interventions and prevention strategies that engage students and give them a clear sense of purpose, school staff members facilitate students' academic and social-emotional growth and assist them in following school rules and policies.

Positive Behavior Supports

Understanding discipline as a "teachable moment" is fundamental to a positive approach to discipline. Positive behavior supports use of incremental interventions to address inappropriate behavior with the ultimate goal of teaching prosocial behavior. Positive behavior supports do not seek punishment. Instead, positive behavior supports seek concurrent accountability and behavioral change.

The goal of positive behavior supports is prevention of a recurrence of negative behavior by helping students learn from their mistakes. Positive behavior supports helps students who have engaged in unacceptable behavior to:

- Understand why the behavior is unacceptable and the harm it has caused; understand what they could have done differently in the same situation;
- Take responsibility for their actions;
- Be given the opportunity to learn prosocial strategies and skills to use in the future; and
- Understand the progression of more stringent consequences if the behavior reoccurs.

Every reasonable effort must be made to correct student behavior through guidance interventions and other school-based strategies such as restorative practices.

Guidance interventions are essential because inappropriate behavior or violations of the Code may be symptomatic of more serious problems experienced by students. School personnel must be sensitive to issues that may influence the behavior of students and respond in a manner that is most supportive of their needs.

Appropriate disciplinary responses should emphasize prevention and effective intervention, foster resiliency, prevent disruption to student's education and promote positive school culture. When a student's misconduct results in a placement out of the classroom, the school should consider using a peer mediation or the restorative circle process as an effective strategy to support a successful return to the student's regular program.

For students with disabilities whose behavior impedes the student's participation in school, a functional behavior assessment (FBA) is an essential tool to understand the causes of the student's behavior. A behavioral intervention plan (BIP) after an FBA provides specific approaches to address the student's behavior.

Addressing the Behavioral Needs of Pre-K Thru Second Grade Children

A student enrolled in a grade level below grade three is prohibited from being 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 an offense related to weapons (unlawful carrying weapons or prohibited weapons); conduct that contains the elements of a violent offense (assault ([see glossary](#)), sexual assault, aggravated assault or aggravated sexual assault); or selling, giving or delivering or another person or possessing, using or being under the influence of: any amount of marihuana/marijuana or a controlled substance, a dangerous drug, or an alcoholic beverage. [\[Texas Education Code §37.005\]](#)

There is no simple solution to complex student needs. At the core of our response to PK-2 students, we should ask the following questions: What do we see when the student is in front of us? What is the root cause of the behavior? What does the student need?

We do not ask: What is wrong with the student? Instead, we ask: What is going on with the student?

The following graphics demonstrates MISD's approach to the Campus Behavior Team and the related Preventative, Response, and Intensive Intervention Support Services. Campuses can utilize this menu to support the implementation of [Section 37.005](#) with alternatives to PK-2 Suspension. *These supports can also be used for students in grades 3-12.*

TIER I PREVENTION

Cultural Proficiency and Inclusiveness (CP&I):

An understanding that an adult's personal culture, background and experiences impact their student's learning and social and emotional development. MISD's Cultural Proficiency and Inclusiveness work seeks to provide ongoing, meaningful, professional learning opportunities for staff to engage in critical self-reflection regarding their interaction with students and their families in a manner that considers the diverse needs of all.

Restorative Practices:

A continuum of responsive practices available to a campus to focus on developing a campus culture and climate that supports the needs of each individual student and their family.

Positive Behavioral Interventions and Supports (PBIS):

A broad range of systemic and individualized strategies with emphasis on proactive interventions for promoting, teaching, reinforcing, and monitoring positive student behaviors by all adults on campus while preventing problem behavior with all students.

Trust- Based Relational interventions (TBRI):

A trauma-informed intervention designed to meet the needs of children who have experienced abuse, neglect and/or trauma and students who are not responding to the learning environment.

TIER II TARGETED RESPONSE

Assessment and Monitoring

- Campus and/or campus reflection questions
- Campus Behavior Team Meeting, 504, ARD, or LPAC committee meeting as appropriate to conduct a Functional Behavior Assessment and develop a Behavior Improvement Plan (for 504 or special education students)
- Conference with parents or legal guardians and campus support personnel
- Development or monitoring of an CBT (see glossary) academic or behavior plan in partnership with the student, teacher, and family
- Restorative circle (with support as needed by district staff)

Supports

- Classroom and peer observations from campus administration and/or early childhood specialists to identify resources and academic or behavioral strategies
- Counseling with school counselor or by community resource
- Development of a classroom Peace Area
- Development of a campus mindfulness space
- Referral to a mental health center or a licensed mental health professional

TIER III INTENSIVE RESPONSE

Assessment and Monitoring

- Intensive Intervention District CBT meeting co-facilitated by a district representative and PK-2 multi-tiered system of support coach to determine additional supports, resources, and/or personnel. Participants may include:
 - District: representative, counseling staff, multi-tiered system of support coaches, early child specialist, 504/dyslexia staff, special education staff, and/or behavioral counselors
 - Family: Parent/guardian, student
 - Campus: Principal or representative, teacher/s, campus counselor
- A family may be given a list of community resource(s) to connect the family with community mental health providers to provide more intensive wraparound support for student and family (as relevant)

Supports

- Referral to mental health resources
- Referral to community partners and service providers

Learning Support Center

- Intensive on-site instructional and behavioral support

Purpose

The Code is the district's specific response to requirements of [Chapter 37](#): Discipline; Law and Order of the Texas Education Code.

The Code provides clear guidance and reliable information to students, parents, and staff, so everyone knows what to expect should disciplinary responses become necessary. This Code also aligns with MISD's goals and philosophy.

[The law requires the district to define misconduct that may or must result in a range of specific disciplinary consequences.](#)

Rules of conduct and discipline shall not have the effect of discriminating on the basis of race, color, religion, gender, gender identity, gender expression, sexual orientation, national origin, disability, age, immigration status, or any other basis prohibited by law.

This Code is an outgrowth of collaboration among district, campus staff, parents, and other community members. This Code, adopted by the MISD Board of Trustees, provides information and direction to students and parents regarding standards of behavior as well as consequences of misconduct. In the case of conflict between the Code and board policy, the Code will prevail.

References are made throughout this document to Chapter 37 of the Texas Education Code (TEC), which governs various aspects of the Code. TEC and MISD policies, regulations and exhibits concerning discipline and behavior management can be accessed on-line:

TEC: [Texas Education Code Chapter 37](#)

MISD policies, regulations, and exhibits: [Midland ISD Board Policy Manual](#)

I. Expectations for Student Behavior

In order to achieve MISD's mission, all students will demonstrate the attitude and skills to lead responsible, fulfilling and respectful lives; all students will understand the components of a healthy lifestyle. To ensure that students learn in a psychologically-, physically- and emotionally safe environment free from disruption, each student is expected to:

- Demonstrate courtesy and respect for others;
- Behave responsibly;
- Attend all classes regularly and on time;
- Avoid Code violations;
- Prepare for each class and take appropriate materials and assignments to class;
- Cooperate with or assist the school staff in maintaining safety, order, and discipline;
- Be well-groomed and dress appropriately according to district or campus dress code;
- Respect the property of others, including district property and facilities;
- Respect the rights and privileges of other students, teachers, and other district staff.

A student whose behavior shows disrespect for others, including interference with a person's access to a public education and/or a safe environment, will be subject to a disciplinary response. The district or individual schools may impose campus or classroom rules in addition to those found in the Code. These rules may be listed in the campus student handbooks or posted in classrooms and may or may not constitute violations of the Code.

In general, discipline will be designed to correct the misconduct and to encourage all students to adhere to their responsibilities as citizens of the school community. Disciplinary action and the length of the assignment will draw on the professional judgement of teachers and administrators and on a range of discipline management techniques. Disciplinary responses will be related to, but not limited to, the seriousness of the offense, the student's age and grade level, the frequency of misbehavior, whether the student was acting in self-defense, the effect of the misconduct on the school environment, intent or lack of intent at the time the student engaged in the conduct, whether a student has a disability that substantially impairs the student's capacity to appreciate the wrongfulness of their conduct (as required by law, IDEA, 504), and a student's status in the conservatorship of the Department of Family and Protective Services or a student's status as a student who is homeless. Because of these factors, varying techniques and responses may be considered for discipline for a particular offense (unless otherwise specified by law).

- Verbal correction;
- Cooling-off time;
- Seating changes in the classroom or in vehicles owned or operated by the district;
- Counseling by teachers, counselors, or administrative personnel;
- Restorative conference;
- Parent-teacher conferences;
- Confiscation of items that disrupt the educational process;
- Behavioral contracts;
- Sending the student to the office or other assigned area, or to In-School Suspension (ISS);
- Assignment to another classroom;
- Detention;
- Restriction or revocation of bus district transportation privileges;
- Assigned school duties other than class tasks;
- Withdrawal of privileges, such as participation in extracurricular activities and eligibility to seek and hold honorary offices;
- Techniques or penalties identified in individual student organizations' codes of conduct;
- School-assessed and school-administered probation;
- Grade reductions for cheating, plagiarism and as otherwise permitted by policy;
- Referral to an outside agency and/or legal authority for criminal prosecution in addition to disciplinary measures imposed by the district;
- Other strategies and consequences as specified by the Code or deemed appropriate by the campus administrators, such as suspension, removal, or expulsion.

The following techniques may be used alone or in combination for Code and non-Code violations, such as campus or classroom rules:

Note: Corporal punishment is not permitted in MISD.

When disciplinary consequences require a conference or hearing, the CBC or principal will make valid attempts to inform the student and the student's parent or legal guardian of the time and place of the conference or hearing. The district may hold the conference or hearing regardless of whether the student, the student's parent or legal guardian or another adult representing the student attends. (See [Notification on page 25](#).)

Discipline Authority

School rules and the district's authority to administer discipline apply whenever the interest of the school is involved on or off school grounds in conjunction with or independent of classes/virtual classes and school-sponsored activities. The district has disciplinary authority over a student:

- During the regular school day, when the student is within 300 feet of the school's real property boundary line, and while the student is going to and from school on district transportation.
- During lunch periods in which a student is allowed to leave campus.
- While the student is in attendance at any school-related activity, including summer school, regardless of time or location.
- For any school-related misconduct, regardless of time or location.
- When criminal mischief is committed on or off school property or at a school-related event.
- When retaliation against a school employee or volunteer occurs or is threatened, regardless of time or location.
- When the student commits a felony offense in the community, as provided by the Texas Education Code.
- Pursuant to any code of conduct adopted at the campus level relating to participation in a student club, organization or extracurricular activity.
- For certain mandatory DAEP and discretionary expulsion offenses, within 300 feet of school property as measured from any point on the school's real property boundary line.
- For any mandatory expulsion offense committed while on school property or while attending a school-sponsored or school-related activity of another district in Texas.
- When the student is required to register as a sex offender.

Note: In addition to disciplinary consequences, misdemeanor and felony offenses committed on campus or via virtual le will be reported to and handled by the appropriate law enforcement agency. Please see district [policy FNF](#) for information on searches.

Campus Behavior Coordinator (CBC)

As required by law [[TEC 37.0012](#)], a person at each campus must be designated to serve as the CBC. This person may be the principal of the campus or any other campus administrator selected by the principal. The CBC is primarily responsible for maintaining student discipline.

Due Process

A student will be afforded due process consistent with this Code and state law before a decision is made to suspend a student from school, remove a student to the District Alternative Education Program (DAEP) or expel a student from school and place the student in the DDAEP. Although this Code describes in detail the specific procedures for procedures applicable to disciplinary consequences, these general provisions apply any time a student is removed from a class or school setting for disciplinary reasons. The student will be given a notice of the allegations against them. If the student denies those allegations, school officials will provide an explanation specifying the reasons they believe misconduct has occurred. The student will be offered an opportunity to present their perspective.

No later than the third-class day after the day on which a teacher or campus administrator removed the student from class, the CBC shall schedule a conference with the campus administrator, a parent or legal guardian of the student, the teacher who removed the student from class (if applicable) and the student. At the conference, the student will receive an explanation of the reasons for their removal and will have an opportunity to respond. The student may not return to their regular classroom pending this conference. The CBC will make good faith attempts to invite the parent and student to the removal conference but may proceed with the disciplinary placement regardless of whether the student and parent are in attendance.

Before ordering a student's suspension, removal to DAEP, or recommendation for expulsion, the CBC will consider whether mitigating factors exist; that is, whether the student acted in self-defense, the intent or lack thereof at the time the student engaged in the misconduct, the student's disciplinary history, whether the student has a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct, and a student's status in the conservatorship of the Department of Family and Protective Services or a student's status as a student who is homeless.

Following the conference, the CBC will provide the parent or legal guardian with written notice of the conference's outcome, consistent with the appropriate provisions of the Code.

II. General Misconduct

A. Definition of General Misconduct

General misconduct is unacceptable or improper behavior of a student; that is, not following the policies of MISD, state laws, federal laws, and/or the Code.

At school physically or virtually, in vehicles owned or operated by the district and at all school-related activities, prohibited conduct and items include, but are not limited to, the following:

General Violations or Rules/Miscellaneous

- Cheating or copying another person's work.
- Violating the district or campus dress code.
- Inappropriate discharge of a fire extinguisher.
- Violating safety rules.
- Disobeying rules for conduct on school buses.
- Repeatedly violating communicated campus or classroom standards of behavior.
- Failure to comply with directives given by school personnel.
- Behaving in any way that disrupts the school environment or educational process.
- Leaving school grounds or school-sponsored events without permission.
- Damaging or vandalizing property owned by others.
- Defacing or damaging school property—including textbooks, lockers, furniture, and other equipment—with graffiti (see glossary) or by other means.
- Falsification of paper or computer records, passes or other school related documents
- Gambling
- Stealing, theft, or robbery
- Engaging in conduct that constitutes criminal mischief.
- Engaging in any behavior that gives school officials reasonable cause to believe that such conduct will substantially disrupt the school program or incite violence.
- Violating any local, state, or federal laws.
- Inappropriate Physical or Verbal Conduct, committing extortion, coercion, or blackmail (obtaining money or another object of value from an unwilling person) or forcing an individual to act through use of force or threat of force.
- Recording the voice or image of another person(s) without that person(s)'s prior consent to be recorded or recording in any way that disrupts the educational environment or invades the privacy of others.
- Use of profanity, vulgar language, or obscene gestures.

General Violations or Rules/Miscellaneous Continued

- Name-calling, using ethnic or racial slurs or giving derogatory statements that school officials have reason to believe will disrupt the school program or incite violence.
- Engaging in conduct that constitutes sexual-or gender-based harassment or sexual abuse, whether by word, gesture, or any other sexual conduct, including request for sexual favors.
- Engaging in inappropriate physical or sexual contact.
- Harassment (see glossary).
- Dating violence (see glossary).
- Bullying (see glossary).
- Cyberbullying (see glossary).
- Hazing (see glossary).
- Throwing objects that can cause bodily injury or property damage.
- Fighting.
- Aggressive, disruptive actions or group demonstrations that substantially disrupt or materially interfere with school activities.
- Making false accusations or perpetuating hoaxes regarding school safety.
- Engaging in threatening behavior toward another student or district employee or property, including creating a hit list, defined as a list of people targeted to be harmed, using a firearm (see glossary), a knife, or any other object with the intent to cause bodily harm.
- Engaging in Assassin, or any other organized mock killing or elimination game which involves but is not limited to carrying out strikes, kills or hit lists, regardless of method (for example, toy guns or markers).

Threats

The District takes all threats seriously. Threats of any nature are taken seriously and investigated to the full extent allowable by law and district policy. Threats of any kind against a school, students or staff are not tolerated. All school threats are investigated by school officials and law enforcement.

Threats that result in evacuations, lockdowns, investigations by an official or agency organized to deal with emergencies, will result in the application of discipline policy. Any disciplinary action taken will be in accordance with [TEC Chapter 37](#) and the Student Code of Conduct.

Please emphasize to your children that all such threats—made verbally or over any social media channel—are investigated immediately. Students may be detained or arrested on a charge of making a terroristic threat, even if the threat is not credible.

Harassment and Bullying

The district believes that all students learn best in an environment free from dating violence, discrimination, harassment, and retaliation and that their welfare is best served when they are free from this prohibited conduct while attending school. Students are expected to treat other students and district employees with courtesy and respect, to avoid behaviors known to be offensive and to stop those behaviors when asked or told to stop. District employees are expected to treat students with courtesy and respect.

The board has established policies and procedures to prohibit and promptly respond to inappropriate and offensive behaviors that are based on a person's race, color, religion, sex, gender, gender identity, gender expression, sexual orientation, national origin, disability, age, immigration status or any other basis prohibited by law. [See policy [FFH](#).]

Upon receiving a report of prohibited conduct as defined by policy [FFH](#), the district will determine whether the allegations, if proven, would constitute prohibited conduct as defined by that policy. If not, the district will refer to policy [FFI](#) to determine if the allegations, if proven, would constitute bullying, as defined by law and that policy. If the alleged prohibited conduct, if proven, would constitute prohibited conduct and would also be considered bullying as defined by law and policy [FFI](#), an investigation of bullying will also be conducted.

To the extent possible, the district will respect the privacy of the student; however, limited disclosures may be necessary to conduct a thorough investigation and to comply with law. Allegations of prohibited conduct, which includes dating violence, discrimination, harassment, and retaliation, will be promptly investigated.

During the investigation and when appropriate, the district will take interim action to address the alleged prohibited conduct.

If the district's investigation indicates that prohibited conduct occurred, appropriate disciplinary action and, in some cases, corrective action will be taken to address the conduct. The district may take disciplinary and corrective action even if the conduct that is the subject of the complaint was not unlawful.

[Conflict vs. Bullying: Understanding the Difference](#) and [Anonymous Alerts Anti-Bullying App](#)

David's Law and Discipline

A student may be removed from class and placed in a disciplinary alternative education program or expelled ([Section 37.0052](#)) if the student engages in "Bullying" or "Cyberbullying" as defined in [Section 37.0832](#) that encourages a student to commit or attempt to commit suicide; or incites violence against a student through group bullying; or releases or threatens to release intimate visual material of a minor or student who is 18 years of age or older without the student's consent.

Schools have authority to apply discipline for 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; bullying that occurs on a publicly or privately owned/leased/rented school bus or vehicle being used for transportation of students to or from school or a school-sponsored or school-related activity; and 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.

David's Law

Prohibited Items to Distribute, Possess, Sell or Use

- Pornographic materials.
- Published or electronic material designed to promote or encourage illegal behavior or that could threaten school safety; this includes e-mail or Web sites used at school to encourage illegal behavior or threaten school safety.
- Glue or aerosol paint containing volatile chemicals and/or able to be abused.
- Alcoholic beverages (includes consumption before arriving at or while on school premises); committing a serious act or offense while under the influence of alcohol.
- Medicine available without a prescription in a manner inconsistent either with the medicine's intended use as indicated on the manufacturer's labeling or with district policy concerning the handling of such medicines.
- Prescription or over-the-counter drugs taken in violation of district policy [[FFAC \(Legal\)](#), [FFAC \(Local\)](#)]. (See Page 24)
- A student's own prescription drugs when given to another student or possessing or being under the influence of another person's prescription drug.
- Drug paraphernalia.
- Look-alike drugs or items imitating or mimicking drugs and contraband.
- Matches or lighters.

Prohibited Items to Distribute, Possess, Sell or Use Continued:

- Tobacco products, including cigarettes, cigars, cigarillos, dissolvable tobacco products, traditional smokeless tobacco products including chewing tobacco and moist snuff.
- Vape products, including electronic cigarettes (e-cigarettes) (see glossary), electronic vaping devices, personal vaporizers (PV) or electronic nicotine delivery systems, their accessories, and e-liquids.
- Selling, giving, delivering, possessing, using or being under the influence of any amount of marihuana/marijuana or a controlled substance, or a dangerous drug.
- Any articles generally not considered weapons, including school supplies, when the principal or designee determines that a danger exists.
- Razors, box cutters, chains or other objects used in a way that threatens or inflicts bodily injury to another person.
- Knives, bladed instruments, switchblade knives, air guns, toy guns, chemical dispensing devices (see glossary), mace/pepper spray, fireworks, replica firearms, electronic stunning devices, ammunition, and other dangerous items.
- A firearm (see glossary); a machine gun; a short-barrel firearm; a firearm silencer; armor-piercing ammunition; a zip gun; a location-restricted knife, defined as a knife with a blade over five-and-a-half inches; a butterfly knife; a club (see glossary); a prohibited weapon, such as an explosive weapon (see glossary); knuckles.
- Any item, other than those defined as firearms (see glossary) under state and federal, capable of propelling a projectile and causing injury by any means including, but not limited to, spring, compressed air, spring-piston, pneumatic or CO₂. Examples include, but are not limited to, BB guns, Airsoft guns, pellet guns and any protective device designed to administer an electric shock.
- Possessing a homemade weapon, defined as a device or item that was manufactured, modified, or adapted by an individual for the use or intended use of inflicting harm on another person.

[FFA Legal](#) and [FFA Local](#)

Note that possession and use of paging devices or cellular telephones must be in accordance with District and campus policy.

Inappropriate Use of Computer/Internet/Email

Violating policies, rules, or any agreements signed by the student or the student's parent regarding the use of technology resources. See [MISD's Acceptable Use Policy](#).

Attempting to access or circumvent passwords or other security-related information of the district, students or employees or uploading or creating computer viruses, either on or off school property, if the conduct causes a substantial disruption to the educational environment.

Attempting 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, either on or off school property, if the conduct causes a substantial disruption to the educational environment.

Using email or websites to engage in or encourage illegal behavior or threaten school safety, including off property if the conduct causes a substantial disruption to the educational process.

Sending, posting, or possessing electronic messages that are abusive, obscene, sexually oriented, threatening, harassing, damaging to another's reputation, or illegal, including cyberbullying (see [glossary](#)) and "sexting," either on or off school property if the conduct causes a substantial disruption to the educational environment.

B. Consequences for General Misconduct

Students who engage in general misconduct as defined in [Part A](#) will be disciplined. Students will be disciplined via appropriate discipline management techniques; removal from the regular classroom environment and placement in a Disciplinary Alternative Education Program (see III. B. "[Removal to a Disciplinary Alternative Education Program](#)"); or [suspension](#), as detailed below.

Notification

The CBC shall promptly notify a student's parent by phone or in person of any violation that may result in in-school suspension or out-of-school suspension, placement in a DAEP, or expulsion. The CBC shall also notify a student's parent if a law enforcement officer takes custody of a student under the disciplinary provisions of the education code. A good faith effort shall be made on the day the action was taken to give the student written notification of the disciplinary action to deliver to the student's parent/legal guardian. If the parent is unable to be reached by telephone or in person by 5:00 p.m. of the first business day after the day of the disciplinary action, the CBC shall send written notification by

U.S. Mail. If the CBC is unable to provide notice to the parent, the principal or designee shall provide the notice.

Removal from the School Bus

Since the district's primary responsibility when transporting students in district vehicles is to do so as safely as possible, the operator of the vehicle must focus on driving and not have their attention distracted by student misbehavior. Therefore, when appropriate disciplinary management techniques fail to improve student behavior or when specific misconduct warrants immediate removal, the bus driver may refer a student to the principal's office to maintain effective discipline on the bus. The principal must employ additional discipline management techniques, as appropriate, which can include restricting or revoking a student's bus riding privileges, in accordance with law.

Removal by Teacher [\[TEC 37.002\(B\) \(D\)\]](#)

A teacher also has the authority to remove a student. A teacher may remove from class a student who has been documented by the teacher to repeatedly interfere with the teacher's ability to communicate effectively with the students in the class (in-person or virtually) or with the ability of the student's classmates to learn; or whose behavior the teacher determines is so unruly, disruptive or abusive that it seriously interferes with the teacher's ability to communicate effectively with the students in the class or with the ability of the student's classmates to learn [\[TEC 37.002 \(b\)\]](#). A teacher or administrator may also remove a student from class for an offense for which a student may be suspended and/or placed in a Disciplinary Alternative Education Program [\[TEC 37.002 \(d\)\]](#). If the following offenses are committed against the teacher, the student may not be returned to the class without the teacher's consent: assault with bodily injury, aggravated assault, sexual assault, or aggravated sexual assault. The principal or appropriate administrator must send a copy of the teacher's documentation or of the Code of Conduct violation to the student's parent or legal guardian within 24 hours of receiving it.

Conference

When a student is removed from the regular classroom, a conference will be scheduled within three school days with the student's parent/legal guardian, the teacher, and the student. Pending the conference, the principal or other appropriate administrator may place a student in:

- Another appropriate classroom.
- In-School Suspension (ISS).
- A Disciplinary Alternative Education Program (DAEP).
- Out-of-school suspension.

[\(See page 41 for students with disabilities\)](#)

After the conference, the principal will notify the student and parent(s) of the consequences for the Code violation. When a student has been formally removed from class [\[TEC 37.002\]](#), the principal or other administrator may not return the student to the teacher's class without the appropriate teacher's consent unless the Placement Review Committee (described below) determines that the teacher's class is the best or only alternative.

Placement Review Committee [\[TEC 37.003\]](#)

Each school will establish a three-member committee composed of two teachers chosen by the faculty and one member chosen by the principal. In addition, there will be one alternate member chosen by the faculty. The purpose of this committee is to determine placement of a student when a teacher refuses the return of a student to the teacher's class and to make recommendations to the district regarding readmission of expelled students.

Suspension [\[TEC 37.005\]](#)

Students may be suspended for any behavior listed in the Code as a general misconduct violation, Disciplinary Alternative Education Program placement or expellable offense. In addition, suspensions may be used for students who have committed a removal or expulsion offense and for whom a conference or hearing is pending. State law allows a student to be suspended from school for up to three school days per offense, with no limit on the number of times a student may be suspended in a semester or school year ([See page 41 for students with disabilities](#)). A student who is to be suspended will be afforded due process consisting of an informal conference with the principal or other appropriate administrator advising the student of the misconduct with which the student has engaged in and giving the student the opportunity to explain the student's perspective of the incident. The administrator will take into consideration any mitigating factors that may apply, including whether the student acted in self-defense, the intent or lack of intent at the time the student engaged in the conduct, the student's disciplinary history, whether the student has a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct, and a student's status in the conservatorship of the Department of Family and Protective Services or a student's status as a student who is homeless. The principal or other appropriate administrator will determine the suspension duration. Any restrictions on participation in school-sponsored or school-related extracurricular and non curricular activities will be determined by the principal or other appropriate administrator. A student may appeal the decision of the CBC to the campus principal or designee. The student will remain on suspension pending any appeal. The campus principal's decision cannot be appealed.

No elementary student enrolled in a grade level below grade three shall 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 engaged in: conduct that contains the elements of an offense related to weapons (unlawful carrying weapons or prohibited weapons); conduct that contains the elements of a violent offense (assault [\[see glossary\]](#), sexual assault, aggravated assault or aggravated sexual assault); or selling, giving or delivering to another person or possessing, using or being under the influence of any amount of marihuana or a controlled substance, a dangerous drug or an alcoholic beverage [\[TEC Section 37.005\]](#).

No student who is homeless may 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 engaged in: conduct that contains the elements of an offense related to weapons (unlawful carrying weapons or prohibited weapons); conduct that contains the elements of a violent offense (assault [\[see glossary\]](#), sexual assault, aggravated assault or aggravated sexual assault); or selling, giving or delivering to another person or possessing, using or being under the influence of any amount of marihuana/marijuana or a controlled substance, a dangerous drug or an alcoholic beverage [\[TEC Section 37.005\]](#). Disciplinary Alternative Education Program (DAEP)

III. Disciplinary Alternative Education Program (DAEP) at the Midland Alternative Program (MAP) campus or the Elementary DAEP Campus

A. Behavior Subject to Removal

DAEP Mandatory Removals

A student **must** be placed in a Disciplinary Alternative Education Program if the student commits any of the following offenses on school property, including a parking lot, parking garage or other parking area owned by the school district; on a school bus; within 300 feet of the school's real property line; while attending a school-sponsored or school-related activity on or off school property [\[TEC Section 37.005\]](#):

- Engaging in conduct punishable as a felony. Committing an assault with injury.
- Selling, giving, delivering, possessing, using or being under the influence of any amount of marihuana/marijuana or a controlled substance or a dangerous drug, in an amount not constituting a felony offense.
- Selling, giving, or delivering an alcoholic beverage; committing a serious act or offense while under the influence of alcohol.
- Possessing, using, or being under the influence of an alcoholic beverage. Behaving in a manner that contains the elements of an offense: relating to the abuse of glue or aerosol paint or relating to volatile chemicals;
- of public lewdness;
- of the offense of indecent exposure.
- Engaging in conduct that contains the elements of the offense of harassment under [Section 42.07\(a\)\(1\), \(2\), \(3\), or \(7\), Penal Code](#), against an employee of the school district.

In addition, a student **must** be placed in a DAEP if the student:

- Engages in conduct that contains the elements of the offense of retaliation against any school employee, regardless of where or when the conduct occurs. (The Code's Expulsion section addresses committing retaliation in combination with another expellable offense.)
- Engages in "**Bullying**" as defined in [Section 37.0832](#) that encourages a student to commit or attempt to commit suicide; or incites violence against a student through group bullying; or releases or threatens to release intimate visual material of a minor or student who is 18 years of age or older without the student's consent.
- Makes a terroristic threat; false alarm or report ([see glossary](#)) (e.g., bomb threats).

- Is ordered by a juvenile court to attend a district DAEP as a condition of probation (pertains to unexpelled students).
- Engages in conduct off campus and while the student is not in attendance at a school-sponsored or school-related activity and is:
 - Placed on deferred prosecution ([see glossary](#)) by Juvenile Court for conduct defined as aggravated robbery or a felony in [Title V of the Penal Code](#) (Title V includes both misdemeanor and felony offenses "against the person");
 - Found to have engaged in delinquent conduct ([see glossary](#)) for aggravated robbery or a felony as specified by [Title V](#) of the penal code;
 - Believed by the superintendent or the superintendent's designee to have engaged in aggravated robbery or conduct defined as a felony offense in [Title V of the Penal Code](#).

A student under 10 years of age who engages in expellable conduct described in [Section 37.007](#) shall receive educational services in the district's DAEP. A student under the age of six may not be removed to a DAEP (as described in [37.008](#)) unless they commit a federal firearms offense.

DAEP Discretionary Removals

A student may also be removed from class and placed in a DAEP under Section [37.008](#) based on conduct occurring off campus and while the student is not in attendance at a school-sponsored or school-related activity if:

- Involved in a public-school fraternity, sorority, secret society, or a gang, including participating as a member or pledge or soliciting another person to become a pledge or member of such a group.
- Involved in criminal street gang activity ([see glossary](#))

In addition, students may be removed from class and placed in a DAEP who are found to be:

- The superintendent or the superintendent's designee has a reasonable belief that the student has engaged in conduct defined as a felony offense other than aggravated robbery or those defined in Title V of the penal code.
- The continued presence of the student in the regular classroom threatens the safety of other students or teachers or will be detrimental to the educational process.

A student **may** also be removed to a DAEP for serious or persistent misbehavior. The district defines "persistent" to be two or more violations of the Code or repeated occurrence of the same violation. A student may be removed for persistent misbehavior if behavioral interventions have not been successful and removal to a DAEP is deemed necessary to improve the student's behavior. The district defines "serious" offenses as offenses that pose a physical danger to the student or others or to property.

B. Removal to a DAEP

The board delegates to the principal the authority to remove a student to a DAEP in which the student will be separated from other students for the entire school program day and will be provided instruction in the core subjects with the goal of reaching/maintaining grade level. Counseling will also be provided to the student. The duration of a student's placement in a DAEP will be determined on a case-by-case basis. The maximum period of a DAEP placement is through the end of the current school year, unless the student is determined to be a threat to the safety of other students or district employees; or an extended placement is in the best interest of the student. The board delegates to the superintendent or designee the authority to consider appeals of such removals. Secondary students will be removed to the Midland Alternative Program (MAP DAEP) and elementary students will be removed to the Elementary Disciplinary Alternative Education Program (EDAEP).

Teacher/Administrator Removal [[TEC 37.006](#)]

A teacher shall remove a student from class and send the student to the principal or other appropriate administrator if the student engages in an offense specified under [TEC 37.006](#). When a violation of [TEC 37.006](#) is alleged, the principal or other appropriate administrator will schedule a conference with the student's parent, teacher (if appropriate) and the student within three school days of receiving the violation report. The campus administrator will make a good-faith effort to schedule the hearing in collaboration with the student's parent but may proceed with the hearing in absence of the parent if the parent does not attend the conference after a valid effort is made to secure the parent's attendance. The duration of a student's placement in a Disciplinary Alternative Education Program is the decision of the principal.

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

- Another appropriate classroom.
- In-School Suspension (ISS)
- A DAEP
- Out-of-school suspension.

Due process will be afforded at the conference. The principal or other appropriate administrator will explain the allegations against the student and give the student an opportunity to explain the student's perspective of the incident. Before ordering placement of the student in a DAEP, the Campus administrator will consider the following mitigating factors: whether the student acted in self-defense, the intent or lack of intent at the time the student engaged in the misconduct, the student's disciplinary history, and whether the student has a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct. After the conference, if the student is placed in the DAEP, a written placement order shall be provided to the student and the parent, together with notice of the right to appeal the removal. The order will include notice of the school

district's obligation to provide the student with the opportunity to complete coursework required for graduation at no expense to the student.

If the student's placement in a DAEP is inconsistent with the district's placement guidelines as set forth in this Code, the order must give notice of the inconsistency.

Appeal

The decision to place a student in the DAEP may be appealed to the principal (Level I), the superintendent/designee (Level II), or the board (Level III). The board's decision is final. The appeal must be made in writing and must be received by the district within seven district business days of the date of the removal notice. The student will remain in the DAEP pending any appeal of the campus principal's decision.

A student and/or the student's parent or legal guardian may appeal to the board the superintendent's decision to continue a DAEP placement after the district has received notification of a prosecutor's decision not to prosecute or a court finding that the student is not guilty or did not engage in delinquent conduct ([see glossary](#)). The decision of the board may be appealed to the Texas Commissioner of Education as provided by [TEC 37.006 \(i\)](#).

Participation in Activities

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 or organizations.

Please see district policy [FMH\(Local\)](#) concerning removals for graduating seniors and participation in commencement activities.

Review Every 120 Days

The principal or other appropriate administrator of the student's home school will provide a student placed in a DAEP with a review of the student's status at intervals not exceeding 120 days. At the review, the student or the student's parent or legal guardian must be given the opportunity to present arguments for the student's return to the regular classroom or campus. In the case of a high school student, the principal, or principal's designee, with the student's parent or legal guardian, shall review the student's progress towards meeting high school graduation requirements and shall establish a specific graduation plan for the student. The district is not required under this subsection to provide the district's DAEP with a course not specified under [Section 37.008\(a\)](#). Students shall be given the opportunity to complete coursework required for graduation. For secondary students, please contact the DAEP administration (432-240-4700) for additional information. For elementary students, please contact 432-240-7606.

If the student was removed for an assaultive offense against the teacher, the student may not be returned to the classroom of the teacher who removed the student without the teacher's consent, unless the [Placement Review Committee](#) determines that this is the best or only available alternative.

Removal Beyond the End of the School Year

For placement in a DAEP to extend beyond the end of the school year, the principal or other appropriate administrator must determine that the student's presence in the regular classroom or campus presents a threat to the safety of other students or employees, or that long term placement is in the best interest of the student.

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

Students whose removals continue into the next school year are not prohibited from attending summer programs unless the campus principal determines that the student presents a threat to the safety of students or employees.

Emergency Placement in DAEP [[Section 37.019](#)]

In situations that the principal or an appropriate administrator consider to be emergencies, the principal may order the immediate placement of a student when a student is so unruly, disruptive or abusive that the student's presence seriously interferes with the teacher's ability to communicate effectively with the students in a class, the ability of the student's classmates to learn, or the operation of school or a school-sponsored or a school-related activity. As required by law, the student will be given the appropriate conference required for DAEP placement within ten days.

Admission of Removed Students

The district will decide on a case-by-case basis the placement of a student who enrolls in the district having been assigned to the DAEP in another district, including a district in another state or an open-enrollment charter school. The district may place the student in the district's DAEP or a regular classroom setting.

IV. Placement and/or Expulsion for Certain Serious Offenses

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

A. Registered Sex Offenders

Upon receipt of notification in accordance with state law that a student is currently required to register as a sex offender, the administration must remove the student from the regular classroom and determine appropriate placement unless the court orders placement. If the student is under any form of court supervision, including probation, community supervision or parole, the placement will be in either DAEP or DDAEP for at least one semester (the equivalent of one semester is 87 school days).

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

- Threatens the safety of other students or teachers.
- Will be detrimental to the educational process.
- 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 DAEP or DDAEP 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, whose membership will include the appropriate designee, will recommend whether the student should return to the regular classroom or remain in placement. Absent a special finding, the board's designee, the General Counsel, must follow the committee's recommendation.

The Admission, Review and Dismissal (ARD) committee must review placement of a student with a disability who receives special education services.

Continuation of Placement

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/legal guardian may appeal the placement by requesting a conference among the board or its designee, the student and the student's parent/legal guardian. The conference is limited to the factual question of whether the student is required to register as a sex offender under [Chapter 62 of the Texas Code of Criminal Procedures](#).

Under this section, any decision by the board's designee, the Chief Officer for School Leadership or designee is final and may not be appealed.

B. Certain Felonies

Regardless of whether placement or expulsion is required or permitted due to one of the reasons in the DAEP or Expulsions sections, in accordance with [Texas Education Code 37.0081](#), a student may be expelled and placed in either DAEP or DDAEP if the board or its designee, the superintendent's designee, makes certain findings and the following circumstances exist in relation to aggravated robbery or a felony offense under [Title V of the Texas Penal Code](#).

The student must have:

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

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

- The date on which the student's conduct occurred;
- The location at which the conduct occurred;
- Whether the conduct occurred while the student was enrolled in the district;
- 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, the superintendent's designee of Student Services must determine that, in addition to the circumstances above that allow for the expulsion, the student's presence in the regular classroom:

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

Any decision of the board or its designee, the superintendent's designee, under this section is final and may not be appealed ([see Expulsion](#)).

Length of Placement

The student is subject to the placement until:

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

Continuation of a Placement

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

V. Expulsion

A. Offenses Subject to Expulsion [TEC [37.007](#) and [37.125](#)]

Mandatory Expulsions

A student **must** be expelled for any following offense if committed on school property, including a parking lot, parking garage, or other parking area owned by the school district, on a school bus or while attending a school-sponsored or school-related activity on or off school property:

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

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

Use, exhibition, or possession of the following, under the Texas Penal Code:

- A firearm (defined as any device designed, made, or adapted to expel a projectile through a barrel by using the energy generated by an explosion or burning substance or any device readily convertible to that use).
- A location-restricted knife, defined as a knife with a blade over five-and-a-half inches.
- A prohibited weapon, such as an explosive weapon (see glossary); a machine gun; a short-barrel firearm; a firearm silencer; armor-piercing ammunition; a zip gun; or a tire deflation device.

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

- Aggravated assault, sexual assault, or aggravated sexual assault.
- Aggravated kidnapping.
- Aggravated robbery.
- Arson (see glossary).

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

- Behavior punishable as a felony that involves being under the influence of, possession or use of, or the selling, giving or delivering to another person: any amount of marihuana/marijuana or a controlled substance, a dangerous drug, or alcohol;
- or committing a serious act while under the influence of alcohol.
- Continuous sexual abuse of a young child or children
- Indecency with a child.
- Murder, capital murder or criminal attempt to commit murder or capital murder; manslaughter; or criminally negligent homicide. Retaliation against a school employee combined with one of the above-listed offenses on or off school property or at a school-related activity.

Discretionary Expulsions

Offenses Engaged in at Any Location

A student **may** be expelled for:

- Engaging in conduct that contains the elements of an offense under Section 22.01 of the Penal Code (assault with injury is when a person intentionally, knowingly or recklessly causes bodily injury to another, including the person's spouse) in retaliation against a school district employee or volunteer.
- Engaging in bullying as defined in Section 37.0832 that encourages a student to commit or attempt to commit suicide; or inciting violence against a student through group bullying; or releasing or threatening to release intimate visual material of a minor or student who is 18 years of age or older without the student's consent.
- Engaging in criminal mischief if punishable as a felony.
- Making a terroristic threat, false alarm, or report (see glossary) (e.g., bomb threats) involving a public school.
- Engaging in conduct that contains the elements of offense of breach of computer security under section 33.02 of the Penal Code, if the conduct involves accessing a computer, computer network or computer system owned by or operated on behalf of a school district, and knowingly altering, damaging, deleting school district property or information, or committing a breach of any other computer, computer network or computer system [Chapter 37.007 (b)(5)].
- Engaging in conduct that contains the elements of one of the following offenses against another student, without regard to where the conduct occurs:
 - o Aggravated assault, sexual assault, or aggravated sexual assault.
 - o Murder or capital murder.
 - o Criminal attempt to commit murder or capital murder.

Offenses Engaged in at School, Within 300 Feet of School or at a School Event

A student **may** be expelled for:

Engaging in any of the following offenses if committed on school property or within 300 feet of the school's real property line, or while attending a school-sponsored or school-related activity on or off school property:

- Conduct that contains the elements of an offense under Section 22.01 of the Penal Code (assault with injury is when a person intentionally, knowingly, or recklessly causes bodily injury to another, including the person's spouse) against a school district employee or volunteer.
- Conduct that contains the elements of the offense of deadly conduct (see glossary) under Section 22.05 of the Penal Code.

Engaging in any following offense if committed within 300 feet of the school's real property boundary line:

- Aggravated assault, sexual assault, or aggravated sexual assault.
- Arson (see glossary).
- Continuous sexual abuse of a young child or children.
- Felony drug or alcohol related offense.
- Indecency with a child, aggravated kidnapping, manslaughter, criminally negligent homicide, or aggravated robbery.
- Murder, capital murder, or criminal attempt to commit murder or capital murder.
- Use, exhibition, or possession of a firearm (see glossary), a location-restricted knife, or prohibited weapon

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

A student may be expelled for serious misbehavior if a student is already in a DAEP and continues to violate the district's Code despite documented interventions at the DAEP.

B. Expulsion Procedures [[TEC 37.007](#)]

The board delegates the authority to expel students to the superintendent or the superintendent's designee. A student under 10 years of age who engages in expellable conduct described in Section [37.007](#) shall receive educational services in the district's EDAEP. A student under the age of six may not be removed to a DAEP (as described in [37.008](#)) unless they commit a federal firearms offense. The duration of a student's expulsion will be determined on a case-by-case basis. The maximum period for an expulsion is a calendar year unless it is determined that the student is a threat to the safety of other students or to the district employees or an extended placement is in the student's best interest. Students who commit offenses requiring expulsion at the end of one school year may be expelled to the next school year to complete the assigned term of expulsion. ([See page 41 for students with disabilities.](#))

Hearing and Notice

Before a student may be expelled, the principal or other appropriate administrator serving as the designee of the board will schedule a hearing within a reasonable time. The student's parent or legal guardian will be invited in writing to attend the hearing. At the hearing, the student is entitled to receive notice of the reasons for the proposed expulsion. The student is entitled to be represented by the student's parent/legal guardian or another adult who can provide guidance to the student and is not an employee of the school district. The student may offer testimony and evidence in their defense. The principal or other appropriate administrator serving as the designee may set reasonable rules for the hearing. The school district will make good-faith efforts to inform the student and the student's parents or legal guardian of the time and place of the hearing; however, the district may hold the hearing regardless of whether the student, the student's parent/ legal guardian or other adult representing the student attends. Before an expulsion decision is made, the principal or other appropriate administrator serving as the designee must consider whether the student acted in self-defense, the intent or lack thereof at the time the student engaged in the conduct, the student's disciplinary history, and whether the student has a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the students conduct, and a student's status in the conservatorship of the Department of Family and Protective Services or a student's status as a student who is homeless, regardless of whether the decision involves a mandatory or discretionary expulsion.

After the hearing, the campus administrator will make a written recommendation to the superintendent's designee. The superintendent's designee will make the decision to expel a student. At the end of the hearing, the expulsion committee will deliver its decision to the student and the student's parent/legal guardian or other adult. If the student and parent/legal guardian were not present, the district will make good-faith efforts to inform the student and parent/legal guardian of the committee's decision.

Students who are entitled to admission into MISD and are expelled from school will continue to be eligible to receive educational services dependent upon the Expulsion Committee's recommendation.

Placement Pending Hearing

Until a hearing can be held, the principal or other appropriate administrator may place the student in:

- Another appropriate classroom.
- A DAEP.
- Emergency expulsion for a period not to exceed ten school days.
- Out-of-school suspension.
- In-School Suspension (ISS).

Notification

After the hearing, notification of the principal's or other appropriate administrator's recommendation will be provided to the parent/legal guardian and superintendent's designee in writing. The superintendent's designee's decision will be provided to the parent/legal guardian in writing. The decision will include notice of the right to appeal the expulsion decision. If the student is to be expelled, not later than the second business day after the hearing, the Truancy Coordinator will deliver to juvenile court a copy of the order expelling the student and information required by [Section 52.04](#) of the Family Code.

Firearm Violations

State and federal law require a student to be expelled from the regular classroom for a period of at least one calendar year for bringing a firearm, as defined by federal law, to school. However, the superintendent or designee may modify the length of the expulsion on a case-by-case basis. Expelled students may receive educational services in the district's DAEP or DDAEP. Students under the age of ten shall receive educational services in the district's DAEP.

Admission of Expelled Students

The district will decide on a case-by-case basis the placement of a student who is subject to an expulsion order from another district or open-enrollment charter school and who requests admission into the district.

Participation in Activities

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

Academic Credit

No district academic credit will be earned for work missed during the period of expulsion without services. Students will have the opportunity to accrue credit, if applicable, while expelled with services to the Elementary DAEP, Secondary DAEP at MAP, or DDAEP at MAP.

Appeal

The student and/or the student's parent or legal guardian will be given notice of the right to appeal an expulsion decision. The appeal must be made in writing and received by the district within seven district business days of the date of the expulsion committee's order.

Appeals of the expulsion decisions shall be made to the Superintendent's designee for school leadership or designee (Level II), the superintendent (Level III) and the board (Level IV). The board's decision is final. The student's expulsion order and placement will remain in place pending any appeal.

Emergency Expulsion [\[37.019\]](#)

In an emergency, the principal or other appropriate administrator may order the immediate expulsion of a student when the continued presence of the student on campus poses a danger of imminent harm to persons or property. When an emergency expulsion occurs, the student and parent/legal guardian will be given oral notice of the reason for the action. The reason must be a reason for which expulsion may be made on a non-emergency basis, and written notification will follow oral notification.

A student who is expelled on an emergency basis will be released to the student's parent, parent's representative, medical providers, or law enforcement authorities. Within a reasonable amount of time after the emergency expulsion, but no later than the tenth day after the date of the emergency expulsion, the student will be given appropriate due process required for a student facing expulsion. For a student with disabilities the term of the student's emergency expulsion is subject to the requirements of federal law.

VI. Placement in a Juvenile Justice Alternative Education Program (JJAEP) [\[TEC 37.011\]](#) See District Policy [FODA\(Legal\)](#)

MISD does not participate in a JJAEP program at this time.

VII. Students with Disabilities

Protections for Students Not-yet-eligible

A student who has not been determined to be eligible for special education and related services and who has engaged in behavior that violates a code of student conduct may assert any of the previous protections if the district has knowledge that the student was a student with a disability before the behavior that precipitated the disciplinary action occurred. Basis of knowledge includes:

- The student's parent/legal guardian has expressed concern in writing to administrative personnel that the student is in need of special education and related services;
- The parent/legal guardian has requested an evaluation of the student; or
- The teacher of the student or other district personnel expressed specific concerns about a student's pattern of behavior directly to the director of special education or to other district supervisory personnel.

Note: If the student's parent/legal guardian has not allowed an evaluation of the student or has refused services or an evaluation determined that said student was not a student with a disability, the district shall not be deemed to have knowledge that the student is a student with a disability.

If the district does not have knowledge that the student is a student with a disability prior to taking disciplinary measures against the student, the student may be subject to disciplinary measures applied to students without disabilities who engage in comparable behaviors. If a request is made for an evaluation of the student during the time period in which the student is subject to disciplinary measures, the evaluation shall be conducted in an expedited manner. If the student is determined to be a student with a disability, the district shall take into consideration information provided by the evaluation and by the parent/legal guardian and shall provide special education and related services; pending the results of the evaluation, the student shall remain in the educational placement determined by school authorities.

Please see Texas Education Code [37.0021](#) for information on use of confinement, restraint, seclusion, and time-out.

504 Eligible Students with Disabilities Under the Americans with Disabilities Act Amendments ACT (ADAAA/Reauthorized in 2008) and Section 504 of the Rehabilitation Act of 1973

Change of Placement: Prior to a change of placement, a student under the protection of Section 504 must undergo a reevaluation of their disability status in order to determine if the behavior in question is a manifestation of their disability. This takes the form of a Manifestation Determination (MD) 504 meeting, which must be completed before a 504 student may be ordered to an appropriate alternative education setting or any other change of placement.

The committee (comprised of person(s) knowledgeable about the student, the meaning of the evaluation data and placement options) must decide whether the misbehavior is a manifestation of a student's disability and must review the current 504 Accommodation Plan. The Section 504 Committee must include the campus 504 Coordinator, an administrator and a general education teacher; others may be included as appropriate to the students' disability (for example, a nurse or counselor), but will not contribute to the manifestation determination. The MD meeting is considered a re-evaluation of the student's disability/disabilities; the MD script guides the Committee through that process. Once completed, the 504 Committee must consider whether the student's behavior warrants additional evaluation, beyond that contained in the reevaluation meeting discussion. If the behavior is found to be a manifestation of the student's disability, the student may not be removed for the same amount of time as a student without a disability. If the behavior is not found to be a manifestation of the student's disability, the student may be removed for the same amount of time as a student without a disability.

Special conditions may apply; the student with disabilities may be removed to an appropriate interim alternative placement for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the child's disability. Special circumstances include when the student:

- Carries a weapon to school or to a school function.
- Knowingly possesses or uses illegal drugs or sell or solicits the sale of a controlled substance while at school or a school function.
- Has inflicted serious bodily injury upon another person while at school, on school premises or at a school function.

Individuals with Disabilities Education Act (IDEA)

A student with disabilities may be removed to an appropriate Interim Alternative Education Setting (IAES), another setting, or suspended for not more than 10 consecutive school days (to the extent such alternatives would be applied to students without disabilities). School personnel must consider any unique circumstances on a case-by-case basis when determining whether a change in placement is appropriate for the child with a disability who violates a code of student conduct.

Within 10 school days of any decision regarding a disciplinary change of placement due to a Code violation, the ARD committee must determine whether the behavior of the student is a manifestation of the student's disability. When making a manifestation determination, the ARD committee must review all relevant information in the student's file, including the student's Individualized Education Program (IEP), any teacher observations and any relevant information provided by the parents to determine if the conduct in question was caused by or had a direct and substantial relationship to the student's disability or if the conduct in question was the direct result of an IEP implementation failure. If either is applicable the conduct shall be determined to be a manifestation of the student's disability. If the behavior is determined to be a manifestation of the student's disability, the ARD committee must either:

1. Conduct a functional behavioral assessment and implement a behavioral intervention plan if such assessment for conduct was not completed prior to behavior;
2. Or if a behavioral intervention plan has been developed, the ARD shall review the plan, modify it, as necessary, to address the behavior and return the student to the placement from which they were removed, if both the parent/legal guardian and school agree to a change of placement as part of the modification of the behavioral intervention plan, or special circumstances exist.

Special Circumstance: School personnel may remove a student to an appropriate interim alternative placement for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the child's disability if the student:

- Carries a weapon to school or to a school function.
- Knowingly possesses or uses illegal drugs or sell or solicits the sale of a controlled substance while at school or a school function.
- Has inflicted serious bodily injury upon another person while at school, on school premises or at a school function.

The ARD committee shall determine the interim alternative education setting.

If the behavior is determined not to be a manifestation of the student's disability, disciplinary procedures applicable to students without disabilities may be applied to the

student in the same manner and for the same duration in which the procedures would be applied to students without disabilities except that services during periods of the removal must be provided.

When a student is removed from the current educational placement either because of special circumstance or because the behavior is not a manifestation of the student's disability, the ARD committee must determine educational services for a Free Appropriate Public Education (FAPE) which may be provided in an Interim Alternative Education Setting (IAES), so as to enable the child to continue to:

- Participate in the general education curriculum, although in another setting;
- Progress toward meeting the goals set out in the student's IEP;
- Receive, as appropriate, a functional behavioral assessment, behavioral intervention services and modifications designed to address the behavior violation so that it does not recur.

The ARD committee shall determine the interim alternative education setting.

After the tenth cumulative day of removal in a school year, the student must be provided educational services needed to receive a FAPE. Services must enable the student to: continue to participate in the general curriculum, although in another setting, and progress toward meeting the goals set out in the IEP.

On the date in which the decision is made to change a student's placement because of a code of conduct violation, the school must notify the parents/legal guardians of that decision and of all procedural safeguards.

Nothing in the Code shall be construed to prohibit the school district from reporting a crime committed by a student with a disability to appropriate authorities. When reporting a crime to authorities, the school district must ensure that copies of the special education and disciplinary records of the student are transmitted for consideration by those authorities.

The child with a disability may not be disciplined for bullying, harassment or making a hit list until an ARD committee meeting has been held to review the conduct.

The parent/legal guardian of a student with a disability who disagrees with any decision regarding disciplinary placement or the manifestation determination may request a hearing (see [Procedural Safeguards](#)). During the appeal, the child shall remain in the interim alternative educational setting pending the decision or until the expiration of the time period, whichever occurs first, unless the parent/legal guardian and the district otherwise agree. The state or district shall arrange for an expedited hearing, which shall occur within 20 school days of the date the hearing is requested; a determination shall be made within 10 school days after the hearing.

VIII. Glossary

Abuse is improper or excessive use.

Aggravated robbery is defined in part by [Texas Penal Code 29.03\(a\)](#) as 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.

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

Arson is a crime that involves:

1. 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:
 - i. Knowing that it is within the limits of an incorporated city or town;
 - ii. Knowing that it is insured against damage or destruction;
 - iii. Knowing that it is subject to a mortgage or other security interest, knowing it is located on property belonging to another;
 - iv. Knowing that it is located within property belonging to another; or
 - v. 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. 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. Intentionally starting a fire or causing an explosion and in so doing:
 - a. Recklessly damaging or destroying a building belonging to another, or
 - b. Recklessly causing another person to suffer bodily injury or death.

Assault is defined in part by [Texas Penal Code §22.01\(a\)\(1\)](#) 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.

Bullying means 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 a school district's board or the board's designee, the principal or other appropriate administrator determines:

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; or
3. Infringes on the rights of the victim at school; and
4. Includes cyberbullying.

This conduct is considered bullying if it:

1. Interferes with a student's educational opportunities; or
2. Substantially disrupts the operation of a classroom, school, school-sponsored or school-related activity.

The school has discipline authority if bullying:

1. 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. Occurs on a publicly- or privately-owned school bus or vehicle being used for transportation of student 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.

Campus Behavior Team (CBT): All campuses have a CBT led by an administrator or his/her designee. The purpose of the CBT shall be to review student performance issues to provide and monitor interventions for students experiencing attendance, academic and/or behavioral challenges not effectively addressed with Tier I and Tier II supports. CBTs shall provide a student support plan to be used prior to a referral for additional assessment to determine eligibility for services such as special education. CBTs shall develop student intervention plans, monitor intervention effectiveness and document student progress..

Chemical dispensing device is a device designed, made or adapted for the purpose of causing an adverse psychological or physiological effect on a human being. This category does not include a small chemical dispenser sold commercially for personal protection.

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

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

Cyberbullying is bullying that is done through the use of any electronic communication device, including through the use of a cellular or other type of telephone, computer, a camera, electronic mail,

instant messaging, text messaging, a social media application, an Internet website or any other Internet-based communication tool.

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 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.

Disciplinary Alternative Education Program (DAEP). It is a disciplinary setting for secondary students that have had a due process conference or hearing and removed or expelled from the traditional school setting.

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. 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.

Elementary Disciplinary Alternative Education Program (EDAEP). It is a disciplinary setting for elementary students that have had a due process conference or hearing are removed or expelled from the traditional school setting.

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

False alarm or report occurs when a person knowingly initiates, communicates or circulates: a report of a present, past or future bombing; fire; offense; or another 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 weapon; or
4. Any destructive device, such as any explosive, incendiary or poison gas bomb or grenade.

Such term does not include an antique firearm.

Firearm silencer means any device designed, made or adapted to muffle the report of a firearm.

Graffiti are marks 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\(5\)](#) as any firearm that is designed, made or adapted to be fired with one hand.

Harassment is conduct that:

1. Meets the definition established in district policies [DIA\(LOCAL\)](#) and [FFH\(LOCAL\)](#); or
2. 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 or substantially harms another student's physical or emotional health or safety.

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

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

Incremental interventions are disciplinary interventions that use a range of graded disciplinary actions and responses in order to control and manage behavioral issues.

In-School Suspension (ISS) is defined as a placement of a student in a location separate from the classroom under the supervision of a teacher or other staff person where the student continues to receive instruction in each course to the extent possible. This does not include time-out arrangements between teachers or specific behavior management programs operated by campuses.

Intimate visual material is visual material that depicts a person with the person's intimate parts exposed or engaged in sexual conduct [Civil Practice and Remedies Code Section 98B.001(2)].

Juvenile Justice Alternative Education Program (JJAEP). The Juvenile Justice Alternative Education Program is a disciplinary setting for secondary students that have had a due process hearing and are expelled from the traditional school setting. Students are assigned to a JJAEP program as a result of violating Texas Education Code Chapter 37 listed offenses which include: 1) mandatory expulsion from their home school for serious infractions of the Student Code of Conduct, 2) discretionary expulsions for serious infractions that occur off-campus as well as other infractions of the Student Code of Conduct, or 3) are court ordered due to Title V offenses or probation conditions.

Location-restricted knife is defined by [Texas Penal Code 46.01\(6\)](#) as a knife with a blade of over five and one-half inches.

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

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

Out-of-school suspension is defined as a temporary exclusion from school and school activities. Suspension from school may be used alone for violations of school rules or the Code. In addition, suspensions may be used for students who have committed a removal or expulsion offense and for whom a conference or hearing is pending.

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

Peer mediation is problem-solving youth-to-youth. In peer mediation, two or more students involved in a dispute meet in a private, safe and confidential setting to work out problems with the assistance of a trained student mediator.

Possession means actual care, custody, control or management of an object or substance. A student shall be considered in possession of any substance or object prohibited or regulated by this code if the substance or object is:

1. On the student's person or in the student's personal property, including but not limited to the student's clothing, purse, telecommunications or electronic devices, book bag or briefcase;
2. In any private vehicle used by the student for transportation to or from school or school-related activities, including but not limited to an automobile, truck, motorcycle or bicycle; or
3. In any school property used by the student, including but not limited to a locker or a desk.

Proactive intervention:

1. Being proactive is defined as serving to prepare for, intervene in or control an expected occurrence or situation, especially a negative or difficult one; anticipatory: proactive measures against crime.
2. Proactive interventions would anticipate a known behavior as opposed to reactive interventions, which are interventions that are used only once the behavior occurs. They are consequences (or reactions) to the behavior. The goal is to cut short the behavior to minimize damage.

Progressive discipline uses incremental interventions, whenever possible, to address inappropriate behavior with the ultimate goal of teaching prosocial behavior.

Prohibited weapon under [Texas Penal Code 46.05\(a\)](#) means:

1. An explosive weapon (see glossary);
2. A machine gun;
3. A short-barrel firearm or firearm silencer, unless registered with the U.S. Bureau of Alcohol Tobacco, Firearms and Explosives or classified as a curio or relic by the U.S. Department of Justice;
4. Armor-piercing ammunition;
5. A chemical dispensing device (see glossary);
6. A zip gun; or
7. A tire deflation device.

Prosocial behaviors/activities are any actions intended to help others. One motivation for prosocial behavior is altruism, or the desire to help others with no expectation of reward.

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

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

Restorative approach to conflict would be to help students understand the nature of conflict, what defense mechanisms it triggers in them and how to take responsibility for those feelings. It can then equip students with the skills needed to approach the conflict so that all parties can move forward in a healthy way.

Restorative practices is the process through which children and adults acquire and effectively apply knowledge, attitudes and skills necessary to understand and manage emotions, set and achieve positive goals, feel and show empathy for others, establish and maintain positive relationships and make responsible decisions.

Restorative circle process is a community process for supporting those in conflict. It brings together the three parties to a conflict — those who have acted, those directly impacted and the wider community — within an intentional systematic context to dialogue as equals.

School-wide tiered framework: Positive Behavioral Interventions and Supports (PBIS) is a multi-tiered framework that is utilized to achieve important behavior changes. It requires adopting and organizing evidence-based behavioral interventions into an integrated continuum that enhances academic and social behavior outcomes for all students.

Self-defense is the use of force against another to the degree a person reasonably believes the force is immediately necessary to protect themselves. Per [TASB](#) (Texas Association of School Boards), "Self-defense includes the use of force used against another person when the force is reasonably

believed to prevent further harm or protect oneself from harm." What constitutes self-defense is determined by the campus administrator.

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

Socially and emotionally-safe: An experience in which one feels safe to express emotions, security and confidence to take risks and feel challenged and excited to try something new. Emotionally safe learning environments can be achieved by making restorative practices an essential part of education.

Student Support Centers (In-School Suspension) is defined as a placement of a student in a location separate from the classroom under the supervision of a teacher or other staff person where the student continues to receive instruction in each course to the extent possible. This does not include time-out arrangements between teachers or specific behavior management programs operated by campuses.

Suspension: See listing for "In-School Suspension(ISS)" and "Out-of-School Suspension."

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

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

Title V offenses are those crimes listed in [Title V of the Texas Penal Code](#) that involve injury to a person and may include:

- Murder;
- Kidnapping;
- Trafficking of persons;
- Smuggling or continuous smuggling of persons;
- Assault (see glossary);
- Aggravated assault;
- Sexual Assault
- Aggravated sexual assault;
- Unlawful restraint;
- Voyeurism;
- Indecency with a child;
- Invasive visual recording;

- Disclosure or promotion of intimate visual material;
- Injury to a child, an elderly person, or a disabled person of any age;
- Abandoning or endangering a child;
- Deadly conduct;
- Terroristic threat;
- Aiding a person to commit suicide;
- Tampering with a consumer product.

[See [FOC\(LEGAL\)](#).]

Under the influence means a student's faculties are noticeably impaired by alcohol and/or drugs though the student need not be legally intoxicated. Impairment of a person's physical and/or mental faculties may be evidenced by a pattern of abnormal or erratic behavior, and/or the presence of physical symptoms of drug or alcohol use or by admission.

Use means a student has smoked, ingested, injected, imbibed, inhaled, drunk or otherwise taken internally, on or off campus, a prohibited substance recently enough that it may be detectable by, but not limited to, the following: the student's appearance, actions, breath or speech.

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

IX. Community Resources

[**Midland Community Resources**](#)

[**Permian Basin Counseling Resources**](#)

[**Positive Behavior Supports**](#)