

MIDLAND ACADEMY

2011-2012

STUDENT CODE OF CONDUCT



ADOPTED BY THE MIDLAND ACADEMY BOARD OF TRUSTEES

JULY 26, 2011

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Acknowledgement _____

Dear Student and Parent:

The Midland Academy Board of Trustees officially adopted the Student Code of Conduct in order to promote a safe and orderly learning environment for every student.

We urge you to read this publication thoroughly and to discuss it among your family. If you have any questions about the rules and consequences, we encourage you to ask for an explanation from the student's teacher, the school counselor, or campus administrator.

The student and parent should each sign this page on the space provided below, then return the page to the student's school. Thank you.



We acknowledge that we have received the Midland Academy Student Code of Conduct for the 2011-2012 school year, and that we are responsible for reading and understanding the rules and other information contained in the Student Code of Conduct.

Student's Name: _____

(Please print)

Student's Signature: _____ Date: _____

Parent's Name: _____

(Please print)

Parent's Signature: _____ Date: _____

School: _____ Grade Level: _____

Please sign this page, remove it, and return it to the student's school.

Thank you.

Purpose of a Student Code of Conduct _____

The Student Code of Conduct that follows is the Midland Academy's response to the requirements of Chapter 37 of the Texas Education Code. The law requires Midland Academy to establish standards of student conduct and to identify the circumstances under which a student may be removed from a classroom, campus, or suspended, or expelled. The Code provides information to parents and students regarding expectations for behavior, consequences of misconduct, and procedures for administering discipline.

We provide you a copy of or access to the Code annually; a copy is also available for review in the principal's office of Midland Academy. The Code is posted on the District's website **www.macharter.org** and can be accessed or printed at any time from that site. If you do not have access to a computer, the principal's office at your child's campus will print one for you, upon request.

This Code is not a contract and can be amended by Midland Academy at any time. However, any change or amendment to the Code will be approved by the Board of Trustees.

Violations of the Code of Conduct are documented by teachers and other professional employees using campus discipline referral forms.

Teachers and principals may impose campus or classroom rules in addition to those found in the Student Code of Conduct. These rules may be posted in classrooms or given to the student and may or may not also constitute violations of the Student Code of Conduct.

Expectations for Student Behavior _____

Each student is expected to:

- Demonstrate courtesy and respect for others.
- Behave in a responsible manner.
- Attend all classes, regularly and on time.
- Be prepared for each class; take appropriate materials and assignments to class.
- Be groomed and dressed appropriately, as articulated in the Midland Academy student handbook.
- Obey all campus and classroom rules.
- Respect the rights and privileges of other students and of teachers and other Midland Academy staff.
- Respect the property of others, including Midland Academy property and facilities.
- Cooperate with or assist the school staff in maintaining safety, order and discipline.
- Avoid violations of the Student Code of Conduct.

General Authority to Impose Discipline _____

The Texas Legislature has delegated the authority to manage Midland Academy and discipline students to the Board of Trustees and its employees. The school has the authority to administer discipline whenever the interest of the school is involved, on or off school property, in conjunction with or independent of classes and school-sponsored activities. Midland Academy's disciplinary authority applies:

- during the regular school day and while the student is going to and from school on Midland Academy transportation;
- on or within 300 feet of school property;
- while the student is participating in any activity during the school day on school grounds;
- during lunch (whether on or off school campus);
- while the student is in attendance at any school-related activity of Midland Academy, regardless of time or location;
- while the student is on school property of another Texas school district or attending a school activity of a school in another Texas school district;
- for any school-related misconduct, regardless of time or location;
- when the student retaliates or threatens retaliation against a school employee, regardless of time and location;
- when the district has a reasonable belief that the student has engaged in conduct that would be punishable as a felony, as provided by Texas Education Code 37,.006;
- when the student is involved in criminal mischief on or off school property or at a school-related event;
- when the student makes a false alarm or report of bombing, fire, or other emergency involving a public school, regardless of time or location;
- when the student makes a terroristic threat involving a public school, regardless of time or location; and
- when the student commits aggravated robbery against another student, regardless of time or location.

All Midland Academy facilities, any other real property that is owned, rented, or leased by the Midland Academy, and the area within 1,000 feet of any of those facilities is a **gang-free zone** under state law. The penalties from the juvenile or criminal justice systems for certain organized criminal activity occurring within a "gang-free zone" will

be enhanced. See “Gang-Free Zones” in the Definitions, p. 18, for more complete information.

Discipline of Students with Disabilities _____

Federal law regarding the education of students with disabilities (IDEA and Section 504) imposes specific procedures and limitations on the discipline of students with disabilities. For further information on this topic, please contact the principal, who will direct you to special education staff. Information is also available to parents of students with disabilities in the “Explanation of Rights and Procedural Safeguards of a Parent with a Child with Disabilities in School,” which is provided to parents at the time of admission to special education and annually, upon initial referral, upon request for an evaluation, upon the filing of a request for a special education due process hearing, or upon request by a parent.

Prohibited Conduct _____

A significant part of Midland Academy’s educational mission is to inculcate or instill the habits and manners of civility and to teach students the boundaries of socially appropriate behavior. In furtherance of this mission, students will be subject to disciplinary consequences if they engage in any of the following prohibited conduct while they are subject to the school’s jurisdiction as described in this Code of Conduct:

1. Scholastic dishonesty, which includes, but is not limited to, cheating on a test or any other assignment, plagiarism, or unauthorized collaboration with another person in preparing written work or any other assignment for which a grade is awarded
2. Conduct that can cause injury to person or property
3. Leaving classrooms, school grounds, or school-sponsored events without permission
4. Using profanity, lewd or vulgar language, or obscene gestures
5. Scuffling or fighting or other inappropriate physical contact that does not meet the definition of simple assault
6. Stealing
7. Lying about the conduct of other students or making false accusations about district employees
8. Disobeying school rules about conduct on school buses
9. Failing to comply with reasonable directives given by school personnel
10. Failing to comply with campus or school policies

11. Bullying or harassment, which may include the following offenses:
 - a. Committing extortion, coercion, or blackmail (obtaining money or another object of value from an unwilling person), or forcing an individual to act through the use of force or threat of force
 - b. Making ethnic, racial, or religious slurs or any other harassment based on race, color, national origin, religion, or disability
 - c. Verbal abuse or derogatory or offensive remarks addressed to others
 - d. Damaging or vandalizing property of other students
 - e. Conduct that constitutes sexual harassment or sexual abuse whether the conduct is by word, gesture, or any other sexual conduct, including without limit, requests for sexual favors
 - f. Dating violence, meaning the intentional use of physical, sexual, verbal, or emotional abuse to harm, threaten, intimidate, or control another person in, or who has been in the past in, a dating relationship with the perpetrator, or because of the victim's marriage to or dating relationship with a person with whom the perpetrator is or has been in a dating relationship or marriage. (S.B.116)
12. Making a hit list, i.e., a list of people targeted to be harmed using a firearm, knife, or any other object to be used with intent to cause bodily harm
13. Harassing or threatening school employees or volunteers through inappropriate, offensive, or sexually explicit or suggestive comments made orally in person or by telephone or in writing through letters, emails, text messages, journals, or in any other way
14. Committing or assisting in a robbery, theft, or burglary
15. Any conduct that gives school officials reasonable cause to believe that the conduct will substantially disrupt the school program or incite violence
16. Damaging or vandalizing district property or property of any school employee or volunteer
17. Possessing stereo head sets, CD players, cassette players, MP3 players, iPods, electronic games, or any other contraband entertainment device without permission
18. Possessing or displaying sexually explicit photographs, films, or images
19. Possessing a paging device, cellular telephone, camera telephone, hand-held computer or PDA, voice or video recording device, or a similar device without permission
20. Using a paging device, cellular telephone, camera telephone, hand-held computer or PDA, voice or video recording device, or a similar device without

permission or in any way, such as recording a voice or image, that invades the privacy of others or without the consent of those being recorded.

21. Using or possessing a Taser, stun-gun, or similar device
22. Using or possessing a pellet gun, air-powered rifle, toy gun, or any other instrument that may be perceived by a another person as a firearm
23. Using or exhibiting school supplies (i.e., pencils, pens, scissors, etc.), or any other item in a manner that threatens to inflict or actually inflicts bodily harm to another person
24. Possessing drug paraphernalia (roach clips, rolling papers, needles, baggies with residue, razor blades, pipes, etc.)
25. Possessing or using martial arts objects (such as shurikan [throwing stars], nunchakus [“nun-chucks”], tonfa [wooden weapon], staff, baton [short stick], bolo [long cord with weights at end])
26. Possessing or using fireworks of any kind, smoke or stink bombs, or any other pyrotechnic device
27. Inappropriate or offensive physical or sexual contact, whether or not it is consensual, e.g., public displays of affection
28. Inappropriate exposure of a student’s body parts, including exposure of any portions of the body that are ordinarily covered by clothing or required to be covered by the dress code
29. Behaving in any way that disrupts the school environment or educational process
30. Possessing, smoking, or using tobacco products
31. Possessing, smoking, or using tobacco-substitutes or non-tobacco smoking products
32. Possessing or using matches or a lighter
33. Possessing a knife
34. Truancy, i.e., skipping school or cutting class without the parent’s or school’s knowledge or permission
35. Possessing or using any substance represented to be an illegal drug, a dangerous drug, a controlled substance, or alcohol
36. Violating computer or acceptable use policies, rules, or agreements
37. Gambling of any kind
38. Violating safety rules
39. Violating dress or grooming standards

40. Being a member of, pledging to become a member of, or soliciting another person to join or pledge a public school fraternity, sorority, secret society, or gang
41. Gang-related behavior or activity
42. Attempting to commit any serious offense
43. Assisting, encouraging, promoting, or attempting to assist in the commission of a serious offense
44. Failing to report the commission of a serious offense by another student to a school official
45. Hazing
46. Making a false alarm or report of bombing, fire, or other emergency involving a public school, which includes the following offenses:
 - a. Pulling a fire alarm or discharging a fire extinguisher in a building owned or operated by Midland Academy, when there is no smoke, fire, or danger that requires evacuation
 - b. Calling 911 when no emergency exists
46. Making a terroristic threat involving a public school
47. Threatening death or injury to other student(s), school employee(s), or volunteer(s)
48. Retaliating against any school employee or volunteer
49. Repeatedly violating previously communicated campus or classroom standards of behavior
50. Engaging in any conduct punishable as a felony, which includes the offenses of:
 - a. causing an employee to be in contact with the blood, bodily fluids, saliva, urine, or feces of any person or animal with the intent to assault, harass, or alarm
 - b. placing graffiti on any tangible property owned by the district
 - c. distributing, selling, delivering, or attempting to distribute, sell or deliver any substance represented to be an illegal drug, a dangerous drug, or a controlled substance
 - d. online impersonation
52. Committing an assault of any kind
53. Selling, giving, or delivering to another person or possessing, using or being under the influence of marijuana or a controlled substance or a dangerous drug

54. Selling, giving, or delivering to another person an alcoholic beverage; committing a serious act or offense while under the influence of alcohol; or possessing, using, or being under the influence of alcohol
55. Engaging in conduct that would be an offense relating to an abusable volatile chemical
56. Engaging in conduct that would be public lewdness or indecent exposure
57. Engaging in conduct that would be disorderly conduct
58. Using, exhibiting, or possessing a firearm, except as permitted for participation or preparation for a school-sanctioned shooting sports educational activity sponsored by Texas Parks & Wildlife and that is not located on school property
59. Using, exhibiting, or possessing an illegal knife
60. Using, exhibiting, or possessing a club
61. Using, exhibiting, or possessing a prohibited weapon of any kind
62. Engaging in conduct that would be aggravated assault, sexual assault, or aggravated sexual assault
63. Engaging in conduct that would be arson
64. Engaging in conduct that would be murder, capital murder, or criminal attempt to commit murder or capital murder
65. Engaging in conduct that would be indecency with a child
66. Engaging in conduct that would be aggravated kidnapping
67. Engaging in conduct that would be aggravated robbery against another student
68. Engaging in conduct that would be manslaughter
69. Engaging in conduct that would be criminally negligent homicide
70. Engaging in conduct that would be deadly conduct
71. Engaging in conduct that would be continuous sexual abuse of a young child or childre

Disciplinary Consequences _____

In assessing all discipline, administrators will consider:

1. The seriousness of the offense.
2. The student's age.
3. The student's attitude.
4. The potential effect of the misconduct on the school environment.

In making a decision concerning suspension, removal or withdrawal, regardless of whether the decision concerns mandatory or discretionary disciplinary action, administrators shall also consider:

1. Whether the student was defending himself or herself.
2. The student's intent or lack of intent at the time the student engaged in the conduct.
3. The student's disciplinary history.
4. A disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct, but only as required by federal law and regulations related to discipline of students with disabilities.

The following discipline management techniques may be used, alone or in combination, for misbehavior that violates the Student Code of Conduct or campus or classroom rules:

- Oral correction
- Cooling-off time or "time-out" in a setting separate from other students that is not locked and from which the exit is not physically blocked by furniture, a closed door held shut from the outside, or another inanimate object
- Seating changes within the classroom
- Transfer to another class
- Counseling by teachers, counselors, or administrative personnel
- Parent-teacher or parent-administrator conferences
- Confiscation of items that disrupt the educational process. The principal or designee will determine the period of confiscation, generally not to exceed the end of the school year
- Confiscation of paging devices, cellular telephones, camera phones, and the like. Midland Academy will charge the student or parent an administrative fee of \$15 before releasing a confiscated device. Midland Academy may also dispose of a confiscated paging device, cellular phone, camera phone, or similar device in any reasonable manner after 30 days notice to the parent and company whose name and address or phone appear on the device.
- Grade reductions as permitted by policy
- Rewards or demerits
- Behavioral contracts
- Sending the student to the office or other assigned area
- Assigned school duties other than class tasks

- Withdrawal of privileges, such as participation in extracurricular activities, participation in graduation exercises, and eligibility for seeking and holding honorary offices, and/or membership in school-sponsored clubs or organizations
- Consequences or penalties identified in individual student organizations' codes of conduct, bylaws, constitutions, or rules
- Withdrawal or restriction of bus privileges
- School-assessed and school-administered probation
- Citation from school personnel, with the limitation that no citation may be issued to a student in the sixth grade or a lower grade for disruption of classes under Tex. Educ. Code 37.124, disruption of transportation under Tex. Educ. Code 37.126, or disorderly conduct involving use of profanity, offensive gesture, chemically created noxious odor, unreasonable noise, or fighting. The absence of a citation, however, does not mean that the student will escape disciplinary consequences for those offenses.
- Referral to outside agency and/or legal authority for criminal prosecution in addition to disciplinary measures imposed by Midland Academy

The following disciplinary measures may be used, alone or in combination with each other or any of the above techniques, for misbehavior that violates the Student Code of Conduct or campus or classroom rules:

- In-school suspension
- Detention (Lunch and/or After School)
- Suspension from school, not to exceed three school days at one time
- Formal removal from class by the teacher
- Withdrawn from enrollment in Midland Academy

What minimum procedures will be provided each student facing discipline other than detention? Each student will be told what infraction the administrator believes the student to have committed. Each student will then be given the opportunity to tell his or her side of the incident. The student's admission of the offense eliminates the need for further investigation or procedures, though the administrator may seek further information if desired

How and when will we contact you about disciplinary action? Parents are responsible to provide to the campus administration each year the address and telephone number(s) at which parents can be reached and to update those numbers as

necessary during the school year. School officials will use the information provided by the parent to contact parents about disciplinary matters. Parents will be notified of code of conduct violations that can result in suspension or removal in a reasonable amount of time by telephone or in writing. Campus administrators may, but are not required to, notify parents of incidents by telephone on the day of the incident.

What consequences will occur when a student is an accomplice in an offense? Any student who assists, encourages, promotes, or attempts to assist in the commission of a serious offense will receive the same punishment as a student who actually engages in the conduct.

What are the expectations for student reporting of offenses? A student who has knowledge that another student or students have committed a serious offense is expected to report that information to a school official. If the administrator learns that a student failed to report the commission of a serious offense, the student will be subject to a lesser disciplinary consequence, either one step lower than that imposed for the serious offense of which the student had knowledge or a shorter term of discipline.

Physical Restraint_____

In some circumstances, it may be necessary for a Midland Academy employee to use force, but not deadly force, to physically restrain a student in order to lead, guide, and direct the student or to protect the student or any other person from physical injury, to obtain possession of a weapon or other dangerous object, to protect property from serious damage, to remove a student who is refusing to comply with a legitimate directive from a school employee from a specific location in order to restore order, to restrain an irrational student, or to maintain order and discipline in the class or activity. Restraint under these circumstances or in accordance with laws and regulations related to the restraint of students with disabilities is not corporal punishment.

Corporal Punishment_____

Corporal punishment has not been approved by the Midland Academy Board of Trustees as an appropriate disciplinary consequence for Code of Conduct violations. Corporal punishment will not be used at Midland Academy.

Coaches, physical education teachers, and classroom teachers supervising students during athletic training, competition, or physical education or supervising students outdoors during recess or lunch may use reasonable physical exercises or activities to encourage moderate or vigorous physical activity by students and as a measure to enforce class or team rules in their classes and activities. These exercises or activities are not considered to be “corporal punishment.” No other employees may use exposure to the physical elements, e.g., standing outside in heat or cold, or physical exertion, e.g., running, sit-ups, etc., as a disciplinary measure.

In-School Suspension _____

For minor infractions of the Student Code of Conduct or campus or classroom rules, administrators may assign a student to one or more days of in-school suspension where students will complete assignments given them by their regular teachers. Both the length of the assignment and restrictions on participation in school-sponsored or school-related extracurricular activities during the suspension are left to the discretion of the administrator.

Detention _____

For minor infractions of the Student Code of Conduct or campus or classroom rules, teachers or administrators may detain students after school hours or during lunch on one or more days.

Suspension _____

When and for how long will a student be suspended? The principal or other appropriate administrator may suspend a student for a maximum of three school days at a time if the student violates the Code of Conduct by engaging in any prohibited conduct. Both the length of the suspension and restrictions on participation in school-sponsored or school-related extracurricular activities during the suspension are left to the discretion of the administrator.

How many times can a student be suspended? Neither state law nor this Code of Conduct impose a limit on the number of times a student may be suspended during a semester or school year.

Formal Removal from Class by Teacher _____

What is the difference between being sent to the office and formal teacher removal? Students may be sent to the principal's office for committing minor classroom infractions. However, a student who has been documented to repeatedly interfere with a teacher's ability to communicate effectively with the students in the class or with the ability of the students to learn, or who behaves in a manner the teacher determines is so unruly, disruptive, or abusive that it seriously interferes with the teacher's ability to communicate effectively with the students or with the ability of other students to learn will be formally removed from the teacher's classroom.

What is the process for formally removing a student from a teacher's classroom? Within three days of the removal, a conference will be held between the principal or other appropriate administrator, the student's parent or guardian, the teacher removing the student from class, and the student. Pending the conference, the principal may place the student in another appropriate classroom or in-school suspension. Following the conference, the principal will order the placement of the student. The principal will not return the student to the teacher's class without that

teacher's consent, unless the Placement Review Committee determines that such placement is the best or only alternative.

Are there any special limitations associated with formal teacher removal?

If a teacher removes a student from class because the student committed any kind of assault against the teacher, the student may not be returned to the teacher's class without the teacher's consent.

Conduct That Warrants Withdrawal

DEFINITIONS: Definitions of offenses and other key terms are found in the Definition section of the Code, beginning on page 20.

SCHOOL-RELATED CONDUCT: The campus principal or superintendent will withdraw a student from enrollment if the student:

- makes a false report of bombing, fire, or other emergency involving a public school, regardless of when the false report is made or the place from which the false report is made, or
- makes a terroristic threat involving a public school, regardless of when the threat is made or the place from which the threat is made.

The campus principal or superintendent will withdraw a student from enrollment if the student commits any of the following offenses 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:

- Conduct punishable as a felony
- Engaging in a breach of computer security if the conduct involves accessing a Midland Academy-owned or-operated computer, computer network, or computer system and the student knowingly alters, damages, or deleted Midland Academy property or information or commits a breach of any other computer, computer network, or computer system.
- Assault resulting in bodily injury
- Offenses relating to marijuana, controlled substances, and dangerous drugs
- Offenses relating to alcohol
- Offenses relating to abusable volatile chemicals
- Indecent exposure
- Public lewdness
- Retaliation against a school employee, regardless of where the conduct takes place

- Serious or persistent misbehavior, subject to administrative discretion as described in the following section

What is “serious offense” or “persistent misbehavior?”

- Conduct punishable as a felony, which includes without limitation:
 - distribution of any substance represented to be an illegal drug, a dangerous drug, or a controlled substance
 - placing graffiti on any tangible property owned by Midland Academy
 - harassment of a public servant, i.e., causing an employee to be in contact with the blood, bodily fluids, saliva, urine, or feces of any person or animal with the intent to assault, harass, or alarm
 - online impersonation
 - Assault resulting in bodily injury
- Making a false report of bombing, fire, or other emergency involving a public school, which includes the following offenses:
 - pulling a fire alarm or discharging a fire extinguisher in a building owned or operated by the district when there is no smoke, fire, or danger that requires evacuation
 - calling 9-1-1 when no emergency exists
- Terroristic threat involving a public school
- Offenses relating to marijuana, controlled substances and dangerous drugs
- Offenses relating to alcohol
- Offenses relating to abusable glue, volatile chemicals and aerosol paint
- Indecent exposure
- Public lewdness
- Retaliation against a school employee, regardless of where the conduct takes place

Serious misconduct also includes the following offenses. The campus administrator will exercise discretion in making assignments for the serious offenses listed here and will consider all the facts and circumstances in determining appropriate disciplinary action:

- Using profanity, lewd or vulgar language, or obscene gestures directed at a school employee
- Lying about the conduct of other students or making false accusations about district employees
- Failing to comply with campus or district policies
- Violating computer or acceptable use policies, regulations, or guidelines

- Bullying or harassment, which include the following offenses:
 - Committing extortion, coercion, or blackmail (obtaining money or another object of value from an unwilling person), or forcing an individual to act through the use of force or threat of force
 - Making ethnic, racial, or religious slurs or any other harassment based on race, color, national origin, religion, or disability, against students, employees, or volunteers
 - Verbal abuse or derogatory or offensive remarks addressed to others
 - Damaging or vandalizing property of other students
 - Conduct that constitutes sexual harassment or sexual abuse whether the conduct is by word, gesture, or any other sexual conduct, including without limit, requests for sexual favors
 - Dating violence, meaning the intentional use of physical, sexual, verbal, or emotional abuse to harm, threaten, intimidate, or control another person in a dating relationship
- Making a hit list , i.e., 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
- Threatening death or injury to other student(s), school employee(s), or volunteer(s)
- Harassing or threatening school employees or volunteers through inappropriate, offensive, or sexually explicit or suggestive comments made orally in person or by telephone or in writing through letters, emails, text messages, journals, or in any other way
- Possessing or displaying sexually explicit photographs, films, or images
- Committing or assisting in a robbery, theft, or burglary
- Damaging or vandalizing district property other than graffiti, when the value of the damage is less than \$1,500
- Using or possessing a pellet gun, air-powered rifle, toy gun, or any other instrument that may be perceived by a third party as a firearm
- Using or possessing a Taser, stun-gun, or similar device
- Conduct that can cause injury to another person
- Possessing or using martial arts objects, other than those that would be prohibited weapons, unless the conduct amounts to an assault resulting in bodily injury
- Any misbehavior that gives school officials reasonable cause to believe that the conduct will substantially disrupt the school program or incite violence

- Inappropriate physical or sexual contact, whether or not it is consensual, e.g., public displays of affection
- Inappropriate exposure of a student's body parts, including exposure of any portions of the body that are ordinarily covered by clothing or required to be covered by the dress code
- Possessing or using any substance represented to be an illegal drug, a dangerous drug, a controlled substance, or alcohol
- Gambling of any kind
- Gang-related behavior of any kind
- Hazing
- Repeatedly violating other previously communicated campus or classroom standards of behavior
- Committing an assault of any kind

“Persistent misbehavior” consists of two or more separate violations of the Student Code of Conduct in general or repeated violations of the same offense.

CONDUCT UNRELATED TO SCHOOL - TITLE 5 OFFENSES/Aggravated Robbery: A student will be removed from class and withdrawn to return to the home campus based on off-campus criminal conduct punishable as a felony under Title 5, Texas Penal Code or aggravated robbery. See the chart on page 38 in the Definitions for a list of these offenses. However, if more than a year passes from the date of the off-campus criminal offense to the time that a school administrator learns of the offense, the administrator is not required to withdraw the student from enrollment.

CONDUCT UNRELATED TO SCHOOL - NON-TITLE 5 OFFENSES: A student will be removed from class and withdrawn to return to the home campus for off-campus criminal conduct punishable as a felony, other than offenses defined by Title 5, Texas Penal Code, or aggravated robbery, if the administration determines that the student's continued presence in the regular classroom threatens the safety of other students or teachers or will be detrimental to the educational process. However, if more than a year passes from the date of the off-campus criminal offense to the time that a school administrator learns of the offense, the administrator is not required to withdraw the student from enrollment.

When will the school contact law enforcement about a student's conduct? The principal or designee is required to notify the sheriff's department or the city police department if he or she has reasonable grounds to believe that a student or anyone else has engaged in certain criminal conduct on school property or at a school activity. Those activities include any conduct that would be an offense listed in Government Code § 508.149 (see Definitions); deadly conduct; a terroristic threat; drug, paraphernalia, or marijuana offenses; possession of a prohibited weapon; organized criminal activity; criminal conduct that would support mandatory

expulsion. Midland Academy may contact law enforcement officials at any time the administrator determines that their presence will assist the school.

PLACEMENT OF STUDENTS WHO ARE REGISTERED SEX OFFENDERS: A student who is currently required to register as a sex offender may be removed from the regular classroom and placed in another setting according to the requirements of state law.

An ARD committee will make decisions about placement of a student with disabilities who is a registered sex offender.

“Persistent misconduct” and “serious misbehavior” consists of two or more separate violations of the Student Code of Conduct in general or repeated violations of the same offense.

All Midland Academy students are expected to fully comply with the expectations for behavior listed in the Student Code of Conduct section of this document as well as the general safety and procedural rules developed by the staff. Persistent misconduct, serious misbehavior or one violation that would result in DAEP placement or Expulsion will lead to the withdrawal of the student from enrollment in Midland Academy.

Summer School _____

Our summer school program is not part of the regular school year program.

During summer school, all students are expected to abide by the rules of conduct that are in place during the school year. We will handle minor, isolated violations of conduct expectations through parent conferences; however, students who commit serious offenses or who have persistent behavior problems while enrolled in summer school will be withdrawn from the program.

Definitions

ABUSABLE VOLATILE CHEMICAL OFFENSES

No student shall inhale, ingest, apply, use, or possess an abusable volatile chemical with intent to inhale, ingest, apply or use any of these in a manner:

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

Health and Safety Code 485.031

No student shall knowingly deliver to a person younger than 18 an abusable volatile chemical that does not contain additive material in accordance with rules adopted by the Commissioner of Health.

Health and Safety Code 485.032

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

Health and Safety Code 485.033

AGGRAVATED ASSAULT

"Aggravated assault" is defined as causing serious bodily injury to another or using or exhibiting a deadly weapon during the commission of any assault.

Penal Code 22.02(a)

"Serious bodily injury" is defined as bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

"Deadly weapon" is defined as a firearm or anything manifestly designed, made, or adapted for the purpose of inflicting death or serious bodily injury or anything that in the manner of its use or intended use is capable of causing death or serious bodily injury.

Penal Code 1.07(46), (17)

AGGRAVATED KIDNAPPING

(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 third person; or
- (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.

Penal Code 20.04

AGGRAVATED ROBBERY

A person commits an offense if he commits robbery and he:

- (1) causes serious bodily injury to another;
- (2) uses or exhibits a weapon; or
- (3) causes bodily injury to a person or threatens or places another person in fear of imminent bodily injury or death if the other person is 65 years of age or older or a disabled person, i.e., an individual with a mental, physical, or developmental disability who is substantially unable to protect himself from harm.

Penal Code 29.031

A person commits robbery if, in the course of committing theft as defined in Chapter 31 and with intent to obtain or maintain control of the property, he

- (1) intentionally, knowingly, or recklessly causes bodily injury to another; or
- (2) intentionally or knowingly threatens or places another in fear of imminent bodily injury or death.

Penal Code 29.02

AGGRAVATED SEXUAL ASSAULT

“Aggravated sexual assault” is defined as sexual assault (see page 39) in which the actor:

1. Causes serious bodily injury or attempts to cause the death of the victim or another person in the course of the same criminal episode; or
2. By acts or words, places the victim in fear that death, serious bodily injury, or kidnapping will be imminently inflicted on any person; or
3. By acts or words occurring in the presence of the victim, threatens to cause death, serious bodily injury, or kidnapping; or

4. Uses or exhibits a deadly weapon in the course of the same criminal episode; or
5. Acts in concert with another, who commits a sexual assault directed toward the same victim and occurs during the same criminal episode; or
6. Assaults a victim who is younger than 14 years of age or is 65 years of age or older.

Penal Code 22.021

ARSON

(a) A person commits an offense if the person starts a fire, regardless of whether the fire continues after ignition, or causes an explosion with intent to destroy or damage:

(1) any vegetation, fence, or structure on open-space land; or

(2) any building, habitation, or vehicle:

(A) knowing that it is within the limits of an incorporated city or town;

(B) knowing that it is insured against damage or destruction

(C) knowing that it is subject to a mortgage or other security interest;

(D) knowing that it is located on property belonging to another;

(E) knowing that it has located within it property belonging to another; or

(F) when he is reckless about whether the burning or explosion will endanger the life of some individual or the safety of the property of another.

(a-2) A person commits an offense if the person intentionally starts a fire or causes an explosion and in so doing:

(1) recklessly damages or destroys a building belonging to another; or

(2) recklessly causes another person to suffer bodily injury or death.

(b) It is an exception to the application of Subsection (a)(1) that the fire or explosion was a part of the controlled burning of open-spaced land.

Penal Code 28.02

ASSAULT

Assault is defined as:

1. Intentionally, knowingly, or recklessly causing bodily injury to another. Penal Code 22.01(a)(1)
2. Intentionally or knowingly threatening another with imminent bodily injury. Penal Code 22.01(a)(2)
3. Intentionally or knowingly causing physical contact with another when the person knows or should reasonably believe that the other will regard the contact as offensive or provocative. Penal Code 22.01(a)(3);

“Bodily injury” is defined as physical pain, illness, or any impairment of physical condition. Penal Code 1.07(8)

Breach of Computer Security

Knowingly accessing a computer, computer network, or computer system without the effective consent of the owner.

Penal Code 33.02

BULLYING

Engaging in written or verbal expression or physical conduct that the administration determines:

(1) will have the effect of physically harming a student, damaging a student’s property, or placing a student in reasonable fear of harm to student’s person or of damage to the student’s property; or

(2) is sufficiently severe, persistent, or pervasive enough that the action or threat creates an intimidating, threatening, or abusive educational environment for a student.

Education Code 25.0341 (a)

CONDUCT UNDER TEX. GOV’T CODE § 508.149 (A)

- (1) drugging a person to enable a crime to be committed
- (2) murder (first or second degree felony);
- (3) capital murder;
- (4) aggravated kidnapping (first or second degree felony);
- (5) harassment of a public servant;
- (6) sexual assault (felony);
- (7) aggravated assault (first or second degree felony);
- (8) aggravated sexual assault (first degree felony);
- (9) injury to a child, elderly individual, or disabled person (first degree felony)

- (10) arson (first degree felony);
- (11) robbery (second degree felony);
- (12) aggravated robbery (first degree felony);
- (13) bribery (first degree felony);
- (14) an offense enhanced because it occurred in a drug-free school zone;
- (15) sexual performance of a child; or
- (16) continuous sexual abuse of a young child or children.

CONTINUOUS SEXUAL ABUSE OF A YOUNG CHILD OR CHILDREN

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; and
- (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 child younger than 14 years of age.

For purposes of this definition, “act of sexual abuse” means any of the following:

- (1) aggravated kidnapping, if with the intent to violate or abuse the victim sexually;
- (2) indecency with a child in a manner other than by touching, including touching through clothing, the breast of a child;
- (3) sexual assault;
- (4) aggravated sexual assault;
- (5) burglary punishable as a felony if with the intent to commit an offense listed in items (1) – (4);
- (6) sexual performance of a child.

Certain affirmative defenses may apply.

Penal Code 21.02

CONTROLLED SUBSTANCE AND DANGEROUS DRUG

Controlled substances or dangerous drugs include but are not limited to marijuana; any narcotic drug, hallucinogen, stimulant, depressant, amphetamine, barbiturate; anabolic steroid; or prescription medicine provided to any person other than the person for whom the prescription was written.

CRIMINAL MISCHIEF

- (a) A person commits an offense if, without the effective consent of the owner:

- (1) he intentionally or knowingly damages or destroys the tangible property of the owner;
- (2) he intentionally or knowingly tampers with the tangible property of the owner and causes pecuniary loss or substantial inconvenience to the owner or a third person; or
- (3) he intentionally or knowingly makes markings, including inscriptions, slogans, drawings, or paintings, on the tangible property of the owner.

(h) An offense under this section is a state jail felony if the amount of the pecuniary loss to real property or to tangible personal property is \$1,500 or more but less than \$20,000 and the damage or destruction is inflicted on a public or private elementary school, a secondary school, or institution of higher education.

Penal Code 28.03

CRIMINALLY NEGLIGENT HOMICIDE

Causing the death of an individual by acting with criminal negligence, i.e., with respect to circumstance surrounding his conduct or the result of his conduct when he ought to be aware of a substantial and unjustifiable risk that the circumstances exist or the result will occur. The risk must be of such a nature and degree that the failure to perceive it constitutes a gross deviation from the standard of care that an ordinary person would exercise under all the circumstances as viewed from the actor's viewpoint.

Penal Code 19.05, 6.03(d)

DATING RELATIONSHIP

"Dating relationship" means a relationship between individuals who have or have had a continuing relationship of a romantic or intimate nature. The existence of the relationship will be determined based on consideration of the (1) the length of the relationship, (2) the nature of the relationship, and (3) the frequency and type of interaction between the persons involved in the relationship. A casual acquaintance or ordinary fraternization in a school or social context does not constitute a "dating relationship."

Family Code 71.0021 (b)-(c)

DATING VIOLENCE

"Dating violence" includes the intentional use of physical, sexual, verbal, or emotional abuse by a person to harm, threaten, intimidate, or control another person in a dating relationship.

Education Code 37.0831 (b)

DEADLY CONDUCT

A person engages in deadly conduct if he recklessly engages in conduct that places another in imminent danger of serious bodily injury or knowingly discharges a firearm at or in the direction of one or more individuals or a

habitation, building, or vehicle and is reckless as to whether it is occupied. Recklessness and danger are presumed if the person knowingly points a firearm at or in the direction of another whether or not the actor believed the firearm to be loaded.

A person acts recklessly, or is reckless, with respect to circumstances surrounding his conduct or the result of his conduct when he is aware of but consciously disregards a substantial and unjustifiable risk that the circumstances exist or the result will occur. The risk must be of such a nature and degree that its disregard constitutes a gross deviation from the standard of care that an ordinary person would exercise under all the circumstances as viewed from the actor's viewpoint.

Penal Code 22.05, 6.03(c)

DISORDERLY CONDUCT

Disorderly conduct occurs when a person intentionally or knowingly:

- (1) uses abusive, indecent, profane, or vulgar language in a public place, and the language by its very utterance tends to incite an immediate breach of the peace;
- (2) makes an offensive gesture or display in a public place, and the gesture or display tends to incite an immediately breach of the peace;
- (3) creates, by chemical means, a noxious and unreasonable odor in a public place;
- (4) abuses or threatens a person in a public place in an obviously offensive manner;
- (5) makes an unreasonable noise in a public place other than a shooting range or in or near a private residence that he has no right to occupy;
- (6) fights with another in a public place;
- (7) discharges a firearm in a public place other than a public road or shooting range;
- (8) displays a firearm or a deadly weapon in a public place in a manner calculated to alarm;
- (9) discharges a firearm on or across a public road;
- (10) exposes his anus or genitals in a public place and is reckless about whether another may be present who will be offended or alarmed by his act; or
- (11) for a lewd or unlawful purpose, while on the premises of a public place, looks into an area such as a restroom or shower stall or changing or dressing area that is designed to provide privacy to a person using the area.

Penal Code 42.01

DISRUPTION OF CLASSES, TRANSPORTATION, AND/OR LAWFUL ASSEMBLY

Conduct by students either in or out of class that for any reason - whether because of time, place, or manner of behavior - materially disrupts class work or involves substantial disorder or invasion of the rights of others is prohibited.

Student demonstrations and similar activities shall be prohibited when there is evidence that may reasonably lead school authorities to forecast substantial disruption of, or material interference with, normal school operations or approved school activities.

No person shall be permitted, on school property or on public property within 500 feet of school property, to willfully disrupt, alone or in concert with others, the conduct of classes or other school activities.

Conduct that disrupts the educational activities of a school includes:

1. Emissions by any means of noise of an intensity which prevents or hinders classroom instruction.
2. Enticement or attempted enticement of students away from classes or other school activities which students are required to attend.
3. Prevention or attempted prevention of students from attending classes or other school activities which students are required to attend.
4. Entrance into a classroom without consent of either the principal or teacher and either through acts of misconduct and/or use of loud or profane language causing disruption of class activities.

For purposes of this provision, "school property" shall include the public school campuses or school grounds upon which any public school is located, and any grounds or buildings used by District schools for assemblies or other school-sponsored activities.

For purposes of this provision, "public property" shall include any street, highway, alley, public park, or sidewalk.

Education Code 37.124

No person or group of persons acting in concert may intentionally engage in disruptive activity or disrupt a lawful assembly on the campus or property of any school in the District. Disruptive activity means:

1. Obstructing or restraining the passage of persons in an exit, entrance, or hallway or any building without the authorization of the administration of the school.
2. Seizing control of any building or portion of a building for the purpose of interfering with any administrative, educational, research, or other authorized activity.

3. Preventing or attempting to prevent by force or violence or the threat of violence any lawful assembly by the school administration.
4. Disrupting by force or violence or the threat of force or violence a lawful assembly in progress.
5. Obstructing or restraining the passage of any person at any exit or entrance to said campus or property or preventing or attempting to prevent by force or violence or by threats thereof the ingress or egress of any person to or from said property or campus without the authorization of the administration of the school.

A lawful assembly is disrupted when any person in attendance is rendered incapable of participating in the assembly due to the use of force or violence or due to a reasonable fear that force or violence is likely to occur.

Education Code 37.123

A person commits an offense if, in a manner intended to cause alarm or personal injury to another person or to damage school property, the person intentionally exhibits, uses, or threatens to exhibit or use a firearm:

- (1) in or on any property, including a parking lot, parking garage, or other parking area, that is owned by a public school; or
- (2) on a school bus being used to transport children to and from school-sponsored activities of a public school.

Education Code 37.125

GANG ACTIVITY

A “gang” is defined as any group of two or more individuals whose purposes may include the commission of illegal acts. A gang is a prohibited fraternity, sorority, or society as defined by Education Code 37.121.

Gang activities and gang involvement are described as:

1. Wearing, possessing, using, distributing, displaying, or selling any clothing, jewelry, emblems, badges, symbols, signs, graffiti, or other items that are evidence of membership or affiliation in a gang.
2. Committing any act or using any speech, either verbal or non-verbal such as gestures, handshakes, and the like, that indicates membership or affiliation in a gang.
3. Promoting interest in any gang or gang activity, including but not limited to:
 - a. Soliciting others for membership.
 - b. Requesting any person to pay protection or otherwise intimidating or threatening any person.

- c. Committing any other illegal act or other violation of District policies.
- d. Inciting other students to act with physical violence toward any other person.
- e. Engaging in concert with others in intimidating, fighting, assaulting, or threatening to assault others.
- f. Painting, writing, or otherwise inscribing gang-related graffiti, messages, symbols, or signs, on school property, or on property of students or staff.

GANG-FREE ZONES

Midland Academy and any other property owned, rented, or leased by the school are “gang-free zones.” Certain criminal offenses that occur in, on, or within 1,000 feet of a school or any other property owned, rented, or leased by Midland Academy will be enhanced **in the criminal justice system** to the next highest category of offense if they are determined to be committed by a person who is a member of a criminal street gang, unless the offense is already punishable as a first degree felony.

Affected offenses include (1) murder, capital murder, arson, aggravated robbery, robbery, aggravated kidnapping, kidnapping, aggravated assault, aggravated sexual assault, sexual assault, forgery, deadly conduct, and assault resulting in bodily injury; (2) unlawful manufacture, transportation, repair, or sale of firearms or prohibited weapons; (3) obscene display or distribution, obscenity, sale, distribution, or display of harmful material to a minor, sexual performance by a child, employment harmful to children, possession or promotion of child pornography when a child younger than 18 years of age is depicted or involved in the offense.

Penal Code 72.028; Subchapter B, Chapter 43, Penal Code

GRAFFITI

A person commits an offense if, without the effective consent of the owner, the person intentionally or knowingly makes markings, including inscriptions, slogans, drawings, or paintings on the tangible property of the owner with (1) paint; (2) an indelible marker; or (3) an etching or engraving device.

Penal Code 28.08 (a)

HARASSMENT

“Harassment” means threatening to cause harm or bodily injury to another student, engaging in sexually intimidating conduct, causing physical damage to the property of another student, subjecting another student to physical confinement or restraint, or maliciously taking any action that substantially harms another student’s physical or emotional health and safety.

Education Code 37.001 (b) (1)

HARASSMENT OF PUBLIC SERVANT

A person commits an offense if, with the intent to assault, harass, or alarm, the person causes another person the actor knows to be a public servant to contact the blood, seminal fluid, vaginal fluid, saliva, urine, or feces of the actor, any other person, or an animal while the public servant is lawfully discharging an official duty or in retaliation or on account of an exercise of the public servant's official power or performance of an official duty.

Penal Code 22.11 (a)(2)

HAZING

“Hazing” means any intentional, knowing, or reckless act occurring on or off school property directed against a student, by one person alone or acting with others, that endangers the mental or physical health or the safety of a student for the purpose of pledging, being initiated into, affiliating with, holding office in, or maintaining membership in any organization whose members are or include other students. The term includes but is not limited to:

1. Any type of physical brutality, such as whipping, beating, striking, branding, electronic shocking, placing of a harmful substance on the body, or similar activity.
2. Any type of physical activity, such as sleep deprivation, exposure to the elements, confinement in a small space, calisthenics, or other activity that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student.
3. Any activity involving consumption of a food, liquid, alcoholic beverage, liquor, drug, or other substance that subjects the student to any unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student.
4. Any activity that intimidates or threatens the student with ostracism, that subjects the student to extreme mental stress, shame, or humiliation, or that adversely affects the mental health or dignity of the student or discourages the student from entering or remaining registered in an educational institution, or that may reasonably be expected to cause a student to leave the organization or the institution rather than submit to acts described above.
5. Any activity that induces, causes, or requires the student to perform a duty or task that involves a violation of the Penal Code.

Education Code 37.151

A person commits an offense if the person commits any of the following:

1. Engages in hazing.

2. Solicits, encourages, directs, aids, attempts to aid another in an act of hazing.
3. Recklessly permits hazing to occur.
4. Has firsthand knowledge of the planning of a specific hazing incident involving a student, or first-hand knowledge that a specific hazing incident has occurred, and knowingly fails to report that knowledge in writing to the principal, Superintendent or designee.

Education Code 37.152

HIT LIST

“Hit list” means 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.

Education Code 37.001(b)(2)

INDECENCY WITH A CHILD

- (a) 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, 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.
- (b) It is an affirmative defense to prosecution under this section that the actor:
 - (1) was not more than three years older than the victim and of the opposite sex; and
 - (2) did not use duress, force, or a threat against the victim at the time of the offense.
 - (3) was the spouse of the child at the time of the offense.
- (c) In this section, “sexual contact” means the following acts, if committed with the intent to arouse or gratify the sexual desire of any person:
 - (1) any touching by a person, including touching through clothing, of the anus, breast, or any part of the genitals of a child; or

- (2) any touching of any part of the body of a child, including touching through clothing, with the anus, breast, or any part of the genitals of a person.

Penal Code 21.11

INDECENT EXPOSURE

A person commits an offense if he exposes his anus or any part of his genitals with intent to arouse or gratify the sexual desire of any person, and he is reckless about whether another is present who will be offended by his act.

Penal Code 21.08

MANSLAUGHTER

Recklessly causing the death of an individual, i.e., acting, with respect to circumstances surrounding his conduct or the result of his conduct when he is aware of but consciously disregards a substantial and unjustifiable risk that the circumstances exist or the result will occur. The risk must be of such a nature and degree that its disregard constitutes a gross deviation from the standard of care that an ordinary person would exercise under all the circumstances as viewed from the actor's viewpoint.

Penal Code 19.04, 6.03(c)

MURDER

A person commits an offense of murder if he:

- (1) intentionally or knowingly caused 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; or
- (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.

Penal Code 19.02 (b)

CAPITAL MURDER, CRIMINAL ATTEMPT TO COMMIT CAPITAL MURDER

- (a) A person commits an offense of capital murder if he 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, or obstruction or retaliation;
- (3) the person commits the murder for 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; or
 - (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; or
 - (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; or
 - (B) during different criminal transactions but the murders are committed pursuant to the same scheme or course of conduct; or
- (8) the person murders an individual under six years of age.

Penal Code 19.03

ONLINE Impersonation

(a) A person commits an offense if the person, without obtaining the other person's consent and with the intent to harm, defraud, intimidate, or threaten any persons, uses the name or persona of another person to:

- (1) create a web page on a commercial social networking site or other Internet website; or
- (2) post or send one or more messages on or through a commercial social networking site or other Internet website, other than on or through an electronic mail program or message board program.

(b) A person commits an offense if the person sends an electronic mail, instant message, text message, or similar communication that reference a name, domain address, phone number, or other item of identifying information belonging to any person:

(1) without obtaining the other person's consent;

(2) with the intent to cause a recipient of the communication to reasonably believe that the other person authorized or transmitted the communication; and

(3) with the intent to harm or defraud any person.

Penal Code 33.07

"Identifying information" means (A) name, social security number, date of birth, and government-issued identification number; (B) unique biometric data, including the individual's fingerprint, voice print, and retina or iris image; (C) unique electronic identification number, address, and routing code, financial institution account number; and (D) telecommunication identifying information or access device.

Penal Code 32.51

PAGING DEVICE OR CELLULAR TELEPHONE

A "paging device or cellular telephone" is a telecommunications device that emits an audible signal, vibrates, displays a message, or otherwise summons or delivers a communication to the possessor.

Education Code 37.082

PERSISTENT MISBEHAVIOR /PERSISTENT MISCONDUCT

"Persistent misbehavior" consists of two or more separate violations of the Student Code of Conduct in general or repeated violations of the same offense.

POSSESSION

"Possession" means having actual or constructive control of an item either on the student's person, or in a car, locker, bag, or other article under the actual or constructive control of the student, regardless of the student's knowledge or intent to possess the item.

PROHIBITED WEAPONS

"Prohibited weapons" are defined as follows:

1. A firearm (any device designed, made, or adapted to expel a projectile through a barrel by using the energy generated by an explosion or burning substance or any device readily convertible to that use; any weapon, including a starter gun, which will or is designed to or may readily be converted to expel a projectile by the action of an explosive, the frame or

receiver of any such weapon, any firearm muffler or firearm silencer). Penal Code 46.03(a), 46.01(3); 18 U.S.C. § 921(a)(3)

2. A destructive device (any explosive, incendiary, or poison gas, bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than ¼ ounce, mine, or device similar to any of these devices. The term does not include an antique firearm). 18 U.S.C. § 921(a)(4)
3. An illegal knife as defined by law (knife with a blade over 5 ½ inches, hand instrument designed to cut or stab another by being thrown, dagger, bowie knife, sword, spear). Penal Code 46.01(6), 46.03(a) Midland Academy does not permit students to have any kind of knife in their possession.
4. An explosive weapon (any explosive or incendiary bomb, grenade, rocket, or mine that is designed, made, or adapted for the purpose of inflicting serious bodily injury, death, or substantial property damage, or for the principal purpose of causing such a loud report as to cause undue public alarm or terror, and includes a device designed, made or adapted for delivery or shooting an explosive weapon). Penal Code 46.01(2)
5. A machine gun (any firearm that is capable of shooting more than two shots automatically, without manual reloading, by a single function of the trigger). Penal Code 46.01(9)
6. A short-barrel firearm (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). Penal Code 46.01(10)
7. A switchblade knife (any knife with a blade that folds, closes, or retracts into the handle or sheath and that opens automatically by pressing a button or by the force of gravity or centrifugal force, but not a knife that has a spring, detent, or other mechanism designed to create a bias toward closure and that requires exertion to the blade by hand, wrist, or arm to overcome the bias toward closure and open the knife). Penal Code 46.01(11)
8. Knuckles (any instrument consisting of finger rings or guards made of a hard substance that is designed, made, or adapted for the purpose of inflicting serious bodily injury or death by striking a person with a fist enclosed in the knuckles). Penal Code 46.01(8)
9. Armor-piercing ammunition (handgun ammunition that is designed primarily for the purpose of penetrating metal or body armor and to be used primarily in pistols and revolvers). Penal Code 46.01(12)
10. A chemical dispensing device (device other than a small chemical dispenser sold commercially for personal protection, that is designed,

made, or adapted for the purpose of causing an adverse psychological or physiological effect on a human being). Penal Code 46.01(14)

11. A zip gun (a device or combination of devices that was not originally a firearm and is adapted to expel a projectile through a smooth-bore or rifled-bore barrel by using the energy generated by an explosion or burning substance). Penal Code 46.01(16)
12. A club (an instrument specially designed, made, or adapted for the purpose of inflicting serious bodily injury or death by striking a person with the instrument, including a blackjack, nightstick, mace and tomahawk). Penal Code 46.01(1), 46.03(a)

PUBLIC LEWDNESS

A person commits an offense if he knowingly engages in any of the following acts in a public place or, if not in a public place, he is reckless about whether another is present who will be offended or alarmed by his:

- (1) act of sexual intercourse;
- (2) act of deviate sexual intercourse;
- (3) act of sexual contact; or
- (4) act involving contact between the person's mouth or genitals and the anus or genitals of an animal or fowl.

Penal Code 21.07

RETALIATION

A person commits an offense if he intentionally or knowingly harms or threatens to harm another by an unlawful act:

- (1) in retaliation for or on account of the service or status of another as a:
 - (A) public servant
 - (B) person who has reported or who the actor knows intends to report the occurrence of a crime; or
- (2) to prevent or delay the service of another as a:
 - (A) public servant, witness, prospective witness, or informant; or
 - (B) person who has reported or who the actor knows intends to report the occurrence of a crime.

“Informant” means a person who has communicated information to the government in connection with any governmental function.

“Harm” means anything reasonably regarded as loss, disadvantage, or injury, including harm to another person in whose welfare the person affected is interested.

Penal Code 1.07 (25), 36.06

SELF-DEFENSE

(a) Except as provided in Subsection (b), a person is justified in using force against another when and to the degree he reasonably believes the force is immediately necessary to protect himself against the other's use or attempted use of unlawful force.

(b) The use of force against another is not justified:

(1) in response to verbal provocation alone;

(2) to resist an arrest or search that the actor knows is being made by a peace officer, or by a person acting in a peace officer's presence and at his direction, even though the arrest or search is unlawful, unless the resistance is justified under Subsection (c);

(3) if the actor consented to the exact force used or attempted by the other;

(4) if the actor provoked the other's use or attempted use of unlawful force, unless:

(A) the actor abandons the encounter, or clearly communicates to the other his intent to do so reasonably believing he cannot safely abandon the encounter; and

(B) the other nevertheless continues or attempts to use unlawful force against the actor; or

(5) if the actor sought an explanation from or discussion with the other person concerning the actor's differences with the other person while the actor was:

(A) carrying a weapon in violation of Section 46.02; or

(B) possessing or transporting a weapon in violation of Section 46.05.

Penal Code 9.31 (a)-(b)

SERIOUS OFFENSE [See pages 16 - 20]

SEXUAL ASSAULT

“Sexual assault” is defined as intentionally or knowingly causing physical sexual contact or sexual penetration of a child at any time or of another person without that person’s consent. Sexual assault is without the consent of the other person if the actor compels the other person to submit or participate by use of physical force or violence, or threat of force or violence, and the other person believes the actor has the present ability to execute the threat; or the other person cannot consent.

Penal Code 22.011

TERRORISTIC THREAT

A “terroristic threat” is a threat to commit any offense involving violence to any person or property with the intent to:

- (1) cause a reaction of any type to his threat by an official or volunteer agency organized to deal with emergencies
- (2) place any person in fear of imminent serious bodily injury; or
- (3) prevent or interrupt the occupation or use of a building; room; place of assembly; place to which the public has access; place of employment or occupation; aircraft, automobile, or other form of conveyance; or other public place; or
- (4) cause impairment or interruption of public communications, public transportation, public water, gas, or power supply or other public service.

Penal Code 22.07

TITLE 5 FELONY OFFENSE

Chapter	§ and Offense	A felony when:
19	19.02 Murder	always
	19.03 Capital Murder	always
	19.04 Manslaughter	always
	19.05 Criminally Negligent Homicide	state jail felony
20	20.02 Unlawful Restraint	the actor recklessly exposes the victim to substantial risk of serious bodily injury
	20.03 Kidnapping	always
	20.04 Aggravated Kidnapping	always
21	21.02 Continuous Sexual Abuse of a Young Child or Children	always
	21.06 Homosexual Conduct	never
	21.07 Public Lewdness	never
	21.08 Indecent Exposure	never
	21.11 Indecency with a Child	always
	21.15 Improper Photography or Visual Recording	state jail felony
22	22.01 Assault	against a person the actor knows is a public servant while servant lawfully discharging an official duty or in retaliation or on account of an exercise of official

		power
22.011	Sexual Assault	always
22.015	Coercing Gang Membership	always
22.02	Aggravated Assault	always
22.021	Aggravated Sexual Assault	always
22.04	Injury to a Child, Elderly Individual, or Disabled Individual	always
22.041	Abandoning or Endangering Child	always
22.05	Deadly Conduct	knowingly discharge a firearm at or in direction one or more individuals or a habitation, building, or vehicle and is reckless as to whether it is occupied
22.07	Terroristic Threat	cause impairment or interruption of public communications, public transportation, public water, gas, or power supply or other public service
22.08	Aiding Suicide	causes suicide or attempted suicide that results in serious bodily injury
22.09	Tampering with Consumer Product	always
22.10	Leaving a Child in a Vehicle	never
22.11	Harassment of Public Servant	state jail felony

UNDER THE INFLUENCE

“Under the influence” means not having the normal use of mental or physical faculties; however the student need not be legally intoxicated.

District officials may determine that a student is under the influence based on information from other students, employees, or patrons or the student’s admission that the student used a prohibited substance (alcohol, dangerous drug, controlled substance, or any other intoxicant) at school or recently enough prior to being at school or a school activity that the student would experience the effects of using the substance while at school or the school activity.

USE

“Use” means a student has voluntarily introduced into his or her body by any means a prohibited substance recently enough that it is detectable by the student’s physical appearance, actions, breath, or speech.