

STUDENT CONDUCT
TOBACCO USE AND POSSESSION

FNCD
(LOCAL)

All Schools

Smoking, using, or possessing tobacco products in any form, electronic cigarettes (e-cigarettes), electronic vaping devices, personal vaporizers (PV), or electronic nicotine delivery systems by students is prohibited anywhere on any school campus or property, in school vehicles, or on school-related trips. Students shall not keep cigarettes, cigars, or other tobacco products in their lockers.

Penalties for violating this policy shall be established and published in the Student Code of Conduct.

STUDENT CONDUCT
TOBACCO USE AND POSSESSION

FNCD
(LEGAL)

**Use or Possession
by Students**

A board shall prohibit students from smoking, using, or possessing e-cigarettes or tobacco products at a school-related or school-sanctioned activity on or off school property.

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

1. A device regardless of whether it is manufactured, distributed, or sold as an e-cigarette, e-cigar, or e-pipe or under another product name or description; and
2. A component, part, or accessory for the device, regardless of whether the component, part, or accessory is sold separately from the device.

Health and Safety Code 161.081(1-a)

Enforcement

The board shall ensure that district personnel enforce the policies on school property. *Education Code 38.006* [See DH and GKA]

LEVEL III

**BEHAVIORAL BASIS FOR
SUSPENSION
OR OPTIONAL REMOVAL
TO A
DISCIPLINARY ALTERNATIVE
EDUCATION PROGRAM (DAEP)**

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 disciplinary alternative educational program (DAEP). 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 principal or designee will address violations using restorative practices and strategies. 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, or
6. a student's status as homeless.

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

1. any repeated violations cited in the previous level, or chronic or repeated instances of misbehavior
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:
 - a. bullying
 - b. cyberbullying
 - c. release or threat to release intimate visual material
 - d. creating or possessing a hit list
 - e. harassment
 - f. 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. criminal solicitation
6. engaging in conduct that constitutes dating violence
7. engaging in a criminal offense that is not addressed in Level IV or V
8. exhibiting any unacceptable physical contact that results in injury
9. 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
10. failure to comply with assigned disciplinary consequences

Level III violations *(continued)*

11. fighting, which is defined as a physical conflict between two or more individuals. Student under attack should detach himself/herself from the situation and get an adult to help. A fight occurs when the student strikes back and actively engages in the altercation
12. gang-related behavior, activity, or membership
13. giving false or misleading statements via tip line or to an administrator during a school investigation
14. hazing
15. interfering with school authorities or school operations, programs, or instruction through boycotts, sit-ins, or trespassing
16. misuse of district technology, including, but not limited to, the Internet, the district network, or district-owned equipment or software
17. misuse/distribution of over-the-counter medication
18. participation in an illegal organization such as a fraternity, sorority, secret society, gang, cult, or other criminal combination prohibited by law
19. possessing 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, BB gun, ammunition, laser pens, knives, (pocket knives or any other small knife with blade 5½" or less), fireworks, razors, chains, Taser, stun gun, pepper spray, mace, and knuckles
20. possessing obscene or pornographic material
21. possession of drug paraphernalia
22. possession of any device that has the appearance of a prohibited firearm, knife, club or (look alike) weapon
23. possession, use, sells, under the influence, or distribution of any substance represented to be a drug or alcohol or any item not suitable for human consumption that are used to simulate illegal drug use (including written or oral admission of the violation)
24. posting or distributing unauthorized communicative materials on the school grounds
25. refusing to comply with reasonable requests of school personnel
26. stealing, burglary, robbery, extortion, gambling, forgery, or possession of stolen property
27. threaten a district student, employee, or volunteer, including off school property, if the conduct causes a substantial disruption to the educational environment
28. using profane, obscene, indecent remarks, or racially or ethnically offensive language and/or gestures directed toward others
29. 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
30. vandalism and/or defacing district or personal property
31. verbally, physically, or via online resources, harassing other students
32. violating the district medication policy
33. violating the district tobacco/smoking policy including, but not limited to, vaping, smoking, using or possessing tobacco, tobacco products, smokeless cigarettes, e-cigarettes, any component, part, or accessory for an e-cigarette

Level III violations (continued)

device, any other nicotine delivery device or any substance for consumption containing nicotine, matches or lighters (including oral or written admission of the violation)

34. acts of sexual misconduct that are not considered a mandatory removal to the DAEP
35. any other act that seriously disrupts the orderly process of the school

Level III - Disciplinary options of which one or more may be used:

1. administrator/counselor/teacher/student/parent conferences
2. restorative mediation conference
3. assignment to peer mediation or conflict resolution classes
4. restitution and/or restoration, as applicable
5. school or community service assignment
6. confiscation of items such as, but not limited to, lighters, matches, laser pens, and communication devices
7. removal from school bus
8. exclusion from extracurricular activities and/or school-sponsored or school-related events (i.e., homecoming, prom or graduation)
9. in-school suspension/DMC
10. involvement of CFISD Police Department/citations
11. suspension for up to three (3) days per occurrence of misconduct (suspension at home)
12. removal to a disciplinary alternative education program (DAEP)
13. other appropriate disciplinary options

Procedures

1. Any staff member who observes a student violating school rules may correct the student.
2. All level III behavior violations shall result in a referral to a campus administrator.
3. The disciplinary response depends on the offense, previous actions and the seriousness of the misbehavior.

NOTE: The principal has the discretion to amend placement length.

INFRACTION	PLACEMENT SITE			PLACEMENT LENGTH		
	High School	Middle School	Elem. School	High School	Middle School	Elem. School
Level III - infractions that <u>may</u> result in a DAEP placement						
Level III misconduct that seriously disrupts the orderly process of the school	ALC	ALC	SOS	15-45 days	15-45 days	15-45 days
Notification of non-Title 5 off-campus felony and the continued presence of the student in the regular classroom threatens the safety of other students or teachers or will be detrimental to the educational process.	ALC	ALC	SOS	15 days - until completion of graduation requirements	15 days - until completion of graduation requirements	15 days- until completion of graduation requirements