

# Code of Conduct

2023-2024



**CYPRESS**  **FAIRBANKS**  
INDEPENDENT SCHOOL DISTRICT

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## 2023-2024 STUDENT CODE OF CONDUCT

Dear Parents or Guardians,

The 2023-2024 publication of the Student Handbook and Student Code of Conduct for Cypress-Fairbanks Independent School District is intended to serve as a resource to students, parents, staff, and the Board of Trustees. The information in this publication is reviewed and revised annually by a committee of parents, students, and district personnel. The Student Handbook provides general information regarding the district's policies, practices, and procedures. The Student Code of Conduct, which is approved by the Board of Trustees, specifies the expectations for student behavior, the behavior management techniques that are utilized by teachers and administrators, and the consequences for student misconduct.

It is very important that you and your child review this information. There is a shared understanding of the district's expectations for student behavior and the consequences should misconduct occur. With your support and encouragement, we are confident your child will adhere to the behavioral expectations of the Student Code of Conduct. Also, in addition to the normal communication that takes place between school and home, we are encouraging students and parents to provide any helpful information to campus or district officials that will reinforce the district's priority goal of safe schools for all students and staff.

Sincerely,

A handwritten signature in black ink that reads "Mark Henry".

Mark Henry, Ed. D.

Superintendent of Schools

# Section I General Information





# 1 Changes to the Code of Conduct

Based on the 88<sup>th</sup> Texas Legislature, the following changes have been made:

- Per HB 114
  - Removed e-cigarettes from Level III Violations
  - Added e- cigarettes to Level IV Violations (CC-33)
  - Removed felony marijuana and alcohol from Level V Violations
- Per HB 1427 updated definition of harassment (CC-84)

Expanded for Clarification:

- Registered Sex Offenders (CC-36) and
- Certain Felony Offenses (CC-37)

Updated Length of Placement

- Minimum 10 days for all placements

Additionally, some content has been reorganized and formatted for better readability and ease of use.

# 2 Purpose

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

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.

The Student Code of Conduct has been adopted by the Cypress-Fairbanks Board of Trustees and developed with the advice of the district-level committee. The Code provides information to parents and students regarding standards of conduct, consequences of misconduct, and procedures for administering discipline. It remains in effect year-round, including summer, until a newly adopted version becomes effective for the next school year.

In accordance with state law, the Code of Conduct shall be posted on each school campus or shall be available for review at the office of the principal, assistant principal, registrar, counselor, library, and reception area. Additionally, the Code shall be posted on the district's website:

[www.cfisd.net](http://www.cfisd.net). Parents shall be promptly notified of any conduct violation that may result in a





student being suspended, placed in an in-school suspension—Discipline Management Class (DMC), placed in a DAEP, or expelled.

Because the Student Code of Conduct is adopted by the district’s Board of Trustees, it has the force of policy; therefore, in case of conflict between the Code and the Student Handbook, the Code shall prevail.



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

For the purposes of this document, campus principals, associate principals, and assistant principals are the designated Campus Behavior Coordinators (CBCs) and are responsible for maintaining student discipline. The district shall post on its website for each campus, the email address and telephone number of the person serving as a CBC. Contact information may be found at [www.cfid.net](http://www.cfid.net).

The Glossary, found at the end of the Code, provides definitions for misconduct and terminology used throughout the document; the TEC provides detailed discipline information and can be accessed through this link: <https://statutes.capitol.texas.gov/Docs/ED/htm/ED.37.htm>

### 3 Accessibility Assistance

If you have difficulty accessing the information in this document because of a disability, please contact Student Services at 281-897-4000 or [studentservices@cfid.net](mailto:studentservices@cfid.net) for assistance.

### 4 Safety Pledge

All students are expected to adhere to the Safety Pledge.

Recognizing that every student has the right to a safe environment where everyone is treated with respect:



### **Elementary Safety Pledge**

- I will help my school to be a place where all students feel safe and treat each other with respect.
- I will keep my hands and feet to myself and not touch personal belongings of others.
- I will not bully, tease, or hurt anyone. If I hear or see bullying/cyberbullying or teasing, I will tell the person to stop and report it to an adult.
- I will tell an adult right away if I hear anyone threaten another person.
- I will immediately tell an adult if a student brings something to the school that could hurt self or others.

### **Secondary Safety Pledge**

- I will have an essential role in school safety and violence prevention.
- I will respect and maintain personal space of others.
- I will not bully, tease, or hurt anyone. If I hear or see bullying/cyberbullying or teasing, I will tell the person to stop and report it to an adult.
- I will immediately report any threats of violence, suicide, presence of weapons, explosives, or drugs to school administrators, allowing them to investigate and determine the seriousness of the report.
- I will do all I can to stop harassment of others.
- I will promote the acceptance of individual differences, recognizing that diversity contributes to the strength of my school.

# Section II Standards for Conduct





## 1 Student Standards for Conduct

In general, all students are entitled to enjoy the basic rights of citizenship recognized and protected by law for persons of their age and maturity. The Cypress-Fairbanks Independent School District (ISD) shall foster a climate of mutual respect for the rights of others. Each student is expected to respect the rights and privileges of other students, teachers, and district personnel.

Students are expected to:

1. Abide by the Student Safety Pledge.
2. Adhere to requirements of the Student Code of Conduct and Student Handbook.
3. Attend all classes, regularly and on time.
4. Cooperate with or assist the school staff in maintaining safety, order, and discipline.
5. Report any acts of bullying/cyberbullying and dangerous behaviors or situations to school personnel.
6. Report threats to the safety of students and staff members as well as misconduct on the part of any other students or staff members to the building principal, assistant principal, teacher, or another adult.
7. Respect the rights and privileges of other students, teachers and other district staff, and volunteers.

## 2 Parent Standards for Conduct

Parents or legal guardians are expected to complete the Acknowledgment of Electronic Distribution of Student Code of Conduct indicating that you are aware that the Student Code of Conduct and Student Handbook are available online and that a hard copy will be provided upon request and:

1. Bring to the attention of school authorities any learning problem or condition that may relate to their child's education.
2. Encourage their child to adhere to the Student Handbook, Student Code of Conduct, and school discipline policies.
3. Ensure student safety by adhering to established drop-off and pick-up times and procedures.
4. Act in a manner that is appropriate for the school setting and does not pose a substantial risk of harm to others.
5. Refrain from photographing, audio or video recording other adults or students without permission.



6. Provide appropriate identification when requested by school personnel and display required visitor identification while on school premises.

## 3 School District Authority and Jurisdiction

The district may enact health and safety requirements consistent with the law anytime deemed necessary and may impose campus, classroom, or club/organization rules in addition to those found in the Student Code of Conduct. These rules may be listed in the student and campus handbooks, posted in classrooms, or published in extracurricular handbooks, state, or national organization by-laws, and/or constitutions, and may or may not constitute violations of the Student Code of Conduct. Additional rules or requirements, not part of the Student Code of Conduct, may be adopted and approved by the sponsor, campus principal, and/or district administrator.

### 3.1 Disciplinary Authority of the School District

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. To maintain a safe and orderly environment, school personnel have the authority and responsibility to question students and request a written statement regarding their conduct and conduct of others with or without parent permission or the presence of the parent(s). The district prohibits the use of corporal punishment.

The district has disciplinary authority and jurisdiction over a student:

1. During the regular school day and while the student is traveling to and from school or a school-sponsored or school-related activity on district transportation.
2. For offenses committed on school property of another district in Texas.
3. For offenses committed within 300 feet of school property as measured from any point on the school's real property boundary line.
4. When criminal mischief is committed on or off school property, or at a school-related event.
5. When retaliation against a school employee, board member, or volunteer occurs or is threatened, regardless of time or location.
6. When a student engages in bullying/cyberbullying, as provided by TEC 37.0832.
7. When the student commits a felony, as provided by TEC Sections 37.006 or 37.0081.
8. When the student is required to register as a sex offender.
9. While the student attends any school-related activity, regardless of time or location.



The district has the right:

1. To limit a student's participation in graduation activities for violating the district's Student Code of Conduct. Participation might include a speaking role as established by district policy and procedures.
2. To revoke parking privileges.
3. To revoke the transfer of a student.
4. To search a student or vehicle driven to school by a student and parked on school property whenever there is reasonable suspicion to believe it contains articles or materials prohibited by the district. (Refer to Section VI Cypress-Fairbanks ISD Police Department Searches Conducted by Authorities.)
5. To search or inspect at any time, without notice, desks, lockers, district-provided technology or similar items that are the property of the district and are provided for student use as a matter of convenience.

## **3.2 Disciplinary Authority of the Campus Principal**

The building principal has the final authority in determining the disciplinary assignment for a student's misconduct. Discipline decisions of the principal may not be appealed, including through the use of one of the district's grievance policies.

The only exceptions are:

1. An assignment to a DAEP that extends beyond 60 days, the end of the next grading period, or the end of the school year.
2. Maintaining a student's placement in a DAEP after receiving notice of Article 15.27(g), Code of Criminal Procedure.
3. A recommendation for expulsion.

## **3.3 Refusal of Entry, Ejection, Identification**

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

1. The person poses a substantial risk of harm to any person, or
2. The person behaves in a manner that is inappropriate for a school setting (on that instance or previously), 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 board policies 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 days, unless the complaint is resolved before a board hearing.

### **3.4 Parent Notification**

The assistant principal shall promptly notify a student's parent by phone or in person of any violation that may result in one of the following:

1. Detention.
2. In-school suspension—DMC.
3. Out-of-school suspension.
4. Placement in a DAEP.
5. Expulsion.
6. The student being taken into custody by a law enforcement officer under the disciplinary provisions of the TEC.

A good faith effort shall be made on the day the action was taken to provide written notification of the disciplinary action to the student for delivery to the student's parent. If the parent has not been reached by telephone or in person by 5 PM of the first business day after the day disciplinary action was taken, the assistant principal shall send notification via email or US mail. If the assistant principal is not able to provide notice to the parent, the principal or designee shall provide the notice.

Before the principal or appropriate administrator assigns a student under age 18 to detention outside regular school hours, notice shall be given to the student's parent regarding the reason for the detention to allow arrangements for necessary transportation.



### 3.5 Discipline Assignment and Notification

Assignment	Recommended or Assigned By	Notification/Due Process	Appeal To
Detention Hall (DH)	Assistant Principal	Phone notification and conference* and written communication	Principal or Designee
In-School Suspension Discipline Management Class (DMC)	Assistant Principal	Phone notification and conference* and written communication	Principal or Designee
Out-of-School Suspension	Assistant Principal	Phone notification and conference* and written communication	Principal or Designee
Disciplinary Alternative Education Program (ALC/SOS)	Assistant Principal or Associate Principal	Phone notification and conference* and written communication	Principal or Designee or <i>Office of Student Services when the placement extends beyond the end of the next grading period</i>
Expulsion (JJAEP)	Principal	Phone notification and conference* and written communication	Office of Student Services or Board of Trustees or District Court

\*Conference—a meeting with parent or guardian in person, via phone, or remotely regarding discipline infraction.

### 3.6 Clubs and Organizations

Sponsors and coaches of extracurricular activities may develop and enforce standards of conduct that are higher than the district's general standards and may condition membership or the student's participation in the activity on adherence to those standards. Extracurricular standards of behavior may take into consideration conduct that occurs at any time, on or off school property. However, no provision of an extracurricular behavioral standard shall have the effect of discriminating on the basis of gender, race, disability, religion, or ethnicity.





Organizational standards of repetitive behavior of an extracurricular activity are independent of the Student Code of Conduct. Violations of these standards of behavior that are also violations of the Student Code of Conduct may result in separate, independent disciplinary actions. A student may be removed from participation in extracurricular activities or may be excluded from school honors or activities for violation of organizational standards of behavior of an extracurricular activity or for violation of the Student Code of Conduct. All students are expected to maintain the highest level of discipline and decorum at all school functions. Failure to comply with administrative directives promoting order and respect may result in the student being removed from participation in school activities, including, but not limited to, commencement exercises.

## 4 Behavior Management Techniques

In general, discipline will be designed to improve conduct and to encourage all students to adhere to their responsibilities as citizens of the school community. Disciplinary action shall draw on the professional judgment of teachers and administrators and on a range of behavior management techniques, including restorative practices. Discipline shall be based on the seriousness of the offense, the student's age and grade level, the frequency of misbehavior, the student's attitude, the effect of the misconduct on the school environment, and statutory requirements. Discipline for a particular offense, unless otherwise specified by law, may bring into consideration varying techniques and responses.

Student consequences shall be administered fairly and equitably and be based on careful assessment of the circumstances of each case. Factors that will be considered when deciding whether to suspend, place or expel shall include:

1. Self-defense.
2. The student's disciplinary history.
3. Intent or lack of intent at the time the student engaged in the conduct.
4. The student's disability (a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct).
5. A student's status in foster care.
6. A student's status as homeless.

The district will provide, as appropriate for students at each grade level, an outline of behavior management options including, but not limited to:

1. Supporting students in the classroom, on school grounds, and on the school bus or vehicle owned and operated by the district.
2. Applying discipline and restorative techniques.



3. Preventing and intervening in student discipline concerns, including bullying/cyberbullying, harassment, and making hit lists.

The following corrective action options include restorative practices and behavior management techniques and consequences, which may be used alone or in combination for Student Code of Conduct violations:

1. Administrator/Behavior Coach/Counselor/Teacher/Student conference.
2. Behavior coaching (anger management strategies, skill building, social skills lessons).
3. Check-in/check-out.
4. Citations/criminal complaints filed by CFISD Police Department.
5. Confiscation of nuisance items.
6. Conflict resolution (peer mediation, restorative circles, stay away agreements).
7. Contract.
8. Cooling-off time.
9. Counseling by school personnel.
10. Detention.
11. Expulsion (Level V violations only).
12. Flexible scheduling.
13. Grade penalty for cheating.
14. In-school suspension—DMC.
15. Mentor program.
16. Oral or written correction.
17. Out-of-school suspension (Level III, Level IV, and Level V violations only).
18. Parent contact: note, call or conference.
19. Parent outreach/training opportunities.
20. Positive Behavioral Interventions and Supports (PBIS).
21. Prompting/reminder of expectations.
22. Reflective activity (book/movie study, educational project).
23. Removal from classroom in the form of a routine office referral.
24. Removal to a DAEP (Level III and Level IV violations only).
25. Restoration or restitution, as applicable.



26. Restrict or revoke bus riding privileges.
27. Seating changes within the classroom or bus.
28. Service project (campus/community).
29. Student Support Plan.
30. Withdrawal of privileges, such as attendance at or participation in extracurricular activities or school-sponsored or school-related events (e.g., homecoming, prom, or graduation), eligibility for seeking and holding honorary offices, or membership in school-sponsored clubs and organizations.
31. Other strategies and consequences as determined by school officials.

## 5 Student Transportation Expectations

### 5.1 Student Expected Bus/Transportation Behavior

All students are expected to adhere to the following rules when being transported by buses or vehicles owned, operated, or controlled by the district. All administrators are directed to enforce these safety rules by the appropriate action, which may include the temporary or permanent withdrawal of riding privileges, depending upon the seriousness of the violation and all other circumstances of each individual case.

1. Boarding school buses:
  - Students will be at the bus stop at least 5 minutes prior to scheduled pick up time.
  - Students will wait for the bus in designated areas, away from the roadway.
  - Students will scan their ID badge each time they enter and exit their assigned bus.
2. Departing school buses:
  - Students will exit the bus in an orderly manner and through the front service door.
  - Students who need to cross the roadway must stop and await the signal from the bus driver.
  - Students must avoid the bus 'danger zone' (within 10 feet of the bus) and should never cross behind the bus.
3. Students must properly wear seat belts while being transported in any seat belt equipped vehicle that is owned, leased, or utilized by the district.
4. The driver is authorized to assign seats. Students will sit in their assigned seats each day. Students are responsible for any vandalism to that seat and to their area.



5. Students will not vandalize or deface any part of the bus. Any damage to the bus must be reported to the driver immediately. These infractions are subject to suspension from bus riding privileges, restitution, and/or additional disciplinary action for all damages.
6. For safety reasons, students must not attempt to get on or off the bus or move about the bus while it is in motion. Students are to remain seated and wearing seatbelts while the bus is in motion. Students should remain seated until the bus is released by the driver.
7. Students must not, at any time, extend any part of their bodies out the bus windows, nor shall they in any way touch or hang onto the bus before boarding or after leaving.
8. Students will not bring any items on the bus that could cause harm to property or person, as well as items prohibited on school property as outlined in district policy.
9. The emergency exits shall not be tampered with and will be used only in emergency situations.
10. Fighting in any form while riding on the bus may result in suspension of bus riding privileges.
11. Students must respect private property at each designated bus stop. Violation of property boundaries or destruction of property could result in citation or arrest in accordance with state law.
12. Unauthorized entry on the bus without driver's permission is strictly prohibited and could result in citation or arrest in accordance with state law.

Parents, Guardians and Persons Acting in loco parentis will:

1. Be responsible and accountable for the conduct and safety of their children at all times prior to the arrival and after the departure of the school bus at the assigned school bus stop.
2. Understand and support district guidelines, policies, regulations, and principles of school bus safety.
3. Review and reinforce student safety expectations to encourage appropriate conduct on the bus.
4. Understand that unauthorized entry on the bus without driver's permission is strictly prohibited and could result in citation or arrest in accordance with state law.

## 5.2 Transportation Conduct

1. School buses are provided as a service to transport students to and from school and/or related activities and are considered an extended part of the school day.
2. Video cameras may be used to ensure the safety of students and staff.
3. District rules and guidelines are applicable on the buses or vehicles owned, operated, or controlled by the district.



4. Any violation of the rules will be reported by the bus driver to the respective principal or designee for corrective action. Restitution for any damages incurred must be made before riding privileges are reinstated.
5. Students violating bus rules are subject to disciplinary consequences, which may include a bus seat reassignment, campus behavior interventions, and/or suspension of bus riding privileges.
6. When a disruption occurs on a CFISD bus, students may be removed from the bus and be transported to the CFISD Police Department where a parent/guardian will be contacted to pick up their child. In addition to school disciplinary action, students may receive written citations or criminal complaints filed against them by CFISD Police Department in accordance with state law. If a parent/guardian cannot be contacted, the student may be transported to the Department of Family and Protective Services (DFPS).
7. It will be the responsibility of the parents or guardians to transport students to and from school following a suspension of bus riding privileges.
8. Serious misbehavior or persistent unsafe conduct could result in immediate removal from the bus and suspension of bus riding privileges.

## 6 Prohibition of Bullying/Cyberbullying

The district prohibits bullying, including cyberbullying, as defined by Policy FFI [Local]. Retaliation against anyone involved in the complaint process is a violation of district policy and is prohibited. Bullying of a student could occur by physical contact or through electronic means and may include hazing, threats, taunting, teasing, confinement, assault, demands for money, destruction of property, theft of valued possessions, name calling, rumor spreading, and ostracism.

Reports of bullying shall be made as soon as possible after the alleged act or knowledge of the alleged act. A failure to immediately report bullying incidents may impair the district's ability to investigate and address the prohibited conduct.

To obtain assistance and intervention, any student who believes that they have experienced bullying or believe that another student has experienced bullying should immediately report the alleged acts to a teacher, school counselor, assistant principal, principal, or other district employee.

Any district employee who suspects or receives notice that a student or group of students has or may have experienced bullying shall immediately notify the principal or designee. A report may be made orally or in writing. A report may also be completed anonymously through the Cy-Fair Tip Line. The principal or designee shall reduce any oral reports to written form.



## 6.1 Bullying/Cyberbullying Transfer

On the request of a parent or other person with authority to act on behalf of a student who is a victim of bullying, a board or its designee shall transfer the victim to either:

1. Another classroom at the campus to which the victim was assigned at the time the bullying occurred, or
2. A campus in the district other than the campus to which the victim was assigned at the time the bullying occurred.

Contact a campus administrator for information regarding a bullying/cyberbullying transfer request. For each transfer requested, the district shall explore transfer options, as appropriate.

## 7 Prohibition of Gangs/Gang Activity

Gangs or gang activity will not be tolerated in Cypress-Fairbanks ISD schools. A gang is a group of individuals, juveniles and/or adults that associate on a continuous basis and are involved in delinquent or criminal activity.

Parents should be aware that gangs generally will adopt some sort of common dress or identifier that identifies them as a group. Identifiers can, but do not always, mean gang-related membership or activity. Some of the identifiers used by gangs are social media accounts that depict gang affiliation, hats, shirts, pants, jackets, shoes, bandanas, jewelry, graffiti, or drawings of gang symbols on notebooks or clothing, haircuts, tattoos, rosary beads, or other religious symbols.

Students are prohibited from any behaviors which are associated with gang-related affiliation including, but not limited to, violation of established dress code, possession of paraphernalia, intimidation of students or staff members, graffiti or symbols, tattoos, and identifying language or hand signals. Campus administrators may ban such dress or behaviors from school that are gang related. Appropriate discipline will be assigned to students refusing to comply with this policy or administrative directives related to it. Any attempt to violate the provision of these guidelines will result in disciplinary action consistent with the district discipline policy and state law.

## 8 Prohibition of Hazing

Students and organizations are prohibited from initiating or engaging in hazing or from encouraging or assisting any other person in hazing.

## 9 Prohibition of Telecommunication Devices

Students may not possess items at school that school personnel deem to be a distraction to the general learning environment or the student's own learning environment. Belongings that might



be lost or stolen, such as, but not limited to, cell phones, headphones, cameras, games, iPods, iPads, or netbooks, are the responsibility of the student. District personnel will not assume responsibility for damaged, lost, or stolen items, including items that may have been confiscated.

Because telecommunication devices are brought at a student's own risk, the CFISD Police Department will not investigate or file theft reports for students or parents for the loss of a telecommunication device at school. In addition, the theft of any other item considered prohibited, or contraband, will not be investigated.

Except as noted in this section, during the school day, students are generally prohibited from using all telecommunication devices such as, but not limited to, cellular phones. Such devices must not be visible and must remain turned off during the school day. Placing the cell phone into silent/vibrate mode and text messaging is not considered "turned off" and is prohibited.



**Exception:** Teachers have the authority to allow students to use telecommunication devices for instructional purposes within the confines of the classroom.

Individual campuses may adopt telecommunication device rules that are less restrictive than the aforementioned rules, and these amended procedures may identify other non-instructional times during the school day where these devices may be in use without penalty. These procedures must be approved by the campus principal and must be clearly communicated to the students and parents prior to implementation. A copy of the amended procedures must be on file with the Office of Student Services.

Violation of the telecommunication device rules during any assessment such as, but not limited to, EOC, STAAR, or any national, state, and/or locally designed assessment, prohibits an optimum testing environment and, therefore, may result in an invalid assessment. Use of a cell phone or any other unapproved device during the administration of these tests will be regarded as cheating, and the student's test will be invalidated with appropriate disciplinary action to follow.

A staff member who discovers a student in violation of these rules shall report the infraction to the appropriate school administrator. In accordance with TEC Section 37.082, the device may be confiscated and returned to the owner when an administrative fee not to exceed \$15 is collected. A student's parent, guardian, or non-student owner may pick up the device upon showing proof of ownership. If the device is not claimed, the student's parent, guardian, or company whose name and address appears on the device shall be given 30 days prior notice of the district's intent to dispose of the device.



**Note:** Parents are requested not to contact their child during the school day via cell phone. If an emergency occurs and parents need to speak to their child, please contact the school for assistance.



Failure to relinquish the telecommunication device to school personnel when asked to do so, or repeated violations of this section, may result in additional disciplinary action, including confiscation of the device for a period of time up to the remainder of the school year.

Using any device that permits recording the voice or photographing or videoing the image of another without permission, or in any way invades the person's privacy, casts the person in a negative or embarrassing light, or that disrupts the educational environment, is prohibited.



**Note:** A school day is defined as anytime students are under the direct supervision of a Cypress-Fairbanks ISD employee. This includes, but is not limited to, class time; before, during, or after any assessment; passing periods between classes; lunch time; recess; after school tutorials; detentions; field trips; and participating in school events. Examples of non-instructional time are waiting outside of the school building for a parent ride; outdoor athletic events; and walking to and from school or a bus stop. Students who need to use a telephone during the school day may use one of the school phones that are available for student use, upon request, and based on need.

## 10 Use of Student GPS Tracking Devices

The district allows limited use of GPS tracking devices (device) by parents in the school setting. Use is permitted on district buses, on district campuses, and at school-related events or activities (school setting), only when the following conditions are met:

1. The student's parent/guardian provides written documentation from a medical care provider indicating that his/her child has a medical need for use of a device in the school setting.
2. If the device is capable of recording, intercepting oral communications, or listening in, then functions must be disabled while the student is in the school setting. Written confirmation from the GPS tracking device company that these functions have been disabled must be provided by the student's parent/guardian to the campus principal at least seven school days prior to a student wearing or bringing the device to school.
3. The parent/guardian must sign and submit to the campus principal, a written acknowledgment, on a form provided by the district, confirming the device will not be used to record, intercept communications, or listen in, in the school setting unless a school event is open to the general public.

Notice shall be given to all staff members that work with or come into contact with the student wearing or bringing a device to school. If the device creates a disruption, infringes on the privacy rights of other students, or the student does not know how to properly operate the device, the student will not be allowed to use the device in the school setting.



# Section III Levels of Student Misconduct/Violations





The Student Code of Conduct provides a description of a broad range of behaviors considered to be student misconduct. The behavior described should be viewed as representative of the misconduct that most frequently causes a disruption to the orderly educational process. The acts of misconduct listed in Levels I, II, III, IV, and V are not exhaustive. The student who commits an act of misconduct that may be classified into any of the five levels will be subject to the disciplinary action assigned by the classroom teacher and/or campus administrator.

When these assignments or recommendations occur, the administrator will consider the following factors:

1. Self-defense.
2. The student's disciplinary history.
3. Intent or lack of intent at the time the student engaged in the conduct.
4. The student's disability (a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct).
5. A student's status in foster care.
6. A student's status as homeless.

## 1 Level 1

Level I violations include misbehaviors that generally violate rules for the classroom, campus, school bus or vehicle owned or operated by the district, or during any school-sponsored or school-related activity. These are violations that can be corrected by the classroom teacher and other staff using restorative practices and strategies. Teachers and other staff members may keep a written record of the violation. However, certain violations may be elevated to Level II based on the severity or context of the misconduct.

### 1.1 Consideration of Mitigating Factors

In deciding on a discipline consequence, the district will consider:

1. Self-defense.
2. The student's disciplinary history.
3. Intent or lack of intent at the time the student engaged in the conduct.
4. The student's disability (a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct).
5. A student's status in foster care.
6. A student's status as homeless.



## 1.2 Level I Violations

Level I violations include, but are not limited to, such behaviors as:

1. Being tardy to class.
2. Eating or drinking in an undesignated area.
3. Failure to deliver and/or return written communication between home and school.
4. Not bringing required classroom materials and/or assigned work to class (including, but not limited to, network login ID and/or password, computer resources).
5. Possessing and/or using nuisance items.
6. Refusing to follow classroom and/or bus rules.
7. Repeatedly sleeping in class.
8. Running and/or making excessive noise in the halls, building, classroom and/or bus.
9. Talking out.
10. Any other act that impedes the orderly classroom procedure, interrupts the orderly operation of the classroom, or creates a distraction for the bus driver preventing safe transport.

## 1.3 Level I Corrective Action Options

The following corrective action options include restorative practices and behavior management techniques and consequences, which may be used alone or in combination:

1. Behavior coaching (anger management strategies, skill building, social skills lessons).
2. Check-in/check-out.
3. Confiscation of nuisance items.
4. Conflict resolution (peer mediation, restorative circles, stay away agreements).
5. Contract.
6. Cooling-off time.
7. Flexible scheduling.
8. Mentor program.
9. Oral or written correction.
10. Parent contact: note, call, or conference.
11. Parent outreach/training opportunities.
12. PBIS.



13. Prompting/reminder of expectations.
14. Reflective activity (book/movie study, educational project).
15. Restoration or restitution, as applicable.
16. Rewards or demerits.
17. Seating changes.
18. Service project (campus/community).
19. Student Support Plan.
20. Other strategies and consequences as determined by school officials.

## 1.4 Level I Guidelines

1. Any staff member who observes a student violating school rules may correct the student.
2. A record of the offense and disciplinary action should be maintained by the teacher or staff member on the campus designated form.
3. The teacher may discuss the behavior with a parent/guardian, administrator, or support personnel.
4. Level I behavior violations and discipline options/responses are not limited to those provided. Serious or repeated violations may result in a more severe response or referral to Level II.

## 2 Level II

Level II violations include those misbehaviors that are more serious in nature and/or a continuation of Level I. Level II infractions include misbehaviors that generally violate rules for the classroom, campus, school bus or vehicle owned or operated by the district, or campus rules on school property or during any school-sponsored or school-related activity. These infractions may result in a referral to an administrator who will address the violation utilizing restorative practices and/or behavior management techniques. However, certain violations may be elevated to Level III violations based on the severity or context of the misconduct.

### 2.1 Consideration of Mitigating Factors

In deciding on a discipline consequence, the district will consider:

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



4. The student's disability (a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct).
5. A student's status in foster care.
6. A student's status as homeless.

## 2.2 Level II Violations

Level II violations include, but are not limited to, such behaviors as:

1. Any repeated violation cited in the previous level or chronic or repeated instances of misbehavior.
2. Altering school records or signing another person's name on a school document.
3. Cheating and/or copying (plagiarism) the work of others from any source (Internet, library resources, other students, etc.).
4. Altering, defacing, or refusing to wear an ID badge.
5. Cutting class or other scheduled activities.
6. Engaging in an inappropriate public display of affection.
7. Exhibiting any unacceptable physical contact which could result in injury.
8. Failure to comply with assigned disciplinary consequences.
9. Leaving or returning to the classroom, building, or school grounds without permission.
10. Lunchroom or restroom misconduct.
11. Purchasing, selling, or soliciting for sale any merchandise on the school campus without the authorization of the building principal (including the use of Internet resources and/or digital devices).
12. Refusing to comply with reasonable requests of school personnel.
13. Throwing objects that can cause bodily injury or damage to property.
14. Truancy.
15. Unauthorized alteration or deletion of digital files.
16. Unwanted touching of others.
17. Verbally or physically taunting other students.
18. Violating the district or campus dress and grooming guidelines.
19. Violating the district or campus telecommunication devices rules.



20. Any other acts which interfere with the orderly educational process of the classroom, school, or create a distraction for the bus driver preventing safe transport.

## 2.3 Level II Corrective Action Options

The following corrective action options include restorative practices and behavior management techniques and consequences, which may be used alone or in combination:

1. Administrator/Behavior Coach/Counselor/Teacher/Student conference.
2. Behavior coaching (anger management strategies, skill building, social skills lessons).
3. Check-in/check-out.
4. Confiscation of nuisance items.
5. Conflict resolution (peer mediation, restorative circles, stay away agreements).
6. Contract.
7. Cooling-off time.
8. Counseling by school personnel.
9. Detention.
10. Flexible scheduling.
11. Grade penalty for cheating.
12. In-school suspension—DMC.
13. Mentor program.
14. Oral or written correction.
15. Parent contact: note, call, or conference.
16. Parent outreach/training opportunities.
17. Reflective activity (book/movie study, educational project).
18. Removal from classroom in the form of a routine office referral.
19. Restoration or restitution, as applicable.
20. Restrict or revoke bus riding privileges.
21. Seating changes.
22. Service project (campus/community).
23. Student Support Plan.



24. Withdrawal of privileges, such as attendance at or participation in extracurricular activities or school-sponsored or school-related events (e.g., homecoming, prom, or graduation), eligibility for seeking and holding honorary offices, or membership in school-sponsored clubs and organizations.
25. Other strategies and consequences as determined by school officials.

## 2.4 Level II Guidelines

1. Any staff member who observes a student violating school rules may correct the student.
2. A record of the offense and disciplinary action should be maintained by the teacher or staff member on the campus designated form.
3. The teacher may discuss the behavior with the parent, administrator, or support personnel.
4. Level II behavior violations and discipline options/responses are not limited to those provided. Serious or repeated violations may result in a more severe response or referral to Level III. The disciplinary response depends on the offense, previous actions, and the seriousness of the misbehavior.

## 3 Level III

Level III violations include those infractions in which the effect or potential effect of the misconduct is disruptive and more serious in nature than Level I or II. Infractions may occur on school property, or within 300 feet of school property (including school buses or vehicles owned or operated by the district), or while attending a school-sponsored or school-related activity on or off school property. A violation of this magnitude may result in a student being suspended and/or placed in a DAEP.

### 3.1 Consideration of Mitigating Factors

Per TEC 37.005, a student below grade 3 or who is identified as homeless may not be placed in out-of-school suspension, except for certain conduct that involves an offense related to:

- Weapons.
- Violent crimes.
- Drugs and/or alcohol.

Per TEC 37.001, the principal or designee will address violations using restorative practices and/or behavior management techniques. If the disciplinary consequence results in suspension and/or placement to an alternative school (DAEP), the principal or designee will consider the following factors prior to the recommendation:



1. Self-defense.
2. The student's disciplinary history.
3. Intent or lack of intent at the time the student engaged in the conduct.
4. The student's disability (a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct).
5. A student's status in foster care.
6. A student's status as homeless.

### 3.2 Level III Violations

Level III violations include but are not limited to such behaviors as:

1. Any repeated violations cited in the previous level, chronic or repeated instances of misbehavior, or any other act that seriously disrupts the orderly process of the school.
2. Acts of disobedience or disorderly behavior that are detrimental to the school, harmful to health and safety, or inhibit the rights of others such as, but not limited to:
  - Bullying.
  - Cyberbullying.
  - Release or threat to release intimate visual material.
  - Creating or possessing a hit list.
  - Harassment.
  - Online harassment.
3. Being disrespectful toward school personnel or school visitors.
4. Causing an individual to act through the use of or threat of force (coercion) or blackmail.
5. Engaging in conduct that constitutes dating violence.
6. Engaging in a criminal offense that is not addressed in Level IV or V.
7. Exhibiting any unacceptable physical contact that results in injury.
8. Failure to report immediately to a teacher or administrator the knowledge of an event, device, object, or substance that could cause harm to self or others.
9. Fighting, which is defined as a physical conflict between two or more individuals. Student under attack should detach from the situation and get an adult to help. A fight occurs when the student strikes back and actively engages in the altercation.
10. Forgery.





11. Gambling.
12. Giving false or misleading statements via tip line or to an administrator during a school investigation.
13. Hazing.
14. Interfering with school authorities or school operations, programs, or instruction through boycotts, sit-ins, or trespassing.
15. Misuse of district technology, including, but not limited to, the Internet, the district network, district-owned equipment or software, Learning Management System.
16. Misuse/distribution of over-the-counter medication or violating the district medication policy.
17. Participation, which includes, but is not limited to behavior, activity, or membership in an illegal organization such as a clique, fraternity, sorority, secret society, gang, cult, or other criminal combination prohibited by law.
18. Possession and/or distribution of a device, object, or substance that could cause harm to property or persons, such as, but not limited to:
  - A hand instrument designed to cut or stab another by being thrown.
  - Air gun.
  - Ammunition.
  - BB gun.
  - Chains.
  - Drug paraphernalia.
  - Fireworks.
  - Knives (pocketknives or any other small knife with blade five and one-half inches or less).
  - Knuckles.
  - Laser pens.
  - Mace.
  - Pepper spray.
  - Razors.
  - Stun gun.
  - Taser.
19. Possession of any device that has the appearance of a prohibited firearm, knife, club or (look alike) weapon.



20. Possession or distribution of obscene/pornographic material.
21. Possession, using, selling, being under the influence, or distributing any substance represented to be a drug or alcohol or any item not suitable for human consumption that is used to simulate illegal drug use (including written or oral admission of the violation).
22. Posting or distributing unauthorized communicative materials on the school grounds.
23. Stealing, burglary, robbery, extortion, gambling, forgery, or possession of stolen property.
24. Threat to a district student, employee, or volunteer, including off school property, if the conduct causes a substantial disruption to the educational environment.
25. Using profane, obscene, indecent remarks, or racially or ethnically offensive language and/or gestures directed toward others.
26. Using any device that permits recording the voice or image of another in any way that invades the privacy of an individual or others or is made without the prior consent of an individual or others.
27. Vandalism and/or defacing district or personal property.
28. Violating the district tobacco/smoking policy including, but not limited to, smoking, using or possessing tobacco, tobacco products, matches, or lighters (including oral or written admission of the violation).
29. Acts of sexual misconduct that are not considered a mandatory removal to the DAEP.
30. Felony behavior committed off campus and while the student is not in attendance at a school-sponsored or school-related activity may result in a disciplinary placement 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.

### **3.3 Level III Corrective Action Options**

The following corrective action options include restorative practices and behavior management techniques and consequences, which may be used alone or in combination:

1. Administrator/Behavior Coach/Counselor/Teacher/Student conference.
2. Behavior coaching (anger management strategies, skill building, social skills lessons).
3. Check-in/check-out.
4. Confiscation of nuisance items.
5. Conflict resolution (peer mediation, restorative circles, stay away agreements).
6. Contract.



7. Cooling-off time.
8. Counseling by school personnel.
9. Detention.
10. Flexible scheduling.
11. Mentor program.
12. Oral or written correction.
13. Parent contact: note, call, or conference.
14. Parent outreach/training opportunities.
15. Reflective activity (book/movie study, educational project).
16. Removal from classroom in the form of a routine office referral.
17. Removal to a DAEP.
18. Restoration or restitution, as applicable.
19. Restrict or revoke bus riding privileges.
20. Seating changes.
21. Service project (campus/community).
22. Student Support Plan.
23. Suspension (in-school suspension—DMC and out-of-school suspension).
24. Withdrawal of privileges, such as attendance at or participation in extracurricular activities or school-sponsored or school-related events (e.g., homecoming, prom, or graduation), eligibility for seeking and holding honorary offices, or membership in school-sponsored clubs and organizations.
25. Other strategies and consequences as determined by school officials.

### **3.4 Level III Guidelines**

1. Any staff member who observes a student violating school rules may correct the student.
2. A record of the offense and disciplinary action should be maintained by the teacher or staff member on the campus designated form.
3. The teacher may discuss the behavior with the parent, administrator, or support personnel.
4. All Level III behavior violations shall result in a referral to a campus administrator. The disciplinary response depends on the offense, previous actions, and the seriousness of the misbehavior.



### 3.5 Discretionary Removal Chart

INFRACTION THAT MAY RESULT IN A DAEP PLACEMENT	PLACEMENT SITE			PLACEMENT LENGTH		
	High School	Middle School	Elem. School	High School	Middle School	Elem. School
Level III misconduct that seriously disrupts the orderly process of the school and/or is severe and harmful to others.	ALC	ALC	SOS	10–45 days	10–45 days	10–30 days
The superintendent or superintendent’s designee has reasonable belief (see Glossary) that the student has engaged in felony behavior committed off campus and while the student is not in attendance at a school-sponsored or school-related activity 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.	ALC	ALC	SOS	10 days–until completion of graduation requirements	10 days–until completion of graduation requirements	10 days–until completion of graduation requirements

## 4 Level IV

### Behavioral Basis for Removal to a Disciplinary Alternative Education Program (DAEP)

Level IV mandatory removal–Misconduct that requires placement in a Disciplinary Alternative Education Program.



## Mandatory Removals

According to TEC Section 37.006, a student shall be removed from class and placed in a DAEP based on the behaviors noted in Sections I, II, and III described in this section.

### 4.1 Consideration of Mitigating Factors

When these recommendations occur, the administrator will consider the following factors prior to placement:

1. Self-defense.
2. The student's disciplinary history.
3. Intent or lack of intent at the time the student engaged in the conduct.
4. The student's disability (a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct).
5. A student's status in foster care.
6. A student's status as homeless.

### 4.2 Level IV Violations

Level IV violations include such behaviors as:

#### Section I—Violations Committed On or Off School Property

Violations committed on or off school property, including school buses or any vehicle owned or operated by the district, regardless of location or time:

- False alarm or report involving a public school.
- Terroristic threat involving a public school.
- Retaliation against any school employee.



## Section I Chart: Violations Committed On or Off School Property

ON OR OFF CAMPUS INFRACTION MANDATORY REMOVAL	PLACEMENT SITE			PLACEMENT LENGTH		
	High School	Middle School	Elem. School	High School	Middle School	Elem. School
Level IV Infraction						
False alarm or report involving a public school	ALC	ALC	SOS	10–45 days	10–45 days	10–30 days
Retaliation against a school employee						
Terroristic threat involving a public school						

## Section II—Violations Committed On or Within 300 Feet of School Property

Violations committed on or within 300 feet of school property, as measured from any point on the school’s real property boundary line, or while attending a school-sponsored or school-related activity on or off school property, including school buses or any vehicle owned and or operated by the district:

- a. Abusable volatile chemical offenses\*—Engages in conduct that contains the elements of an offense relating to an abusable volatile chemical.



**\*Note:** Misconduct may be determined by a number of factors, including oral and/or written acknowledgment or admission, and/or an assessment administered by the school nurse or other trained personnel. If a student refuses to cooperate with school personnel, including in the administration of an assessment, and there is reasonable cause or suspicion to believe the student is under the influence, the student’s parents will be notified, and the student may be subject to disciplinary sanctions.

- b. Alcoholic beverage offenses\*—Sells, gives, or delivers to another person an alcoholic beverage; commits a serious act or offense while under the influence of alcohol; or possesses, uses, or is under the influence of an alcoholic beverage.
- c. Assault offenses—Engages in conduct that contains elements of the offense of assault under Section 22.01 (a) (1), Penal Code.



**Note:** Penal Code 22.01(a)(1) states a person commits an offense of assault if the person intentionally, knowingly, or recklessly causes bodily injury to another, including the person's spouse.

- d. Controlled substance or dangerous drug offenses\*—Sells, gives, or delivers to another person or possesses, uses, or is under the influence of a controlled substance or a dangerous drug **if the conduct is not punishable as a felony offense.**



**Note:** Controlled substances and dangerous drugs include some, but not all, prescription medications. Examples of prohibited medications include, but are not limited to, Xanax, Adderall, Ritalin, Vyvanse, and medications that contain codeine, as well as many other prescriptions provided by a physician.

- e. E-cigarette—possesses, uses, sells, gives, or delivers to another person an e-cigarette, as defined by Section 161.081, Health and Safety Code.
- f. Felony offenses—Engages in conduct punishable as a felony.



**Note:** Except for felonious drug offenses which are expellable to the Juvenile Justice Alternative Education Program (JJAEF).

- g. Harassment against an employee of the school district (see Glossary)—Engages in conduct that contains the elements of the offense of harassment against an employee of the school district.
- h. Marijuana or THC\* Sells, gives, or delivers to another person or possesses, uses, or is under the influence of any amount of marijuana or THC.
- i. Public lewdness or indecent exposure—Engages in conduct that contains the elements of the offense of public lewdness or indecent exposure.



## Section II Chart: Violations Committed on or Within 300 Feet of School Property

ON CAMPUS INFRACTION MANDATORY REMOVAL	PLACEMENT SITE			PLACEMENT LENGTH		
	High School	Middle School	Elem. School	High School	Middle School	Elem. School
Abusable volatile chemical offenses						
Alcoholic beverage offenses—sells, gives, delivers, possesses, uses, or under the influence						
Assault offenses						
Controlled substance or dangerous drug offenses—sells, gives, delivers, possesses, uses or under the influence (non-felony)						
E-cigarette- possesses, uses, sells, gives, or delivers to another person an e-cigarette	ALC	ALC	SOS	10-45 days	10-45 days	10-30 days
Felony offenses—excluding drug infractions that are punishable as a felony						
Harassment against an employee of the school district						
Marijuana or THC- sells, gives, or delivers to another person or possesses, uses, or is under the influence of any amount of marijuana or THC.						





ON CAMPUS INFRACTION MANDATORY REMOVAL	PLACEMENT SITE			PLACEMENT LENGTH		
	High School	Middle School	Elem. School	High School	Middle School	Elem. School
Level IV Infraction	ALC	ALC	SOS	10–45 days	10–45 days	10–30 days
Public lewdness and indecent exposure	ALC	ALC	SOS	10–45 days	10–45 days	10–30 days
Serious misbehavior occurring while assigned to the DAEP	ALC/ JJAEP	ALC/ JJAEP	SOS	45–180 days	45–180 days	10–30 days

### Section III—Violations Committed Off Campus and While the Student is Not in Attendance at a School-Sponsored or School-Related Activity

According to TEC Section 37.006(c), if a student is determined to have engaged in conduct punishable as aggravated robbery or a felony listed under Title 5 of the Penal Code, the student shall be removed from class and placed in a DAEP. A student may be determined to have engaged in conduct if (1) a court or jury finds that the student engaged in the conduct; (2) the student receives deferred prosecution for the conduct; or (3) the superintendent or designee has a reasonable belief based on all available information, including a notice from law enforcement under Article 15.27 of the Code of Criminal Procedure, that the conduct occurred.

After completion of the assigned DAEP placement, the district reserves the right to:

- Return the student to their home campus.
- Assign the student to a new home campus (without transportation).

### Section III Chart: Violations committed off campus and while the student is not in attendance at a school-sponsored or school-related activity

OFF-CAMPUS INFRACTION MANDATORY REMOVAL	PLACEMENT SITE			PLACEMENT LENGTH		
	High School	Middle School	Elem. School	High School	Middle School	Elem. School
Level IV Infraction	ALC	ALC	SOS	10–45 days	10–45 days	10–30 days
Aggravated robbery	ALC	ALC	SOS	10–45 days	10–45 days	10–30 days



OFF-CAMPUS INFRACTION MANDATORY REMOVAL	PLACEMENT SITE			PLACEMENT LENGTH		
	High School	Middle School	Elem. School	High School	Middle School	Elem. School
Level IV Infraction	ALC	ALC	SOS	10-45 days	10-45 days	10-30 days
Title 5 felony	ALC	ALC	SOS	10-45 days	10-45 days	10-30 days

### Section IV—Registered Sex Offenders

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 unless the court orders JJAEP placement.

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

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

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

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

### Section IV Chart: Registered Sex Offenders

OFF-CAMPUS INFRACTION MANDATORY REMOVAL	PLACEMENT SITE			PLACEMENT LENGTH		
	High School	Middle School	Elem. School	High School	Middle School	Elem. School
Level IV Infraction	ALC/ JJAEP	ALC/ JJAEP	SOS/ JJAEP	1 semester or until appropriate placement is determined		
Registered sex offender	ALC/ JJAEP	ALC/ JJAEP	SOS/ JJAEP	1 semester or until appropriate placement is determined		



The district maintains the option to extend the placement as permitted under TEC Sec. 37.306.

## Section V—Certain Felony Offenses

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

- Have received deferred prosecution for conduct defined as aggravated robbery or a Title 5 felony offense;
- Have 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;
- Have been charged with engaging in conduct defined as aggravated robbery or a Title 5 felony offense;
- Have 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
- Have 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:

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

Before a student is expelled in accordance with Education Code 37.0081, the student must first have a hearing before the board or its designee, who must determine that in addition to the circumstances above that allow for the expulsion, the student's presence in the regular classroom:

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

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



## Section V Chart—Certain Felony Offenses

OFF-CAMPUS INFRACTION REMOVAL	PLACEMENT SITE			PLACEMENT LENGTH		
Level IV Infraction	High School	Middle School	Elem. School	High School	Middle School	Elem. School
Aggravated robbery	ALC/ JJAEP	ALC/ JJAEP	SOS/ JJAEP	See guidance below		
Title 5 felony						

The district maintains the option to extend the placement of students who have been expelled and placed in either DAEP or JJAEP in accordance with Education Code 37.0081 until:

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

A student placed in a DAEP or JJAEP in accordance with Education Code 37.0081 is entitled to a review of his or her status, including academic status, by the campus behavior coordinator 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.

### 4.3 Additional Placement Information

- The principal has the discretion to amend placement length.
- A student who is younger than six years of age may not be removed from class and placed in a DAEP unless the student commits a federal firearm offense.
- Serious misbehavior occurring while assigned to the DAEP may result in an additional placement in the DAEP or an expulsion to the JJAEP for a minimum of 45 days.
- A principal may, but is not required to, remove a student to a DAEP for off-campus conduct for which removal is required if the principal does not have knowledge of the conduct before the first anniversary of the date the conduct occurred.
- 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.

## 4.4 Discretionary Expulsion for Serious Offenses—TEC Section 37.007

### Discretionary Expulsions

According to TEC Section 37.007, a student may (optional) be expelled to the JJAEP based on the behaviors noted in Sections I–VI described in this section. Additionally, while placed in a DAEP, a student that engages in documented serious misbehavior while on the program campus despite documented behavioral interventions may be expelled.

### Section I—On or Off Campus Violations

Violations involving a public school, committed on or off campus, regardless of location or time, that contain the elements of:

- a. False alarm or report.
- b. Terroristic threat.

### Section II—On Campus Violations

Violations committed on or within 300 feet of school property, as measured from any point on the school's real property boundary line, or while attending a school-sponsored or school-related activity on or off of school property (including school buses or any vehicle owned and or operated by the district):

- a. Marijuana, controlled substance, dangerous drug, or alcoholic beverage offenses—Sells, gives, or delivers to another person or possesses, uses, or is under the influence of any amount of marijuana or a controlled substance; or a dangerous drug; or an alcoholic beverage.
- b. Abusable volatile chemical offenses—Engages in conduct that contains the elements of an offense relating to an abusable volatile chemical.
- c. Assault against a school district employee or a volunteer—Engages in conduct that contains the elements of assault under Section 22.01, Penal Code, against a school district employee or a volunteer.



- d. Deadly conduct—Engages in conduct that contains the elements of the offense of deadly conduct under Section 22.05, Penal Code.

### **Section III—Within 300 Feet of Campus Violations**

Violations committed while within 300 feet of school property as measured from any point on the school's real property boundary line, but not on school property:

- a. Firearm violations—Possesses a firearm, as defined by federal law 18 U.S.C. Section 921.
- b. Unlawful carrying of weapons—Intentionally, knowingly, or recklessly carries on or about the student's person, in the manner prohibited by Penal Code:
  - A handgun, which is defined by Penal Code 46.01 as any firearm that is designed, made, or adapted to be fired with one hand.
  - A location-restricted knife, which is defined by Penal Code 46.01 as a knife with a blade over five and one-half inches.
- c. Prohibited weapon violations—Possessing, manufacturing, transporting, repairing, or selling a prohibited weapon, as defined in Penal Code 46.05.
- d. Prohibited conduct—Behaves in a manner that contains elements of the following offenses under the Penal Code:
  - Aggravated assault Section 22.02, Penal Code.
  - Sexual assault Section 22.011, Penal Code, or aggravated sexual assault Section 22.021 Penal Code.
  - Arson Section 28.02, Penal Code.
  - Murder Section 19.02, Penal Code, capital murder Section 19.03, Penal Code, or criminal attempt Section 15.01, Penal Code, to commit murder or capital murder.
  - Indecency with a child Section 21.11, Penal Code.
  - Aggravated kidnapping Section 20.04, Penal Code.
  - Aggravated robbery Section 29.03, Penal Code.
  - Manslaughter Section 19.04, Penal Code.
  - Criminally negligent homicide Section 19.05, Penal Code.
  - Continuous sexual abuse of a young child or disabled individual Section 21.02, Penal Code.
- e. Felony controlled substance or dangerous drug offenses, not including THC.



## Section IV—Off Campus Violations

Violations committed off campus and while the student is not in attendance at a school-sponsored or school-related activity:

- a. Aggravated assault Section 22.02, Penal Code, sexual assault Section 22.011, Penal Code, or aggravated sexual assault Section 22.021 Penal Code against another student.
- b. Murder Section 19.02, Penal Code, capital murder Section 19.03, Penal Code, or criminal attempt to commit murder or capital murder Section 15.01, Penal Code of another student.
- c. Aggravated robbery of another student.
- d. Breach of computer security—Engages in conduct that contains the elements of the offense of breach of computer security under Section 33.02, Penal Code.
- e. Assault against an employee or volunteer in retaliation—Engages in an assault against an employee or volunteer in retaliation for or as a result of the person’s employment or association with the district.
- f. Criminal mischief—Engages in conduct that contains the elements of the offense of criminal mischief under Section 28.03, Penal Code, if the conduct is punishable as a felony.

## Section V—On Campus of Another Texas School District Violations

Violations committed on school property of another district in this state or while attending a school-sponsored or school-related activity of a school in another district in this state:

- a. Firearm violations—Possesses a firearm, as defined by federal law 18 U.S.C. Section 921.
- b. Unlawful carrying of weapons—Intentionally, knowingly, or recklessly carries on or about the student’s person, in the manner prohibited by Penal Code:
  - A handgun, which is defined by Penal Code 46.01 as any firearm that is designed, made, or adapted to be fired with one hand.
  - A location-restricted knife, which is defined by Penal Code 46.01 as a knife with a blade over five and one-half inches.
- c. Prohibited weapon violations—Possessing, manufacturing, transporting, repairing, or selling a prohibited weapon, as defined in Penal Code 46.05.
- d. Prohibited Conduct—Behaves in a manner that contains elements of the following offenses under the Penal Code:
  - Aggravated assault Section 22.02, Penal Code.
  - Sexual assault Section 22.011, Penal Code, or aggravated sexual assault Section 22.021 Penal Code.



- Arson Section 28.02, Penal Code.
  - Murder Section 19.02, Penal Code, capital murder Section 19.03, Penal Code, or criminal attempt to commit murder or capital murder of another student Section 15.01, Penal Code.
  - Indecency with a child Section 21.11, Penal Code.
  - Aggravated kidnapping Section 20.04, Penal Code.
  - Aggravated robbery Section 29.03, Penal Code.
  - Manslaughter Section 19.04, Penal Code.
  - Criminally negligent homicide Section 19.05, Penal Code.
  - Continuous sexual abuse of a young child or disabled individual Section 21.02, Penal Code.
- e. Felony drug offenses—Behavior punishable as a felony that involves selling, giving, or delivering to another person or possessing, using, or being under the influence of a controlled substance or a dangerous drug.

## **Section VI—Bullying Violations- May Place or Expel (TEC 37.0052)**

- a. Engages in bullying that encourages a student to commit or attempt to commit suicide.
- b. Incites violence against a student through group bullying.
- c. Releasing or threatening to release intimate visual material of a student, including a student who is 18 years of age or older without the student’s consent.





## Discretionary Expulsion Chart

DISCRETIONARY EXPULSION	EXPULSION SITE			EXPULSION LENGTH		
	High School	Middle School	Elem. School	High School	Middle School	Elem. School
Infraction						
Misconduct that may result in expulsion as defined by 37.0052 or 37.007	JJAEP	JJAEP	SOS/ JJAEP	45-180 days	45-180 days	15-45 days
Serious misbehavior while in a DAEP	JJAEP	JJAEP	SOS/ JJAEP	Extended placement in JJAEP	Extended placement in JJAEP	Extended placement in SOS/JJAEP

## 5 Level V

### Behavioral Basis for Expulsion—Removal to the JJAEP

Level V: Mandatory Expulsion to JJAEP for Serious Offenses Occurring On or Off School Property—TEC Section 37.007.

### Mandatory Expulsions

Level V acts of misconduct include those serious misbehaviors and/or illegal acts that threaten to impair the educational efficiency of the school, and/or that most seriously disrupt the orderly educational process in the classroom and/or the school.

Pursuant to TEC Section 37.007, a student age 10 or older must be expelled from school to JJAEP if the student commits any of the following violations on school property or at a school-sponsored or school-related activity.

### 5.1 Consideration of Mitigating Factors

When these recommendations occur, the administrator will consider the following factors prior to expulsion:

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



4. The student's disability (a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct).
5. A student's status in foster care.
6. A student's status as homeless.

## 5.2 Level V Violations

A student must be expelled from a school if the student does any of the following, on school property or while attending a school-sponsored or school-related activity on or off of school property (including school buses or vehicles owned or operated by the district):

- a. Firearm violations—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 18 U.S.C. Section 921.
- b. Unlawful carrying of weapons—Intentionally, knowingly, or recklessly carries on or about the student's person, in the manner prohibited by Penal Code.
  - A handgun, which is defined by Penal Code 46.01, as any firearm that is designed, made, or adapted to be fired with one hand.
  - A location-restricted knife, which is defined by Penal Code 46.01, as a knife with a blade over five and one-half inches.
- c. Prohibited weapon violations—Possessing, manufacturing, transporting, repairing, or selling a prohibited weapon, as defined in Penal Code 46.05.
- d. Prohibited conduct—Behaves in a manner that contains elements of the following offenses under the Penal Code:
  - Aggravated assault Section 22.02, Penal Code.
  - Sexual assault Section 22.011, Penal Code, or aggravated sexual assault Section 22.021 Penal Code.
  - Arson Section 28.02, Penal Code.
  - Murder Section 19.02, Penal Code, capital murder Section 19.03, Penal Code, or criminal attempt Section 15.01, Penal Code, to commit murder or capital murder.
  - Indecency with a child Section 21.11, Penal Code.
  - Aggravated kidnapping Section 20.04, Penal Code.
  - Aggravated robbery Section 29.03, Penal Code.
  - Manslaughter Section 19.04, Penal Code.
  - Criminally negligent homicide Section 19.05, Penal Code.



- Continuous sexual abuse of a young child or disabled individual Section 21.02, Penal Code.
- e. Felony drug offenses—Behavior punishable as a felony that involves selling, giving, or delivering to another person or possessing, using, or being under the influence of a controlled substance or a dangerous drug.
- f. Retaliation against a school employee or volunteer—Engages in retaliation against a school employee or volunteer combined with one of the above-listed mandatory expulsion offenses.

### Level V Violations Chart

Cypress-Fairbanks ISD reserves the right to modify Level V expulsions by combining an expulsion to the JJAEP with a placement at the DAEP (ALC/SOS).

ON CAMPUS INFRACTION MANDATORY EXPULSION	EXPULSION SITE			EXPULSION LENGTH		
	High School	Middle School	Elem. School	High School	Middle School	Elem. School
Aggravated assault	JJAEP	JJAEP	SOS/ JJAEP	45–180 days	45–180 days	15–45 days
Aggravated sexual assault						
Arson						
Continuous sexual abuse of a young child or disabled individual						
Criminal attempt to commit murder or capital murder						
Felony drug offenses						
Indecency with a child						
Location-restricted knife—unlawful carry						
Prohibited weapon violations						



ON CAMPUS INFRACTION MANDATORY EXPULSION	EXPULSION SITE			EXPULSION LENGTH		
	High School	Middle School	Elem. School	High School	Middle School	Elem. School
Level V Infraction						
Retaliation against a school employee or volunteer combined with an expellable offense						
Sexual assault	JJAEP	JJAEP	SOS/ JJAEP	45-180 days	45-180 days	15-45 days
Aggravated kidnapping	JJAEP	JJAEP	SOS/ JJAEP	1 calendar year	1 calendar year	1 calendar year
Aggravated robbery						
Capital murder						
Criminally negligent homicide						
Firearm violations						
Handgun-unlawful carry						
Manslaughter						
Murder						
Second expulsion in the same school year	JJAEP	JJAEP	SOS/ JJAEP	1 calendar year	1 calendar year	Extended placement in SOS/JJAEP
Student between 6 and 9 years of age and engages in expellable conduct	N/A	N/A	SOS	N/A	N/A	15-45 days
Student younger than 6 years of age and commits a federal firearms violation	N/A	N/A	SOS	N/A	N/A	Up to one calendar year



## 5.3 Additional Expulsion Information for Students Under Age Ten

The district shall provide educational services to an expelled student in a DAEP if the student is younger than 10 years of age on the date of expulsion.

A student who is younger than six years of age may not be removed from class and placed in a DAEP unless the student commits a federal firearm offense.

## 6 Expulsion Site—JJAEP

The Board of Trustees of Cypress-Fairbanks ISD has entered into an agreement with the Harris County Juvenile Board outlining the Board's responsibilities concerning the establishment and operation of the Excel Academy a Juvenile Justice Alternative Education Program (JJAEP). The JJAEP provides educational services for youths who are expelled from school for the offenses described in Section 37.007 of the TEC. The Harris County JJAEP may also provide educational services to adjudicated youths who have committed off-campus felonies that are non-school-related.

Section IV Discipline of  
Special Education  
Students under  
Individuals with  
Disabilities Education  
Improvement Act (IDEIA)  
and Students Served  
Under Section 504 of  
the Rehabilitation Act



# 1 Discipline of Special Education Students under IDEIA

Students with disabilities served under IDEIA will be disciplined in accordance with state and federal law, Commissioner's Rules for Special Education, the Student Code of Conduct, and the student's Individual Education Program (IEP), as it exists at the time of discipline.

Students with disabilities may be subject to a series of removals for disciplinary reasons for up to 10 days so long as these removals do not constitute a change in placement for the student and the disciplinary consequences are those applied to non-disabled students. If a pattern of behavior exists that does constitute a change of placement, a Manifestation Determination Review (MDR) must be held.

After the 10th day of removal, members of the IEP Committee must staff to review the behavior(s), the IEP and/or Behavior Intervention Plan (BIP), and review programming. If one or more members of the committee believe that modifications are needed, an IEP Committee meeting must be held to ensure the student receives appropriate special education services.

For subsequent short-term removals after 10 days, which do not constitute a change of placement determined by the relevant members of the IEP Committee, the administrator must consult with one of the student's teachers to determine what services will be needed for the student to continue to receive Free and Appropriate Public Education (FAPE) during the removal period. Services are to be provided for this and each subsequent removal to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals and objectives set out in the student's IEP. If one or more members of the student's IEP Committee believes that modifications are needed, an IEP Committee meeting must be held following the removal to ensure the student is receiving appropriate special education services.

For subsequent short-term removals after 10 days, which do constitute a change of placement, the IEP Committee will meet and conduct an MDR. In addition, the IEP Committee will develop or review the IEP, functional behavioral assessment (FBA), and BIP and its implementation to determine if modifications or additions are necessary. Based on the outcome of the MDR, the student will serve the short-term removal or remain in services.

For removals more than 10 consecutive days, an IEP meeting will be held to review the behavior(s), conduct an MDR, review/conduct an FBA, and review/develop a BIP, and review programming and IEP goals. The DAEP shall provide the necessary supports and services for the student to access the general education curriculum and make progress toward achieving their IEP goals.

Students with disabilities who receive special education services may not be placed in a DAEP solely for education purposes if the student does not meet the criteria for alternative placement in



TEC Sections 37.006(a) or 37.007(a). 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 until an ARD committee meeting has been held to review the conduct.

## 2 Discipline of Students Served Under Section 504 of the Rehabilitation Act

Students with disabilities served pursuant to Section 504 will be disciplined in accordance with state and federal laws. The Behavior Management Plan and Student Code of Conduct apply to all students, including Section 504 students. Section 504 students may be subject to a series of removals for disciplinary reasons for up to 10 school days for different acts of misconduct. So long as the series of removals does not constitute a change of placement, and the disciplinary consequences are those applicable to non-disabled students, there is a requirement that the Section 504 Committee determine whether the misbehavior is a manifestation of the disability. A Section 504 student shall not be subject to disciplinary removal for more than 10 consecutive school days or expelled unless the district first determines that the misbehavior is not a manifestation of the student's disability. The determination may be made by the same group of people who make placement decisions. The group must have evaluation data available that is recent enough to afford an understanding of the student's current behavior. At a minimum, the group shall include persons knowledgeable about the student and the meaning of the evaluation data.



Section V Policies,  
Practices, and  
Procedures Related to  
Student Conduct and  
Safe Schools





## 1 General Authority of the School District

It is the policy of the Board of Trustees and employees of Cypress-Fairbanks ISD to maintain a safe and secure learning environment for our students. In striving to do so, the district takes a strong position against weapons, illegal drugs, and any violent or abusive behavior in any school environment, which includes all district facilities or any school-sponsored activity. Any person violating this policy will be subject to administrative and/or legal action, including possible citations and/or arrest by local law enforcement agencies.

## 2 Threat Assessments

The campus behavior coordinator or other appropriate administrator 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.

## 3 Arrest Notification to Schools

A school district shall provide notice as required under Article 15.27 of the Code of Criminal Procedure. The district will inform each educator who has responsibility for or is under the direction and supervision of an educator who has responsibility for, the instruction of a student who has engaged in any violation listed in TEC 37.007. Each educator shall keep the information received under this subsection confidential, except that the educator may share the information with the student's parent or guardian as provided for by state or federal law.

## 4 Procedural Requirements for Removal from a Classroom

### **Removal from the General Educational Setting**

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

#### **4.1 Routine Referral**

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



## 4.2 Formal Removal

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

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

Each school shall have a Campus Placement Review Committee (CPRC) composed of three members: two teachers chosen by the faculty, including an alternate, and a third professional staff member chosen by the principal. The teacher removing the student cannot serve on the committee. The committee will determine placement of a student when a teacher has removed the student and refuses to allow the return of the student to the class.

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

Otherwise, within three school days of the formal removal, the appropriate administrator shall schedule a conference with the student's parent/guardian, the student, the teacher who removed the student from class, and any other appropriate administrator.

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

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 instructional setting.
- In-school suspension—DMC.
- Out-of-school suspension—A student below grade 3 or who is identified as homeless may not be placed in out-of-school suspension, except for certain conduct that involves an offense related to weapons, violent crimes, drugs and/or alcohol.
- The DAEP.

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 does not require the use of internet.



### 4.3 Returning Student to Classroom

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

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

## 5 Out-of-School Suspension

A student may be suspended for no more than three school days per behavior violation, with no limit on the number of times a student can be suspended in a school year. Students may be suspended for any misbehavior listed in the Code as a general conduct violation for Levels III, IV, and V.

**Exception:** A student below grade 3 or who is identified as homeless may 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 certain conduct that involves an offense related to:

- Weapons.
- Violent crimes.
- Drugs and/or alcohol.

Before being suspended, a student shall have an informal conference with the appropriate campus 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.

It is important consequences that accompany any disciplinary action are focused on creating learning opportunities for the student. Our goal is to keep students in class and engaged in the learning environment. We ask that schools utilize alternatives to suspension, when deemed appropriate, to assure that the student has continued access to quality instruction and to avoid any negative effects that accompany being away from the classroom. Evidence-based restorative alternatives to suspension are provided to campus administrators along with step-by-step guidance for implementation.

The decision to suspend depends on the offense, previous actions, and the seriousness of the misbehavior. Out-of-school suspension shall be used sparingly. Per TEC 37.005, an out-of-school suspension may not exceed three school days.



Before suspending a student, restorative alternatives will be given consideration; however, it is not necessary that other disciplinary actions precede the use of suspension. The principal may suspend a student or place a student in in-school suspension—DMC or on campus intervention pending a complete investigation and recommendation for removal or expulsion.

School personnel shall notify the parent prior to suspending a student from school.

The term of suspension concludes at the end of the school day on the last day of suspension.

Suspension prohibits the student from attending or participating in school-sponsored or school-related activities, including, but not limited to, extracurricular activities and suspension of honorary privileges. While suspended, the student is prohibited from being on any Cypress-Fairbanks ISD campus property including, but not limited to, buses, district vehicles, and campus facilities. The campus principal has the final authority regarding a decision to suspend.

## 6 Procedural Requirements for Removal to a DAEP

### 6.1 Conference

When a student is removed from class for an offense that can result in a placement to SOS or ALC, the CBC shall schedule a conference within three school days with the student's parent/guardian and the student.

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

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

### 6.2 Consideration of Mitigating Factors

In deciding whether to place a student in a DAEP, regardless of whether the action is a Level III, IV, or V violation, the district will consider:

1. Self-defense.
2. The student's disciplinary history.
3. Intent or lack of intent at the time the student engaged in the conduct.
4. The student's disability (a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct).
5. A student's status in foster care.



6. A student's status as homeless.

### 6.3 Placement Order

After the conference, if the student is placed in an alternative school, the campus administrator shall write a placement order. A copy of the 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.

Not later than the second business day after the conference, the board's designee shall deliver to the juvenile court a copy of the placement order and all information required by Section 52.04 of the Family Code.

If the student is placed in at an alternative school and the length of placement is inconsistent with the guidelines included in this Code, the placement order shall give notice of the inconsistency.

### 6.4 Terms of DAEP Discipline Removals

Students placed at an alternative learning center or SOS will be placed for a designated length of time. The principal has the discretion to amend placement length.

The typical length of time for placement in a DAEP is as follows:

- Special Opportunity School (SOS) Elementary students: 10-45 days. No transportation provided.
- Alternative Learning Center-East and West (ALC-E, ALC-W) Secondary students: 10-45 days. Modified transportation provided.

Campus administrators have the authority to review and reduce placement lengths for students already assigned to the DAEP at any time during the school year.

Every grading period, the Office of Student Services, in collaboration with the campus principal, may review and close out placements.

### DAEP

The DAEP shall be provided in a setting other than the student's home campus:

- SOS, (Age 6–Grade 5), Adam Elementary, 11303 Honey Grove Lane, Houston, TX 77065; telephone # 281-897-4485
- Alternative Learning Center-East (ALC-E), (Grades 6-12), 12508 Windfern Road, Houston, TX 77064; telephone # 281-897-4171
- Alternative Learning Center-West (ALC-W), (Grades 6-12), 19350 Rebel Yell, Katy, TX 77449; telephone # 281-855-4310



The DAEP curriculum shall include English, language arts, mathematics, science, history, and self-discipline and shall provide for the student's educational and behavioral needs through supervision and counseling. The district is not required to provide courses other than those listed above.

Students assigned to a DAEP shall be permitted to continue enrollment in advanced courses. Advanced grade points will be awarded. Depending on the course, students may encounter different options to support their continuation in advanced courses:

- A student may enroll in an online version of the course when the particular course is available in the district's online course program.
- The home campus may facilitate the transport of assignments, tests, etc. to the student at the DAEP.
- The student may be required to do additional and/or different assignments to earn advanced grade points in these courses.

The district will attempt to support students so that they may continue in courses that fulfill graduation requirements and endorsement choices.

While assigned to a DAEP, the student is prohibited from being on any Cypress-Fairbanks ISD property or attending any school-sponsored or school-related activity, on or off school property. Activities include, but are not limited to, school dances, tutorials, prom, and athletic events.

A student placed in a DAEP shall be provided a status review, including a review of the academic status, by the principal of the alternative school at intervals not to exceed 120 days. In the case of a high school student, the review shall include the student's progress toward meeting high school graduation requirements and shall establish a specific graduation plan for the student. At the review, the student, parent, or guardian may also present reasons or information in support of returning the student to their home campus.

If, during the term of removal to a DAEP, a student engages in additional conduct for which removal is required or permitted, additional proceedings and consequences may occur.

If a student enrolls in the district after having been placed in a DAEP by another district, in the state, out-of-state, or by an open-enrollment charter school, the district may continue the DAEP placement. If the prior district was out-of-state, the district can continue the DAEP placement provided the grounds for placement by the out-of-state district are grounds for placement in the district. The placement may not exceed one year unless the district determines that the student is a threat to the safety of others, or the continued placement is in the best interest of the student.

Students assigned to a DAEP will return to their home campus after their assigned number of days. Campus staff shall provide transition services to a student returning to the regular classroom from an alternative education program, including a DAEP.



Students who have been removed to a DAEP will be provided an opportunity to complete coursework required for graduation at no cost to the student.

If end of placement occurs during the last two weeks of a semester, students shall be provided the option of remaining at the DAEP for exams.

## **Off-campus Felony Removals to a DAEP following Notice of Article 15.27(g), Texas Code of Criminal Procedure**

- The Texas Code of Criminal Procedure, Article 15.27(g) requires the prosecuting attorney to notify school district officials if:
  - The case is not going to be prosecuted.
  - The case was dismissed with prejudice due to a finding by the court jury in favor of the student.
- On receipt of notice under Article 15.27(g), Texas Code of Criminal Procedure, the superintendent or designee shall schedule a conference with the student's parent or guardian within three days following the day of receiving notice from the office or official designated by the court.
- After reviewing the notice and receiving information from the student's parent or guardian, the superintendent or designee may continue the student's placement in the DAEP 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 parent or student may appeal the decision of the superintendent or designee to the Board of Trustees.
- The board shall, at the next regularly scheduled meeting, review the notice provided by Article 15.27 (g), Code of Criminal Procedure, and receive information from the student, the student's parent or guardian, and superintendent or designee, then uphold, amend, or rescind the decision of the superintendent or designee.
- The board shall make a record of the proceedings, and if upholding the superintendent or designee's decision to continue the placement, shall inform the student's parent or guardian of the right to appeal the Board's decision to the Commissioner of Education as provided by Sections 7.057 (b), (c), (d), and (f) of the TEC.
- Pending any level of appeal, the student may not be returned to the regular classroom.

## **Removal to the DAEP NOT Extending Beyond the End of the Next Grading Period**

- The board has delegated to the principal, associate principal and assistant principal, the final authority to assign to students DAEP placements, suspensions, DMC assignments, and all campus-level discipline that does not extend beyond the end of the next grading period.





- The principals have delegated to the CBCs the authority to assign students campus-level discipline and remove students to the DAEP. In assigning discipline, assistant and/or associate principals shall notify a student of the reason for the consequence and grant the student an opportunity to give their version of the incident.
- The student will have an opportunity to appeal the decision of the administrator making the recommendation to the principal or designee.
- The decision of the principal is final and may not be appealed.

## **Removal to the DAEP Extending Beyond the End of the Next Grading Period**

- If the term of the placement, as recommended by the campus administrator, extends beyond 60 calendar days or the end of the next grading period, the student is entitled to a Level II appeal hearing to have the decision reviewed. The student is entitled to notice and an opportunity to participate in a proceeding before the Office of Student Services.
- In the event of a student appeal to the Office of Student Services, the district shall not delay disciplinary consequences. The student will be assigned to the DAEP pending an appeal.
- The campus administrator shall inform the student's parent or guardian in writing of the right to appeal and shall describe the procedures for scheduling an appeal with that office. The parent or guardian may waive the right to an appeal.
- Procedures for an appeal to the Office of Student Services:
  - The parent shall contact the Office of Student Services at (281) 897-4000 to schedule an appeal hearing within three business days following the campus decision to remove the student to a DAEP.
  - Notice of the hearing (date/time/location) will be provided to the parent.
  - The hearing shall be with a designated hearing officer and a review panel.
  - The hearing is intended to be an informal process and traditional courtroom rules of evidence do not apply. In addition, while either side may present witnesses as part of that side's affirmative presentation, the parties are not allowed to question the other side's witnesses.
  - Following the presentation by the campus administration and the student or student's representative, the hearing officer and panel will decide to uphold, amend, or rescind the campus recommendation. The decision will be communicated to the student's parent.
  - The decision of the hearing officer and the discipline review panel is final and may not be appealed.



## Removal to the DAEP Extending Beyond the End of the School Year

Before a student may be placed in a disciplinary alternative education for a period that extends beyond the end of the school year, the campus administrator must determine that either:

- The student's presence in the regular classroom program or at the home school presents a danger of physical harm to the student or to other individuals, or
- The student has engaged in serious or persistent misbehavior that violates the district's previously communicated standards of student conduct.

The student may appeal a removal extending beyond the end of the school year. (See Removal to the DAEP Extending Beyond the End of the Next Grading Period)

## 7 Procedural Requirements for Expulsion

If Level V misconduct occurs, the student and the parents or guardian shall be informed in writing by the campus administrator of the allegations and the recommendation for expulsion. A decision to expel a student shall not be implemented until there has been a full hearing, unless the right to such a hearing is specifically waived in writing. The school district shall be responsible for providing an immediate educational program to students who engage in behavior resulting in expulsion but are not eligible for mandatory placement into the Harris County JJAEP.

### 7.1 Expulsion Hearings

- A hearing will be held as soon as it is practical after notice of the proposed expulsion is provided to the student's parent or guardian.
- The student will receive prior notice of the alleged misconduct and the proposed sanctions as to afford a reasonable opportunity for preparation. The notice shall be in writing and advise of the nature of the evidence.
- The district shall not delay disciplinary consequences. The student will be assigned to the DAEP pending an appeal.
- The student has a right to a full and fair hearing before a competent forum.
- The student has a right to be represented by the parent or guardian or another adult who can provide guidance to the student and who is not an employee of the school district.
- The student will be provided the opportunity to testify and to present evidence and witnesses in their defense.
- The student will have the opportunity to examine the evidence presented by the school administrator.
- Courtroom rules of evidence will not apply, but all evidence and testimony must be relevant to the hearing.



- An audio recording of the hearing will be made.
- If the school district makes a good faith effort to inform the student and parent or guardian of the time and place of the hearing, the district may hold the hearing regardless of whether the student, parent or guardian or another adult representing the student attends.

## 7.2 Further Action at Board Level and Beyond

- If the student/parent wishes to appeal the decision of the hearing officer, the parent must make that request in writing to the Superintendent of Schools within three business days of the receipt of the hearing officer's decision to expel. The appeal is heard by the Board of Trustees.
- The student will be assigned to the JJAEP pending an appeal to the Board of Trustees.
- The appeal is based on the record of the previous hearing. The record of the hearing includes an audio recording of the hearing, documentation presented at the hearing, and correspondence regarding the hearing. No additional evidence or testimony can be introduced at the board level.
- The appeal of the hearing officer's decision to expel will be placed on the agenda of the next regularly scheduled board meeting.
- The hearing before the board will be in closed session unless the parent requests in writing that the matter be held in an open meeting.
- The student and/or parent/guardian will be given 10 minutes to provide an oral presentation based upon the record of the previous hearing to support their position.
- The district/campus administrator will be given 10 minutes to support their position.
- The decision of the Board of Trustees to uphold, amend, or rescind the administration's expulsion recommendation will be provided in writing to the student's parent or guardian.
- A decision of the Board of Trustees to expel a student may be appealed in the District Court of Harris County.

## 7.3 DAEP Campus-Level Expulsion Hearings and Appeals Process

- A student may be expelled for serious misbehavior while placed in a DAEP.
- The DAEP campus principal recommends expulsion for students who engage in serious misbehavior while in a DAEP.
- If the student/parent wishes to appeal the decision of the DAEP campus principal, the request must be made in writing to the Office of Student Services within three business days of notification of the principal's decision to expel.



- A hearing will be scheduled before the district's designated hearing officer and a discipline review panel within a reasonable time of receiving the request to appeal, unless there are extenuating circumstances. The appeal will be based on the record of the previous hearing at the campus level.
- The hearing will follow the general procedures as outlined in Section 7.1 Expulsion Hearings.
- The appeal of the decision of the Office of Student Services is made to the Board of Trustees and follows the process as outlined in Section 7.2 Further Action at Board Level and Beyond.

## 7.4 Additional Expulsion Information

- Federal law requires that a student expelled for a firearms violation must be expelled from the student's regular campus for a period of at least one year.
- The superintendent or other chief administrative officer of the school district or of the other local educational agency, as defined by 20 U.S.C. Section 7801, using their professional judgment and discretion, may modify the length of expulsion.
- The district shall provide educational services to an expelled student in a DAEP if the student is younger than 10 years of age on the date of expulsion.
- Students under six years of age shall not be placed in a DAEP unless the student commits a federal firearm offense.
- If a student withdraws from the district before an order of expulsion is entered, the principal or board, as appropriate, may complete the proceedings and enter an order. If an order is not entered, the next district in which the student enrolls may complete the proceedings and enter an order. If, during the term of expulsion, a student engages in additional conduct for which expulsion is required or permitted, additional proceedings may be conducted regarding that conduct and the principal or board or its designee, as appropriate, may enter an additional order of expulsion.
- Campus staff shall provide transition services to a student returning to the regular classroom from an alternative education program, including a JJAEP.



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**Note:**



- JJAEP for expelled students age 10 and older; 45 successful days of attendance to one calendar year. Transportation provided.
  - If end of expulsion occurs during the last two weeks of a semester, students will be provided the option of remaining at JJAEP for exams.
  - All expulsions will be assigned for the designated length of time or one calendar year, whichever occurs first.
  - A second JJAEP expulsion in the same school year will result in a one calendar year expulsion.
  - Level V mandatory expulsions for infractions occurring while student is assigned to the DAEP may result in an expulsion to JJAEP for up to one calendar year.
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## 8 Students Seeking Admission or Re-enrolling

Generally, the district adheres to the previous district's placement recommendation or expulsion order and will enroll the student in the DAEP for the recommended term of placement. If a student enrolls prior to another district entering a placement recommendation or expulsion order, the district reserves the right to complete the proceedings and enter an order for removal.

In some cases, an enrolling student is exiting a more restrictive placement such as a boot camp or a Texas Youth Commission facility. In order to provide a successful transition for that student, the district may utilize an interim placement in a DAEP before enrolling the student at their home campus. Campus staff shall provide transition services to a student returning to the regular classroom from a residential program or facility operated by or under contract with the Texas Juvenile Justice Department, a juvenile board, or any other governmental entity.

When a student is recommended for a DAEP (SOS, ALC) or expulsion to the JJAEP by Cypress-Fairbanks ISD and withdraws before completing or serving the disciplinary assignment, the campus administration, with district administration approval, reserves the right to reassign the student to a DAEP if the student re-enrolls in the district. If a student withdraws from the district before an order for placement in a DAEP is entered, the principal may complete the proceedings and enter an order. The re-entry assignment will be determined based on the student's date of withdrawal, the reason for the placement, the mitigating factors listed in Section 4 Behavior Management Techniques, the student's interim placement and progress, and any documented interventions.



## 9 Additional Procedures

### 9.1 Emergency Placement or Expulsion

The TEC allows the principal to order the immediate placement or expulsion of a student in a DAEP if the student's behavior is so unruly, disruptive, or abusive that it interferes with:

1. The teacher's ability to communicate effectively.
2. The student's classmates' ability to learn.
3. The operation of the school or school-sponsored activity.

At the time of emergency placement or emergency expulsion, the student will be given oral notice for the reason of the action. Within 10 days after the action, notice shall be provided to the student's parents or guardian concerning the student's rights and entitlement to a conference or hearing as described in the sections on DAEP or expulsion.

### 9.2 Sexual Assault and Campus Assignments

If a 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 guardian requests that the offending student be transferred to another campus, the offending student shall be transferred to another campus in the district. If there is no other campus in the district serving the grade level of the offending student, the offending student shall be transferred to a DAEP.

### 9.3 Use of Physical Restraint

Any district employee may, within the scope of the employee's duties, use physical restraint with a student if the employee reasonably believes it is necessary in order to:

- Protect a person from physical injury.
- Obtain possession of a weapon or other dangerous objects.
- Protect property from serious damage.
- Remove from a specific location a student refusing a lawful request of a school employee, including removal from a classroom or other school property, in order to restore order or to impose disciplinary measures.



## 9.4 Victim of a Violent Crime Transfer

A student who becomes a victim of a violent criminal offense as defined by the Penal Code and listed below, or who is assigned to a campus identified by the Texas Education Agency (TEA) as persistently dangerous, shall be offered a transfer to another school within the district. For each transfer requested, the district shall explore transfer options, as appropriate. For purposes of determining Unsafe School Choice Option (USCO) transfer eligibility, a student is considered a victim of a violent criminal offense if, while on the premises of a school or while attending a school-related activity on or off school property, they become a victim of any of the following violent criminal offenses, including:

- Attempted murder.
- Indecency with a child.
- Aggravated kidnapping.
- Aggravated assault on someone other than a district employee or volunteer.
- Sexual assault or aggravated sexual assault against someone other than a district employee or volunteer.
- Aggravated robbery.
- Continuous sexual abuse of a young child or disabled individual.

Contact a campus administrator for information regarding a violent crime transfer request.

Section VI Cypress-  
Fairbanks ISD Police  
Department







The Cypress-Fairbanks ISD Police Department is a 24-hour full-service law enforcement agency staffed by both Texas Commission on Law Enforcement (TCOLE) certified peace officers and civilian support personnel. It is dedicated to the safety and welfare of all students, faculty, staff, and visitors to include the protection of both life and all district property and assets.

The Cypress-Fairbanks ISD Police Department's primary jurisdiction includes all the geographical territory within the contiguous boundaries of the district, as well as any property outside the district that is owned, leased, or otherwise under the control of the Board of Trustees.

District police officers have all the powers, privileges, and immunities of licensed peace officers in Texas, both on and off duty. The primary duties of district police officers, as guided by relevant articles of the Texas Code of Criminal Procedure and the TEC, are to:

1. Protect the safety and welfare of any person engaged in the educational process within the jurisdiction of the district and protect the property, real and personal, of the district.
2. Assist in the enforcement of district policies on district property, in school zones, at bus stops, or at district functions.
3. Investigate violations of district policy, rules, and regulations as requested by the chief of police or superintendent and participate in administrative hearings concerning the alleged violations.
4. Enforce all laws, including municipal ordinances, county ordinances, and state laws, and investigate violations of law as needed.
5. Arrest suspects consistent with state and federal statutory and constitutional standards governing arrests, including arrests without warrant, for offenses that occur in the officer's presence or under the other rules set out in the Texas Code of Criminal Procedure.
6. Coordinate and cooperate with commissioned officers of all other law enforcement agencies in the enforcement of this policy as necessary.
7. Carry out all other duties as directed by the chief of police or superintendent.

District police officers do not engage in routine or administrative matters related to students, such as student discipline or supervision of students that is unrelated to a law enforcement duty. However, as district employees, district police officers may have informal contact with students unrelated to either law enforcement duties, assigned duties of the officers, or student behavior.

Persons detained by CFISD Police for criminal charges, including juveniles 10-16 years of age, must be fingerprinted and photographed before being released back to a parent or being transported to a confinement facility.



# 1 Cooperation with Law Enforcement Agencies

## 1.1 School-Related

In order to maintain a safe and orderly environment, school personnel have the authority and responsibility to question students regarding their conduct and conduct of others.

Campus administrators shall have the responsibility and authority to determine when CFISD Police Department assistance may be needed within their respective jurisdiction. The CFISD Police Department may be summoned to keep or restore order at school or school-related activities, or to assist or conduct an investigation of alleged criminal conduct on school premises or at school-related activities. Officers may possess audio and/or video recording devices and may record conversations with students.

## 1.2 Non-School-Related

The district and school personnel will reasonably cooperate with outside law enforcement agencies (non-CFISD police officers) and/or other legal authorities who are acting in conjunction with a valid subpoena, court order, warrant, or directive to apprehend, or who have indicated an intent to take a student into custody and remove the student from campus for an investigation regarding a non-school-related matter under Texas Family Code Section 52.01. Absent one of these provisions, however, an outside law enforcement officer or official may interview a student at school only under the following circumstances:

1. The principal has viewed and verified the identity of the officer or other authority and has requested and received an explanation of the necessity for questioning the student during school hours.
2. Unless the law enforcement officer or other authority raises what the principal or other administrator considers a valid objection, the administrator shall make reasonable efforts to contact the student's parent/guardian and obtain parental permission for the interview.
3. Reasonable efforts are made to interview the student out of the view of other students and in the presence of an administrator.

# 2 Arrest of Students on Campus

If a student at school is subject to arrest or apprehension by law enforcement officials, the principal or designee must confirm the officer's identity and authority. After the identity is confirmed, the administrator of the campus will deliver the student into the officer's custody. The principal or designee shall immediately make reasonable efforts to notify the student's parents



and the appropriate district administrator. A written record of the occurrence will be made by the campus administrator.

### 3 Ticketing of Students

In addition to school disciplinary action, students may receive written citations or criminal complaints filed against them by the CFISD Police Department in accordance with state law.

Failure to appear in court may cause the driver's license application to be flagged by the Texas Department of Public Safety, preventing the issuance of a driver's license when an application is submitted, or an arrest warrant may be issued by the court.

The ticketing of students by the CFISD Police Department or the filing of other charges through the Harris County District Attorney's office may not always occur on the date of the offense. This could include, but not be limited to, the following reasons: an ongoing investigation, gathering of statements, scheduled school holiday, illness/absence of the officer, illness/absence of the student(s) involved, or the later presentation of evidence to the District Attorney's Office.

Charges for misdemeanors may be filed for a period of up to two years after an offense has occurred. Felony charges may be filed beyond the two-year period, depending on the nature of the offense.

### 4 Reports to CFISD Police Department

According to TEC Section 37.015, principals are required to report to the CFISD Police Department the following offenses:

- Conduct that may constitute an offense listed under Section 508.149, Government Code.
- Deadly conduct under Section 22.05, Penal Code.
- Terroristic threat under Section 22.07, Penal Code.
- Use, sale, or possession of a controlled substance, drug paraphernalia, or marijuana under Chapter 481, Health and Safety Code.
- Possession of any weapon or devices listed under Sections 46.01 (1)—(14) or 46.01 (16) Penal Code.
- Conduct that may constitute a criminal offense under Section 71.02, Penal Code.
- Conduct that may constitute a criminal offense for which a student may be expelled under Section 37.007 (a), (d), or (e).
- Engages in conduct that contains the elements of the offense of unlawfully carrying weapons under Section 46.02, Penal Code, or elements of an offense relating to prohibited weapons under Section 46.05, Penal Code.



- Aggravated assault under Section 22.02, Penal Code, sexual assault under Section 22.011, Penal Code, or aggravated sexual assault under Section 22.021, Penal Code.
- Arson under Section 28.02, Penal Code.
- Murder under Section 19.02, Penal Code, capital murder under Section 19.03, Penal Code, or criminal attempt to commit murder or capital murder, under Section 15.01, Penal Code.
- Indecency with a child under Section 21.11, Penal Code.
- Aggravated kidnapping under Section 20.04, Penal Code.
- Aggravated robbery under Section 29.03, Penal Code.
- Manslaughter under Section 19.04, Penal Code.
- Criminally negligent homicide under Section 19.05, Penal Code.
- Continuous sexual abuse of young child or children under Section 21.02, Penal Code.
- Felony drugs and alcohol.
- Certain retaliatory acts against a volunteer or employee.
- Federal firearm offense.

## 5 Court Involvement

Not later than the second business day after the date a hearing is held in which a student is expelled or placed in an alternative educational program, the Board of Trustees of a school district or the board's designee shall deliver a copy of the order placing a student in a DAEP under TEC Section 37.006, or expelling the student under Section 37.007, along with any information required by Section 52.04, Texas Family Code, to the authorized officer of the juvenile court of Harris County. An expelled student shall, to the extent provided by law or the memorandum of understanding, immediately attend the educational program from the date of expulsion. If the student is expelled for serious misbehavior while in a DAEP, the district shall refer the student to the authorized officer of the juvenile court for appropriate proceedings under Title 3, Texas Family Code.

## 6 Searches Conducted by Authorities

- District officials may conduct searches of students, their belongings, and their vehicles in accordance with state and federal law and district policies. Searches of students shall be conducted in a reasonable and non-discriminatory manner. Refer to the district's policies at FNF (LEGAL) and FNF (LOCAL) for more information regarding investigations and searches.
- Students shall be free from unreasonable search and seizure by school officials. School officials may search a student's outer clothing, pockets, or property by establishing reasonable



suspicion or securing the student's voluntary consent. The official may ask the student to remove objects being stored or hidden in clothing.

- Searches of the student's person or vehicle shall be conducted only if individualized suspicion exists to believe that the student possesses contraband (e.g., weapons, drugs).
- Areas such as lockers, which are owned and jointly controlled by the district, may be searched if reasonable suspicion exists to believe that contraband is inside the locker.
- If outside law enforcement authorities are involved in a search, the search shall be conducted under criminal law standards rather than under the provisions of this policy.
- School personnel are not to use physical restraint to conduct searches. If a student refuses to cooperate, where there is reasonable suspicion, the student's parents are to be notified, and the student becomes subject to disciplinary sanctions, and/or legal action.
- If a student leaves the scene of a search without permission, the student will become subject to disciplinary sanctions and/or legal action. The student may also be held responsible for reimbursement or restitution.
- The principal shall immediately make reasonable efforts to notify the student's parent that a search was conducted.
- Vehicles with or without a campus parking permit may be searched for drugs and weapons.

## 7 Use of Security Cameras

The district utilizes security cameras, audio, and video recording devices at school campuses and other district facilities. These may be located in instructional and non-instructional areas such as cafeterias, hallways, entryways, parking lots, and areas designated by law. The district also randomly places video cameras on school buses to record student behavior. The district may view recordings to aid in the investigation of student misconduct and violations of the Student Code of Conduct.

- Schools have surveillance cameras, burglar alarm systems, and fire alarm systems that are monitored around the clock by the CFISD Police Department.
- Video surveillance cameras are installed on CFISD buses and located in all CFISD facilities. Facility video is monitored, and surveillance records are created and maintained by the CFISD Police Department. The Transportation Department maintains digital video from the buses.
- Video surveillance may only be available to district administrators for 15 days after the date of the incident. Unless the video becomes an educational record, surveillance video from a bus or campus may only be viewed by district administrators.



## 8 Use of Trained Dogs (Use of Police K-9s)

In an effort to proactively address the growing threat of drugs and other illegal items in the schools, and to maintain a safe school environment conducive to the educational process, the district will use certified police K-9s to detect concealed drugs, explosives, and firearms on school property. The CFISD Police Department dog handlers will use specially certified Police K-9s trained to detect illicit substances such as drugs, firearms, and explosives. Visits to schools will be random and unannounced. Police K-9s will be utilized to conduct open-air sniffs in classrooms, lockers, and vehicles parked on school property, as well as other common areas throughout the school building, to include but not be limited to cafeterias, open areas such as foyers, waiting areas, hallways, auditoriums, and gymnasiums.

If a K-9 alerts to a particular locker, vehicle, or an item in a common area, it shall be searched. If the K-9 alerts to a vehicle, the student will be asked to unlock the vehicle and trunk for an internal inspection. If the student refuses consent, the police department will enter the vehicle in order to conduct a probable cause search.

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### Note:

- Lockers remain under the jurisdiction of the district, which maintains ownership and are subject to search at any time. A student does not have any expectation or right to privacy in the locker at any time. Students are responsible for anything found in their lockers.
- All vehicles parked in school parking lots shall be subject to an open-air sniff at any time. Students are responsible for anything found in their vehicles.
- Classroom and other common areas are subject to an open-air sniff at any time, once students have been removed, and items such as personal belongings, backpacks, and purses are left.
- If any prohibited object or substance is found, the student may be subject to appropriate disciplinary action, including removal, suspension, expulsion, and lawful action by the Cypress-Fairbanks-ISD Police Department.



## 9 Use of Metal Detectors

Cypress-Fairbanks ISD has a compelling interest:

- To educate and train its students in an environment conducive to learning.
- To maintain discipline in the classroom, on school grounds, and at school activities.
- To provide a safe environment for its students, employees, and patrons.
- To deter weapons on school property and at school-related activities.



The district finds that incidents involving the presence of weapons or contraband have occurred on school property and at school-related activities. The district is authorized to use metal detectors to screen for weapons and other contraband. The student's parent or guardian shall be notified if any prohibited items are found on the student's person or in their possession as a result of a search conducted in accordance with this policy. If students are found to be in possession of prohibited items, the district will administer discipline based on the Student Code of Conduct.

Texas Education Code 37.0021 does not apply to a peace officer, while performing law enforcement duties, except as provided by TEC 37.0021(i). "Law Enforcement Duties" means activities of a peace officer relating to the investigation and enforcement of state criminal laws and other duties authorized by the Code of Criminal Procedure.

Further, TEC 37.0021 does not prevent a student's locked, unattended confinement in an emergency situation while awaiting the arrival of law enforcement personnel if:

1. The student possesses a weapon.
2. The confinement is necessary to prevent the student from causing bodily harm to the student or another person.

# Section VII Glossary







Acronym	Definition
ALC	Alternative Learning Center
ARD	Admissions, Review and Dismissal
BIP	Behavior Intervention Plan
CBC	Campus Behavior Coordinator
CODE	The district's Student Code of Conduct contains the rules, policies, and procedures pertaining to student expectations, behavior, and conduct.
CPRC	Campus Placement Review Committee
CPS	Child Protective Services
DAEP	Disciplinary Alternative Education Program (See CC-52 & 53) for list of DAEPs
DFPS	Department of Family and Protective Services
DH	Detention Hall
DMC	Discipline Management Class
EOC	End of Course (part of STAAR Testing at the high school level)
FAPE	Free and Appropriate Public Education
FBA	Functional Behavioral Assessment
IDEIA	Individuals with Disabilities Education Improvement Act
IEP	Individual Education Program
ISD	Independent School District
ISS	In-School Suspension
JJAEP	Juvenile Justice Alternative Education Program
MDR	Manifestation Determination Review
PBIS	Positive Behavioral Interventions and Supports



Acronym	Definition
SOS	Special Opportunity School
TEA	Texas Education Agency
TEC	Texas Education Code
THC	Tetrahydrocannabinols
US	United States
USCO	Unsafe School Choice Option

**Abusable volatile chemical** means a chemical, including aerosol paint, that when inhaled, ingested, or otherwise introduced into a person's body, may affect the person's central nervous system, create or induce in the person a condition of intoxication, hallucination, or elation, or change, distort, or disturb the person's eyesight, thinking process, balance, or coordination as provided in Chapter 485 of the Health and Safety Code.

**Abuse** is improper or excessive use.

**Aggravated Assault**—under Penal Code 22.02, a person commits an offense if the person commits assault as defined in Sec. 22.01 and the person:

1. Causes serious bodily injury to another, including the person's spouse.
2. Uses or exhibits a deadly weapon during the commission of the assault.

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

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

**Aggravated Kidnapping** under Penal Code 20.04, **(a)** a person commits an offense if he intentionally or knowingly abducts another person with the intent to:

1. Hold him for ransom or reward.



2. Use him as a shield or hostage.
3. Facilitate the commission of a felony or the flight after the attempt or commission of a felony.
4. Inflict bodily injury on him or violate or abuse him sexually.
5. Terrorize him or a third person.
6. Interfere with the performance of any governmental or political function.

**(b)** A person commits an offense if the person intentionally or knowingly abducts another person and uses or exhibits a deadly weapon during the commission of the offense.

**Aggravated Sexual Assault** under Penal Code 22.021, a person commits an offense if the person:

- a. Intentionally or knowingly:
  - i. Causes the penetration of the anus or sexual organ of another person by any means, without that person's consent.
  - ii. Causes the penetration of the mouth of another person by the sexual organ of the actor, without that person's consent.
  - iii. Causes the sexual organ of another person, without that person's consent, to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor.
- b. Regardless of whether the person knows the age of the child at the time of the offense, intentionally or knowingly:
  - i. Causes the penetration of the anus or sexual organ of a child by any means.
  - ii. Causes the penetration of the mouth of a child by the sexual organ of the actor.
  - iii. Causes the sexual organ of a child to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor.
  - iv. Causes the anus of a child to contact the mouth, anus, or sexual organ of another person, including the actor.
  - v. Causes the mouth of a child to contact the anus or sexual organ of another person, including the actor.

And if the person:

- i. Causes serious bodily injury or attempts to cause the death of the victim or another person in the course of the same criminal episode.
- ii. By acts or words places the victim in fear that any person will become the victim of an offense under Section 20A.02(a)(3), (4), (7), or (8) or that death, serious bodily injury, or kidnapping will be imminently inflicted on any person.



- iii. By acts or words occurring in the presence of the victim threatens to cause any person to become the victim of an offense under Section 20A.02(a)(3), (4), (7), or (8) or to cause the death, serious bodily injury, or kidnapping of any person.
  - iv. Uses or exhibits a deadly weapon in the course of the same criminal episode.
  - v. Acts in concert with another who engages in conduct described by Subdivision (1) directed toward the same victim and occurring during the course of the same criminal episode.
  - vi. With the intent of facilitating the commission of the offense, administers or provides to the victim of the offense any substance capable of impairing the victim's ability to appraise the nature of the act or to resist the act.
- c. The victim is younger than 14 years of age, regardless of whether the person knows the age of the victim at the time of the offense.
  - d. The victim is an elderly individual or a disabled individual.

**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:

1. A crime that involves starting a fire, regardless of whether the fire continues after ignition, or causes an explosion with intent to destroy or damage,
  - a. Any vegetation, fence, or structure on open-space land, or
  - b. Any building, habitation, or vehicle:
    - i. Knowing that it is within the limits of an incorporated city or town.
    - ii. Knowing that it is insured against damage or destruction.
    - iii. Knowing that it is subject to a mortgage or other security interest.
    - iv. Knowing that it is located on property belonging to another.
    - v. Knowing that it has located within it property belonging to another.
    - vi. When the person starting the fire is reckless about whether the burning or explosion will endanger the life of some individual or the safety of the property of another.
2. 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.
3. 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.



- b. Recklessly causes another person to suffer bodily injury or death.

**Article 15.27** is the official notification from a law enforcement agency notifying the school district that a student enrolled in the district has been arrested for certain types of offenses.

**Article 15.27(g)** is notification from a law enforcement agency when charges against a student are not billed or dismissed for lack of prosecutorial merit.

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

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

1. Has the effect or will have the effect of physically harming a student, damaging a student's property, or placing a student in reasonable fear of harm to the student's person or of damage to the student's property.
2. Is sufficiently severe, persistent, or pervasive enough that the action or threat creates an intimidating, threatening, or abusive educational environment for the student.
3. Materially and substantially disrupts the educational process or the orderly operation of a classroom or school.
4. Infringes on the rights of the victim at school.

Bullying includes cyberbullying.

TEC 37.0832, Bullying Prevention Policies and Procedures, apply to:

1. 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.
2. Bullying that occurs on a publicly or privately owned school bus or vehicle being used for transportation of students to and from school or a school-sponsored or school-related activity.
3. 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.

**Campus Behavior Coordinator (CBC)** is primarily responsible for maintaining student discipline. CFISD has designated the principal, associate principal, and assistant principals as CBCs.

**Capital Murder** under Penal Code 19.03, a person commits an offense if the person commits murder as defined under Section 19.02(b)(1) and:

1. The person murders a peace officer or fireman who is acting in the lawful discharge of an official duty and who the person knows is a peace officer or fireman.
2. The person intentionally commits the murder in the course of committing or attempting to commit kidnapping, burglary, robbery, aggravated sexual assault, arson, obstruction or retaliation, or terroristic threat under Section 22.07(a)(1), (3), (4), (5), or (6).
3. The person commits the murder for remuneration or the promise of remuneration or employs another to commit the murder for remuneration or the promise of remuneration.
4. The person commits the murder while escaping or attempting to escape from a penal institution.
5. The person, while incarcerated in a penal institution, murders another:
  - a. Who is employed in the operation of the penal institution.
  - b. With the intent to establish, maintain, or participate in a combination or in the profits of a combination.
6. The person:
  - a. While incarcerated for an offense under this section or Section 19.02, murders another.
  - b. While serving a sentence of life imprisonment or a term of 99 years for an offense under Section 20.04, 22.021, or 29.03, murders another.
7. The person murders more than one person:
  - a. During the same criminal transaction.
  - b. During different criminal transactions, but the murders are committed pursuant to the same scheme or course of conduct.
8. The person murders an individual under 10 years of age.
9. The person murders an individual 10 years of age or older but younger than 15 years of age.
10. The person murders another person in retaliation for or on account of the service or status of the other person as a judge or justice of the supreme court, the court of criminal appeals, a court of appeals, a district court, a criminal district court, a constitutional county court, a statutory county court, a justice court, or a municipal court.



**Chemical dispensing device** is defined by Penal Code 46.01 as a device designed, made, or adapted for the purpose of dispensing a substance capable of causing an adverse psychological or physiological effect on a human being. 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 specifically designed, made, or adapted for the purpose of inflicting serious bodily injury or death. A blackjack, nightstick, mace, and tomahawk are in the same category.

**Classroom** is any learning environment, online or in person, where students receive instruction, engage, interact with one another, and/or work in groups together.

**Classroom disruption** is any behavior that violates the rules of a particular classroom and interferes with the teacher's opportunity to present material or any other student's opportunity to concentrate on the material or assignment. This behavior may result in a Class C citation for "disruption of class" from the CFISD Police Department in accordance with state law.

**Continuous Sexual Abuse of a Young Child or Disabled Individual** under Penal Code 21.02, a person commits an offense if:

1. During a period that is 30 or more days in duration, the person commits two or more acts of sexual abuse, regardless of whether the acts of sexual abuse are committed against one or more victims.
2. At the time of the commission of each of the acts of sexual abuse, the actor is 17 years of age or older and the victim is:
  - a. A child younger than 14 years of age, regardless of whether the actor knows the age of the victim at the time of the offense.
  - b. A disabled individual.

**Criminal Attempt** under Penal Code 15.01, a person commits an offense if, with specific intent to commit an offense, he does an act amounting to more than mere preparation that tends but fails to effect the commission of the offense intended.

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

**Criminally Negligent Homicide** under Penal Code 19.05, a person commits an offense if he causes the death of an individual by criminal negligence.

**Controlled substance** means a substance, including a drug, an adulterant, and a dilutant, listed in Schedules I through V or Penalty Group 1, 1A, 1-B, 2, 2-A, 3, or 4 of the Texas Controlled Substances Act. The term includes the 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 (THC) in hemp.

**Cooling-off time** means a behavior management technique to provide a student with an opportunity to regain self-control, by separating the from other students for a limited period in a setting:

- That is not locked.
- From which the exit is not physically blocked by furniture, a closed door held shut from the outside, or another inanimate object.

**Cyberbullying** means 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 and is reckless as to whether the habitation, building, or vehicle is occupied.

**Deferred adjudication** is an alternative to seeking 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.





**Destructive device** means any explosive, incendiary, or poison gas bomb, grenade, rocket having a propellant charge of more than four ounces, missile having explosive or incendiary charge of more than one-quarter ounce, mine, or device similar to any of the preceding described devices. It also means any type of weapon (other than a shotgun shell or a shotgun that is generally recognized as particularly suitable for sporting purposes) by whatever name known which will, or which may be readily converted to expel a projectile by the action of an explosive or other propellant, and which has any barrel with a bore of more than one-half inch in diameter; and any combination of parts either designed or intended for use in converting any device into a destructive device as described in this item, and from which a destructive device may be readily assembled.

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

**Drug and/or alcohol offenses** as related to suspension of a student below grade 3 or who is identified as homeless pertains to 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.

**E-cigarette** is defined by the Health and Safety Code Section 161.081 as (i) an electronic cigarette or any other device that simulates smoking by using a mechanical heating element, battery, or electronic circuit to deliver nicotine or other substances to the individual inhaling from the device; or

(ii) 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 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, that is designed, made, or adapted for the purpose of inflicting serious bodily injury, death, or substantial property damage, or for the principal purpose of causing such a loud report as to cause undue public alarm or terror, and includes a device designed, made, or adapted for delivery or shooting an explosive weapon.

**Expulsion** means the removal of a student from the home campus to the JJAEP for certain offenses listed under Level V of the Student Code of Conduct.

**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 they know is false or baseless and that would ordinarily:

1. Cause action by an official or volunteer agency organized to deal with emergencies.



2. Place a person in fear of imminent serious bodily injury.
3. Prevent or interrupt the occupation of a building, room, or place of assembly.

**Firearm** is defined by federal law 18 U.S.C. Section 921 as:

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

Such term does not include an antique firearm.

**Foster care** means when children cannot live safely at home and an appropriate non-custodial parent, relative, or close family friend is currently unable or unwilling to care for them, the court can give temporary legal possession to Child Protective Services (CPS) and that agency temporarily places these children in foster care. Foster care settings include:

- Kinship Caregiver homes.
- Foster family homes.
- Foster family group homes.
- Residential group care facilities.
- Facilities overseen by another state agency.

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

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

**Harassment** is:

1. Conduct that meets with the definition established in district policies DIA [Local] and FFH [Local].
2. 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 substantially harms another student's physical or emotional health or safety, as defined in Section 37.001(b)(2) of the Education Code.



3. 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:
  - a. Initiating communication and, in the course of the communication, making a comment, request, suggestion, or proposal that is obscene, as defined by law.
  - b. Threatening, in a manner reasonably 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.
  - c. 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.
  - d. Causing the telephone of another to ring repeatedly or making repeated telephone communications anonymously or in a manner reasonably likely to harass, annoy, alarm, abuse, torment, embarrass, or offend another.
  - e. Makes a telephone call and intentionally failing to hang up or disengage the connection.
  - f. Knowingly permits a telephone under the person's control to be used by another to commit an offense under this section.
  - g. Sending repeated electronic communications in a manner reasonably likely to harass, annoy, alarm, abuse, torment, embarrass, or offend another.
  - h. 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.
  - i. 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, occurring on or off the campus of an educational institution, by one person alone or acting with others, directed against a student for the purpose of pledging, being initiated into, affiliating with, holding office in, or maintaining membership in a student organization, if the act meets the elements in Education Code 37.151 including:

1. Any type of physical brutality.
2. 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.

3. An activity that induces, causes, or requires the student to perform a duty or task that violates the Penal Code.
4. 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.

**Hit list** is defined in 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.

**Homeless children and youths** as stated in Federal definition- 42 U.S.C. Section 11434a means

1. Individuals who lack a fixed, regular, and adequate nighttime residence, and includes:
  - a. Children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; or are abandoned in hospitals.
  - b. Children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings.
  - c. Children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings.
  - d. Migratory children who qualify as homeless.

**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.

**Indecency with a Child** under Penal Code 21.11, a person commits an offense if, with a child younger than 17 years of age, whether the child is of the same or opposite sex and regardless of whether the person knows the age of the child at the time of the offense, the person:

1. Engages in sexual contact with the child or causes the child to engage in sexual contact; or
2. With intent to arouse or gratify the sexual desire of any person:
  - a. Exposes the person's anus or any part of the person's genitals, knowing the child is present; or
  - b. Causes the child to expose the child's anus or any part of the child's genitals.

**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 any person, and is reckless about whether another is present who will be offended or alarmed by the act.

**Intimate visual material** is defined by Texas 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.

**Knuckles** as defined by Penal Code 46.01 means an instrument consisting of finger rings or guards made of a hard substance and designed or adapted for inflicting serious bodily injury or death by striking a person with a fist enclosed in the knuckles.

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

**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.

**Manslaughter** under Penal Code 19.04, a person commits an offense if he recklessly causes the death of an individual.

**Murder** under Penal Code 19.02, a person commits an offense if he:

1. Intentionally or knowingly causes the death of an individual.
2. Intends to cause serious bodily injury and commits an act clearly dangerous to human life that causes the death of an individual.
3. Commits or attempts to commit a felony, other than manslaughter, and in the course of and in furtherance of the commission or attempt, or in immediate flight from the commission or attempt, he commits or attempts to commit an act clearly dangerous to human life that causes the death of an individual.

**Non-illegal knife** is defined as any bladed hand instrument with a blade length of five and one-half inches or less that is capable of inflicting injury.

**Online harassment** is defined as using the name or persona of another person to create a web page or to post one or more messages on a social networking site without obtaining the other person's consent, and with the intent to harm, defraud, intimidate, or threaten any person. It is further defined as sending an electronic mail, instant message, text message or similar communication that references a name, domain address, phone number or other item of identifying information belonging to any person without obtaining the other person's consent, with the intent to cause a recipient of the communication to reasonably believe that the other



person authorized or transmitted the communication, and with the intent to harm or defraud any person.

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

**Parent**—the term “parent” includes a parent, legal guardian, or other person having lawful control of the child.

**Possession** is defined as the actual or constructive care, custody, control, or management of an object or substance with intent or knowledge. A student shall be considered in possession of any substance or object prohibited or regulated by this Code if the substance or object is:

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

**Prohibited weapons** under Penal Code 46.05(a) means:

1. The following items unless registered in the National Firearms Registration and Transfer Record maintained by the 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 United States Department of Justice:
  - a. An explosive weapon.
  - b. A machine gun.
  - c. A short-barrel firearm.
2. Armor-piercing ammunition.
3. A chemical dispensing device.
4. A zip gun.
5. A tire deflation device.
6. An improvised explosive device.

**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 exempted 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.

**Restorative practices** is a relational approach to building school climate and addressing student behavior. Restorative practices focus on proactive approaches that facilitate respectful classrooms, developing rapport with students, managing conflicts, establishing routines and expectations for positive student behavior.

**Retaliation** is defined by Penal Code 36.06.

**School day** is defined as anytime students are under the direct supervision of a Cypress-Fairbanks ISD employee. This includes, but is not limited to, class time; before, during, or after any assessment; passing periods between classes; lunch time; recess; after school tutorials, detentions; field trips; and participating in school events. Students who need to use a telephone during the school day may use one of the school phones that are available for student use, upon request, and based on need.

**Self-defense** is the use of force against another to the degree a person reasonably believes the force is immediately necessary to protect themselves. Self-defense is deemed appropriate and will be considered as a mitigating circumstance only when the student has a reasonable belief that the force is immediately necessary to protect themselves against the other's use or attempted use of force that could result in serious bodily injury. Verbal assault or threat is never enough to justify self-defense. Reasonable belief in the school setting means a belief that would be held by the school principal in the same circumstances as the actor. Each student is responsible for making every effort to avoid the use of any force and is advised to remove themselves from the situation if at all possible. The district does not condone or authorize students to use force against another individual, even if that individual provokes or instigates a fight or altercation.

**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.
4. Conduct that constitutes the offense of:



- a. Public lewdness under Section 21.07, Penal Code.
- b. Indecent exposure under Section 21.08, Penal Code.
- c. Criminal mischief under Section 28.03, Penal Code.
- d. Personal hazing under Education Code Section 37.152.
- e. Harassment under Section 42.07 (a) (1), Penal Code, of a student or district employee.

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

- Behavior that is grounds for permissible expulsion or 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 schoolwork 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 Assault** under Penal Code 22.011, a person commits an offense if:

1. The person intentionally or knowingly:
  - a. Causes the penetration of the anus or sexual organ of another person by any means, without that person's consent.
  - b. Causes the penetration of the mouth of another person by the sexual organ of the actor, without that person's consent.
  - c. Causes the sexual organ of another person, without that person's consent, to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor.
2. Regardless of whether the person knows the age of the child at the time of the offense, the person intentionally or knowingly:
  - a. Causes the penetration of the anus or sexual organ of a child by any means.
  - b. Causes the penetration of the mouth of a child by the sexual organ of the actor.
  - c. Causes the sexual organ of a child to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor.





- d. Causes the anus of a child to contact the mouth, anus, or sexual organ of another person, including the actor.
- e. Causes the mouth of a child to contact the anus or sexual organ of another person, including the actor.

**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.

**Smoking/tobacco** violations, including smoking, using or possessing tobacco in any form by students is prohibited anywhere on the property of Cypress-Fairbanks ISD, in school vehicles, or on school-related trips. Class C tickets for minors in possession of alcohol and/or drugs/tobacco on school property may be issued by CFISD Police Department in accordance with state law.

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

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

**Tire deflation device** is defined in part by 46.01 of the Penal Code 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 19.02-19.05, Penal Code.
  - Kidnapping under Section 20.03-20.04, Penal Code.
  - Trafficking of persons under Section 20A.02-20A.03 Penal Code.
  - Smuggling or continuous smuggling of persons under Sections 20.05-20.06, Penal Code.
  - Assault under Section 22.01, Penal Code.
  - Aggravated assault under Section 22.02, Penal Code.
  - Sexual assault under Section 22.011, Penal Code.
  - Aggravated sexual assault under Section 22.021, Penal Code.
  - Unlawful restraint under Section 20.02, Penal Code.
  - Continuous sexual abuse of a young child or disabled individual under Section 21.02, Penal Code.
  - Bestiality under Section 21.09, Penal Code.
  - Improper relationship between educator and student under Section 21.12, Penal Code.
  - Voyeurism under Section 21.17, Penal Code.
  - Indecency with a child under Section 21.11, Penal Code.
  - Invasive visual recording under Section 21.15, Penal Code.
  - Disclosure or promotion of intimate visual material under Section 21.16, Penal Code.
  - Sexual coercion under Section 21.18, Penal Code.
  - Injury to a child, an elderly person, or a disabled person of any age under Section 22.04 Penal Code.
  - Abandoning or endangering a child, elderly individual, or disabled individual under Section 22.041, Penal Code.
  - Deadly conduct under Section 22.05, Penal Code.
  - Terroristic threat under Section 22.07, Penal Code.
  - Aiding a person to commit suicide under Section 22.08, Penal Code.
  - Tampering with a consumer product under Section 22.09, Penal Code.
  - Harassment by Persons in Certain Facilities or of Public Servant. Section 22.11, Penal Code.
- (See FOC [Exhibit]).

**Under the influence** means not having the normal use of mental or physical faculties. Impairment of a person's physical or mental faculties may be evidenced by a pattern of abnormal or erratic behavior, the presence of physical symptoms of drug or alcohol use, (including written



or oral admission). A student “under the influence” need not be legally intoxicated to trigger disciplinary action.

An assessment may be administered by a school nurse. If a student refuses to cooperate with the assessment, where there is reasonable cause or suspicion, the student’s parents are to be notified, and the student becomes subject to disciplinary sanctions.

**Unlawful Carrying of Weapons** is defined by Penal Code 46.02.

**Use** is defined as a student who has introduced into their body, by any means, a prohibited substance recently enough that it is detectable by the student’s physical appearance, aroma, actions (including written or oral admission), breath or speech.

**Violent crimes offenses** as related to suspension of a student below grade 3 or who is identified as homeless pertains to conduct that contains the elements of assault as provided by the Penal Code Section 22.01 Assault, Section 22.011 Sexual Assault, Section 22.02 Aggravated Assault, or Section 22.021 Aggravated Sexual Assault.

**Weapons offenses** as related to suspension of a student below grade 3 or who is identified as homeless pertains to conduct that contains the elements of a weapons offense, as provided in Penal Code Section 46.02 Unlawful Carry Weapons or 46.05 Prohibited Weapons.

**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.

