

Dear Parent/Guardian:

*This Student Code of Conduct (SCC) provides information regarding expectations for student behavior and consequences for misconduct. Please read and review the information in the Student Code of Conduct with your student so that you have a clear understanding of its content. Once you and your student have reviewed the Student Code of Conduct, please sign the acknowledgment form below and return it to your child's teacher by August 23, 2017. Please contact your student's Teacher or Principal if you have any questions about the Code.*

## The University of Texas Elementary School 2017-2018 Student Code of Conduct Acknowledgment Form

Student Name: \_\_\_\_\_

Grade Level: \_\_\_\_\_

I have read, understand, and agree to abide by The University of Texas Elementary School's Student Code of Conduct for the 2017-2018 school year. I understand that \_\_\_\_\_ (student name) will be held accountable for the behavior expectations and disciplinary consequences outlined in the Student Code of Conduct. I understand that the Student Code of Conduct governs all behavior at school, at school-sponsored and school-related activities, and during school-sponsored travel. I also understand the Student Code of Conduct governs some designated behaviors occurring off-campus, and for any school-related misconduct regardless of time or location. I understand that a referral for criminal prosecution is possible for certain violations of law.

\_\_\_\_\_  
Parent/Guardian Printed Name

\_\_\_\_\_  
Student Printed Name

\_\_\_\_\_  
Parent/Guardian Signature

\_\_\_\_\_  
Student Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

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## GENERAL OVERVIEW

### PURPOSE

The Advisory Board of The University of Texas Elementary School adopted this Student Code of Conduct (SCC) to promote a safe, secure, and optimal learning environment for all students. Inside is information regarding

- The University of Texas Elementary School's discipline management plan
- A description of prohibited conduct
- The disciplinary options, methods, and consequences for preventing and addressing student misconduct
- The process the school will follow when administering disciplinary consequences

### ADDITIONAL RULES

If there is a conflict between the SCC and the School-wide Discipline Plan, the terms of the SCC will control. If there is a conflict between the SCC and the UTES policy, the more recently adopted item will control.

Students may be subject to campus, classroom, extracurricular rules in addition to those found in the SCC. Students may face consequences under these additional rules as well as possible disciplinary action under the SCC. Further, to the extent a student engages in misconduct that is not specifically addressed in the SCC, the student may still be disciplined if the misconduct disrupts or interferes with the educational process, learning environment or safety.

### GENERAL STANDARDS OF STUDENT CONDUCT

In order to promote a positive educational experience for all students, The University of Texas Elementary School expects students to adhere to seven basic standards of conduct

- Exercise self-control, self-respect, and self-discipline
- Demonstrate a positive attitude
- Respect the rights and feelings of others
- Respect school and facility property
- Support the learning process
- Adhere to rules
- Promote a safe environment.

**NOTICE OF  
DISCIPLINARY  
ACTION**

Because of significant variations in student conduct, it is not always possible for the SCC to address each and every act of student misbehavior. To that end, the UTES retains discretion to address student misconduct that is inconsistent with these seven standards even though the conduct may not be specifically included in the SCC.

Teachers and administrators strive to notify Parents/Guardians of student conduct concerns as they occur. The Principal will contact the Parent/Guardian by phone or in writing within three school days of becoming aware of misconduct that may result in out-of-school suspension or expulsion from school. Failure to send any notice within this time period or as noted elsewhere in the SCC does not preclude imposing a discipline consequence.

**ANTI-  
DISCRIMINATION**

UTES does not discriminate against students on the basis of race, color, religion, national origin, age, disability, citizenship, veteran status, sexual orientation, gender identity, or gender expression when enforcing the provisions of the SCC.

**DISCIPLINE OF  
STUDENTS WITH  
SPECIAL NEEDS**

Students eligible for services under the Individuals with Disabilities Education Act (IDEA) or Section 504 of the Rehabilitation Act of 1973 are subject to discipline in accordance with those laws. For more information about those specific procedures, please contact the Principal.

**DISCIPLINE  
APPEALS**

Appeals of disciplinary measures should be directed to the student's Principal, as described in the Grievance Policy 300.120. A copy of this policy is available on the District website or at the campus or central administration office. Timelines for filing appeals stated in the policy will be enforced. Disciplinary consequences will not be delayed or deferred pending the outcome of an appeal.

**EFFECT OF  
STUDENT  
WITHDRAWAL**

Withdrawal from school after a student has been accused of a violation of the SCC will not prevent the UTES from investigating the alleged violation and, if it is determined that a violation did occur, assessing the appropriate disciplinary consequence and enforcing that consequence should the student re-enroll in UTES.

# SCOPE OF THE UNIVERSITY OF TEXAS ELEMENTARY SCHOOL'S DISCIPLINARY AUTHORITY

## GENERAL AUTHORITY

In addition to the disciplinary authority established for certain types of offenses as described within the SCC, the UTES has general disciplinary authority over a student at the following times:

- At any time during the school day
- While traveling to and from school or school activities on the UTES or related transportation
- While attending any school-sponsored or school-related activity, regardless of time or location
- As provided in extracurricular or organization handbooks, by-laws, or constitutions
- For any school-related misconduct, regardless of time or location
- For certain offenses committed within 300 feet of school property as measured from any point on the school's real property boundary line

## SEARCHES

A student's clothing, personal property, electronic equipment, method of transportation, or school property used by the student (such as lockers or desks) may be searched when there is reasonable cause to believe the search will reveal articles or materials prohibited by UTES. Students are responsible for ensuring that any personal property, method of transportation, or school property used by the student does not contain prohibited items. Students may be disciplined for possession of prohibited items discovered during a search.

## CRIMINAL CONDUCT

School administrators will report crimes as required by law and may contact local law enforcement regarding suspected criminal activity. Certain acts of misconduct may constitute criminal offenses in addition to violations of the SCC. Because school discipline is independent of criminal proceedings, disciplinary consequences may not be postponed pending the outcome of any criminal proceeding or affected by the outcome of any criminal proceeding.

## DISCIPLINE CONSIDERATIONS & TECHNIQUES

### DISCIPLINE CONSIDERATIONS

Using professional judgment, UTES employees will consider a variety of factors when administering disciplinary consequences and determining the duration of the consequence, including but not limited to

- The degree of severity and risk of danger
- The effect of the misconduct
- The age and grade level of the student
- The student's disciplinary history
- Legal requirements
- The frequency of the misconduct
- The student's demeanor
- A disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct, to the extent required by state and federal law

When deciding to order the out-of-school suspension or expulsion of a student, the UTES will also consider

- Self-defense (*see definitions*),
- The student's intent (*see definitions*) or lack of intent at the time of the misconduct.

A student who, upon investigation, is found to be subject to bullying (*see definitions*) will not be disciplined on the basis of using reasonable self-defense (*see definitions*) in response to the bullying, as determined by the Principal.

### DISCIPLINE MANAGEMENT TECHNIQUES

Discipline is designed to correct student behavior and encourage students to comply with school rules, and will be implemented consistently with a student's Behavior Intervention Plan (BIP) as applicable. UTES may use any one or a combination of the following strategies or techniques to manage student behavior, prevent or intervene in discipline problems, or address violations of the SCC or campus or classroom rules:

- Verbal correction
- Seating changes
- Assignment of school-related tasks or duties
- Sending the student to the office or other area
- Restitution or restoration
- Counseling or mediation
- Contracts to modify student behavior
- In-school suspension

- Parent/Guardian conferences
- Removal from the classroom
- Other methods and consequences as stated in the SCC
- Calming-down time
- Rewards
- Confiscation of items
- Loss or restriction of privileges, including transportation privileges, participation or membership in co-curricular or extracurricular activities, and seeking or holding honorary positions
- Out-of-school suspension
- Expulsion
- Consequences identified in co-curricular or extracurricular codes of conduct, constitutions, or by-laws
- Positive behavior intervention
- Additional methods used by UTES as needed

## GENERAL TYPES OF PROHIBITED CONDUCT

### MISCONDUCT INVOLVING OTHERS

Misconduct identified in the list of prohibited behaviors below will result in the assignment of one or more *"Discipline Management Techniques"* if the behavior is committed at school, a school-sponsored or school-related activity, or at any other time when The University of Texas Elementary has *"Disciplinary Authority"* as described in the SCC.

- Horseplay, roughhousing, and other playful behavior that, though not intended to harm, presents a reasonable risk of harm or threatens the safety of others
- Fighting (*see definitions*) or scuffling that does not result in physical pain, illness, or any impairment of a physical condition
- Engaging in conduct that can cause bodily injury (*see definitions*)
- Forcing an unwilling person to act or not act or obtaining money or another object of value from an unwilling person through duress, threats, force, extortion, coercion, or blackmail
- Subjecting a student, a UTES employee, official or volunteer to physical confinement or restraint
- Bullying, harassment, and intimidation will not be tolerated, and anyone who suspects that bullying has taken place must report it to the Principal. At that point, the incident will be investigated by the Principal, or designee. Parents, students, and school staff will be informed of any discipline or interventions required (*see Bullying definition*)
- Name-calling, ethnic or racial slurs, or derogatory statements that school staff reasonably believe could substantially disrupt the school environment or incite violence
- Adding any substance, whether harmful or not, without permission to any food or beverages belonging to, in the possession of, or meant to be consumed by another student, a UTES employee, official or volunteer

### BULLYING

POSSESSING,  
USING, GIVING,  
SELLING, OR  
BUYING  
PROHIBITED  
ITEMS

- Engaging in harassment (*see definitions*) toward another student, a UTES employee, official or volunteer including harassment motivated by race, color, religion, national origin, disability, sex, or age. Engaging in sexual harassment (*see definitions*) or sexual abuse
- Inappropriate verbal (oral or written), physical, or sexual contact toward another student, a UTES employee, official, or volunteer regardless of whether it is consensual
- Touching one's own private body parts in a sexual manner. Consensual hugging, touching, or other displays of affection that interfere with, detract from, or disrupt the school environment
- Engaging in physical, sexual, verbal, or emotional abuse as a means to harm, threaten, intimidate, or control another person in a current or past dating relationship
- Engaging in oral or written threats to cause harm or bodily injury (*see definitions*) to another student, a UTES employee, official or volunteer or school property, including threats made using the Internet or other technology resources at school. Students may be disciplined for threats made outside of school, including website or Internet postings, if the threat causes a material or substantial disruption at school. Wrongfully obtaining and using another person's identifying information or personal data without permission in order to mislead, defraud, or deceive
- Hazing (*see definitions*)
- Retaliating against a student for
  - Reporting either a violation of the SCC or bullying
  - Participating in an investigation of a violation of the SCC or bullying
- Matches or a lighter
- Tobacco products and electronic e-cigarettes
- Fireworks or any other pyrotechnic device
- Smoke or stink bombs
- Laser pointers (unauthorized use)
- Pepper spray or other small chemical dispensers sold commercially for personal protection
- "Look-alike" drugs or items attempted to be passed off as drugs, including non-prescription drugs, medications, or herbal or dietary supplements except as permitted by the UTES policy
- Razor blades, box cutters, or chains
- Knives
- Fake or "look-alike" weapons
- Poisons, caustic acids, or other materials that may be toxic to the human body
- BB guns, air guns, stun guns, or paintball guns



MISUSE OF  
PROPERTY

- Ammunition, shells, bullets, or gunpowder
- Material that is sexually-oriented, pornographic, obscene, or reveals a person's private body parts
- Material, including published or electronic items, that promotes or encourages illegal behavior or could threaten school safety
- Articles not generally considered to be weapons when the Principal determines that a danger exists or when used in a way that threatens or inflicts bodily injury to another
- Electronic devices, including CD or DVD players, cassette players, electronic games, MP3 players, stereo head sets, or other electronic equipment for other than approved use
- Using, displaying, or having in operational mode a cellular telephone, or telecommunications device (*see definitions*) at school during the school day

SAFETY/  
DISRUPTION

- Stealing from others, including staff or volunteers
- Committing or assisting in a robbery, theft, or burglary that is not punishable as a felony
- Damaging, destroying, or vandalizing property owned by others or the school
- Marking The University of Texas Elementary property such as textbooks, lockers, furniture, or equipment with graffiti, tagging, or by other means
- Attempting to start or starting a fire on or in any property owned, used, or controlled by a student, UTES, or the UTES employees, officials, or volunteers that does not rise to the level of arson or criminal mischief
- Threatening to use or exhibit a firearm
- Discharging a fire extinguisher, pulling a fire alarm, calling 911, tampering with an Automated External Defibrillator (AED), or causing the sprinkler system to activate when there is no smoke, fire, danger, or emergency
- Making or participating in false statements or hoaxes regarding school safety
- Engaging in misbehavior, actions, or demonstrations that substantially disrupt or materially interfere with school activities or that give school officials reasonable cause to believe that such conduct will substantially disrupt the school program or incite violence
- Throwing objects that can cause bodily injury or property damage
- Making false accusations or providing false statements concerning wrongful, unlawful, inappropriate, or illegal conduct alleged to have been committed by another student or a UTES employee, official, or volunteer

TECHNOLOGY

- Sending, possessing, or posting electronic messages, videos, audio recordings, or images that are abusive, obscene, sexually oriented, harassing, threatening, intimidating, illegal, or that cause a material or substantial disruption at school, including cyberbullying (*see definitions*)

**FAILURE TO FOLLOW RULES**

- Using any device or technology to copy or capture an image or the content of any UTES materials (such as tests or exams) without permission of a teacher or administrator
- Making, participating in the making of, transmitting to another via an electronic device, or posting to the Internet a digital, video, or audio recording or image of an actual or simulated act that involves a crime or conduct prohibited by the SCC
- Using any device or technology that permits recording the voice or image of another in any way that disrupts the educational environment, invades the privacy of others, or to record the voice or image of another without the prior consent of the individual being recorded
- Using any device or technology that permits recording the voice or image of another to take, disseminate, transfer, circulate, exhibit, present, or share audio, images, video, or photos that reveal private parts of the body that are normally covered by clothing
- Using the name, persona, or image of a student, a UTES employee, or volunteer, to create a web page or post one or more messages on a website without the other person's consent for purposes of harassing, intimidating, embarrassing, or threatening another
- Using email, websites, or electronic devices to engage in or encourage illegal conduct, violations of the SCC, or to threaten school safety
- Attempting to or successfully accessing or circumventing passwords or other security-related information of the school officials, volunteers, employees, or other students by any means
- Attempting to or successfully altering, destroying, interrupting, or disabling school technology equipment, UTES data, the data of other users of the school computer system, or other networks connected to the UTES system, including uploading or creating computer viruses, worms, or other harmful material
- Copying, downloading, reproducing, distributing, retransmitting, redisplaying, or modifying items from the UTES website
- Engaging in any of the above forms of technological misconduct outside of school when such conduct causes a material or substantial disruption at school as determined by school officials
- Violating The University of Texas Elementary School Acceptable Use Policy

**OTHER MISCONDUCT**

NOTE: Students will not be disciplined for technological misconduct related to possessing items described above as long as the student

- Did not contribute to creation of the item in any way
- Possessed it only after receiving the item unsolicited from another

- Either promptly destroyed the item or reported it to a school employee as soon as possible
- Did not provide a copy, forward, or re-post the item to anyone other than law enforcement, a school employee, or the student's Parent/Guardian.

- Violating dress and grooming criteria
- Being insubordinate or otherwise failing to comply with lawful directives given by school personnel
- Attempting to or successfully evading, avoiding, or delaying questioning by a school employee
- Failing to provide proper identification upon request of a school employee
- Attempting to violate or assisting, encouraging, promoting, or attempting to assist another student in violating the SCC
- Failing to immediately report to a school employee knowledge of a device, object, substance, or event that could cause harm to self or others
- Unexcused tardiness to class
- Missing school or class without the school's, Parent/Guardian's permission
- Leaving class, the campus, or school events without permission
- Violating rules for conduct on school or transportation
- Violating policies or rules for computer use, Internet access, technology, or other electronic communications or imaging devices
- Violating the school's medications policy regarding prescription and over-the-counter drugs
- Academic dishonesty, including cheating copying the work of another, plagiarism, or unauthorized collaboration with another person in preparing an assignment
- Failure to comply with guidelines applicable to student speakers who are speaking at school-sponsored or school-related events
- Failure to ensure that personal property, mode of transportation, or school property used by the student does not contain prohibited items
- Violating other classroom rules for behavior or the school policies
- Using profanity, vulgar language, or obscene gestures
- Loitering in unauthorized areas
- Falsifying, altering, forging, or destroying school records, passes, other school-related documents, or documents presented to school employees
- Gambling or betting money or other items of value

REASONS FOR  
ISS

PROCEDURE  
FOR ISS

REASONS FOR  
OSS

PROCEDURE  
FOR OSS

ASSIGNMENTS  
DURING OSS

- Inappropriate exposure of a student's private body parts which are ordinarily covered by clothing, including through such acts as mooning, streaking, or flashing
- Taking one or more steps toward violating the SCC even if the student fails to complete the intended misconduct

## **IN-SCHOOL SUSPENSION (ISS)**

Students may be placed in ISS for any misconduct listed in any category of the SCC.

The student will be informed of the reason for placement in ISS and be given an opportunity to respond before the Principal's decision is final. While in ISS the student will complete assignments from his or her teacher.

## **OUT-OF-SCHOOL SUSPENSION (OSS)**

Students may be suspended from school for any misconduct listed in any category of the SCC.

The student will be informed of the reason for out-of-school suspension and be given an opportunity to respond before the Principal's decision is final. While the student is suspended, the Principal may place restrictions on the student's participation in school-sponsored or school-related activities. Students may be suspended for a maximum of three school days. Students in grades K-2 are not subject to suspension or expulsion except for the possession of weapons, violent offenses, or possession or sale of illegal drugs. For a student receiving special education services, a manifestation determination and ARD meeting will be held prior to placing the student on OSS if the OSS will exceed 10 days, or if the cumulative number of days the student has been suspended in the school year for the same or similar conduct exceeds 10 days.

The student will be required to complete all class assignments, homework, tests, and other academic work covered during the suspension. The student will have the opportunity to receive full credit for completed academic work.

## EXPULSION

### REASONS FOR EXPULSION

The University of Texas Elementary School must expel a student who brings to school a firearm, as defined by federal law (see definitions).

The University of Texas Elementary School may expel a student who engages in any of the following misconduct within the scope of the UTES's disciplinary authority, as defined by law and in this SCC:

- Uses, exhibits, or possesses the following items, as defined by state law:
  - A firearm, as defined by state law (see definitions).
  - A knife
  - A club
  - A prohibited weapon (*see definitions*)
- \* *Firearm note:* If the firearm is not brought on property where the school is located, a student will not be expelled solely for using, exhibiting, or possessing a firearm at an off-campus approved target range facility while participating in or preparing for a school-sponsored shooting sports competition or while participating in or preparing for a shooting sports educational activity sponsored or supported by the Parks and Wildlife Department or a shooting sports sanctioned organization working with the Department.
- Sells, gives, delivers, possesses, uses, or is under the influence of marijuana, a controlled substance (*see definitions*), a dangerous drug (*see definitions*), or an alcoholic beverage (*see definitions*)
- Commits a serious act or offense while under the influence of an alcoholic beverage
- Engages in misconduct that contains the elements of an offense relating to abusable volatile chemicals (*see definitions*)
- Retaliates against a school or facility employee or volunteer by committing an expellable offense
- Issues a false alarm or report (*see definitions*) or a terroristic threat (*see definitions*) involving a public school
- Commits an assault (*see definitions*) resulting in bodily injury to a school employee or volunteer
- Engages in deadly conduct (*see definitions*)
- Engages in public lewdness (*see definitions*)
- Engages in indecent exposure (*see definitions*)
- Possesses, uses, sells, buys, or gives paraphernalia (*see definitions*) related to any prohibited substance, including but not limited to marijuana, a controlled substance, a dangerous drug, or an alcoholic beverage

- Abuses the student's own prescription drug or uses it in a way other than prescribed; gives, buys or sells a prescription drug; possesses, uses or is under the influence of another person's prescription drug
- Offers to sell any amount of marijuana, a controlled substance (*see definitions*), a dangerous drug (*see definitions*), an abusable volatile chemical (*see definitions*), a prescription drug, or an alcoholic beverage (*see definitions*)
- Prepares a hit list (*see definitions*)
- Engages in persistent (*see definitions*) misbehavior that violates this SCC
- Retaliates against a school employee or volunteer, by committing an assault (*see definitions*) resulting in bodily injury
- Engages in criminal mischief as defined in Penal Code §28.03
- Engages in breach of computer security by accessing a computer, computer network or computer system owned by or operated on behalf of UTES and knowingly alters, damages, or deletes UTES property or information or breaches any other computer, computer network, or computer system
- Is involved with a public school fraternity, sorority, secret society, or gang (*see definitions*), including participating as a member or pledge, or soliciting another person to become a member or pledge
- Is involved with a criminal street gang (*see definitions*) or encourages, solicits, recruits, enables, or causes another to become a member of a criminal street gang
- Commits a state-mandated expellable offense on the property of another school or while attending a school-sponsored or school-related activity of another school
- The Principal reasonably believes the student engaged in conduct punishable as a felony, and the student's continued presence in the regular classroom is a threat to the safety of others or is detrimental to the educational process.
- In determining whether there is a reasonable belief that a student has engaged in conduct defined as a felony offense by the Penal Code, the Principal may consider all available information, including the information furnished under Article 15.27, Code of Criminal Procedure

Title 5 Felonies. In addition to the expellable conduct listed above, a student must also be expelled and may be if the student

- Is arrested for a Title 5 felony offense (*see definitions*) or aggravated robbery

- Is charged with engaging in a Title 5 felony offense or aggravated robbery
  - Received deferred adjudication or deferred prosecution for a Title 5 felony offense or aggravated robbery
  - Is on probation for a Title 5 felony offense or aggravated robbery
  - Was found by a court or jury to have engaged in delinquent conduct for a Title 5 felony offense or aggravated robbery
  - Has been referred to a juvenile court for delinquent conduct based on a Title 5 felony offense or aggravated robbery
  - Was convicted of a Title 5 felony offense or aggravated robbery
- and** the Principal determines the student's presence in the regular classroom either threatens the safety of other students or teachers, is detrimental to the educational process, or is not in the best interests of the students. In this circumstance, expulsion may be ordered regardless of
- The date on which the conduct occurred
  - The location at which the conduct occurred
  - Whether the student was enrolled at The University of Texas Elementary School at the time the conduct occurred
  - Whether the student successfully completed any court disposition requirements regarding the conduct

An expulsion ordered in this case is final and may not be appealed beyond the Advisory Board.

All disciplinary actions, up to and including expulsion, will be made in accordance with any applicable Behavior Intervention Plans and the student's ARD committee's recommendations.

A Principal may order the immediate expulsion of a student if the Principal reasonably believes the emergency expulsion is necessary to protect persons or property from imminent harm. The reason for the emergency expulsion must also be a reason for which expulsion could be ordered on a non-emergency basis. At the time of the emergency expulsion, the student and family will be told the reason for the action. No later than the tenth day after the date of emergency expulsion, the student will be given a hearing as required for a regular expulsion; see below.

Hearing. Students alleged to have committed an expellable offense will receive a hearing before the Principal within a reasonable time following the alleged misconduct. The student's Parent/Guardian will be informed of the basis for the proposed expulsion and be invited in writing to attend the hearing. After making an effort to inform the student and

Parent/Guardian of the hearing, The University of Texas Elementary School may hold the hearing regardless of whether the student or the student's Parent/Guardian attends. At the hearing, the student is entitled to

- Representation by an adult, including the student's Parent/Guardian, who can provide guidance to the student and who is not an employee of The University of Texas Elementary School
- An opportunity to question the school's witnesses
- An opportunity to testify and to review and present evidence and witnesses in the student's defense

Additional proceedings may be conducted and additional discipline may be imposed if the student engages in additional misconduct while the student is already expelled.

Interim Placement. Until an expulsion hearing can be held, the student may be placed in another appropriate classroom, in-school suspension, or out-of-school suspension.

Expulsion Order. If the outcome of the expulsion hearing is that the student will be expelled, the appropriate administrator will issue an expulsion order and provide a copy to the student and the student's Parent/Guardian. If the duration of the expulsion differs from the guidelines in the SCC, the expulsion order will give notice of the inconsistency.

The duration of the expulsion will be determined on a case-by-case basis using the criteria identified in the "*Discipline Considerations*" section of this SCC. A student may be expelled for a period of up to 180 school days. Students who bring a firearm (as defined by federal law) to school will be expelled from the regular classroom for at least one calendar year except as modified by the Principal on a case-by-case basis.

Students expelled at the end of one school year may be required to complete the term of their expulsion at the beginning of the next school year.

Participation in Activities. Expelled students are prohibited from attending school or participating in school-sponsored or school-related activities while expelled.

Effect of Student Withdrawal. If a student withdraws from the school before the expulsion hearing is conducted, the school may proceed with conducting the hearing after sending written notice to the Parent/Guardian and student.

If the Principal does not issue an expulsion order after the student withdraws, the next district in which the student enrolls may complete the proceedings and issue an expulsion order.

Student Transfers. The University of Texas Elementary School may continue the expulsion of students expelled from another Texas school district, charter school, or from an out-of-state school district or charter school for behavior that is also a reason for expulsion at The UTES, until the term of expulsion has been served.



Additionally, students assigned to a Disciplinary Alternative Education Program (DAEP) or a similar program in another Texas district, a Texas open-enrollment charter school, or an out-of-state school district at the time of enrollment into The University of Texas Elementary School may be expelled to complete the term of their DAEP placement.

An expelled student may appeal the expulsion decision to the Advisory Board as provided by policy. The student or student's Parent/Guardian must submit a written appeal to the Superintendent within 5 school days after receipt of the expulsion order or decision. The Superintendent will give the student or the student's Parent/Guardian written notice of the date, time, and location of the meeting at which the Advisory Board will review the decision. Consequences will not be delayed pending the outcome of the appeal.

## DEFINITIONS

**ABUSABLE VOLATILE CHEMICALS:** Those substances as defined in Texas Health and Safety Code § 485.001.

**ALCOHOLIC BEVERAGE:** Those substances as defined in Texas Alcoholic Beverage Code § 1.04.

**ARMOR-PIERCING AMMUNITION:** Handgun ammunition that is designed primarily for the purpose of penetrating metal or body armor and to be used primarily in pistols and revolvers or other firearms.

**ASSAULT:** For student discipline purposes, intentionally, knowingly, or recklessly causing bodily injury to another.

**BODILY INJURY:** Physical pain, illness, or impairment of a physical condition.

**BULLYING:** Written or verbal expression, including electronic communication, or physical conduct that occurs on school property, at a school-sponsored or school-related activity, or in a vehicle operated by The University of Texas Elementary School that exploits an imbalance of power *and* interferes with a student's education or substantially disrupts the operation of a school, and either (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.

**CHEMICAL DISPENSING DEVICE:** A device other than a small chemical dispenser sold commercially for personal protection, that is designed, made, or adapted for the purpose of dispensing a substance capable of causing an adverse psychological or physiological effect on an individual.

**CLUB:** 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.

**CONTROLLED SUBSTANCE:** Substances as defined in Chapter 481 of the Texas Health & Safety Code or 21 U.S.C. § 801 et seq.

**CRIMINAL STREET GANG:** Three or more persons having a common identifying sign or symbol or an identifiable leadership who continuously or regularly associate in the commission of criminal activities.

**CYBERBULLYING:** Using any electronic communications device to engage in bullying or intimidation.

**DANGEROUS DRUG:** Substances as defined in Chapter 483 of the Texas Health and Safety Code.

**DEADLY CONDUCT:** Recklessly engaging in conduct that places another in imminent danger of serious bodily injury or by knowingly discharging a firearm in the direction of an individual, habitation, building, or vehicle.

**EXPLOSIVE WEAPON:** 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. It includes a device designed, made or adapted for delivery or shooting an explosive weapon.

**FALSE ALARM OR REPORT:** Knowingly initiating, communicating, or circulating a report of a present, past, or future bombing, fire, offense, or other emergency that is known to be 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, place of assembly, publicly accessible place, or mode of conveyance such as an automobile.

**FIGHTING:** Two or more persons engaged in any mutual violent or physically aggressive contact toward each other such as scuffling, pushing, shoving or hitting.

**FIREARM (Federal law):** (1) any weapon, including a starter gun, that will, is designed to, or may readily be converted to expel a projectile by the action of an explosive; (2) the frame or receiver of any such weapon; (3) any firearm muffler or firearm weapon; or (4) any destructive device, such as any explosive, incendiary or poison gas bomb, grenade, missile, rocket, or mine.

**FIREARM (State law):** 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.

**FIREARM SILENCER:** Any device designed, made, or adapted to muffle the report of a firearm.

**GANG:** An organization, combination, or association of persons composed wholly or in part of students that: (1) seeks to perpetuate itself by taking in additional members on the basis of the decision of the membership rather than on the free choice of the individual, or (2) that engages in illegal and/or violent activities. In identifying gangs and associated gang attire, signs, or symbols, the school will consult with law enforcement authorities.

**GRAFFITI:** Making marks of any kind on the tangible property of another without the effective consent of the owner.

**HARASSMENT:** Threatening to cause harm or bodily injury to another, engaging in intimidating conduct, causing physical damage to the property of another, subjecting another to physical confinement or restraint, maliciously taking any action that substantially harms another's physical or emotional health or safety, or other conduct prohibited by The University of Texas Elementary School policy that is so severe, persistent, or pervasive that it has the purpose or effect of substantially or unreasonably interfering with a student's performance; creates an intimidating, threatening, hostile, or offensive educational environment; affects a student's ability to participate in or benefit from an educational program or activity; or otherwise adversely affects the student's educational opportunities.

**HAZING:** Any 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. Consent to or acquiescence in the hazing activity does not excuse the student of responsibility for the misconduct.

**HIT LIST:** List of people targeted to be harmed using a firearm, knife, or any other object to be used with intent to cause bodily harm.

**INDECENT EXPOSURE:** Those acts defined in Texas Penal Code section 21.08.

**INTENT:** The design, resolve, or determination with which a person acts. Since intent is a state of mind, it is ordinarily proved through inferences drawn from the act and/or circumstances surrounding the act. Intent includes the conscious objective or desire to engage in the conduct or cause the result, an awareness that the conduct is reasonably certain to cause the result, or disregard of a substantial and justifiable risk when there is an awareness that the circumstances exist or the result will occur. The fact that a student may not have been motivated by a desire to violate the SCC does not preclude imposing a disciplinary consequence so long as the student intended to engage in the underlying conduct that violated the SCC.

**KNIFE:** A bladed hand instrument that is capable of inflicting serious bodily injury or death by cutting or stabbing.

**KNUCKLES:** Any instrument consisting of finger rings or guards made of a hard substance that is designed, made, or adapted for the purpose of inflicting serious bodily injury or death by striking a person with a fist enclosed in the knuckles.

**MACHINE GUN:** Any firearm capable of shooting more than two shots automatically, without manual reloading, by a single function of the trigger.

**PARAPHERNALIA:** Any article or device used or intended for use to inject, ingest, inhale, or otherwise introduce marijuana, a controlled substance, or a dangerous drug into the human body, including but not limited to roach clips, rolling papers, needles, baggies with residue, razor blades, or pipes.

**PERSISTENT:** Three or more violations of the SCC or repeated occurrences of the same violation.

**POSSESSION:** To have in or on: (1) a student's person or in the student's personal property, such as the student's clothing, purse, or backpack; (2) in any vehicle used by the student for transportation to or from school or school-related activities, such as an automobile, truck, motorcycle, or bicycle; or (3) any other school property used by the student, such as a locker or desk.

**PROHIBITED WEAPONS:** A prohibited weapon includes the following items: armor-piercing ammunition, chemical dispensing device, explosive weapon, firearm silencer, knuckles, machine gun, short-barrel firearm, switchblade knife, zip gun, or tire deflation device.

**PUBLIC LEWDNESS:** Those acts defined in Texas Penal Code § 21.07.

**REASONABLE BELIEF:** A determination that misconduct occurred made by the administrator using all available factual and legal information, including information furnished under Article 15.27 of the Code of Criminal Procedure.

**RETALIATION:** Harming or threatening to harm another: (1) on account of their service as a University of Texas Elementary School employee or volunteer, (2) to prevent or delay another's service to the school, or (3) because the person intends to report a crime.

**SELF-DEFENSE:** To claim self-defense, the student must (1) be without fault in provoking the encounter and not act as the aggressor, and (2) use the minimum force required to remove himself or herself from immediate danger of harm. Actions that escalate or continue the encounter will not be considered self-defense. Interactions prior to the encounter will also be considered.

**SERIOUS MISBEHAVIOR:** To engage in (1) deliberate violent behavior that poses a direct threat to the health or safety of others, (2) extortion to gain money or other property by force or threat, (3) coercion, meaning to threaten to either commit an offense; inflict bodily harm; accuse a person of any offense; expose a person to hatred, contempt, or ridicule; or to harm the credit of any person, (4) public lewdness as defined in Texas Penal Code § 21.07, (5) indecent exposure as defined in Texas Penal Code § 21.08, (6) criminal mischief as defined in Texas Penal Code § 28.03, (7) personal hazing as defined in Texas Education Code § 37.152, or (8) harassment of a student or school employee as defined in Texas Penal Code § 42.07(a)(1).

**SEX OFFENDER:** A student required to register as a sex offender under Chapter 62 of the Code of Criminal Procedure for an offense committed on or after September 1, 2007. The term does not include a student who: (1) is no longer required to register as a sex offender under Chapter 62, (2) is exempt from registering as a sex offender under Chapter 62, or (3) receives an early termination of the obligation to register as a sex offender under Chapter 62.

**SEXUAL HARASSMENT:** Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature that is so severe, persistent, or pervasive that it has the purpose or effect of unreasonably interfering with a student's performance; creates an intimidating, hostile, or offensive educational environment; affects a student's ability to participate in or benefit from an educational program or activity; otherwise adversely affects the student's educational opportunities, or is prohibited by The University of Texas Elementary School policy.

**SHORT-BARREL FIREARM:** 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 if, as altered, has an overall length of less than 26 inches.

**SWITCHBLADE KNIFE:** Any knife with a blade that folds, closes, or retracts into the handle or sheath and that opens automatically by pressing a button or other device located on the handle or opens or releases a blade from the handle or sheath by the force of gravity or centrifugal force. It 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 (also known as one-handed openers or assisted openers).

**TELECOMMUNICATIONS DEVICE:** Any type of device that: (1) emits an audible signal, vibrates, displays a message, or otherwise summons or delivers a communication to the possessor, or (2) permits the recording, transmission, and/or receipt of messages, voices, images, or information in any format or media, electronic or otherwise. It does not include an amateur radio under control of someone with an amateur radio license.

**TERRORISTIC THREAT:** Threats to commit any offense involving violence to any person or property with intent to: (1) cause a reaction 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, 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 University of Texas Elementary School).

**TITLE 5 FELONY OFFENSES:** Offenses against the person that, depending on the circumstances, may include murder; capital murder; manslaughter; criminally negligent homicide; unlawful restraint; kidnapping; aggravated kidnapping; trafficking of persons; unlawful transport; assault; aggravated assault; sexual assault; aggravated sexual assault; improper relationship between educator and student; indecency with a child; injury to a child, an elderly person, or a disabled person; abandoning or endangering a child; improper photography or visual recording; deadly conduct; terroristic threat; aiding a person to commit suicide; harassment by a person in a correctional facility; continuous sexual abuse of a young child or children; and tampering with a consumer product.

**UNDER THE INFLUENCE:** When in the employee's professional judgment, the student does not have the normal use of mental or physical faculties likely attributable to the student's use of a prohibited substance. Such impairment may be evidenced by the symptoms typically associated with drug or alcohol use or other abnormal or erratic behavior or by the student's admission. The student need not be legally intoxicated.

**USE:** With respect to substances, voluntarily injecting, ingesting, inhaling, or otherwise introducing a prohibited substance into the body. With respect to objects or devices, putting into action or service or carrying out an action or purpose with the object or device.

**ZIP GUN:** A device or combination of devices that was not originally a firearm and is adapted to expel a projectile through a smooth-bore or rifled-bore barrel by using the energy generated by an explosion or burning substance.