

2012-2013

McKINNEY INDEPENDENT SCHOOL DISTRICT

STUDENT CODE OF CONDUCT



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STUDENT CODE OF CONDUCT

Purpose

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

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

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

This Student Code of Conduct has been adopted by the McKinney ISD Board of Trustees and developed with the advice of the district-level committee. This Code provides information to parents and students regarding standards of conduct, consequences of misconduct, and procedures for administering discipline.

In accordance with state law, the Code will be posted at each school campus or will be available for review at the office of the campus principal. Additionally, the Code shall be posted on the district's Web site. Parents will be notified of any conduct violation that may result in a student being suspended, placed in a DAEP, or expelled.

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

Please Note: The discipline of students with disabilities who are eligible for services under federal law (Individuals with Disabilities Education Act and Section 504 of the Rehabilitation Act of 1973) is subject to the provisions of those laws.

SCHOOL DISTRICT AUTHORITY AND JURISDICTION

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

The district has disciplinary authority over a student:

During the regular school day 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, regardless of time or location;

For any school-related misconduct, regardless of time or location;

When retaliation against a school employee or volunteer occurs or is threatened, regardless of time or location;

When criminal mischief is committed on or off school property or at a school-related event;

For certain offenses committed within 300 feet of school property as measured from any point on the school's real property boundary line;

For certain offenses committed while on school property or while attending a school-sponsored or school-related activity of another district in Texas;

When the student commits a felony, as provided by Education Code 37.006 or 37.0081; and

When the student is required to register as a sex offender.

The district has the right to search a vehicle driven to school by a student and parked on school property whenever there is reasonable cause to believe it contains articles or materials prohibited by the district.

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

Reporting Crimes

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

Revoking Transfers

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

Participating In Graduation Activities

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

Participation might include a speaking role, as established by district policy and procedures.

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

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

See DAEP-Restrictions During Placement for information regarding a student assigned to DAEP at the time of graduation.

STANDARDS FOR STUDENT CONDUCT

Each student is expected to:

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

GENERAL CONDUCT VIOLATIONS

The categories of conduct below are prohibited at school and all school-related activities, but the list is not exhaustive and does not include all offenses. In the subsequent sections on Out-of-School Suspension, DAEP Placement, Placement and/or Expulsion for Certain Severe Offenses, and Expulsion, certain offenses that require or permit specific consequences are listed. Any offense, however, may result in Removal from the Regular Educational Setting as detailed in that section.

Students shall not:

Disregard for Authority

- Fail to comply with directives given by school personnel (insubordination).
- Leave school grounds or school-sponsored events without permission.
- Disobey rules for conduct on school buses.
- Refuse to accept discipline management techniques assigned by a teacher or principal.

Mistreatment of Others

- Use profanity or vulgar language or make obscene gestures.
- Fight or scuffle. (For assault see DAEP Placement and Expulsion.)
- Threaten a district student, employee, or volunteer, including off school property, if the conduct causes a substantial disruption to the educational environment.
- Engage in bullying, harassment, or making hit lists. (See glossary for all three terms.)
- Engage in conduct that constitutes sexual harassment or sexual abuse, whether by word, gesture, or any other conduct, directed toward another person, including a district student, employee, or volunteer.
- Engage in conduct that constitutes dating violence, including the intentional use of physical, sexual, verbal, or emotional abuse to harm, threaten, intimidate, or control another person with whom the student has or has had a dating relationship.
- Engage in inappropriate or indecent exposure of private body parts.
- Participate in hazing. (See glossary.)
- Cause an individual to act through the use of or threat of force (coercion).
- Commit extortion or blackmail (obtaining money or an object of value from an unwilling person).
- Engage in inappropriate verbal, physical, or sexual conduct directed toward another person, including a district student, employee, or volunteer.
- Record the voice or image of another without the prior consent of the individuals being recorded or in any way that disrupts the educational environment or invades the privacy of others.

Property Offenses

- Damage or vandalize property owned by others. (For felony criminal mischief see DAEP Placement or Expulsion.)
- Deface or damage school property—including textbooks, lockers, furniture, and other equipment—with graffiti or by other means.
- Steal from students, staff, or the school.
- Commit or assist in a robbery or theft even if it does not constitute a felony according to the Texas Penal Code. (For felony robbery and theft see DAEP Placement and Expulsion.)

Possession of Prohibited Items

- Possess or use:
 - fireworks of any kind, smoke or stink bombs, or any other pyrotechnic device;
 - a razor, box cutter, chain, or any other object used in a way that threatens or inflicts bodily injury to another person;
 - a “look-alike” weapon;
 - an air gun, airsoft gun, BB gun, or other item that ejects a projectile;
 - ammunition;
 - a stun gun;
 - a pocketknife or any other small knife;
 - mace or pepper spray;
 - pornographic material;
 - tobacco products;
 - matches or a lighter;
 - a laser pointer for other than an approved use; or
- any articles not generally considered to be weapons, including school supplies, when the principal or designee determines that a danger exists. (For weapons and firearms see DAEP Placement and Expulsion.)

Possession of Telecommunications or Other Electronic Devices

<p>For safety purposes, the District permits students to possess telecommunications devices, including mobile telephones;</p> <p>However, these devices must remain turned off during the Instructional day, including during all testing.</p>	<p>For safety purpose, the District permits students to possess electronic devices, including mobile telephones, under the following parameters.</p> <table border="1" data-bbox="824 514 1430 1224"> <tr> <td data-bbox="824 514 1036 682">Elementary PK-6</td><td data-bbox="1036 514 1430 682">Electronic devices must be turned off Until 2:55 pm, unless being used for instructional purposes as determined by the campus.</td></tr> <tr> <td data-bbox="824 682 1036 850">Middle School 7-8</td><td data-bbox="1036 682 1430 850">Electronic devices must be turned off until 3:30 pm, unless being used for instructional purposes as determined by the campus.</td></tr> <tr> <td data-bbox="824 850 1036 1224">High School 9-12</td><td data-bbox="1036 850 1430 1224">Electronic devices and accessories may be used for instructional purposes as determined by campus guideline3s. During non-instructional times, electronic devices and accessories may be used within designated areas following campus guidelines.</td></tr> </table> <p>Students are prohibited from sending or posting electronic messages that are abusive, obscene, sexually oriented, threatening, harassing, damaging to another's reputation, or illegal. This prohibition applies to conduct off school property if it results in a substantial disruption to the educational environment. Any person taking, disseminating, transferring, or sharing obscene, sexually oriented, lewd, or otherwise illegal images or other content will be disciplined according to the Student Code of Conduct and may, in certain circumstances, be reported to law enforcement.</p>	Elementary PK-6	Electronic devices must be turned off Until 2:55 pm, unless being used for instructional purposes as determined by the campus.	Middle School 7-8	Electronic devices must be turned off until 3:30 pm, unless being used for instructional purposes as determined by the campus.	High School 9-12	Electronic devices and accessories may be used for instructional purposes as determined by campus guideline3s. During non-instructional times, electronic devices and accessories may be used within designated areas following campus guidelines.
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Confiscation

District employees may confiscate telecommunications devices, including mobile telephones, used in violation of applicable campus rules.

Notice Of Confiscation

The parent shall be notified within three school days after the device is confiscated.

Retrieving A Device

A confiscated telecommunications device shall be released for a fee determined by the Board. In accordance with the student handbook, the student or the student's parent may retrieve the device after paying the fee.

The student or parent may pay the fine to retrieve the device at the end of the school day.

Disposal

Confiscated electronic devices shall be held for a period up to 30 days after notification has been made. All reasonable attempts shall be made to return the electronic device to the parent. After the 30-day period has expired, the District shall dispose of the electronic device.

Penalties

- After the first offense, the telecommunications device shall be confiscated and then returned to the parent with a warning for the student/parent.
- After the second and third offenses, a \$15 fine shall be required before the telecommunications device is returned. Any subsequent telecommunications device violations of this policy shall be subject to established disciplinary measures in accordance with the District Student Code of Conduct.

Illegal, Prescription, and Over-the-Counter Drugs

- Possess or sell seeds or pieces of marijuana in less than a usable amount. (For illegal drugs, alcohol, and inhalants see DAEP Placement and Expulsion.)
- Possess, use, give, or sell paraphernalia related to any prohibited substance. (See glossary for “paraphernalia.”)
- Possess or sell look-alike drugs or attempt to pass items off as drugs or contraband.
- Abuse the student’s own prescription drug, give a prescription drug to another student, or possess or be under the influence of another person’s prescription drug on school property or at a school-related event. (See glossary for “abuse.”)
- Abuse over-the-counter drugs. (See glossary for “abuse.”)
- Be under the influence of prescription or over-the-counter drugs that cause impairment of the physical or mental faculties. (See glossary for “under the influence.”)
- Have or take prescription drugs or over-the-counter drugs at school other than as provided by district policy.
- Possesses uses or is under the influence of restricted smoking material on school property or at school-related or school-sanctioned activities on or off school property. *“Restricted Smoking Material* includes, but is not limited to, any substance, however marketed, which can reasonably be converted for smoking purposes whether it is presented as incense, tobacco, herbs, spices or any blend thereof, including but not limited to materials marketed as, but not limited to the following: K-2, K-2 Summit, K-2 Sex, Genie, DaScents, Zohai, Sage, Spice, KO Knock-Out 2, Spice Gold, Spice Diamond, Yucatan Fire, Solar Flare, Pep Spice, Fire N’ Ice, and Saliva Divinorum.”

Misuse of Computers and the Internet

- Violate computer use policies, rules, or agreements signed by the student or the student’s parent.
- Attempt to access or circumvent passwords or other security-related information of the district, students, or employees or upload or create computer viruses, including off school property if the conduct causes a substantial disruption to the educational environment.
- Attempt to alter, destroy, or disable district computer equipment, district data, the data of others, or other networks connected to the district’s system, including off school property if the conduct causes a substantial disruption to the educational environment.
- Use the Internet or other electronic communications to threaten district students, employees, or volunteers, or for cyberbullying, including off school property if the conduct causes a substantial disruption to the educational environment.
- Send or post electronic messages that are abusive, obscene, sexually oriented, threatening, harassing, damaging to another’s reputation, bullying, or illegal, including off school property if the conduct causes a substantial disruption to the educational environment.
- Use e-mail or Web sites at school to encourage illegal behavior or threaten school safety.

Safety Transgressions

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

Miscellaneous Offenses

- Violate dress and grooming standards as communicated in the student handbook.
- Cheat or copy the work of another.
- Gamble.
- Falsify records, passes, or other school-related documents.
- Engage in actions or demonstrations that substantially disrupt or materially interfere with school activities.
- Repeatedly violate other communicated campus or classroom standards of conduct.

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

DISCIPLINE MANAGEMENT TECHNIQUES

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

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

STUDENTS WITH DISABILITIES

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

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

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

Techniques

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

- Verbal correction, oral or written.
- Cooling-off time or "time-out."
- Seating changes within the classroom.
- Temporary confiscation of items that disrupt the educational process.
- Rewards or demerits.
- Behavioral contracts.
- Counseling by teachers, counselors, or administrative personnel.
- Parent-teacher conferences.
- Grade reductions for cheating, plagiarism, and as otherwise permitted by policy.
- Detention, including outside regular school hours.
- Sending the student to the office or other assigned area, or to in-school suspension.
- Assignment of school duties such as cleaning or picking up litter.
- Withdrawal of privileges, such as participation in extracurricular activities, eligibility for seeking and holding honorary offices, or membership in school-sponsored clubs and organizations.

- Penalties identified in individual student organizations' extracurricular standards of behavior.
- Withdrawal or restriction of bus privileges.
- School-assessed and school-administered probation.
- Out-of-school suspension, as specified in the Out-of-School Suspension section of this Code.
- Placement in a DAEP, as specified in the DAEP section of this Code.
- Placement and/or expulsion in an alternative educational setting, as specified in the Placement and/or Expulsion for Certain Serious Offenses section of this Code.
- Expulsion, as specified in the Expulsion section of this Code.
- Referral to an outside agency or legal authority for criminal prosecution in addition to disciplinary measures imposed by the district.
- Other strategies and consequences as determined by school officials.

Notification

The principal or appropriate administrator will notify a student's parent by phone or in writing of any violation that may result in a detention outside of regular school hours, out-of-school suspension, placement in a DAEP, or expulsion. Notification will be made within three school days after the administrator becomes aware of the violation.

Appeals

Parental questions or complaints regarding disciplinary measures should be addressed to the campus administration, as appropriate, and in accordance with policy FNG(LOCAL). A copy of the policy may be obtained from the principal's office or the central administration office or through Policy On Line at the following address: www.mckinneyisd.net

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

REMOVAL FROM THE REGULAR EDUCATIONAL SETTING

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

Routine Referral

A routine referral occurs when a teacher sends a student to the principal's office as a discipline management technique. The principal may then employ additional techniques.

Formal Removal

A teacher or administrator **may** remove a student from class for a behavior that violates this Code to maintain effective discipline in the classroom. A teacher **may** also initiate a formal removal from class if:

1. The student's behavior has been documented by the teacher as repeatedly interfering with the teacher's ability to teach his or her class or with the student's classmates' ability to learn; or
2. The behavior is so unruly, disruptive, or abusive that the teacher cannot teach, and the students in the classroom cannot learn.

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

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

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

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

Returning Student to Classroom

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

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

OUT-OF-SCHOOL SUSPENSION

Misconduct

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

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

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

Process

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

Before being suspended a student will have an informal conference with the appropriate administrator, who shall advise the student of the conduct of which he or she is accused. The student will be given the opportunity to explain his or her version of the incident before the administrator's decision is made.

The number of days of a student's suspension will be determined by the appropriate administrator, but will not exceed three school days.

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

DISCIPLINARY ALTERNATIVE EDUCATION PROGRAM (DAEP) PLACEMENT

The DAEP shall be provided in a setting other than the student's regular classroom. An elementary school student may not be placed in a DAEP with a student who is not an elementary school student.

For purposes of DAEP, elementary classification shall be kindergarten–grade 5 and secondary classification shall be grades 6–12.

Summer programs provided by the district shall serve students assigned to a DAEP in conjunction with other students.

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

In deciding whether to place a student in a DAEP, regardless of whether the action is mandatory or discretionary, the district will take into consideration:

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

Discretionary Placement: Misconduct That May Result in DAEP Placement

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

Misconduct Identified in State Law

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

- Involvement in a public school fraternity, sorority, or secret society, including participating as a member or pledge, or soliciting another person to become a pledge or member of a public school fraternity, sorority, secret society, or gang. (See glossary.)
- Involvement in criminal street gang activity. (See glossary.)
- Criminal mischief, not punishable as a felony.

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

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

Mandatory Placement: Misconduct That Requires DAEP Placement

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

- Engages in conduct relating to a false alarm or report (including a bomb threat) or a terroristic threat involving a public school. (See glossary.)
- Commits the following offenses on school property or within 300 feet of school property as measured from any point on the school's real property boundary line, or while attending a school-sponsored or school-related activity on or off school property:
 - Engages in conduct punishable as a felony.
 - Commits an assault (see glossary) under Texas Penal Code 22.01(a) (1).
- Sells, gives, or delivers to another person, or possesses, uses, or is under the influence of marijuana, a controlled substance, or a dangerous drug in an amount not constituting a felony offense. (School-related felony drug offenses are addressed in the Expulsion section.) (See glossary for "under the influence.")
- Sells, gives, or delivers to another person an alcoholic beverage; commits a serious act or offense while under the influence of alcohol; or possesses, uses, or is under the influence of alcohol, if the conduct is not punishable as a felony offense. (School-related felony alcohol offenses are addressed in the Expulsion section.)
- Behaves in a manner that contains the elements of an offense relating to abusable volatile chemicals.
- Behaves in a manner that contains the elements of the offense of public lewdness or indecent exposure.
- Engages in expellable conduct and is between six and nine years of age.
- Commits a federal firearms violation and is younger than six years of age.
- Engages in conduct that contains the elements of the offense of retaliation against any school employee or volunteer on or off school property. (Committing retaliation in combination with another expellable offense is addressed in the Expulsion section of this Code.)
- Engages in conduct punishable as a felony listed under Title 5 (see glossary) of the Texas Penal Code when the conduct occurs off school property and not at a school-sponsored or school-related event and:
 1. The student receives deferred prosecution (see glossary),
 2. A court or jury finds that the student has engaged in delinquent conduct (see glossary), or
 3. The superintendent or designee has a reasonable belief (see glossary) that the student engaged in the conduct.

Sexual Assault and Campus Assignments

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

Emergencies

In an emergency, the principal or the principal's designee may order the immediate placement of a student in a DAEP for any reason for which placement in a DAEP may be made on a nonemergency basis.

Removals to a DAEP will be made by the campus administrator

Conference

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

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

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

Placement Order

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

No later than the second business day after the conference, the board's designee will deliver to the juvenile court a copy of the placement order and all information required by Section 52.04 of the Family Code.

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

Length of Placement

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

The duration of a student's placement will be determined on a case-by-case basis. DAEP placement will be correlated to the seriousness of the offense, the student's age and grade level, the frequency of misconduct, the student's attitude, and statutory requirements.

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

Disciplinary Alternative Education Program (DAEP) Placement

Exceeds One Year

Placement in a DAEP may exceed one year when a review by the district determines that:

1. The student is a threat to the safety of other students or to district employees, or
2. Extended placement is in the best interest of the student.
3. The statutory limitations on the length of a DAEP placement do not apply to a placement resulting from the board's decision to place a student who engaged in the sexual assault of another student so that the students are not assigned to the same campus.

Exceeds School Year

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

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

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

Exceeds 60 Days

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

Appeals

Questions from parents regarding disciplinary measures should be addressed to the campus administration. Appeals regarding the decision to place a student in a DAEP should be addressed to the Director of Administrative Services in accordance with policy FOC(LEGAL). All other appeals regarding a placement in a DAEP should be addressed in accordance with policy FNG(LOCAL). A copy of this policy may be obtained from the principal's office or the central administration office or through Policy On Line at the following address: www.mckinneyisd.net.

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

Restrictions during Placement

State law prohibits a student placed in a DAEP for reasons specified in state law from attending or participating in school-sponsored or school-related extracurricular or co-curricular activity, including seeking or holding honorary positions and/or membership in school-sponsored clubs and organizations.

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

Disciplinary Alternative Education Program (DAEP) Placement

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

Placement Review

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

Additional Misconduct

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

Notice of Criminal Proceedings

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

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

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

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

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

If the board confirms the decision of the superintendent or designee, the student and the student's parent may appeal to the Commissioner of Education. The student may not be returned to the regular classroom pending the appeal.

Withdrawal during Process

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

Newly Enrolled Students

The district will decide on a case-by-case basis whether to continue the placement of a student who enrolls in the district and was assigned to a DAEP in an open-enrollment charter school or another district. The district may place the student in the district's DAEP or a regular classroom setting.

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

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

Emergency Placement Procedure

When an emergency placement occurs, the student will be given oral notice of the reason for the action. Not later than the tenth day after the date of the placement, the student will be given the appropriate conference required for assignment to a DAEP.

PLACEMENT AND/OR EXPULSION FOR CERTAIN OFFENSES

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

Registered Sex Offenders

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

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

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

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

Review Committee

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

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

Newly Enrolled Student

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

Appeal

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

Certain Felonies

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

Placement and/or Expulsion for Certain Serious Offenses

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

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

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

Hearing and Required Findings

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

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

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

Length of Placement

The student is subject to the placement until:

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

Newly Enrolled Students

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

EXPULSION

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

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

Discretionary Expulsion: Misconduct That May Result in Expulsion

Any Location

A student **may** be expelled for:

- Engaging in the following, no matter where it takes place:
 - Conduct that contains the elements of assault under Penal Code 22.01(a)(1) in retaliation against a school employee or volunteer.
- Criminal mischief, if punishable as a felony.
- Engaging in conduct that contains the elements of one of the following offenses against another student, without regard to where the conduct occurs:
 - Aggravated assault.
 - Sexual assault.
 - Aggravated sexual assault.
 - Murder.
 - Capital murder.
 - Criminal attempt to commit murder or capital murder.
 - Aggravated robbery.
- Engaging in conduct relating to a false alarm or report (including a bomb threat) or a terroristic threat involving a public school.

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

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

- Engaging in conduct that contains the elements of assault under Section 22.01(a)(1) against an employee or a volunteer.
- Engaging in deadly conduct. (See glossary.)

Within 300 Feet of School

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

Property of another District

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

While in DAEP

- A student may be expelled for engaging in documented serious misbehavior that violates the district's Code, despite documented behavioral interventions while placed in a DAEP. For purposes of discretionary expulsion from a DAEP, serious misbehavior means:
 1. Deliberate violent behavior that poses a direct threat to the health or safety of others.
 2. Extortion, meaning the gaining of money or other property by force or threat;
 3. Conduct that constitutes the offense of:
 - a. Public lewdness under Section 21.07, Penal Code;
 - b. Indecent exposure under Section 21.08, Penal Code;
 - c. Criminal mischief under Section 28.03, Penal Code;
 - d. Personal hazing under Section 37.152; or
 - e. Harassment under Section 420.07(a) (1), Penal Code, of a student or district employee.

Mandatory Expulsion: Misconduct That Requires Expulsion

A student **must** be expelled under federal or state law for any of the following offenses that occur on school property or while attending a school-sponsored or school-related activity on or off school property:

Under Federal Law

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

Texas Penal Code

- Using, exhibiting, or possessing the following, as defined by the Texas Penal Code:
 - A firearm (any device designed, made, or adapted to expel a projectile through a barrel by using the energy generated by an explosion or burning substance or any device readily convertible to that use), unless the use, exhibition, or possession of the firearm occurs at an off-campus approved target range facility while participating in or preparing for a school-sponsored shooting sports competition or a shooting sports educational activity that is sponsored or supported by the Parks and Wildlife Department or a shooting sports sanctioning organization working with the department.
 - An illegal knife, such as a knife with a blade over 5½ inches; hand instrument, designed to cut or stab another by being thrown; dagger, including but not limited to a dirk, stiletto, and poniard; bowie knife; sword; or spear.
 - A club (see glossary) such as an instrument specially designed, made, or adapted for the purpose of inflicting serious bodily injury or death by striking a person with the instrument, including a blackjack, nightstick, mace, and tomahawk.
 - A prohibited weapon, such as an explosive weapon, a machine gun, a short-barrel firearm, a firearm silencer, a switchblade knife, knuckles, armor-piercing ammunition, a chemical dispensing device, or a zip gun. (See glossary.)
- Behaving in a manner that contains elements of the following offenses under the Texas Penal Code:
 - Aggravated assault, sexual assault, or aggravated sexual assault.
 - Arson. (See glossary.)
 - Murder, capital murder, or criminal attempt to commit murder or capital murder.
 - Indecency with a child.
 - Aggravated kidnapping.

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

Under Age Ten

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

Emergency

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

Process

If a student is believed to have committed an expellable offense, the principal or other appropriate administrator will schedule a hearing within a reasonable time. The student's parent will be invited in writing to attend the hearing.

Until a hearing can be held, the principal may place the student in:

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

Hearing

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

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

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

The board of trustees delegates to the Director of Administrative Services the authority to conduct hearings and expel students.

Board Review of Expulsion

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

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

The board shall hear statements made by the parties at the review and will base its decision on evidence reflected in the record and any statements made by the parties at the review. The board will make and communicate its decision orally at the conclusion of the presentation.

Consequences will not be deferred pending the outcome of the hearing.

Expulsion Order

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

No later than the second business day after the hearing, the board's designee will deliver to the juvenile court a copy of the expulsion order and the information required by Section 52.04 of the Family Code.

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

Length of Expulsion

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

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

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

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

State and federal law require a student to be expelled from the regular classroom for a period of at least one calendar year for bringing a firearm, as defined by federal law, to school. However, the superintendent or other appropriate administrator may modify the length of the expulsion on a case-by-case basis.

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

Withdrawal during Process

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

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

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

Additional Misconduct

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

Restrictions during Expulsion

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

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

Newly Enrolled Students

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

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

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

If a student is expelled by a district in another state for a period that exceeds one year and the district continues the expulsion or places the student in a DAEP, the district will reduce the period of the expulsion or DAEP placement so that the entire period does not exceed one year, unless after a review it is determined that:

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

Emergency Expulsion Procedures

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

DAEP Placement of Expelled Students

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

McKinney ISD Extracurricular/Co-Curricular Drug Policy and Contract

McKinney ISD Drug Policy and Contract

1. The objectives for this program are:

To allow each student in programs subject to testing to make a commitment against drug/alcohol use.¹

To provide a deterrent to drug/alcohol use for students in grades 7-12.

To ensure the health and safety of students participating in an extracurricular activity.

To provide a drug/alcohol education and counseling program for students who test positive for drug/alcohol use and for those students who are at risk for drug/alcohol use.

To provide students with a tool to deal with peer pressure.

2. Students in grades 7-12 who participate in extracurricular activities will be required to submit to drug/alcohol testing consistent with this policy. For the purpose of this policy, extracurricular activities include, but are not limited to:

All UIL activities;

School-sponsored student groups/clubs/organizations

Student Council;

All elected/appointed student officers;

Additionally, any student may voluntarily agree to participate in the drug testing program with the written consent of their parents/guardians.

When the athletic director/sponsor/campus administrator has a reasonable suspicion that a student subject to the program is currently using drugs/alcohol, the athletic director or fine arts director may require the student to submit to a test under this policy. "Reasonable suspicion" means a suspicion of drug/alcohol use based on specific observations made by teachers/coaches/administrators/sponsors of the appearance, speech, or behavior of a student subject to this policy; the reasonable inferences that are drawn from those observations; and/or information of drug/alcohol use by a student subject to this policy supplied to school officials by other students, staff members, or patrons.

3. Prior to engaging in any extracurricular activity which is governed by this policy, a parent/guardian of a student, and the student, must both sign a written consent authorizing drug/alcohol testing of the student. Students who have reached the age of majority, or their disabilities of minority have been removed, will sign the written consent authorizing drug/alcohol testing of the student.

All students covered by this policy will be required to submit to random drug/alcohol testing. Random testing may be conducted at any time. Random testing may be conducted as determined by the Superintendent or the campus principal. The names of all eligible students will be placed in a computer generated "pool." Random selections from that pool will be conducted by the testing service contracted by the District.

4. The District will contract with a nationally certified drug-testing laboratory that will conduct all testing. The laboratory will follow strict procedures for the chain of custody and access to test results. The laboratory will provide qualified collectors to oversee collection of specimens. The service will provide Medical Review Officer.

¹ The term "drug/alcohol" for the purpose of this policy includes the definition outlined in the *Student Code of Conduct*:

- Any controlled substance or dangerous drug as defined by state and federal law; without regard to amount, including but not limited to marijuana, any narcotic drug, hallucinogen, stimulant, depressant, amphetamine, or barbiturate;
- Alcohol or any alcoholic beverage;
- Any simulated controlled substance or dangerous drug;
- Any drug as defined by state and federal law without regard to amount;
- Any abusable volatile chemical substance for inhalation;
- Any prescription drug used in a manner not consistent with the prescription;
- Any other intoxicant or mood-changing, mind-altering, or behavior altering drugs, including pills and other over-the-counter stimulants and sedatives; or
- Any anabolic steroids.

(MRO) services for the interpretation and verification of positive results. The MRO will report all test results to designated school officials. Results will not be provided either orally or in writing to any person who has not been designated by the district to receive results. The District reserves the right to test for prohibited/illegal substances, including but not limited to: alcohol, amphetamines, barbiturates, benzodiazepines, cannabinoids, cocaine, methadone, methaqualone, opiates, phencyclidine, steroids, other illegal or addictive drug and any adulterant.

5. If the drug test indicates positive results, the laboratory will immediately forward the results to its MRO. The MRO will contact the parent/guardian to determine if prescription medication or other legal substances may have caused the positive result. The parent/guardian will have the opportunity to provide any prescriptions to the MRO for review and issuance of his/her determination. The MRO will contact the MISD after all procedures have been completed, and they have determined the test to be a positive. The school designee will then contact the parent to set up a meeting with the student.
6. Drug/Alcohol Testing will be performed by urinalysis in accordance with accepted practices and procedures as established by the certified drug/alcohol testing laboratory with whom the District contracts. Student privacy will be protected to the greatest extent possible during the collection and coding of urine specimens. Students will provide urine specimens in a private stall in a restroom. An adult monitor will be stationed at the entry of the restroom. After the specimen is produced, it will be handed to the monitor.
7. Results of any drug/alcohol test will not be given to law enforcement authorities nor be used for any school district discipline, except as related to applicable activities noted in this policy. Access to written drug/alcohol results will be limited to the following:

Parent/Guardian
Student Superintendent Designee

Access to verbal notification that a student has tested positive for drug/alcohol use will be provided to the following:

Principal

Counselor

Coach/sponsor of the specific activity in which the student participates at the time of the positive test.

All information related to the testing or the identification of students as a user of illegal drugs/alcohol will be protected by the District and its employees, officers, and agents as confidential, unless otherwise required by law, in response to overriding public health and safety concerns, or as authorized by the parent/guardian or student. The District will destroy the records maintained under this policy in accordance with the District's records retention schedule.

Consequences of Positive Testing

Consequences of a **FIRST** confirmed positive test result shall be as follows:

1. Required conference with parent/guardian and student.
2. Referral to an MISD approved counseling program for an assessment which will determine the length of counseling needed for the student. The student must fulfill the recommendation of the counseling program, and provide documentation confirming completion of the program.
3. A minimum 20 school day suspension from all extracurricular activities.
4. Prior to rejoining any extracurricular activity, a negative test result must be obtained at the student's/parent's/guardian's expense.
5. After producing a negative test and regaining eligibility, the student will retest once a month for 4 months at the students, parents, or guardians expense.

Consequences of a **SECOND** confirmed positive test result shall be as follows:

1. Required conference with parent/guardian and student.
2. Referral to an MISD approved counseling program for an assessment which will determine the length of counseling needed for the student. The student must fulfill the recommendation of the counseling program, and provide documentation confirming completion of the program.
3. A minimum 60 school day suspension from all extracurricular activities.
4. Prior to rejoining any extracurricular activity, a negative test result must be obtained at the student's/parent's/guardian's expense.
5. After producing a negative test and regaining eligibility, the student will retest once a month for 4 months at the students, parents, or guardians expense.

Consequences of a **THIRD** confirmed positive test result shall be as follows:

1. Required conference with parent/guardian and student.
2. Referral to an MISD approved counseling program for an assessment which will determine the length of counseling needed for the student. The student must fulfill the recommendation of the counseling program, and provide documentation confirming completion of the program.
3. A minimum of one full calendar year suspension from all extracurricular activities.
4. Prior to rejoining any extracurricular activity, a negative test result must be obtained at the student's/parent's/guardian's expense.
5. After producing a negative test and regaining eligibility, the student will retest once a month for 4 months at the students, parents, or guardians expense.

Consequences of a **FOURTH** confirmed positive test result shall be as follows:

1. Required conference with parent/guardian and student.
2. The student will be removed from all participation in extracurricular activities for as long as the student is enrolled in McKinney ISD.

A positive test that results in a suspension in excess of the number of days remaining in the school year will continue on the first day of school of the next school year.

Refusal to participate in a drug test after signing the consent form shall count as a positive test.

8. Students who are not involved in extracurricular activities, but who voluntarily participate in the district drug testing program with consent of their parent/guardian will be subject to the same consequences for positive tests as set out herein.
9. Students who stop participating in extracurricular activities during the school year must submit a letter to the principal requesting removal from the random drug testing pool.
10. Appeal of the consequences of a positive result must be filed with the District by the student or parent/guardian in accordance with District policies FNG (LEGAL) and FNG (LOCAL). During the time of any appeal, the consequences outlined herein will remain in effect including but not limited to, suspension and/or removal from all applicable extracurricular activities. If the appeal is resolved in favor of the student, the student will be immediately reinstated to the extracurricular activity. Any drug/alcohol test incident to an appeal, in which the parent/guardian requests retesting, the parent/guardian must submit the appeal within forty-eight (48) hours of confirmation and notification of the positive result. Retesting must be performed by a nationally certified drug/alcohol testing laboratory using the original positive sample, and will be done at the parent/guardian's expense.

McKinney Independent School District

Drug/Alcohol Screening Test Parent/Guardian/Student Consent Form

I, _____ (printed name of student) and
_____ (printed name of parent/guardian)

am the parent/guardian of _____ (print name of student) a
student enrolled in the McKinney Independent School District.

I understand that participation in an extracurricular activity is a privilege that may be withdrawn for violations of McKinney ISD Board Policies. I understand that extracurricular activities include, but are not limited to: all UIL activities; school-sponsored student groups/clubs/organizations; student council; all elected/appointed student officers; and non-curriculum-related student groups.

I acknowledge that I have received a copy of the Random Drug/Alcohol Testing Program for McKinney ISD. I have read the District's Policy and understand the provisions of the random drug/alcohol testing program. I hereby consent to the testing provided by the program. I understand that Participation in extracurricular activities at McKinney ISD, as defined under the Policy, is conditioned upon my consent and participation in the random drug/alcohol testing program. In consideration of the benefits arising to me/my child from this activity, I hereby grant permission for me/my child to participate in the program. I further agree to and shall indemnify and hold harmless the District, its officers, agents and employees, from suits and liability of every kind, including expenses of litigation, court costs, and attorneys' fees for injury or damage which I or my child, or any other person might sustain as a result of my child's participation in the random drug/alcohol testing program.

I acknowledge that I have read and understand this consent and release. I represent that I am the student/parent or guardian of the student named above, and I hereby agree that we shall both be bound by the terms of the consent and release provisions set forth in the random drug/alcohol testing policy.

Circle which (Parent/Guardian Signature) (Date)

I, the student noted above, acknowledge that I have read the foregoing consent and release and that I understand it and agree to be bound by its terms and the terms of the random drug/alcohol testing program.

(Student Signature) (Date)

McKinney Independent School District

School Attendance Form

TO: Parent/Guardian of _____

FROM: *Campus Name*

DATE: _____

RE: School Attendance

Regular school attendance plays a vital role in the degree of success a student achieves during the school year. Texas requires that a child who is at least 6 years of age and who has not yet reached their 18th birthday to attend school, unless exempt by **Sec. 25.086 of the Texas Education Code**. On enrollment in pre-kindergarten or kindergarten, a child shall attend school. **Texas Education Code 25.085 and 25.086.**

A parent/guardian commits an offense of “contributing to nonattendance” under **Sec. 25.093**, if after having been warned in writing, intentionally, knowingly, recklessly, or with criminal negligence fails to require the child to attend school as required by law. Specifically, an offense occurs if a child has unexcused absences for 3 or more days or parts of days within a 4-week period or 10 or more days or parts of days within a 6-month period. An offense under this is a Class C misdemeanor punishable by a fine not to exceed \$500.00. **Texas Education Code 25.093/Family Code 51.03(b)(2), Penal code 12.23.**

In addition, a “failure to attend school” offense may be filed against any juvenile who commits an offense under Texas Education Code 25.085/25.094. On a finding that the child has engaged in truant conduct, a justice or municipal court may order: 1) the child to attend GED classes, 2) the child to attend a special program that the court determines to be in the best interest of the child, including an alcohol/drug abuse program, 3) rehabilitation, 4) counseling, 5) training in self-esteem and leadership, 6) work and job skills training, 7) training in parenting, 8) training in manners, 9) training in violence avoidance, 10) sensitivity training, 11) boot camp,

12) or the court may assess a fine. **Texas Education Code 25.085/25.094/Family Code 51.03(b)(2).**

After this warning letter, if an offense is committed, the attendance officer will be notified and a complaint will be filed in the Justice of the peace Court in which the school is located. If you have any questions about your student’s attendance, you may contact the campus administrator.

MISD NOTICE OF PARENT AND STUDENT RIGHTS: BULLYING, HARASSMENT, SEXUAL HARASSMENT, DATING VIOLENCE, and SEXUAL VIOLENCE

The McKinney Independent School District (MISD) is committed to providing a positive learning environment for all students that enhances personal safety and promotes respect, dignity, and equality among students. High standards are expected for both academic achievement and for behavior.

MISD strives to ensure that all of its students and employees are free from bullying, sexual harassment, dating violence, and sexual violence. All charges of bullying, sexual harassment, dating violence, and sexual violence are to be taken very seriously by students, faculty, staff, administration, and parents/guardians. MISD will make every effort to handle and respond to every charge and complaint filed by students and employees in a fair, thorough, and just manner. Every effort will be made to protect the due process rights of all victims and all alleged perpetrators.

Bullying is when a student or group of students engages in written or verbal expression through electronic means, or physical conduct that occurs on school property, at a school-sponsored activity, or in a vehicle operated by the district and a school district's board of trustees or the board's designee determines that the behavior:

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

This conduct is considered bullying if it:

1. Exploits an imbalance of power between the student perpetrator who is engaging in bullying and the student victim through written or verbal expression or physical conduct; and
2. Interferes with a student's education or substantially disrupts the operation of a school.

Harassment is defined as conduct that threatens to cause harm or bodily injury to another student, is sexually intimidating, causes physical damage to the property of another student, subjects another student to physical confinement or restraint or maliciously and substantially harms another student's physical or emotional health or safety.

Sexual harassment is conduct that is severe, pervasive, and objectively offensive in such a manner that it can be said to deprive the victim of access to the educational opportunities or benefits provided by the school. It is a form of harassment that includes touching someone in ways that are not wanted, sexual jokes, pressuring someone to have sex, threats or intimidation from a dating partner, or any other form of harassment of a sexual nature that would make a reasonable person uncomfortable.

Dating violence is defined as the intentional use of physical, sexual, verbal, or emotional abuse by a person to harm, threaten, intimidate, or control another person in a dating relationship. Dating violence is a pattern of coercive behavior that one partner exerts over the other for the purpose of establishing and maintaining power and control.

Sexual violence is defined as sexual assault, sexual abuse, or sexual stalking of a minor child or teenager, including sexual violence committed by perpetrators who are strangers to the victim and by perpetrators who are known or related by blood or marriage to the victim. This definition includes behavior including but not limited to incest, molestation, child abuse, stranger rape, and non stranger rape.

Students, who believe they have been harassed, bullied, or otherwise victimized by fellow students or MISD employees are encouraged to promptly report such incidents to the campus principal or other

campus professional. To the greatest extent possible, complaints shall be treated as confidential. Limited disclosure may be necessary to complete a thorough investigation.

A student or parent/guardian who has a complaint alleging bullying, harassment, dating violence, or sexual violence may request a conference with the principal or the principal's designee. If the student or parent/guardian is not satisfied with the response from the campus staff, they may request a conference with the Superintendent or designee, or MISD's Title IX Coordinator.

Complaints will be documented and investigated in accordance with MISD policy and guidelines. Any staff member who observes an incident that involves physical or sexual assault or threats will report the incident immediately to the principal. Any staff member who learns of an incident or threat may submit a Complaint Form on behalf of the victim.

Campus Complaint Procedure:

1. Students and staff members will complete a Complaint Form available in the school's main office.
2. The Complaint Form will be submitted to the principal or designee immediately.
3. The principal or designee will investigate complaints by meeting separately with each student involved in the situation.
4. The principal will conference with the victim and parent/guardian to discuss safety and community resources.
5. The principal will conference with the alleged perpetrator and parent/guardian to discuss appropriate behaviors and consequences. With the prior consent of the victim, the principal may issue a School-Based Stay-Away Agreement to the alleged perpetrator during the parent/guardian conference.
6. Documentation of all Complaint Forms, follow-up actions and Stay-Away Agreements will be available to the MISD School Attorney at all times.

A student, including a complainant, may appeal through FNG(LOCAL), beginning at the appropriate level. A complainant shall be informed of his or her right to file a complaint with the United States Department of Education Office for Civil Rights.

For more information about your rights and responsibilities concerning bullying, harassment, dating violence or sexual violence, please contact the campus principal.

MCKINNEY ISD SECONDARY SCIENCE SAFETY AGREEMENT

In MISD, 40% of the science curriculum is composed of hands-on laboratory activities, which may require the use of expensive equipment or hazardous materials. To ensure the safety of the student, teacher and parents the following rules have been designed to ensure safety in the science classroom. It is imperative these rules are followed at all times. With your electronic signature and approval of the MISD handbook you and your child acknowledge and accept the rules set forth by MISD. This form must be accepted before your child can participate in the science laboratory.

General Lab Practices

1. When entering the science classroom, do not touch any laboratory setup, including but not limited to equipment and chemicals, until you are instructed to do so by your teacher.
2. No food, drink or chewing gum is allowed in the science laboratory.
3. Maintain a clean work area at all times. Laboratory instructions, hand outs, and writing utensils in most cases are the only things required at the lab. Store all other items such as backpacks and purses in the classroom area.
4. Be responsible in the laboratory as well as the classroom.--horseplay, pranks and practical jokes are forbidden.
5. Before beginning any lab read all instructions carefully. Read labels and equipment instructions before set up and use.
6. Once performing a lab following all instructions, verbal and written, without deviation. If you are unclear of what to do ask your teacher for further clarification before continuing.
7. While performing a lab do not deviate from the procedures outlined by your teacher—unauthorized lab procedures are not allowed.
8. Once assigned a laboratory station, remain at that station until instructed by your teacher- do not leave your lab station, distract others or hinder the experiments at other lab stations.
9. Inform your teacher immediately if you observe unsafe practices or laboratory conditions.
10. Glassware is not to be used as a food or beverage container.
11. Students are not allowed in the science storeroom or science preparation areas unless give explicit instructions to do so by their teacher.
12. All living organisms are to be treated humanely and preserved specimens are to be handled with respect and disposed of properly.
13. If you have any medical conditions including, but not limited to, asthma, allergies, pregnancy, seizures, check with your teacher and physician prior to working in a lab.
14. Know the locations of all emergency exits as well as the fire alarm.

Laboratory Attire

15. Goggles will be worn when using chemicals, glassware or when heat is involved.
16. Notify your teacher if you are wearing contact lenses—contacts should not be worn in the laboratory unless otherwise noted.
17. Lab aprons will be provided by your teacher to wear during laboratory activities.
18. Shoes must completely cover the foot - sandals, flip-flops or open toe shoes are not permitted during laboratory investigations.
19. Due to their hazardous nature, loose articles of clothing, dangling jewelry, and long hair need to be pulled back and secured.

Equipment Use

20. Be able to identify the locations of all safety equipment including, but not limited to, the first aid kit, eyewash station, emergency shut off switch, safety shower, fire extinguisher and fire blanket.
21. Know the proper operating procedures for all the safety equipment mentioned above.
22. If you are unclear of how to use any piece of equipment ask your teacher for clarification.
23. In the event of a fire drill, tornado drill or lock down during a laboratory investigation close any containers, turn off gas valves and any electrical equipment.
24. Hold sharp instruments by the handle. Never point sharp instruments towards yourself or others and carry the pointed end down and away from you.
25. When using a knife, scalpel or scissors cut away from your body and never try to catch any sharp equipment if it falls from the laboratory station.
26. When carrying test tubes, graduated cylinders or other types of glass tubing, hold vertically to avoid possible breakage and subsequent injury.
27. If glassware is broken in the laboratory notify your teacher immediately. Never use your bare hands to pick up broken glass.
28. Never heat a container that has a cork/stopper in place. If a cork/stopper becomes stuck do not force its removal- take to your teacher for removal.
29. Never use glassware that is dirty, chipped or cracked.
30. If electrical equipment is damaged, including but not limited to damaged cords, exposed wires or faulty connections do not plug in and inform your teacher immediately.
31. Do not put hot glassware in cold water to avoid breakage.
32. Hot glassware is the same color as cold glassware. If unsure of the temperature slowly move the back of your hand towards the glassware in order to feel any heat irradiating from the glassware.
33. When unplugging electrical equipment make sure hands are dry and the plug is grasped and pulled—do not pull the cord to unplug any piece of equipment.
34. Fill wash bottles only with distilled water and use the distilled water as directed in the lab. Use tap water to wash glassware.
35. Always use a pipet bulb to suction liquids—never use your mouth.

Chemical Handling and Use

36. Do not touch, taste or smell any chemical unless otherwise instructed to by your teacher.
37. If you need to smell any chemical, use the proper technique of “wafting”.
38. When using chemicals avoid touching your face, eyes and body until you have thoroughly washed your hands with soap and water.
39. When gathering chemicals for a lab double check all labels before removing any of the chemicals from the original container—only take as much as you need.
40. If too many chemicals are removed, find out if any other lab groups could use the surplus or dispose of chemicals based on the MSDS and/or teacher’s instruction.
41. When walking with chemicals, hold them firmly and walk slowly and carefully.
42. Never returned used or unused chemicals back to the original container to avoid contamination.
43. If substances create volatile, noxious or poisonous vapors use the fume hood while handling said chemicals—only place your hands/arms in the fume hood, never your head!
44. When pouring chemicals always hold containers/glassware away from your body.

45. Always handle acids with caution. Use the proper method to dilute strong acids—add the acid to water, swirling/stirring the solution.
46. Keep flammable liquids away from any open flame or heat source.
47. Chemicals are never to be removed from the laboratory.
48. Dispose of all chemicals properly- always refer to teacher instruction and/or MSDS when cleaning up.
49. Check all labels before disposing of chemical waste into assigned chemical waste containers to avoid contamination and/or volatile reactions.

Heating Substances

50. Only light burners when instructed to do so by your teacher
51. An open flame is not to be played with—do not burn any substance unless instructed to do by your teacher.
52. Keep objects away from an open flame and never reach across a flame.
53. Do not walk away from a lit burner - if a burner is not in use, turn it off.
54. When heating liquids, use proper laboratory techniques and do not point the open end of the test tube towards you or anyone else.
55. To avoid severe injury, never look into a container being heated.
56. Pick up heated metals and glass with caution—use tongs or heat-protective gloves until objects are completely cooled off.
57. Use an insulating pad before placing hot items on the laboratory table unless otherwise instructed by your teacher

Accidents and Reporting

58. Report any and all accidents to your teacher immediately, this includes, but is not limited to, glass breakage, equipment breakage, chemical spill, small cuts, and burns.
59. In the event a chemical splashes in your eyes or on your skin, immediately notify your teacher and then flush with water at the eye wash station or emergency shower for at least 20 minutes.
60. If a mercury thermometer is broken, do not touch the exposed liquid mercury and notify the teacher immediately.
61. If a fire blanket is used, do not place the fire blanket over the individual's head to avoid suffocation.

End of Lab Procedures

62. Once a lab is finished, clean the entire workspace with soap or detergent as well as equipment used.
63. Rinse and dry all cooled glassware.
64. Follow the teacher's instructions in regards to returning any equipment used during the lab.
65. Sinks are not to be used as a trash can- dispose of all solid waste based on teacher instruction.

Glossary

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

Abuse is improper or excessive use.

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

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

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:

1. A crime that involves starting a fire or causing an explosion with intent to destroy or damage:

Any vegetation, fence, or structure on open-space land; or

Any building, habitation, or vehicle:

Knowing that it is within the limits of an incorporated city or town,

Knowing that it is insured against damage or destruction,

Knowing that it is subject to a mortgage or other security interest,

Knowing that it is located on property belonging to another,

Knowing that it has located within it property belonging to another, or

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;

A crime that involves recklessly starting a fire or causing an explosion while manufacturing or attempting to manufacture a controlled substance and the fire or explosion damages any building, habitation, or vehicle; or

A crime that involves intentionally starting a fire or causing an explosion and in so doing:

Recklessly damages or destroys a building belonging to another, or

Recklessly causes 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.

Bullying is when a student or group of students engages in written or verbal expression through electronic means, or physical conduct that occurs on school property, at a school-sponsored activity, or in a vehicle operated by the district and a school district's board of trustees or the board's designee determines that the behavior:

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

This conduct is considered bullying if it:

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

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

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

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

Dating violence is the intentional use of physical, sexual, verbal, or emotional abuse by a person to harm, threaten, intimidate, or control another person with whom the student has or has had a dating relationship, as defined by Section 71.0021 of the Family Code.

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

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

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

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

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

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

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

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

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

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

Harassment is:

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

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

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

Knuckles 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.

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

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

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

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

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

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

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

Serious misbehavior means:

1. Deliberate violent behavior that poses a direct threat to the health or safety of others;
2. Extortion, meaning the gaining of money or other property by force or threat;
3. Conduct that constitutes coercion, as defined by Section 1.07, Penal Code; or
4. Conduct that constitutes the offense of:
 - a. Public lewdness under Section 21.07, Penal Code;

- b. Indecent exposure under Section 21.08; Penal Code
- c. Criminal Mischief under Section 28.03, Penal Code;
- d. Personal hazing under Section 37.052; or
- e. Harassment under Section 420.07 (a) (1), Penal Code, of a student or district employee.

Serious or persistent misbehavior includes but is not limited to:

Serious or persistent misbehavior includes but is not limited to:

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

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

Switchblade is any knife with a blade that folds, closes, or retracts into the handle or sheath and that opens automatically by pressing a button or by the force of gravity or centrifugal force. The term does not include a knife that has a spring, detent, or other mechanism designed to create a bias toward closure and that requires exertion applied to the blade by hand, wrist, or arm to overcome the bias toward closure and open the knife.

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

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

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

Title 5 offenses are those that involve injury to a person and include murder; kidnapping; assault; aggravated assault; sexual assault; aggravated sexual assault; unlawful restraint; indecency with a child; injury to a child, an elderly person, or a disabled person; abandoning or endangering a child; deadly

conduct; terroristic threat; aiding a person to commit suicide; and tampering with a consumer product.
[See FOC(EXHIBIT)]

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

Use means voluntarily introducing into one's body, by any means, a prohibited substance recently enough that it is detectable by the student's physical appearance, actions, breath, odor or speech. Additionally, student self-admission of use of prohibited substances is considered "use" for the purposes of the ***Student Code of Conduct***.

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.

A background image showing two young women sitting on a grassy field, looking down at a large book or folder they are holding together. The image is overlaid with a semi-transparent blue rectangle that contains the district's name and website.

McKINNEY INDEPENDENT SCHOOL DISTRICT
www.mckinneyisd.net