

**A+UP CHARTER SCHOOL**  
**STUDENT CODE OF CONDUCT**  
**2019-2020**

**Purpose of the Student Code of Conduct**

To function properly, education must provide an equal learning opportunity for all students by recognizing, valuing, and addressing the individual needs of every student. In addition to the regular curriculum, principles and practices of good citizenship must also be taught and modeled by school staff. To foster an orderly and distraction-free environment, A+UP has established this Student Code of Conduct (“the Code”) in accordance with state law and the A+UP open-enrollment charter. The Code has been adopted by the Board of Directors, and provides information to parents and students regarding expectations for behavior, consequences of misconduct, and procedures for administering discipline.

In accordance with state law, the Code will be posted at each campus and/or will be available for review at the campus office. Parents will be notified of any violation that may result in a student being suspended or expelled from A+UP. Students must be familiar with the standards set forth in the Student Code of Conduct, as well as campus and classroom rules.

The Code does not define all types and aspects of student behavior, as A+UP 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. When students participate in student activities, they will also be expected to follow the guidelines and constitutions that further specify the organization’s expectations, student behavior and consequences.

**Authority and Jurisdiction**

A+UP has disciplinary authority over a student:

1. During the regular school day and while the student is going to and from school on A+UP transportation;
2. During lunch periods in which a student is allowed to leave campus;
3. While the student is attending any school-related activity, regardless of time or location;
4. For any school-related misconduct, regardless of time or location;
5. For any expulsion offense committed while on A+UP property or while attending a school-sponsored or school-related activity of A+UP or another school in Texas;
6. For any expulsion offense committed away from A+UP property and not at a school-sponsored or school-related event, if the misconduct creates a substantial disruption to the educational environment;
7. While the student is in transit to or from school or to or from school-related activities or events;
8. When retaliation against a school employee or volunteer occurs or is threatened, regardless of time or location;
9. When the student commits a felony, including those provided by Texas Education Code §§ 37.006 or 37.0081, regardless of time or location; and
10. When criminal mischief is committed on or off A+UP property or at a school-related event.

**Reporting Crimes**

In addition to disciplinary consequences, misdemeanor and felony offenses committed on campus or while attending school-sponsored or school-related activities will be reported to an appropriate law enforcement agency.

## **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 A+UP's standards of grooming and dress.
- Obey all campus and classroom rules.
- Respect the rights and privileges of students, teachers, and other A+UP staff and volunteers.
- Respect the property of others, including A+UP 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.

## **Discipline Management Techniques**

Disciplinary techniques are 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.

## **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:

- Assignment of school duties such as cleaning or picking up litter.
- Behavioral contracts.
- Cooling-off time or "time-out."
- Counseling by teachers, counselors, or administrative personnel.
- Rewards for positive behavior.
- Demerits.
- Detention.
- Expulsion from A+UP, as specified in the expulsion section of the Code.
- Grade reductions for cheating, plagiarism, and as otherwise permitted by policy.
- In-school suspension, as specified in the suspension section of the Code.
- Out-of-school suspension, as specified in the suspension section of the Code.
- Parent-teacher conferences.
- Penalties identified in individual student organizations' extracurricular standards of behavior.
- Referral to an outside agency or legal authority for criminal prosecution in addition to disciplinary measures imposed by A+UP.
- School-assessed and school-administered probation (final warning contracts).
- Seating changes within the classroom.
- Sending the student to the office or other assigned area.
- Techniques or penalties identified in individual student organizations' extracurricular standards of behavior.

- Temporary confiscation of items that disrupt the educational process.
- Verbal correction, oral or written.
- Withdrawal of privileges, such as participation in extracurricular activities, field trips, eligibility for seeking and holding honorary offices, or membership in school-sponsored clubs and organizations.
- Withdrawal or restriction of bus privileges.
- Other strategies and consequences as determined by school officials.

### **Corporal Punishment**

A+UP will NOT administer corporal punishment upon a student for misconduct.

### **Student Code of Conduct Offenses**

The categories of conduct below are prohibited at school and all school-related activities.

#### **Level I Offenses:**

1. Being in an unauthorized area.
2. Causing an individual to act through the use of threat or coercion.
3. Computer system violations.
4. Damaging or vandalizing property owned by others.
5. Defacing or damaging school property, including textbooks, lockers, furniture, and other equipment, with graffiti or by other means.
6. Disobeying conduct rules regarding school transportation.
7. Disrespect of school staff and persons in authority.
8. Engaging in any misbehavior that gives school officials reasonable cause to believe that such conduct will substantially disrupt the school program or incite violence.
9. Engaging in disruptive actions or demonstrations that substantially disrupt or materially interfere with school activities.
10. Engaging in inappropriate verbal, physical, or sexual contact directed toward another student or a school employee.
11. Engaging in threatening behavior toward another student or school employee on or off school property.
12. Failure to complete assigned work.
13. Failure to comply with directives of school staff (insubordination).
14. Failure to comply with school dress code policies and grooming standards.
15. Failure to leave campus within 30 minutes of school dismissal (unless involved in an activity under supervision).
16. Failure to report known hazing, harassment, or bullying of students.
17. Inappropriate behavior (not abusive, threatening, violent).
18. Inappropriate or indecent exposure of a student's private body parts.
19. Inappropriate public display of affection: (Public displays of affection deemed inappropriate by public standards such as lewd or inappropriate—kissing, touching, fondling, holding hands, etc.).
20. Insensitivity to others.
21. Making false accusations or hoaxes regarding school safety.
22. Persistent tardiness (tardy, without excuse, on four or more days within a period of 45 rolling school days).
23. Possessing any electronic devices without permission.
24. Possessing matches, lighters, etc.
25. Possessing aerosol canisters or any other object used to set off fire alarms.
26. Possessing published or electronic material that is designed to promote or encourage illegal

behavior or that could threaten school safety; using e-mail or Web sites at school to encourage illegal behavior; or threatening school safety.

27. Refusing to accept discipline management techniques assigned by a teacher or the Principal.
28. Repeatedly violating campus or classroom standards of behavior.
29. Skipping class, detention, or mandatory tutorial sessions.
30. Throwing objects that can cause bodily injury or property damage.
31. Using a skateboard, scooter, and/or roller blades while on campus.
32. Using any telecommunications or other electronic devices, without permission, during school hours.

*Disciplinary Consequences (may not necessarily be followed in order and progressive disciplinary measures are not required)*

1. After school detention.
2. Application of one or more Discipline Management Techniques listed above.
3. Confiscation of cell phones or other electronic devices.
4. Grade reductions for academic dishonesty.
5. In-school suspension.
6. Out-of-school suspension.
7. Removal from the classroom and/or placement in another classroom.
8. Restitution/restoration, if applicable.
9. Saturday school.
10. School-assessed and school-administered probation.
11. Temporary confiscation of items that disrupt the educational process.
12. Verbal correction.
13. Withdrawal of privileges, such as participation in extracurricular activities and eligibility for seeking and holding honorary offices, and/or membership in school-sponsored clubs or organizations.

**Level II Offenses**

1. Academic dishonesty (cheating or copying the work of another).
2. Assault – student on student.
3. Being a member of, pledging to become a member of, joining, or soliciting another person to join, or pledge to become a member of a public school fraternity, sorority, secret society, or gang, as defined in Texas Education Code § 37.121.
4. Bypassing of internet blocks on school computers or networks to enter unapproved sites.
5. Committing extortion, coercion, or blackmail (obtaining money or another object of value from an unwilling person).
6. Creation of a “hit list” under Texas Education Code § 37.001(b)(3)
7. Cyberbullying - bullying arising from a pattern of acts or one significant act that is done through the use of any electronic communication device, whether it be on or off campus. See "David's Law" in glossary.
8. Engaging in conduct on campus that constitutes dating violence, including 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.
9. Engaging in threatening behavior toward another student or school employee on or off school property.
10. Engaging in offensive conduct of a sexual nature (verbal or physical).
11. Failure to comply with conditions of in-school suspension placement.
12. Failure to comply with school medication policies.
13. False accusation of conduct that would constitute a misdemeanor or felony.
14. Falsifying records, passes, or other school-related documents.
15. Fighting/mutual combat.
16. Gambling.

16. Gang activity (nonviolent).
17. Hazing, meaning a knowing, intentional, or reckless act, occurring on or off the campus, by one person alone or acting with others, directed against a student, that endangers the mental or physical health or safety of a student for the purposes of pledging, initiation into, affiliation with, holding office in, or maintaining membership in an organization.
18. Improperly discharging a fire extinguisher.
19. Inappropriate behavior (e.g., violent; threat of being violent; racially, ethnically, or culturally motivated actions).
20. Interference with school activities or discipline.
21. Involvement in a felony offense not listed in Title 5, Texas Penal Code, and A+UP is notified by the police.
22. Leaving classroom, school property, or school-sponsored events without permission.
23. Making an obscene gesture.
24. Possessing any Prohibited Items, including but not limited to:
  - a. Fireworks of any kind, smoke or stink bombs, or any other pyrotechnic or explosive device;
  - b. A razor, box cutter, chain, or any other object used in a way that threatens or inflicts bodily injury to another person;
  - c. A “look-alike” weapon (includes but is not limited to BB guns, CO2 guns, air pistols or rifles, pellet guns, or any other device designed to appear to be a firearm or other weapon);
  - d. An air gun or BB gun;
  - e. Ammunition;
  - f. A stun gun;
  - g. A pocketknife or any other small knife with a blade less than 1.5” in length;
  - h. Mace or pepper spray;
  - i. Matches or a lighter;
  - j. A laser pointer for other than an approved use;
  - k. Any articles not generally considered to be weapons, including school supplies, when the Principal or designee determines that a danger exists.
25. Possessing a razor, box cutter, chain, or any other object used in a way that threatens or inflicts bodily injury to another person
26. Possessing drug paraphernalia.
27. Possessing or being under the influence of another person’s prescription drug.
28. Possessing or selling look-alike drugs or items attempted to be passed off as drugs or contraband.
29. Possessing or selling seeds or pieces of marijuana in less than a usable amount.
30. Possessing or using alcohol.
31. Possessing prescription drugs, giving a prescription drug to another student.
32. Possessing, smoking, or using tobacco products and/or e-cigarettes at school or a school-related or school-sanctioned activity on or off school property.
33. Possessing, viewing, or distributing pictures, text messages, emails, or other material of a sexual nature in any media format.
34. Refusing to allow lawful student search.
35. Sexual harassment/sexual abuse not defined as a Level III offense.
36. Stealing from students, staff, or A+UP.
37. Threats (nonviolent/verbal or written).
38. Throwing object not considered an illegal weapon that can cause bodily injury or property damage.
39. Unruly, disruptive, or abusive behavior that interferes with the teacher’s ability to communicate effectively with the students in the class.
40. Use of profanity or vulgar/offensive language (orally or in writing).
41. Using the Internet or other electronic communications to threaten students or employees, or cause disruption to the school program.
42. Verbal or written abuse (e.g., name calling, racial or ethnic slurs, or derogatory statements that may

- disrupt the school environment, etc.).
43. Willful destruction of school or personal property and/or vandalism.
  44. Persistent Level I offenses.

*Disciplinary Consequences (may not necessarily be followed in order and progressive disciplinary measures are not required)*

1. Any applicable Level I Disciplinary Consequence or Discipline Management Technique listed above, including multiple consequences as deemed appropriate by A+UP.
2. Out-of-school suspension for up to three days.

### **Level III Offenses**

1. Abusing a student's own prescription drug, giving a prescription drug to another student, or possessing or being under the influence of another person's prescription drug while on school property or at a school-related event. (See glossary for "abuse.")
2. Aggravated assault.
3. Aggravated kidnapping.
4. Aggravated robbery.
5. Aggravated sexual assault
6. Any offense listed in Sections 37.006(a) or 37.007 (a), (b), and (d) of the Texas Education Code, no matter when or where the offense takes place.
7. Arson.
8. Assault.
9. Burglary of a motor vehicle on campus.
10. Engaging in inappropriate verbal, physical, or sexual contact directed toward another student or a school employee.
11. Capital murder.
12. Committing or assisting in a robbery or theft, even if it does not constitute a felony according to the Texas Penal Code.
13. Commission of a felony offense listed under Title 5, Texas Penal Code. (See glossary.)
14. Committing the following offenses on school property or within 1,000 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:
  - a. Engaging in conduct punishable as a felony.
  - b. Committing an assault (see glossary) under Texas Penal Code 22.01(a)(1).
  - c. Selling, giving, or delivering to another person, or possessing, using, or being under the influence of marijuana, a controlled substance, or a dangerous drug in an amount not constituting a felony offense. (See glossary for "under the influence.")
  - d. Selling, giving, or delivering to another person an alcoholic beverage; committing a serious act or offense while under the influence of alcohol; or possessing, using, or being under the influence of alcohol, if the conduct is not punishable as a felony offense.
  - e. Behaving in a manner that contains the elements of an offense relating to abusable volatile chemicals.
  - f. Behaving in a manner that contains the elements of the offense of public lewdness or indecent exposure.
15. Conduct endangering the health and safety of others.
16. Criminal attempt to commit murder or capital murder.
17. Criminal mischief.
18. Criminally negligent homicide.
19. Deliberate destruction or tampering with school computer data or networks.

20. Engaging in bullying and/or cyberbullying.
21. Engaging in bullying that encourages a student to commit or attempt to commit suicide.
22. Engaging in conduct punishable as a felony.
23. Engaging in conduct relating to a false alarm or report (including a bomb threat) or a terroristic threat involving a public school.
24. Engaging in conduct punishable as a Level III expulsion offense when the conduct occurs off school property and not at a school-sponsored or school-related event, and the conduct creates a substantial disruption to the educational environment.
25. Engaging 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:
  - a. The student receives deferred prosecution (see glossary);
  - b. A court or jury finds that the student has engaged in delinquent conduct (see glossary); or
  - c. The Principal or designee has reasonable belief (see glossary) that the student engaged in the conduct.
26. Engaging in conduct that constitutes discrimination or harassment, including conduct motivated by race, color, religion, national origin, gender, disability, or age and directed toward another student or A+UP employee.
27. Engaging in conduct that constitutes sexual harassment or sexual abuse, whether by word, gesture, or any other conduct directed toward another person, including a A+UP student, employee, or volunteer.
28. Engaging in conduct that contains the elements of retaliation against any A+UP employee or volunteer, whether on or off of school property.
29. Engaging in inappropriate or indecent exposure of private body parts.
30. Felony criminal mischief against school property, another student, or school staff.
31. Gang activity (violent or likely to cause harm to another or disrupt the educational environment in any way).
32. Inappropriate sexual conduct.
33. Inciting violence against a student through group bullying.
34. Indecency with a child.
35. Indecent exposure of body parts.
36. Inhalant abuse.
37. Issuing a false fire alarm.
38. Manslaughter.
39. Murder.
40. Persistent Level II offenses.
41. Possessing, selling, distributing, or being under the influence of inhalants.
42. Possessing, selling, distributing, or being under the influence of a simulated controlled substance.
43. Possession, use, transfer or exhibition of any firearm, location-restricted knife, club, or any other prohibited weapon or harmful object (as determined by A+UP).
44. Public lewdness.
45. Releasing or threatening to release “intimate visual material” of a minor or a student who is 18 years of age or older without the student’s consent. (See glossary.)
46. Required registration as a sex offender.
47. Selling, giving, or delivering to another person or possessing, using, or being under the influence of marijuana, a controlled substance, a dangerous drug, or an alcoholic beverage.
48. Setting or attempting to set fire on school property.
49. Sexual abuse of a young child or children.
50. Sexual assault.
51. Targeting another individual for bodily harm.

52. Use, exhibition, or possession of a knife with a blade more than 1.5” in length, including but not limited to switchblade knives or any other knife not defined as a location-restricted knife.
53. Use, exhibition, or possession of a hand instrument designed to cut or stab another by being thrown, including but not limited to a dagger; dirk; stiletto; poniard; bowie knife; sword; spear; or as otherwise defined by Board policy.
54. Vandalism or conduct constituting criminal mischief with respect to school facilities or property.
55. Violating computer use policies, rules, or agreements of A+UP, such as the Student Acceptable Use policy, including but not limited to:
  - a. Attempting to access or circumvent passwords or other security-related information of A+UP or its students or employees, and uploading or creating computer viruses, including such conduct off school property if the conduct causes a substantial disruption to the educational environment.
  - b. Attempting to alter, destroy, or disable A+UP computer equipment, A+UP data, the data of others, or other networks connected to the A+UP system, including conduct occurring off school property if the conduct causes a substantial disruption of the educational environment.
  - c. Using the Internet or other electronic communications to threaten A+UP students, employees, or volunteers, including conduct occurring off school property if the conduct causes a substantial disruption to the educational environment.
  - d. Sending or posting electronic messages that are abusive, obscene, sexually oriented, threatening, harassing, damaging to another’s reputation, or illegal, including conduct occurring off school property if the conduct causes a substantial disruption to the educational environment.
  - e. Using e-mail or Web sites at school to encourage illegal behavior or threaten school safety.
56. Any discretionary or mandatory expulsion violation under Texas Education Code, Chapter 37.

*Disciplinary Consequences (may not necessarily be followed in order and progressive disciplinary measures are not required)*

1. Out of school suspension for one-to-three days.
2. Expulsion.

## **Student Code of Conduct Consequences**

### **Detention**

Detention may be held on each day during school for up to eight hours. Students who serve detention must make arrangements to be picked up from school. Parents may request in person a delay of the detention; no phone calls or notes will be accepted.

### **After School Detention**

The following rules apply to students assigned to after school detention:

1. Students will bring materials to work on. Classroom materials may also be sent by a teacher.
2. Students will not be permitted to go to their lockers during detention; all materials must be brought to the detention room when reporting.
3. Sleeping is not permitted.
4. Students will follow all rules concerning classroom behavior. Failure to comply will mean suspension from school.
5. Any student assigned to detention must stay the entire time. Students refusing to complete their time will be suspended from school.



## **Suspension**

A+UP utilizes two kinds of suspension: in school suspension and out of school suspension.

The Principal Learning Coach will give notice of suspension and the reasons for the suspension to the student. In deciding whether to order out-of-school suspension, the administrator may take into consideration factors including self-defense, prior discipline history, intent or lack of intent and other appropriate or mitigating factors determined by the administrator.

## **Removal from School Transportation**

A student being transported by A+UP transportation to or from school or a school-sponsored or school-related activity may be removed from a school vehicle for conduct violating the school's established standards for conduct in a school vehicle.

## **Conferences, Hearings, and Appeals**

All students are entitled to conferences, hearings, and/or appeals of disciplinary matters as provided by applicable state and federal law, and A+UP policy.

## **Process for Suspensions Lasting Up to Three Days**

In addition to the above list of Code of Conduct violations, the Principal Learning Coach has authority to suspend a student for a period of up to three school days for any of the following additional reasons:

1. The need to further investigate an incident,
2. A recommendation to expel the student, or
3. An emergency constituting endangerment to health or safety.

## **Prerequisites to Suspension**

Prior to suspending a student for up to three days, the Principal or designee must attempt to hold an informal conference with the student to:

1. Notify the student of the accusations against him/her,
2. Allow the student to relate his or her version of the incident, and
3. Determine whether the student's conduct warrants suspension.

## **Notification to Parents/Guardians**

If the Principal Learning Coach or designee determines the student's conduct warrants suspension during the school day for up to three days, the Principal Learning Coach or designee will make reasonable effort to notify the student's parent(s) that the student has been suspended before the student is sent home. The Principal Learning Coach or designee will notify a suspended student's parent(s) of the period of suspension, the grounds for the suspension, and the time and place for an opportunity to confer with the Principal.

## **Credit During Suspension**

A student shall receive credit for work missed during the period of suspension if the student makes up work missed during the period of suspension within the same number of school days the student was absent on suspension.

## **Process for Out-of-School Suspensions Over Three Days (extended suspension) and Expulsion**

### **Notice**

When the Superintendent or designee determine that a student's conduct warrants suspension for more than three days (extended suspension) or expulsion, but prior to taking any such action, the Principal or designee will provide the student's parent(s) with written notice of:

1. The reasons for the proposed disciplinary action; and
2. The date and location for a hearing before the Supervision, within five school days from the date of the disciplinary action.

The notice shall further state that, at the hearing, the student:

1. May be present;
2. Shall have an opportunity to present evidence;
3. Shall be apprised and informed of A+UP's evidence;
4. May be accompanied by his or her parent(s); and
5. May be represented by an attorney.

### **Hearing Before the Principal Learning Coach/Superintendent**

A+UP shall make a good faith effort to inform the student and the student's parent(s) of the time and place for the hearing, and A+UP shall hold the hearing regardless of whether the student, the student's parent(s) or another adult representing the student attends. The Principal Learning Coach/Superintendent may audio record the hearing.

Immediately following the hearing, the Principal Learning Coach/Superintendent will notify the student and the student's parent(s) in writing of his or her decision. The decision shall specify:

1. The length of the extended suspension or expulsion, if any;
2. When or if the expulsion is not permanent, the procedures for re-admittance at the end of the expulsion period if at all; and
3. The right to appeal the Principal Learning Coach/Superintendent's decision to the Board of Directors or the Board's designee.

The notice shall also state that failure to timely request such a hearing constitutes a waiver of further rights in the matter.

### **Appeal to the Board of Directors**

The student or his or her parent(s) may appeal the extended suspension or expulsion decision to the Board of Directors by notifying the Principal in writing within five calendar days of the date of receipt of the Principal's decision. The Board will review the audio or transcribed record from the hearing before the Principal at a regular or specially called meeting in closed session. The Board will notify the student and his or her parent(s) of its decision within five calendar days of the meeting. The decision of the Board is final and may not be appealed.

Please note that discipline consequences will not be deferred pending the outcome of an appeal of an extended suspension or expulsion to the Board.

### **No Credit Earned**

Except when required by law, students will not earn academic credit during a period of expulsion.

### **Emergency Placement and Expulsion**

If the Principal or designee reasonably believes a student's behavior is so unruly, disruptive, or abusive that it seriously interferes with a teacher's ability to communicate effectively with students in a class, with the ability of a student's classmates to learn, or with the operation of A+UP or a school-sponsored activity, the Principal or designee may order immediate removal of the student. The Principal or designee may impose immediate suspension if he or she reasonably believes such action is necessary to protect persons or property from imminent harm. At the time of such an emergency removal, the student will be given verbal notice of the reason for the action and appropriate hearings will be scheduled within a reasonable time after the emergency removal.

### **Placement of Students with Disabilities**

All disciplinary actions regarding students with disabilities (504 or special education under the IDEA) shall be conducted in accordance with applicable federal and state laws.

### **Suspension/Expulsion Requirement**

A student with a disability shall not be removed from his or her current placement for disciplinary reasons and/or pending appeal to the Board of Directors for more than ten days without ARD Committee action to determine appropriate services in the interim and otherwise in accordance with applicable law. If a special education due process appeal to a TEA special education hearing officer is made, the student with a disability shall remain in the then current education setting in place at the time such appeal is noticed to A+UP, unless A+UP and the student's parents agree otherwise.

### **Gun-Free Schools Act**

In accordance with the Gun-Free Schools Act, A+UP shall expel, from the student's regular program for a period of one year, any student who is determined to have brought a firearm, as defined by federal law, to school. The Principal may modify the term of expulsion for a student or assess another comparable penalty that results in the student's expulsion from the regular school program on a case-by-case basis and in accordance with legal requirements.

For the purposes of this section, "firearm" means:

1. Any weapon – including a starter gun – which will, or is designed to, or which may readily be converted to expel a projectile by the action of an explosive from the frame or receiver of any such weapon;
2. Any firearm muffler or firearm silencer;
3. Any destructive device. "Destructive device" means any explosive, incendiary or poison gas bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than 1/4 ounce, mine, or device similar to any of the preceding described devices. It also means any type of weapon – other than a shotgun shell or a shotgun that is generally recognized as particularly suitable for sporting purposes – by whatever name known which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, and which has any barrel with a bore of more than 1/2 inch in diameter; and any combination of parts either designed or intended for use in converting any device into a destructive device as described, and from which a destructive device may be readily assembled.

### **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.

**Abusable Volatile Chemical Offense**, as defined by Health and Safety Code § 485.001 and 485.031. No student shall inhale, ingest, apply, use, or possess an abusable volatile chemical with intent to inhale, ingest, apply or use any of these in a manner:

1. Contrary to the directions for use, cautions, or warnings appearing on a label of a container of the chemical; and
2. Designed to affect the central nervous system, create or induce a condition of intoxication, hallucination, or elation, or change, distort, or disturb the person's eyesight, thinking process, balance, or coordination.

No student shall knowingly deliver to a person younger than 18 an abusable volatile chemical. Health and Safety Code § 485.032

No student shall knowingly use or possess with intent to use inhalant paraphernalia to inhale, ingest, or otherwise introduce into the human body an abusable volatile chemical. No student shall knowingly deliver, sell, or possess with intent to deliver or sell inhalant paraphernalia knowing that that person who receives it intends to use it to inhale, ingest, apply, use, or otherwise introduce into the human body an abusable volatile chemical. Health and Safety Code § 485.033

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

**Arson** is defined by Texas Penal Code § 28.02 and occurs when a person starts a fire, regardless of whether the fire continues after ignition, or causes 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.

Arson also occurs when a person:

- Recklessly starts a fire or causes an explosion while manufacturing or attempting to manufacture a controlled substance and the fire or explosion damages any building, habitation, or vehicle; or
- Intentionally starts a fire or causes 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 as intentionally, knowingly, or recklessly causing bodily injury to another.

**Bullying** is defined as a single significant act or a pattern of acts by one or more students directed at another student that exploits an imbalance of power and involves engaging in written or verbal expression, expression through electronic means, or physical conduct that (1) has the effect or will have the effect of physically harming a student, damaging a student's property, or placing a student in reasonable harm to the

student's person or of damage to the student's property; (2) is sufficiently severe, persistent, or pervasive enough that the action or threat creates an intimidating, threatening, or abusive educational environment for a student; (3) materially and substantially disrupts the educational process or the orderly operation of a classroom or the School; or infringes on the rights of the victim at school. Bullying also includes "cyberbullying," which means bullying that is done through the use of any electronic communication device including a cellular or other type of telephone, a computer, a camera, electronic mail, instant messaging, text messaging, a social media application, an Internet website, or any other Internet-based communication tool. Bullying conduct includes conduct (1) that occurs on or is delivered to School property or to the site of a school-sponsored or school-related activity on or off school property; (2) that occurs on a publicly or privately owned school bus or vehicle being used for transportation of students to or from school or a school-sponsored or school-related activity; and (3) cyberbullying that occurs off School property or outside of a school-sponsored or school-related activity if the cyberbullying (i) interferes with a student's educational opportunities or (ii) substantially disrupts the orderly operation of a classroom, the School, or a school-sponsored or school-related activity.

**Breach of computer security** includes knowingly accessing a computer, computer network, or computer system without the effective consent of the owner as defined in Texas Penal Code 33.02, if the conduct involves accessing a computer, computer network, or computer system owned by or operated on behalf of a public school; and the student knowingly alters, damages, or deletes school property or information; or commits a breach of any other computer, computer network, or computer system.

**Chemical dispensing device** is a device designed, made, or adapted for the purpose of dispensing a substance capable of causing an adverse psychological or physiological effect on a human being.

**Club** is an instrument specially designed, made, or adapted for the purpose of inflicting serious bodily injury or death, including but not limited to a blackjack, nightstick, mace, and tomahawk.

**Controlled substances or dangerous drugs** include but are not limited to marijuana; any narcotic drug, hallucinogen, stimulant, depressant, amphetamine, barbiturate; anabolic steroid; or prescription medicine provided to any person other than the person for whom the prescription was written. The term also includes all controlled substances listed in Chapters 481 and 483 of the Texas Health and Safety Code.

**Criminal street gang** means 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 Texas Family Code § 71.0021.

**David's Law:** Cyberbullying that occurs off school property or outside of a school-sponsored or school-related activity if the cyberbullying interferes with a student's educational opportunities or substantially disrupts the orderly operation of a classroom, school, or school-sponsored or school-related activity.

**Deadly conduct** occurs when a person recklessly engages in conduct that places another in imminent danger of serious bodily injury, and includes but is not limited to 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, other than a traffic offense, and is punishable by imprisonment or confinement in jail;
- Violates a lawful order of a court under circumstances that would constitute contempt of that court in a justice or municipal court, or a county court for conduct punishable only by a fine;
- Constitutes an intoxication and alcoholic beverage offense under Chapter 49 of the Texas Penal Code; or
- Violates Texas Alcoholic Beverage Code § 106.041 relating to driving under the influence of alcohol by a minor (third or subsequent offense).

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

**E-Cigarette** means an electronic cigarette or any other device that simulates smoking by using a mechanical heating element, battery, or electronic circuit to deliver nicotine or other substances to the individual inhaling from the device. The term does not include a prescription medical device unrelated to the cessation of smoking.

**Explosive weapon** is any explosive or incendiary bomb, grenade, rocket, or mine 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, and includes a device designed, made, or adapted for delivery or shooting an explosive weapon.

**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:

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

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

- 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; or
- Any destructive device, such as any explosive, incendiary or poison gas bomb, or grenade.

Such term does not include an antique firearm.

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

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

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

**Harassment** is:

- Conduct that meets the definition established in Board policy and/or the Student Handbook; or
- Conduct that threatens to cause harm or bodily injury to another student, is sexually intimidating or obscene, 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, knowing, or reckless act, occurring on or off campus, by one person alone or acting with others, that is directed against a student and 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.

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

**Indecent Exposure** means exposing one's anus or genitals with intent to arouse or gratify the sexual desire of any person while being reckless about whether another is present who will be offended or alarmed by the act.

**Intimate Visual Material** means visual material that depicts a person (a) with the person's intimate parts exposed; or (b) engaged in sexual conduct.

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

**Location-Restricted Knife** means a knife with a blade over five and one-half inches.

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

**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.

**Online Impersonation** occurs when a person, without obtaining the consent of another person and with the intent to harm, defraud, intimidate, or threaten any persons, uses the name or persona of another person to:

- Create a web page on a commercial social networking site or other Internet website; or
- Post or send one or more messages on or through a commercial social networking site or other Internet website, other than on or through an electronic mail program or message board program.

Online impersonation also occurs when a person sends an electronic mail, instant message, text message, or similar communication that reference a name, domain address, phone number, or other item of identifying information belonging to any person:

- Without obtaining the other person's consent;
- With the intent to cause a recipient of the communication to reasonably believe that the other person authorized or transmitted the communication; and
- With the intent to harm or defraud any person.

**Paraphernalia** are devices that can be used for inhaling, ingesting, injecting, or otherwise introducing a controlled substance into a human body. It also includes equipment, products, or materials used or intended for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, or concealing a controlled substance.

**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.

**Prohibited Weapon** means an explosive weapon; a machine gun; a short-barrel firearm; a firearm silencer; knuckles; armor-piercing ammunition; a chemical dispensing device; a zip gun; an improvised device; a tire deflation device; or a firearm silencer.

**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.

**Public lewdness** occurs when a person knowingly engages in an act of sexual intercourse, deviate sexual intercourse, or sexual contact in a public place or, if not in a public place, is reckless about whether another is present who will be offended or alarmed by the act.

**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.

**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 Knife** 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 by the application of 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:

- Cause a reaction of any type by an official or volunteer agency organized to deal with emergencies;
- Place any person in fear of imminent serious bodily injury;
- 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;
- Cause impairment or interruption of public communications, public transportation, public water, gas, or power supply or other public service;
- Place the public or a substantial group of the public in fear of serious bodily injury; or
- Influence the conduct or activities of a branch or agency of the federal government, the state, or a political subdivision of the state, or a public charter school (including A+UP).

**Tire deflation device** means a device, including a caltrop or spike strip, that, when driven over, impedes or stops the movement of a wheeled vehicle by puncturing one or more of the vehicle's tires.

**Title 5 offenses** are those that involve injury to a person and include murder; manslaughter; criminally negligent homicide; trafficking in persons; unlawful transport; kidnapping; assault (on a public servant); 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; harassment of a public servant; improper photography; smuggling persons; and tampering with a consumer product.

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

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

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