

2023-2024

STUDENT CODE OF CONDUCT



Canyon ISD Support Center
3301 North 23rd Street
Canyon, TX 79015
806-677-2600

ACKNOWLEDGMENT

Student Code of Conduct (SCC)

Dear Student and Parent:

As required by state law, the Canyon ISD Board of Trustees has officially adopted the **2023-2024** Student Code of Conduct (SCC) in order to promote a safe and orderly learning environment for every student.

We urge you to read the Student Code of Conduct as well as the Student Handbook and discuss the contents of each with your family. If you have any questions about the required conduct and consequences for misconduct, we encourage you to ask for an explanation from the student's teacher or campus administrator.

As a part of the online registration process, you completed the acknowledgement of online availability of the CISD Student Code of Conduct and were directed to the district website at www.canyonisd.net where the Student Code of Conduct is easily accessed. Your acknowledgement indicates your understanding that the Student Code of Conduct contains information that you and your child may need during the school year and that all students will be held accountable for their behavior. It also indicates that students will be subject to the disciplinary consequences outlined in the Student Code of Conduct.

A refusal to sign this acknowledgement in no way prevents the district from enforcing the rules and consequences as written. It is important to note that every effort is made to ensure that district practices and procedures follow district policies. Since the Student Code of Conduct is adopted by the District's Board of Trustees, it has the force of policy; therefore, in case of conflict between the SCC and the Student Handbook the SCC shall prevail. If there is a conflict between the SCC and district policy, the SCC will prevail. The district policies can be found on the CISD website at www.canyonisd.net.

Sincerely,



Dr. Darryl Flusche
Superintendent

Canyon Independent School District

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2023-2024 STUDENT CODE OF CONDUCT (SCC)

Accessibility

If you have difficulty accessing the information in this document because of disability, please contact The Administrative Assistant to the Assistant Superintendent of Support Services (connie.haynes@canyonisd.net).

Purpose

The Canyon ISD Board of Trustees adopted this Student Code of Conduct (SCC) to promote a safe, secure, and optimal learning environment for all students. Inside you will find information regarding:

- Canyon ISD's discipline management plan
- A description of prohibited conduct
- The disciplinary options, methods, and consequences for preventing and addressing student misconduct
- The process the District will follow when administering disciplinary consequences

The Student Code of Conduct is the district's response to the requirements of Chapter 37 of the Texas Education Code. The Code provides methods and options for managing students in the classroom and on school grounds, disciplining students, and preventing and intervening in student discipline problems.

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

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

In accordance with Texas state law, the SCC will be available for review at the office of the campus principal. Additionally, the SCC shall be posted on the District's website at www.canyonisd.net. Parents shall be notified of any conduct violation that may result in a student being suspended, placed in a DAEP, expelled, or taken into custody by a law enforcement officer under Chapter 37 of the Education Code.

Because the Student Code of Conduct is adopted by the District's Board of Trustees, it has the force of policy; therefore, in case of conflict between the SCC and the Student Handbook, the SCC shall prevail. If there is a conflict between the SCC and district policy, the SCC will prevail. See policies FN (Local) and FO (Local) for more details.

Additional Rules

The discipline of students with disabilities who are eligible for services under federal law (Individuals with Disabilities Education Act and Section 504 of the Rehabilitation Act of 1973) is subject to the provisions of those laws. For more information about those specific procedures, please contact the Director of Special Services.

All students may also be subject to campus, classroom, extracurricular, and/or organization 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

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addressed in the SCC, the student may still be disciplined if the misconduct disrupts or interferes with the educational process, learning environment, or school safety.

Non-discrimination

The district does not discriminate against students on the basis of race, religion, color, national origin, gender, sex, disability, age, or any other basis prohibited by law when enforcing the provisions of the SCC.

Effect of Student Withdrawal

Withdrawal from school after a student has been accused of a violation of the SCC will not prevent the district 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 the district.

SCHOOL DISTRICT AUTHORITY AND JURISDICTION

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

The district has disciplinary authority over a student:

- During the regular school day;
- While the student is travelling on district transportation;
- During lunch periods in which a student is allowed to leave campus;
- At any school-related activity, regardless of time or location;
- For any school-related misconduct, regardless of time or location;
- When retaliation against a school employee, board member, or volunteer occurs or is threatened, regardless of time or location;
- When a student engages in cyberbullying, as provided by Education Code 37.0832;
- When criminal mischief is committed on or off school property or at a school-related event;
- For certain offenses committed within 300 feet of school property as measured from any point on the school's real property boundary line;
- For certain offenses committed while on school property or while attending a school-sponsored or school-related activity of another district in Texas;
- When the student commits a felony, as provided by Education Code 37.006 or 37.0081; and
- When the student is required to register as a sex offender.

Campus Behavior Coordinator

Canyon ISD principals collaborate with and/or delegate to the assistant principals the responsibilities of Campus Behavior Coordinator. This enables administrators to spend the necessary time with students to develop a rapport that can hold students accountable while teaching them how to more effectively monitor their own behavior in the future. See Canyon ISD District of Innovation Plan at www.canyonisd.net.

The contact information for all Canyon ISD principals or assistant principals responsible for discipline is located on the district website at www.canyonisd.net and in the Student Handbook.

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Threat Assessment and Safe and Supportive School Team

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

Searches

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

The district uses specially trained non-aggressive dogs to sniff out and alert officials to the current presence of articles or materials prohibited by the district. Such visits shall be unannounced and shall follow these procedures:

- Lockers may be sniffed by trained dogs at any time.
- Vehicles parked on school property may be sniffed by trained dogs at any time.
- Classrooms and other common areas may be sniffed by trained dogs at any time when students are not present.
- The dogs shall not be used with students.

Desks, lockers, district-provided technology, and similar items are the property of the district and are provided for student use as a matter of convenience. District property is subject to search or inspection at any time without notice.

A student's outer clothing, pockets, personal property, electronic equipment, vehicle, or school property used by the student (such as lockers or desks) may be searched when there is reasonable suspicion to believe the search will reveal articles or materials prohibited by the district. Students are responsible for ensuring that any personal property, vehicle, 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. For more information about searches, please see the Student Handbook.

Reporting Crimes

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

Security Personnel

To ensure sufficient security and protection of students, staff, and property, Canyon ISD employs 7 school resource officers (SROs). In accordance with law, the board has coordinated with campus administration and other district employees to ensure appropriate law enforcement duties are assigned to security staff.

The duties of Canyon ISD School Resource Officers include:

1. Enhancing public relations with students by providing positive contact.

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2. Serving as a community and parent resource within the school district.
3. Providing education programs on a variety of law related topics including crime prevention, legal rights, and narcotics.
4. Serving as a support person for students seeking legal advice.
5. Investigating campus crimes, which includes interviewing student witnesses and student suspects.
6. Acting as a deterrent for illegal activities on campus.
7. Dealing with campus trespassers.
8. Serving as the sponsor for the Student Crime-Stoppers Program.

Transfer Agreement

A transfer student shall be notified in the written transfer agreement that he or she must follow all rules and regulations of the district. Violation of the terms of the agreement may result in a transfer request not being approved the following year. See policy FDA local.

'Parent' Defined

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

Participating in Graduation Activities

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

The valedictorian, salutatorian, and the next highest academically ranked graduating senior who agrees to speak may have speaking roles at graduation. No student shall be eligible to have such a speaking role if he or she engaged in any misconduct in violation of the district's Student Code of Conduct resulting in an out-of-school suspension, removal to a DAEP, or expulsion during the final two semesters prior to graduation. See policy FNA local. See **Impact on Graduation** on page 28, for information regarding a student assigned to DAEP at the time of graduation.

Unauthorized Persons

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

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

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

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; bring appropriate materials and assignments to class;
- Meet district and campus standards of grooming and dress;
- Obey all campus and classroom rules;
- Respect the rights and privileges of students, teachers, and other district staff and volunteers;
- Respect the property of others, including district property and facilities;
- Cooperate with and assist the school staff in maintaining safety, order, and discipline;
- Adhere to the requirements of the Student Code of Conduct;
- Pay required fees and fines, unless they are waived.

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 district retains discretion to address student misconduct that is inconsistent with the above standards even though the conduct may not be specifically included in the SCC.

GENERAL CONDUCT VIOLATIONS

The categories of conduct below are prohibited at school, in vehicles owned or operated by the district, and at all school-related activities. Misconduct identified in the list of prohibited behaviors below will result in the assignment of one or more consequences identified in the section titled “Discipline Consideration & Techniques.”

This list includes general types of prohibited conduct and does not include the most severe offenses. In the sections that follow on **Out-of-School Suspension**, **DAEP Placement**, and **Expulsion**, certain offenses that require or permit specific consequences are listed. Any offense, however, may be severe enough to result in removal from the regular educational setting as detailed in that section.

General types of conduct violations are listed by category below.

Disregard for Authority

Students shall not:

- Fail to comply with directives given by school personnel (insubordination);
- Leave the classroom, school grounds, or school-sponsored events without permission (truancy);
- Disobey rules for conduct on school buses or other vehicles owned and operated by the district;
- Refuse to accept discipline management techniques assigned by a teacher or principal;
- Fail to provide proper identification or student ID upon request of a district employee.

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Misconduct Involving Others

Students shall not:

- Use profanity or vulgar language or make obscene gestures.
- Fight or scuffle; (For assault see **DAEP Placement and Expulsion**)
- Threaten a district student, employee, or volunteer, including off school property if the conduct causes a substantial disruption to the educational environment.
- Engage in bullying, cyberbullying, harassment, or making hit lists; (see **glossary**)
- Release or threaten to release intimate visual material of a minor or a student who is 18 years of age or older without the student's consent.
- Engage in harassment (see **glossary**) by any means toward another student or a district employee, official, or volunteer, including harassment motivated by race, color, religion, national origin, disability, sex or age;
- Engage in sexual or gender-based harassment or sexual abuse, whether by word, gesture, or any other conduct, directed toward another person, including a district student, employee, board member, or volunteer;
- Circulate stories, reports, or statements that are abusive, obscene, sexually oriented, threatening, harassing, damaging to another's reputation, or illegal, including off school property if the conduct causes a substantial disruption to the educational environment, including cyberbullying; (see **glossary**)
- Participate in name-calling, ethnic or racial slurs or derogatory statements that school employees reasonably believe could substantially disrupt the school environment or incite violence;
- Engage in oral or written threats, including threats to cause harm or bodily injury (see **glossary**) to another student, a district 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;
- Engage in conduct that constitutes dating violence; (see **glossary**)
- Engage in inappropriate verbal, physical, written, or sexual conduct directed toward another person, including a district student, employee, or volunteer regardless of whether it is consensual;
- Participate in hazing; (see **glossary**)
- Subject a student or district employee, official, or volunteer to physical confinement or restraint;
- Force an unwilling person to act or not act or obtain money or another object of value from an unwilling person through duress, threats, force, extortion, coercion, or blackmail;
- Participate in consensual touching, or other public displays of affection that interfere with, detract, or disrupt the school environment;
- Add any substance, whether harmful or not, without permission to any food or beverage belonging to, in the possession of, or meant to be consumed by another student or district employee, official, or volunteer;
- Wrongfully obtain and use another person's identifying information or personal data without permission in order to mislead, defraud, or deceive;
- Engage in inappropriate or indecent exposure of private body parts;

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- Coerce an individual to act through the use of or threat of force;
- Commit extortion or blackmail (obtaining money or an object of value from an unwilling person).
- Record the voice or image of another without the prior consent of the individual being recorded or in any way that disrupts the educational environment or invades the privacy of others.

Property Offenses

Students shall not:

- Damage, destroy, or vandalize property owned by others or the district; (For felony criminal mischief, see **DAEP Placement or Expulsion**)
- Deface, mark, or damage school property such as textbooks, technology and electronic resources, lockers, furniture, or equipment with graffiti, tagging or by other means;
- Steal from students, district employees, volunteers or the school;
- Commit or assist in a robbery, burglary, or theft even if it does not constitute a felony according to the Penal Code; (For felony robbery, aggravated robbery, and theft see **DAEP Placement and Expulsion**)
- Attempt to start or start a fire on or in any property owned, used, or controlled by a student, the district, or district employees, officials, or volunteers that does not rise to the level of arson or criminal mischief.
- Enter, without authorization, district facilities that are not open for operations.

Possession or Use of Prohibited Items

Students shall not possess or use:

- tobacco products; cigarettes; e-cigarettes (also called ‘vapes’); and any component, part, or accessory for an e-cigarette device;

Note: Canyon ISD is committed to bringing awareness of the negative effect of vaping to our students and our community. First and foremost, the goal is safety for students. We want them to understand the impact vaping can have on their health and deter the use of vapes. If a student is caught with a vape, it will be confiscated and will not be returned.

- any CBD (cannabidiol) products.
- hemp
- matches or a lighter;
- fireworks of any kind, smoke or stink bombs, or any other pyrotechnic device;
- razor, box cutter, chain, or any other object used in a way that threatens or inflicts bodily injury to another person;
- a “look-alike” weapon; that is intended to be used as a weapon or could reasonably be perceived as a weapon;
- an air gun, BB gun, stun gun, or taser;
- ammunition, shells, bullets or gunpowder;
- a hand instrument designed to cut or stab another by being thrown;
- A firearm silencer or suppressor
- Knuckles;

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- a pocketknife, or any other small knife; (For illegal knife, see **Expulsion**)
- *A location-restricted knife;
- *A club;
- *A firearm;
- A firearm silencer or suppressor;
- mace, pepper spray, or other small chemical dispenser sold commercially for personal protection;
- poisons, caustic acids, or other materials that may be toxic to the human body;
- 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;
- a laser pointer for other than an approved use;
- electronic games, ear buds, stereo head sets, or other electronic equipment for other than approved use;
- any article not generally considered to be a weapon, including school supplies, when the administrator determines that a danger exists or when used in a way that threatens or inflicts bodily injury to another.

*For weapons and firearms, see **DAEP Placement and Expulsion**. In many circumstances, possession of these items is punishable by mandatory expulsion under federal or state law.

Prohibited items, other than vapes, when confiscated by the administration, may be held until the conclusion of the school year. If a student is caught with a vape, it will be confiscated and will not be returned.

Drugs: Illegal Prescription, Over-the-Counter Drugs

Students shall not:

- Possess, use, give, or sell alcohol or an illegal drug. (Also see **DAEP Placement and Expulsion** for mandatory and permissive consequences under state law.)
- Possess or sell seeds or pieces of marijuana in less than a usable amount;
- Possess, use, give, or sell paraphernalia (see **glossary**) related to any prohibited substance;
- Possess or sell look-alike drugs or attempt to pass items off as drugs or contraband;
- Abuse (see **glossary**) the student's own prescription drug, give a prescription drug to another student, or possess or be under the influence of another person's prescription drug on school property or at a school-related event;
- Abuse (see **glossary**) over-the-counter drugs;
- Be under the influence (see **glossary**) of over-the-counter drugs that cause impairment of the physical or mental faculties;
- Possess, deliver or take prescription drugs or over-the-counter drugs at school other than as provided by district policy.

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Misuse of Technology, Telecommunications Devices, and the Internet

Students shall not:

- Use a telecommunications device, including a cellular telephone, smart device, or other electronic device in violation of district and campus rules;
- Violate policies, rules, or agreements signed by the student or the student's parent regarding the use of technology resources;
- Attempt or successfully access or circumvent passwords or other security-related information of the district, students, officials, volunteers or employees by any means, upload or create computer viruses, worms, or other harmful material including off school property if the conduct causes a substantial disruption to the educational environment;
- Attempt or successfully alter, destroy, interrupt, or disable district technology resources including but not limited to computers and related equipment, district data, the data of other users of the district's computer system, or other networks connected to the district's system, including off school property, if the conduct causes a substantial disruption to the educational environment;
- Use the Internet or other electronic communications to threaten or harass district students, employees, or volunteers, including off school property if the conduct causes a substantial disruption to the educational environment or infringes on the rights of another student at school;
- Use the name, persona, or image of a student, district 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;
- Send, post, deliver, or possess electronic messages that are abusive, obscene, sexually oriented, threatening, harassing, damaging to another's reputation, or illegal, including cyber-bullying and "sexting," either on or off school property if the conduct causes a material or substantial disruption to the educational environment or infringes on the rights of another student at school;
- Use any device or technology to record the voice or image of another in any way that disrupts the educational environment or invades the privacy of others or to record the voice or image of another without the prior consent of the individual being recorded;
- Use 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 (sexting);
- Use the Internet or other electronic communication, or electronic devices to engage in or encourage illegal behavior, violations of the SCC, or to threaten school safety including off school property if the conduct causes a substantial disruption to the educational environment or infringes on the rights of another student at school;
- Copy, download, reproduce, distribute, retransmit, redisplay, or modify items from the district's or a campus's website for other than the approved purpose;
- Use any device or technology to copy or capture an image or the content of any district materials (such as tests or exams) without permission of a teacher or administrator;

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- Engage 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 administrators.

NOTE: Students will not be disciplined for technological misconduct related to possessing items described above as long as the student (1) did not contribute to creation of the item in any way, (2) possessed it only after receiving the item unsolicited from another, (3) either promptly destroyed the item or reported it to a school employee as soon as possible, and (4) did not provide a copy, forward, or re-post the item to anyone other than law enforcement, a school employee, or the student's parent/guardian.

Safety Transgressions

Students shall not:

- Possess published or electronic material that is designed to promote or encourage illegal behavior or that could threaten school safety;
- Make or participate in false statements or hoaxes regarding school safety;
- Engage in any conduct that substantially disrupts or materially interferes with school activities or that gives school officials reasonable cause to believe that such conduct will substantially disrupt the school program or incite violence;
- Engage in verbal (oral or written) exchanges that threaten the safety of another student, a school employee, volunteer, or school property;
- Throw objects that can cause bodily injury or property damage;
- Discharge a fire extinguisher or cause the sprinkler system to activate when there is no smoke, fire, danger, or emergency;
- Fail to immediately report to a school employee knowledge of a potentially dangerous device, object, substance, or event that could cause harm to self or others;
- Create an unwarranted or unreasonable risk of harm to others.

Miscellaneous Offenses

Students shall not:

- Use profanity or vulgar language or make obscene gestures;
- Violate dress and grooming standards as communicated in the Student Handbook;
- Engage in academic dishonesty, which includes cheating, copying the work of another student, plagiarism or other academic dishonesty;
- Fail to comply with guidelines applicable to student speakers who are speaking at school-sponsored or school-related events;
- Gamble or bet money or other things of value;
- Falsify, alter, forge, or destroy school records, passes, or other school-related documents or documents presented to district employees;
- Lie or lead others to believe something that is not truthful;
- Engage in actions or demonstrations that substantially disrupt or materially interfere with school activities;
- Repeatedly violate other communicated campus or classroom standards of conduct;
- Assist, encourage, promote, or attempt to assist another student in violating the Student Code of Conduct;

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- Participate in inappropriate exposure of a student's private body parts which are ordinarily covered by clothing, including through such acts as mooning, streaking, or flashing;
- Violate rules for operating or parking a motor vehicle on school property;
- Post or distribute unauthorized communicative materials on school premises.

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

DISCIPLINE CONSIDERATIONS & TECHNIQUES

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

When deciding to order out-of-school suspension, DAEP placement, or expulsion, the district will also consider self-defense, and the student's intent or lack of intent at the time of the misconduct.

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

Students with Disabilities

The discipline of students with disabilities is subject to applicable state and federal law in addition to the Student Code of Conduct. To the extent any conflict exists, the district shall comply with federal law. For more information regarding discipline of students with disabilities, see policy FOF legal.

In accordance with the Education Code, a student who receives special education services may not be disciplined for conduct meeting the definition of bullying, cyberbullying, harassment, or making hit lists (see definitions) until an Admission, Review, and Dismissal (ARD) committee meeting has been held to review the conduct.

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

Discipline Techniques

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

- Verbal correction, oral or written
- Cooling-off time or a brief "time-out" period, in accordance with the law
- Seating changes within the classroom or vehicles owned or operated by the district
- Temporary confiscation of items that disrupt the educational process
- Rewards or demerits

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- Behavioral contracts
- Counseling by teachers, counselors, or administrative personnel
- Parent-teacher conferences
- Behavior Coaching
- Anger management classes
- Mediation (victim-offender)
- Classroom circles
- Family group conferencing
- Grade reductions for cheating, plagiarism, and as otherwise permitted by policy
- Detention, including outside regular school hours
- Sending the student to the office or other assigned area, or to in-school suspension
- Stay Away Agreements
- Assignment of school duties such as cleaning or picking up litter
- Withdrawal of privileges, such as participation in extracurricular activities, eligibility for seeking and holding honorary offices, or membership in school-sponsored clubs and organizations
- Penalties identified in individual student organizations' extracurricular standards of behavior
- Restriction or revocation of district transportation privileges
- School-assessed and school-administered probation
- Out-of-school suspension, as specified in the **Out-of-School Suspension** section of this SCC
- Placement in a DAEP, as specified in the DAEP section of this SCC
- Placement and/or expulsion in an alternative educational setting, as specified in the **Placement and/or Expulsion for Certain Offenses** section of this SCC
- Expulsion, as specified in the **Expulsion** section of this SCC
- Referral to an outside agency or legal authority for criminal prosecution in addition to disciplinary measures imposed by the district
- Other strategies and consequences as determined by school administrators

Please note: Corporal punishment is prohibited in Canyon ISD.

Prohibited Aversive Techniques

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

- Using techniques designed or likely to cause physical pain.
- Using techniques designed or likely to cause physical pain by electric shock or any procedure involving pressure points or joint locks.
- Directed release of noxious, toxic, or unpleasant spray, mist, or substance near a student's face.

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- Denying adequate sleep, air, food, water, shelter, bedding, physical comfort, supervision, or access to a restroom facility.
- Ridiculing or demeaning a student in a manner that adversely affects or endangers the learning or mental health of the student or constitutes verbal abuse.
- Employing a device, material, or object that immobilizes all four of a student's extremities, including prone or supine floor restraint.
- Impairing the student's breathing, including applying pressure to the student's torso or neck or placing something in, on, or over the student's mouth or nose or covering the student's face.
- Restricting the student's circulation.
- Securing the student to a stationary object while the student is standing or sitting.
- Inhibiting, reducing, or hindering the student's ability to communicate.
- Using chemical restraints.
- Using time-out in a manner that prevents the student from being able to be involved in and progress appropriately in the required curriculum or any applicable individualized education program (IEP) goals, including isolating the student by the use of physical barriers.
- Depriving the student of one or more of the student's senses, unless the technique does not cause the student discomfort or complies with the student's IEP or behavior intervention plan (BIP).

Notice of Disciplinary Action

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

A good faith effort shall be made on the day the action was taken to provide to the student for delivery to the student's parent written notification of the disciplinary action. If the parent has not been reached by telephone or in person by 5:00 p.m. of the first business day after the day the disciplinary action was taken, the administrator shall send written notification by U.S. Mail.

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

Discipline Appeals

Appeals of disciplinary measures should be directed to the student's teacher or campus principal, as described in district policy FNG (Local). Depending on the disciplinary consequence assigned, different complaint procedures may apply. The district's formal complaint policy described in FNG (Local) should be used when all other informal appeals processes have been exhausted. A copy of FNG (Local) is available at the campus or central administration office or online at www.canyonisd.net. The appropriate complaint forms can be obtained from the Administrative Assistant to the Assistant Superintendent of Support Services or can be sent to you if you will call 677-2616. Timelines for filing complaints stated in the policy will be strictly enforced.

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

REMOVAL FROM THE SCHOOL BUS

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

Since the district's primary responsibility in transporting students in district vehicles is to do so as safely as possible, the operator of the vehicle must focus on driving and not have his or her attention distracted by student misbehavior. Therefore, when appropriate disciplinary management techniques fail to improve student behavior or when specific misconduct warrants immediate removal, the principal or the appropriate administrator may restrict or revoke a student's transportation privileges, in accordance with law.

REMOVAL FROM THE CLASSROOM

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

A teacher or administrator **may** remove a student from class for a behavior that violates the Student Code of Conduct to maintain effective discipline in the classroom.

Routine Teacher Referral

A routine referral occurs when a teacher sends a student to the principal's office as a discipline management technique. The principal may then employ additional techniques including progressive interventions. A teacher or administrator may remove a student from class for a behavior that violates this Code to maintain effective discipline in the classroom.

Formal Teacher Removal

A Formal Teacher Removal is different from a routine teacher referral. A teacher may initiate a formal removal from class if:

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

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

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

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Placement During Formal Teacher Removal

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

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

A teacher or administrator **must** remove a student from class if the student engages in behavior that under the Education Code requires or permits the student to be placed in a DAEP or expelled. When removing for those reasons, the procedures in the subsequent sections on DAEP or expulsion will be followed.

Returning Student to Classroom after Formal Teaching Removal

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

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

IN-SCHOOL SUSPENSION (ISS)

Reason

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

Process

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

OUT-OF-SCHOOL SUSPENSION (OSS)

Reason

Students may be suspended for any misconduct listed in the SCC as a General Conduct Violation, DAEP offense, or expellable offense. See sections that follow on **DAEP and Expulsion**.

The district shall not use out-of-school suspension for students in grade 2 or below unless the conduct meets the requirements established in law.

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

- Conduct that contains the elements of a weapons offense, as provided in Penal Code Section 46.02 or 46.05;
- Conduct that contains the elements of assault, sexual assault, aggravated assault, or aggravated sexual assault, as provided by the Penal Code; or

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- Selling, giving, or delivering to another person or possessing, using, or being under the influence of any amount of marijuana, an alcoholic beverage, or a controlled substance or dangerous drug as defined by federal or state law.

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

Process

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

Before being suspended a student shall have an informal conference with the campus behavior coordinator or appropriate administrator, who shall advise the student of the alleged misconduct. The student shall have the opportunity to respond to the allegation before the administrator makes a decision.

The campus discipline administrator shall determine the number of days of a student's suspension not to exceed three school days.

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

- Self-defense (see **glossary**);
- Intent or lack of intent at the time the student engaged in the conduct;
- The student's disciplinary history;
- A disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct;
- A student's status in the conservatorship of the Department of Family and Protective Services (foster care),
- A student's status as homeless.

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

Coursework During Suspension

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

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

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DISCIPLINARY ALTERNATIVE EDUCATION PROGRAM (DAEP) PLACEMENT

Canyon ISD's DAEP is located at 1401 23rd, Canyon, TX. The district provides two DAEPs, one for students in grades K-6 and a separate DAEP for students in grades 7-12. A student under age 6 will not be placed in DAEP unless the student commits a federal firearm offense.

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

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

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

- Self-defense (see **glossary**);
- Intent or lack of intent at the time the student engaged in the conduct;
- The student's disciplinary history;
- A disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct.
- A student's status in the conservatorship of the Department of Family and Protective Services (foster care), or
- A student's status as homeless.

Discretionary DAEP Placement

School-Related:

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

- Commits any offense included in the list of "General Conduct Violations";
- Engages in serious (see **glossary**) or persistent (see **glossary**) misbehavior that violates this SCC;

Off-Campus:

A student **may** be placed in DAEP for engaging in the following misconduct while off-campus and not in attendance at a school-sponsored or school-related activity:

- If the administrator has reasonable belief (see **glossary**) that the student has engaged in conduct punishable as a felony, other than aggravated robbery or those listed as offenses in Title 5 of the Penal Code, if the student's presence in the regular classroom threatens the safety of other students or teachers or will be detrimental to the educational process;
- Off-campus conduct for which DAEP placement is required by state law when the administrator does not learn of the conduct until more than a year passes after the conduct occurred.

Regardless of Location:

A student **may** be placed in DAEP if the student engages in the following misconduct, regardless of whether the conduct occurred on or off campus:

- Engaging in bullying that encourages a student to commit or attempt to commit suicide.

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- Inciting violence against a student through group bullying.
- Releasing or threatening to release intimate visual material of a minor or a student who is 18 years of age or older without the student's consent.
- Involvement with a public-school fraternity, sorority, secret society, or gang (see **glossary**), including participating as a member or pledge, or soliciting another person to become a pledge or member of a public-school fraternity, sorority, secret society, or gang.
- Is involved with a criminal street gang (see **glossary**) or encourages, solicits, recruits, enables, or causes another to become a member of a criminal street gang.
- Commits criminal mischief, not punishable as a felony.
- Commits an assault (no bodily injury) with threat of imminent bodily injury.
- Commits an assault by offensive or provocative physical contact;
- Is a registered sex offender (see **glossary**) who is not under any form of court supervision. (See **DAEP Rules for Registered Sex Offenders** in a section later in this SCC.)

Mandatory DAEP Placement

School-Related:

A student **must** be placed in DAEP for any of the following misconduct if committed while on school property, within 300 feet of school property as measured from any point on the school's real property boundary line, or while attending a school-sponsored or school-related activity on or off school property:

- Engages in conduct punishable as a felony;
- Commits an assault (see **glossary**) resulting in bodily injury (see **glossary**) to another (Penal Code 22.01(a)(1));
- Sells, gives, delivers to another person, or possesses, uses, or is under the influence (see **glossary**) of a controlled substance, (see **glossary**), or a dangerous drug (see **glossary**), in any amount not constituting a felony offense. (School-related felony drug offenses are addressed in a later section on Expulsion.) (See **glossary** for "under the influence", "controlled substance," and "dangerous drug.");
- Sells, gives, or delivers to another person or possesses, uses, or is under the influence of marijuana or THC. A student with a valid prescription for low-THC cannabis as authorized by Chapter 487 of the Health and Safety Code does not violate this provision. The prescription must be on file with the district and will only be administered under the direction of the school nurse;
- Sells, gives, or delivers to another person an alcoholic beverage; commits a serious act or offense while under the influence of alcohol; or possess, uses, or is under the influence of alcohol.
- Behaves in a manner that contains the elements of an offense relating to abusable volatile chemicals (see **glossary**);
- Sells, gives, or delivers to another person or possesses or uses an e-cigarette.
- Behaves in a manner that contains the elements of public lewdness (see **glossary**) or indecent exposure (see **glossary**);
- Engages in conduct that contains the elements of an offense of harassment against an employee under Penal Code 42.07(a)(1), (2), (3), or (7).
- Engages in expellable conduct and is six to nine years of age;

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- Commits a federal firearms violation and is younger than six years of age.

Off-Campus:

A student **must** be placed in DAEP for engaging in a Title 5 felony offense listed under Title 5 of the Penal Code (see **glossary**) or aggravated robbery while off-campus and not in attendance at a school-sponsored or school-related activity if:

- The student receives deferred prosecution (see **glossary**);
- A court or jury finds that the student has engaged in delinquent conduct (see **glossary**);
- The administrator reasonably believes (see **glossary**) that the student engaged in the misconduct.

Regardless of Location:

A student **must** be placed in DAEP if the student engages in the following misconduct, regardless of whether the conduct occurred on or off campus:

- Engages in conduct relating to a false alarm or report (see **glossary**), including a bomb threat, or a terroristic threat (see definitions) involving a public school;
- Engages in conduct that contains the elements of retaliation (see **glossary**) against any school employee or volunteer; (Committing retaliation in combination with another expellable offense is addressed in the Expulsion section of this SCC.)
- Is a registered sex offender (see **glossary**) under court supervision, probation, community supervision, or parole. (See *Rules for Registered Sex Offenders* in a section later in this SCC.)

Sexual Assault and Campus Assignments:

A student shall be transferred to another campus if:

- The student has been convicted of continuous sexual abuse of a young child or disabled individual or convicted of or placed on deferred adjudication for sexual assault or aggravated sexual assault against another student on the same campus; and
- The victim's parent or another person with the authority to act on behalf of the victim requests that the board transfer the offending student to another campus.

If there is no other campus in the district serving the grade level of the offending student, the offending student shall be transferred to DAEP. Placement in this circumstance may be for any length of time considered necessary.

Procedures for DAEP Placements

Conference:

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

At the conference, the appropriate administrator will explain the allegations against the student, inform the student of the basis for the proposed DAEP placement, and give the student an opportunity to explain his or her version of the incident.

The district may conduct the conference and make a discipline decision regardless of whether the student or the student's parent/guardian attends if the district has made reasonable attempts to have them attend.

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Interim Placement:

Until a placement conference can be held, the student may be placed in another appropriate classroom, ISS, or OSS. The student may not be returned to the regular classroom pending the placement conference.

Consideration of Mitigating Factors:

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

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

DAEP Placement Order

If the outcome of the conference is to place the student in DAEP, the administrator will issue a DAEP placement order. If the length of placement differs from the guidelines included in the SCC, the DAEP placement order will give notice of the inconsistency.

A copy of the DAEP placement order and information for the parent or person standing in parental relation to the student regarding the process for requesting a full individual and initial evaluation of the student for purposes of special education services will be sent to the student and the student's parent/guardian.

For those students placed in DAEP for a reason identified in section 52.04 of the Family Code, the district will also send the juvenile court a copy of the DAEP placement order no later than the second business day after the placement conference.

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

A copy of the DAEP placement order will be included with any records sent to a school where the student seeks to enroll. The enrolling school district has discretion to enforce the DAEP placement order.

DAEP at Capacity

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

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

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Coursework Notice:

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

Length of Placement in DAEP

The length of a student's placement in DAEP will be determined by the appropriate administrator on a case-by-case basis using the criteria identified in the "Discipline Considerations & Techniques" section of this SCC. The criteria for determining the length of the placement will include the seriousness of the offense and risk of danger, the student's age and grade level, frequency of misconduct, student's attitude, the effect of the misconduct on the school environment, the student's disciplinary history, and statutory requirements. The length of DAEP placement may not exceed one year unless a review by the district determines that the student is a threat to the safety of other students or to district employees. The one-year limit does not apply to the decision to place a student who engaged in the sexual assault of another student in DAEP so that the students are not assigned to the same campus.

Unless otherwise specified in the placement order, days absent from a DAEP shall not count toward fulfilling the total number of days required in a student's DAEP placement order.

Students placed in DAEP at the end of one school year may be required to complete the assigned term at the beginning of the next school year. For DAEP placement to extend beyond the end of the school year, the designated administrator must determine that: (1) the student's presence in the regular classroom or campus presents a danger of physical harm to the student or others; or (2) the student has engaged in serious or persistent misbehavior (see **glossary**) that violates the SCC.

If the DAEP placement extends beyond 60 days or the end of the next grading period, whichever is sooner, the student or the student's parent/guardian may participate in a proceeding before the Board or Board's designee as provided in policy FNG (Local). Any decision of the Board is final and may not be appealed.

The district shall administer the required pre- and post-assessments for students assigned to DAEP for a period of 90 days or longer in accordance with established district administrative procedures for administering other diagnostic or benchmark assessments.

DAEP Appeals

Questions from parents regarding disciplinary measures should be addressed to the appropriate campus administrator. Appeals regarding the decision to place a student in a DAEP should be addressed to the campus principal. Student or parent appeals regarding the process used for the placement decision, such as issues related to the administrator's handling of the conference or proper notice being provided, should be addressed in accordance with policy FNG local. Please refer to **Discipline Appeals** in a previous section of this SCC for more information.

The district shall not delay disciplinary consequences pending the outcome of an appeal. The decision to place a student in a DAEP cannot be appealed beyond the Board.

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Restrictions During Placement

No Participation in Activities While in DAEP:

A student placed in DAEP for any mandatory or discretionary reason is not allowed to attend or participate in school-sponsored or school-related extracurricular or co-curricular activities during the period of DAEP placement. This restriction applies until the student fulfills the DAEP assignment at this or another school district. Upon completion of the DAEP placement, a student's continued participation in extracurricular or co-curricular activities shall be determined by the applicable rules, regulations, and/or code of conduct for each activity.

Transportation:

A student placed in DAEP will not be provided transportation unless he or she is a student with a disability who is entitled to transportation in accordance with the student's Individualized education program (IEP) or Section 504 plan.

Impact on Graduation:

For graduating seniors who are in DAEP during the last week of school, the DAEP placement will continue through the last instructional day. The student will be allowed to participate in commencement exercises and related graduation activities unless otherwise specified in the DAEP placement order.

Periodic Review of Placement

The district will review a student's DAEP placement and academic status at intervals not to exceed 120 calendar days. In the case of a high school student, the student's progress toward graduation and the student's graduation plan will be reviewed. At the review, the student or the parent/guardian will have an opportunity to present reasons for the student's return to the regular classroom or campus. The student may not be returned to the classroom of a teacher who formally removed the student without that teacher's consent.

Additional Misconduct While in DAEP

If a student in DAEP engages in additional misconduct for which placement in a DAEP or expulsion is required or permitted, additional proceedings may be conducted, and an additional placement order may be issued.

Criminal Proceedings

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

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

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

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

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

If the Board confirms the decision of the administrator, the student and the student's parent/guardian have the right to appeal to the Commissioner of Education. The student may not be returned to the regular classroom while the appeal is pending.

Effect of Student Withdrawal

When a student withdraws from school before a DAEP placement order is completed, the district may complete the proceedings and issue a DAEP placement order. If the student re-enrolls in the district during the same or subsequent school year, the district may enforce the DAEP placement order at that time, minus any portion of the placement that was served by the student during enrollment in another district.

If the appropriate administrator does not issue a DAEP placement order after the student withdraws, the next district in which the student enrolls may complete the proceedings and issue a DAEP placement order.

Student Transferring into CISD

The district will decide on a case-by-case basis whether to continue the placement of a student assigned to DAEP in another Texas district, a Texas open-enrollment charter school, or an out-of-state school district at the time of enrollment into CISD.

In order to continue an out-of-state DAEP placement, the basis for the DAEP placement must also be a reason for DAEP placement in CISD. If the out-of-state DAEP placement period exceeds one year, the district will reduce the period of placement so that the total placement does not exceed one year unless the district determines that the student is a threat to the safety of others or extended placement is in the best interest of the student.

Emergency Placements

When an emergency placement is necessary because the student's behavior is so unruly, disruptive, or abusive that it seriously interferes with classroom or school operations, the student shall be given oral notice of the reason for the action. Not later than the tenth day after the date of the DAEP placement, the student will be given the appropriate conference required for assignment to a DAEP.

Transition Services

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

PLACEMENT AND/OR EXPULSION FOR CERTAIN OFFENSES

DAEP Rules for Registered Sex Offenders

The general SCC rules for DAEP placement apply to registered student sex offenders (see **glossary**) except as modified in this section. Upon receiving notification in accordance with state law that a student is currently required to register as a sex offender, the district must remove the student from the regular classroom and determine appropriate placement.

Placement:

Registered sex offenders under any form of court supervision, including probation, community supervision, or parole, will be placed in DAEP for a minimum of one semester.

If the registered sex offender student is not under any form of court supervision, the student may be placed in DAEP for one semester or the placement may be in a regular classroom. The placement may not be in the regular classroom if the administrator determines that the student's presence:

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

Review Committee

At the end of the first semester of a student's placement in DAEP and before the beginning of each school year for which the student remains in DAEP, a review committee will recommend whether the student should remain in DAEP or be returned to the regular classroom. The administrator will follow the committee's decision to return the student to the regular classroom unless the student's presence in the regular classroom is a threat to the safety of others, is detrimental to the educational process, or is not in the best interests of the district's students.

Conversely, the administrator will follow the committee's decision to continue the student's placement in DAEP unless the student's presence in the regular classroom is not a threat to the safety of others, is not detrimental to the educational process, or is not contrary to the best interests of the district's students.

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

Newly Enrolled Students:

Registered sex offenders (whether under court supervision or not) that transfer into the district will be required to complete the DAEP assignment assessed by the previous school district, but will receive credit for any time already spent in DAEP. In making a decision regarding the placement of a registered sex offender that transfers into CISD, the district will consider the recommendation of the Review Committee.

Appeals for Registered Sex Offenders:

DAEP placement may be appealed by requesting a conference between the Board or its designee, the student, and the student's parent/guardian. However, the appeal is limited to the factual question of whether the student is required to register as a sex offender under the law. A decision of the district's Board of Trustees or its designee under this section is final and may not be appealed.

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Title 5 Felonies

In addition to the expellable conduct listed above, Education Code 37.0081 provides unique procedures and specific consequences for students involved in aggravated robbery or Title 5 felonies. Under this provision, regardless of whether DAEP placement or expulsion is required or permitted, a student **may** be expelled and placed in DAEP if the following circumstances exist in relation to aggravated robbery or a felony offense under Title 5 of the Penal Code. The student must have:

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

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

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

Hearing and Required Findings

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

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

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

Length of Placement

The student is subject to the placement until:

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

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

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Placement Review

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

Newly Enrolled Students

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

EXPULSION

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

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

Discretionary Expulsion

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

School-Related:

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

- Engaging in conduct that contains the elements of assault under Section 22.01(a)(1), against an employee or volunteer;
- Engaging in deadly conduct; (see **glossary**)
- Engaging in serious (see **glossary**) misbehavior that violates this SCC while the student is placed in DAEP;
- Selling, giving, or delivering to another person, or possessing, using, or being under the influence (see **glossary**) of any amount of marijuana, a controlled substance, or a dangerous drug. A student with a valid prescription for low-THC cannabis as authorized by Chapter 487 of the Health and Safety Code does not violate this provision. The prescription must be on file with the district and will only be administered under the direction of the school nurse;
- Selling, giving, or delivering to another person, or possessing, using, or being under the influence of alcohol, or committing a serious act or offense while under the influence of alcohol.

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- Engaging in an offense relating to abusable volatile chemicals (see **glossary**).

Three Hundred Feet:

Additionally, a student **may** be expelled for any of the following offenses that occur within 300 feet of school property as measured from any point on the district's real property boundary line:

- Possession of a firearm, as defined by federal law (see firearm definition in **Mandatory Expulsion** section above);
- Unlawfully carrying on or about the student's person a handgun, or a location restricted knife, as these terms are defined by state law; (see **glossary**)
- Possessing, manufacturing, transporting, repairing, or selling a prohibited weapon as defined by state law; (see **glossary**)
- Engaging in the following misconduct as defined in the Penal Code:
 - a) Aggravated assault, sexual assault, or aggravated sexual assault;
 - b) Arson; (see **glossary**)
 - c) Murder, capital murder, or criminal attempt to commit murder or capital murder;
 - d) Indecency with a child, aggravated kidnapping, manslaughter, criminally negligent homicide, or aggravated robbery;
 - e) Continuous sexual abuse of a young child or disabled individual;
 - f) Felony controlled substance or dangerous drug offenses, not including THC.

Regardless of Location:

A student **may** be expelled if the student engages in the following misconduct, regardless of whether the conduct occurred on or off campus:

- Engaging in bullying that encourages a student to commit or attempt to commit suicide.
- Inciting violence against a student through group bullying.
- Releasing or threatening to release intimate visual material of a minor or a student who is 18 years of age or older without the student's consent.
- Conduct that contains the elements of assault under Penal Code 22.01(a)(1) in retaliation against a school employee or volunteer;
- Criminal mischief, if punishable as a felony;
- Engaging in misconduct that contains the elements of one of the following offenses against another student:
 - a) Aggravated assault;
 - b) Sexual assault;
 - c) Aggravated sexual assault;
 - d) Murder;
 - e) Capital murder;
 - f) Criminal attempt to commit murder or capital murder;

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- g) Aggravated robbery;
- Breach of computer security (see glossary).
- Engages in conduct relating to a false alarm or report (including a bomb threat) or a terroristic threat involving a public school;

Property of Another District

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

While in DAEP

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

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

Mandatory Expulsion

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

Under Federal Law

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

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

Under the Penal Code

Unlawfully carrying on or about the student's person the following in the manner prohibited by Penal Code 46.02:

- A handgun, defined by state law as any firearm designed, made, or adapted to be used with one hand; (see **glossary**)

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Note: A student may not be expelled solely on the basis of the student's use, exhibition, or possession of a firearm that occurs at an approved target range facility that is not located on a school campus, while participating in or preparing for a school-sponsored shooting sports competition, or a shooting sports educational activity that is sponsored or supported by the Parks and Wildlife Department, or a shooting sports sanctioning organization working with the department. (See policy FNCG Legal)

- A location-restricted knife, as defined in state law; (see **glossary**)
- Possessing, manufacturing, transporting, repairing, or selling a prohibited weapon, as defined in state law. (see **glossary**)

Behaving in a manner that contains elements of the following offenses as defined in the Penal Code:

- Aggravated assault, sexual assault, or aggravated sexual assault;
- Arson; (see **glossary**).
- Murder, capital murder, or criminal attempt to commit murder or capital murder;
- Indecency with a child;
- Aggravated kidnapping;
- Aggravated robbery;
- Manslaughter;
- Criminally negligent homicide;
- Continuous sexual abuse of a young child or disabled individual;
- Behavior punishable as a felony that involves selling, giving, delivering to another person, or possessing, using, or being under the influence of a controlled substance (see definitions), a dangerous drug (see **glossary**).

Regardless of Location:

A student **must** be expelled if the student engages in the following misconduct, regardless of whether the conduct occurred on or off campus.

- Engaging in retaliation against a school employee or volunteer combined with one of the above-listed state mandatory expulsion offenses on or off school property or at a school-related activity.

Under Age Ten

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

Procedures for Expulsion

Students alleged to have committed an expellable offense will receive a hearing before the principal and the Coordinator of Discipline Management and Safety 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.

Hearing:

A student facing expulsion shall be given a hearing with appropriate due process. At the hearing, the student is entitled to:

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- Representation by the student's parent/guardian or another adult who can provide guidance to the student and who is not an employee of the district;
- an opportunity to testify and to present evidence and witnesses in the student's defense, and;
- an opportunity to question the witnesses called by the district at the hearing.

After making an effort to inform the student and parent/guardian of the hearing, the district may hold the hearing regardless of whether the student or the student's parent/guardian attends.

Interim Placement:

Until an expulsion hearing can be held, the principal may place the student in another appropriate classroom, ISS, OSS, or DAEP.

Expulsion Order:

Before recommending expulsion, the appropriate administration shall take into consideration:

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

If the outcome of the expulsion hearing is that the student will be expelled, the Superintendent 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 district will send a copy of the expulsion order and the information required by Section 52.04 of the Family Code to the juvenile court no later than the second business day after the expulsion hearing. A copy of the expulsion order will be included with any records sent to a school where the student seeks to enroll. The enrolling school district has discretion to enforce the expulsion order.

Length of Expulsion

The length of the expulsion will be determined on a case-by-case basis using the criteria identified in the "Discipline Considerations & Techniques" section of this SCC. The criteria for determining the length of the placement will include the seriousness of the offense and risk of danger, the student's age and grade level, the frequency of misbehavior, the student's attitude, the effect of the misconduct on the school environment, the student's disciplinary history, and statutory requirements. The maximum period of expulsion is one calendar year except as provided below. An expulsion may not exceed one calendar year unless, after review, the district determines that:

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

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

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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.

Effect of Student Withdrawal

If a student withdraws from the district before the expulsion hearing is conducted, the district may proceed with conducting the hearing after sending written notice to the parent/guardian and student. If the student re-enrolls during the same or subsequent school year the district may enforce the expulsion order at that time; students will be credited for any expulsion period that was served by the student while enrolled in another district.

If the district 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.

Additional Misconduct

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

Restrictions During Expulsion

Academic Impact:

Students will not receive academic credit for work missed during the period of expulsion unless the student is enrolled in a district-approved program or as required by IDEA or Section 504.

Participation in Activities:

Expelled students are prohibited from being on school grounds or attending or participating in school-sponsored or school-related activities while expelled.

Student Transferring into CISD

The district shall continue the expulsion of any newly enrolled student expelled from another district or an open-enrollment charter school until the period of the expulsion is completed.

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

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

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

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

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Emergency Expulsion Procedures

When an emergency expulsion is necessary to protect persons or property from imminent harm, the student shall be given verbal notice of the reason for the action. Within ten days after the date of the emergency expulsion, the student shall be given appropriate due process required for a student facing expulsion.

Expulsion Appeals

An expelled student may appeal the expulsion decision to the Board of Trustees as provided by policy. The student or student's parent/guardian must submit a written appeal to the Superintendent within seven 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 Board will review the decision.

The Board will review the record of the expulsion hearing in a closed meeting unless the parent requests in writing that the matter be held in an open meeting. The Board may also hear a statement from the student or parent/guardian and from the appropriate administrator.

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

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

DAEP Placement for Expelled Students

The district may provide educational services to any expelled student in a DAEP; however, educational services in the DAEP **must** be provided if the student is less than ten years of age. The student will be entitled to the same periodic review afforded to other students in DAEP. An expulsion ordered to DAEP is final and may not be appealed beyond the Board of Trustees.

Transition Services

In accordance with law and district procedures, campus staff shall provide transition services for a student returning to the regular classroom from placement in an alternative education program, including a DAEP. See policies FOCA legal and FODA legal for more information.

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STUDENT CODE OF CONDUCT ON SCHOOL BUSES [INCLUDES ALL VEHICLES OWNED & OPERATED BY THE DISTRICT]

Canyon ISD operates school buses for the convenience of students and parents/guardians. Use of bus transportation is a privilege, not a right. In an organization of this kind there must be complete cooperation between students, parents/guardians, drivers, and the school administration.

The following is a list of regulations given by the Department of Public Safety of the State of Texas which apply to this school district.

- The driver is in full charge of the bus and students. Students must obey the driver promptly and cheerfully.
- Students must obey and respect the order of monitors and patrols on duty.
- Students must be on time; the bus cannot wait for tardy students.
- Students must never stand in the roadway while waiting for the bus. They shall wait a sufficient distance from the pavement to allow the bus to pull off the pavement onto the shoulder.
- Unnecessary conversation with the driver is prohibited.
- Outside of ordinary conversation, classroom conduct is to be observed.
- The use of tobacco on the bus is not permitted.
- Students must not, at any time, extend their arms or head out the bus window.
- Students must not throw waste paper or other rubbish on the floor of the bus or out bus windows.
- Students must not try to get off the bus or move around within the bus while it is in motion.
- When leaving the bus, pupils must observe the directions of the bus patrol or driver.
- Any damage to the bus must be reported at once to the driver and/or the principal.
- Students going to and from a bus stop will walk on the left-hand side of the road, on the shoulder; and whenever a car approaches them at high speed or in a reckless manner, they should move several feet from the pavement.
- In case a teacher rides a bus, students are to obey him/her with respect to conduct and safety.
- The school is operating the buses for the convenience and service of the children and parents/guardians. Unless the children obey the bus driver, they will be prohibited from riding the bus until the parents vouch for the conduct of the pupil in question, and the proper adjustment is made.
- Should the student's bus fail to arrive and deliver the student to school, it is the student's responsibility to have a parent contact the main office. (It is not an excuse to skip school.)
- No food or drink is to be opened or consumed on the bus unless the sponsor or bus driver grants permission.

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Students are under the Student Code of Conduct when they are on school transportation. Any student who violates that code or the established rules of conduct while on school transportation may be denied transportation services and will be disciplined. The same type of conduct is expected of the students while they are riding the bus or other vehicles owned and operated by the district as would be expected of them while they are in the classroom.

STUDENT RESPONSIBILITY ON SCHOOL BUSES

Before Loading (from home and from school)

- Be on time at the designated bus stop.
- Stay off the road or bus lane at all times while waiting for the bus.
- Form a line and wait until the bus comes to a complete stop before trying to enter. Pushing will not be allowed.
- Always walk in front of the bus so that the driver can see you. Look both ways before crossing the street.

While on the Bus

- Move promptly to your seat.
- Students must remain seated until the bus arrives at their stop. Each student must face the front and keep arms and feet out of the aisle.
- Do not tamper with the bus or any of its equipment. Bus equipment is for your safety.
- Keep hands and head inside the bus at all times.
- Do not throw anything out bus windows.
- Keep books, backpacks, coats, and all other objects out of the aisle.
- Students may only bring band instruments onto the bus if:
 - a. The instrument fits safely in the students lap
 - b. If the instrument does not fit safely in the students lap then a seat may be used to place instrument on as long as this does not take up seating needed by other students.
- Promptly report any vandalism of seats to the driver.
- Assist in keeping the bus safe, clean, and sanitary.
- Help look after the safety and comfort of smaller children.
- Be courteous to fellow riders, the driver, and the monitor. PROFANITY IS STRICTLY FORBIDDEN.
- In case of emergency, all students will remain on the bus unless otherwise directed by the bus driver. All regular bus routes will practice emergency evacuations twice a school year. All special needs bus routes will have written evacuation plans in place.

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LEAVING THE BUS

- Remain seated until the bus comes to a complete stop.
- Do not leave books, lunches, etc., on the bus.
- Students are responsible to get off the bus at their designated bus stop. Any infraction of this rule will result in a bus conduct report unless the student has a written note from a parent or legal guardian stating that other arrangements have been made.
- Exit the bus in an orderly manner. DO NOT PUSH. If student must cross the street, he/she should walk in front of the bus.

BUS DRIVER RESPONSIBILITY

The bus driver is responsible for the safe transportation of students to and from school. Safe transportation includes maintaining order and proper conduct on the bus just as a classroom teacher would maintain discipline in the classroom.

CONCERNING STUDENTS ON THE BUS

- The driver has authority to assign any/all of the students an assigned seat.
- In order for a guest to be permitted to ride a school bus, the parent or legal guardian of the guest must contact the school office giving their permission. The school office will deliver a written permission slip to the student that must be presented to the bus driver before the student will be allowed on the bus.
- The bus driver is to write up a bus conduct report for any student who refuses to follow the prescribed rules of conduct.

The Bus Route

- The driver will establish and maintain a route time schedule.
- The driver will establish an alternate route or bus stop(s) for inclement weather and inform those students affected.
- The driver is not obligated to wait or honk at a bus stop.
- **When a new student requests bus service, it could be three days before bus service can start.** This will allow other students to be notified of any changes in the bus route that will affect AM and PM bus arrival.

Bus drivers are not authorized to speak with parents concerning disciplinary matters during the bus route. If needed, the driver can call the parent upon return to the Transportation Facility to discuss the child's behavior. Rather than the parent disrupting the bus route and potentially causing the bus to run late, parents can call the Transportation Department to discuss any disciplinary or routing concerns. If needed, a conference can be arranged with a Transportation Administrator to discuss disciplinary or routing concerns. At no time should a parent enter a school bus during a route.

BUS TRANSPORTATION PROCEDURES AND CONSEQUENCES OF MISCONDUCT

The Director of Transportation and Risk Management will determine if the offense is categorized as a major or minor offense according to guidelines regarding student transportation.

If a minor offense occurs, the Director of Transportation and Risk Management will administer bus discipline according to the guidelines under Consequences for Minor Offenses and/or the student's individual education plan.

If a major offense occurs, the Director of Transportation and Risk Management will notify the principal. The student will be suspended for a minimum of two weeks from transportation in addition to penalties imposed according to the Canyon ISD Discipline Management Plan and Student Code of Conduct carried out by the campus principal.

MINOR OFFENSES

Examples include but not limited to:

- standing while bus in is motion
- annoying the driver or other students
- unacceptable language

CONSEQUENCES FOR MINOR OFFENSES

First Offense: Written warning and contact from Transportation Administrator to the parent

- possible assigned bus seat
- possible campus discipline

Second Offense: Student will be removed from bus up to 3 school days and the parent will be contacted by the Transportation Administrator.

- Student will be given an assigned seat on the bus. The student will remain in assigned seat until driver feels behavior is better
- Possible campus discipline

Third Offense: One-week bus suspension

- The student will be given an assigned seat on the bus. The student will remain in assigned seat until driver feels behavior is better.
- Possible campus discipline

Fourth Offense: Indefinite bus suspension and possible campus discipline

- Contact from a Transportation Administrator to the parent

For Incidents Considered Severe:

If an incident is serious enough, the prior steps may be skipped and the student may be removed from the bus for a length of time as deemed appropriate by the school administrator. Any student removed from the bus is still required to attend school.

MAJOR OFFENSES

Examples include but not limited to:

- Selling, giving or delivering to another person, possessing or using or being under the influence of alcohol, marijuana, or a controlled substance
- Possession of a weapon
- Fighting and assault of other students/driver
- Vandalism or damage of school bus
- Use of tobacco
- Student interference with the safe transportation of fellow students or the driver

CONSEQUENCES FOR MAJOR OFFENSES

A major offense will result in a minimum of two weeks bus suspension. If a student receives two major offenses on the school bus within the school year, the student will be suspended indefinitely from the school bus for the remainder of the school year.

Disciplinary sanctions and changes in transportation for a student with a disability will be made in accordance with the student's Individual Education Plan or other individually designed program.

VIDEO CAMERAS MAY BE USED IN DISTRICT VEHICLES TO PROMOTE COMPLIANCE WITH THE RULES OF CONDUCT.

GLOSSARY

Abusable volatile chemicals are those substances as defined in Texas Health and Safety Code 485.001.

Abuse is improper or excessive use.

Aggravated Robbery is defined in part by the Penal code 29.03(a) when a person commits robbery and:

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

Alcoholic beverages are those substances as defined in Texas Alcoholic Beverage Code 1.04.

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

Arson is defined in part by Penal Code 28.02 as:

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

Assault is defined in part by Penal Code §22.01(a)(1) as intentionally, knowingly, or recklessly causing bodily injury to another; §22.01(a)(2) as intentionally or knowingly threatening another with imminent bodily injury; and

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§22.01(a)(3) as intentionally or knowingly causing physical contact with another that can reasonably be regarded as offensive or provocative.

Bodily injury is physical pain, illness, or impairment of a physical condition.

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

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

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

Bullying includes **cyberbullying**. This state law on bullying prevention applies to:

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

Chemical dispensing device is defined by Penal Code 46.01 as 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 a human being. A small chemical dispenser sold commercially for personal protection is not in this category.

Club is defined by Penal Code 46.01 as an instrument specially designed, made, or adapted for the purpose of inflicting serious bodily injury or death by striking the person with the instrument, including a blackjack, nightstick, mace, and tomahawk.

Controlled substance means a substance, including a drug, and adulterant, and a dilutant, listed in schedules I through V or Penalty Group 1.1-A, 1-B, 2.2-A, or 4 of the Texas Controlled Substances Act. The term includes the

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aggregate weight of any mixture, solution, or other substance containing a controlled substance. The term does not include hemp, as defined by Agriculture Code 121.001, or the tetrahydrocannabinols (THS) in hemp.

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

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

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

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

Deadly conduct under Penal Code 22.05 occurs when a person recklessly engages in conduct that places another in imminent danger of serious bodily injury, such as knowingly discharging a firearm in the direction of an individual, habitation, building, or vehicle.

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

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

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

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

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

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description and a component, part, or accessory for the device, regardless of whether the component, part, or accessory is sold separately from the device.

Explosive weapon is defined by Penal Code 46.01 as any explosive or incendiary bomb, grenade, rocket, or mine and its delivery mechanism that is designed, made, or adapted for the purpose of inflicting serious bodily injury, death, or substantial property damage, or for the principal purpose of causing such a loud report as to cause undue public alarm or terror.

False alarm or report under Penal Code 42.06 occurs when a person knowingly initiates, communicates, or circulates a report of a present, past, or future bombing, fire, offense, or other emergency that he or she knows is false or baseless and that would ordinarily:

- 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.

Fighting occurs when two or more persons are engaged in any mutual violent or physically aggressive contact toward each other such as scuffling, pushing, shoving, or hitting.

Firearm (federal law) includes (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 or firearm silence, defined as any device for silencing, muffling, or diminishing the report of a portable firearm; or (4) any destructive device, such as any explosive, incendiary or poison gas bomb, or grenade. Such term does not include an antique firearm. (18 U.S.C. §921(a))

Firearm (state law) is 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.

Gang, public school fraternity, sorority, or secret society is an organization, combination, or association of persons composed wholly or in part of students that (1) seeks to perpetuate itself by taking additional members from the students enrolled in school 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 district will consult with law enforcement authorities. Educational organizations listed in Section 37.121(d) of the Education Code are excepted from this definition.

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

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

Harassment includes:

- Conduct that meets the definition established in district policies DIA local and FFH local;
- Conduct that threatens to cause harm or bodily injury to another person, including a district student, employee, board member, or volunteer; is sexually intimidating; causes physical damage to the property of another student; subjects another student to physical confinement or restraint; or maliciously and

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substantially harms another student's physical or emotional health or safety, as defined in Section 37.001(b)(2) of the Education Code; or.

- Conduct that is punishable as a crime under Penal Code 42.07, including the following types of conduct if carried out with the intent to harass, annoy, alarm, abuse, torment, or embarrass another;
 - Initiating communication and, in the course of the communication, making a comment, request, suggestion, or proposal that is obscene, as defined by law;
 - Threatening, in a manner reasonable likely to alarm the person receiving the threat, to inflict bodily injury on the person or to commit a felony against the person, a member of the person's family or household, or the person's property;
 - Conveying, in a manner reasonably likely to alarm the person receiving the report, a false report, which is known by the conveyor to be false, that another person has suffered death or serious bodily injury; and
 - Causing the telephone of another to ring repeatedly or making repeated telephone communications anonymously or in a manner reasonable likely to harass, annoy, alarm, abuse, torment, embarrass, or offend another;
 - Making a telephone call and intentionally failing to hang up or disengage the connection;
 - Knowingly permitting a telephone under the person's control to be used by another to commit an offense under this section;
 - Sending repeated electronic communications in a manner reasonably likely to harass, annoy, alarm, abuse, torment, embarrass, or offend another;
 - Publishing on an internet website, including a social media platform, repeated electronic communications in a manner reasonably likely to cause emotional distress, abuse, or torment to another person, unless the communications are made in connection with a matter of public concern, as defined by law, or;
 - Making obscene, intimidating, or threatening telephone calls or other electronic communications from a temporary or disposable telephone number provided by an internet application or other technological means.

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

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

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Hit List is defined by Section 37.001(b)(3) of the Education Code as a list of people targeted to be harmed, using a firearm, a knife, or any other object to be used with intent to cause bodily harm.

Horseplay is inappropriate rough or boisterous play.

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

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

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

Intent is 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.

Insubordination is refusing to obey orders or submit to authority.

Knife is a bladed hand instrument that is capable of inflicting serious bodily injury or death by cutting or stabbing, including a switchblade.

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

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

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

Machine Gun as defined by Penal Code 46.01 is any firearm that is capable of shooting more than two shots automatically, without manual reloading, by a single function of the trigger.

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

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

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Persistent Misbehavior is two or more violations of the SCC in general or repeated occurrences of the same violation.

Pornography includes films, magazines, writings, photographs, or other materials that are sexually explicit.

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

Prohibited weapon means:

- The following items unless registered with the U.S. Bureau of Alcohol, Tobacco, Firearms, and Explosives or otherwise not subject to that registration requirement or unless the item is classified as a curio or relic by the U.S. Department of Justice:
 - an explosive weapon;
 - a machine gun;
 - a short-barrel firearm
- Knuckles;
- armor-piercing ammunition;
- a chemical dispensing device;
- a zip gun;
- a tire deflation device.
- An improvised explosive device;
- In addition, the district has defined a switchblade knife as a prohibited weapon.

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

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

Reasonable belief Is that which an ordinary person of average intelligence and sound mind would believe.

Chapter 37 requires certain disciplinary decisions when the superintendent or designee has a reasonable belief that a student engaged in conduct punishable as a felony offense. In forming such a reasonable belief, the superintendent or designee may use all available information, and must consider the information furnished in the notice of a student's arrest under Article 15.27 of the Code of Criminal Procedure.

Retaliation is harming or threatening to harm another: (1) on account of their service as a district employee or volunteer, (2) to prevent or delay another's service to the district, or (3) in response to a perceived or actual event such as when the employee or volunteer intends to report a crime or offense.

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

Serious misbehavior means:

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

Serious or persistent misbehavior includes, but is not limited to:

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

Sexual harassment is 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 district policy FFH or FNC.

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

Stun Gun is an electric shock weapon.

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

Terroristic threat is defined by Penal Code 22.07 as 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;

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- 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 (including the district).

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

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

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

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

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physical symptoms of drug or alcohol use, or by admission. A student “under the influence” need not be legally intoxicated to trigger disciplinary action.

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

Zip Gun is defined by Penal Code 46.01 as a device or combination of devices, not originally a firearm, but adapted to expel a projectile through a smooth-bore or rifled-bore barrel by using the energy generated by an explosion or burning substance.