

District Advisory Committee Meeting

April 12, 2023

Christy Dafonte, Director, District Compliance

Glenn Reed, Chief Financial Officer

Glenda Calloway, Exec Director Counseling and Student Assistance



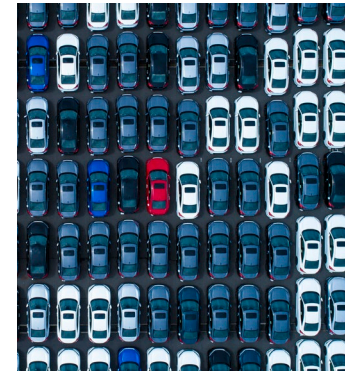
Agenda

<i>Topics</i>	<i>Presenter</i>	<i>Time</i>
Welcome and Introductions Review Meeting Norms	Christy Dafonte Director, District Compliance	5 min
District Budget	Glenn Reed, Chief Financial Officer	20 min
Code of Conduct	Glenda Calloway, Exec Director Counseling	20 min
Closing Remarks	Christy Dafonte	10 min

*All topic times include Q&A.

DAC Meeting Norms

- ✓ Treat each other with dignity and respect
- ✓ Mute your microphone when you are not talking.
- ✓ Use the raise hand icon/emoji when you would like to speak.
- ✓ Balance talk time so all can participate and share their thoughts.
 - Try to limit comments to 2 minutes for each agenda item.
 - Do not speak over or interrupt others when it is their turn to talk.
 - Limit comments only to the current agenda item being discussed.
- ✓ Stay present and engaged throughout the entire meeting.
 - Stay focused on the agenda topics
 - Listen with an open mind and remain positive



Padlet Parking Lot

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Our Collective Purpose



- To promote excellence in education and specialized supports for all HISD students through community representation.
- The DAC provides valuable input to the Superintendent and his leadership team and the Board of Trustees, who ultimately have decision-making responsibility for the district.

BUDGET OVERVIEW

Agenda

- 1. Budget Overview**
- 2. Case for Change**
- 3. Solutions for Addressing the Deficit**

General Fund Revenue Overview: Adopted Budget

HISD's General Fund (GF) is supported by local, state, and federal sources, in addition to some transfers. **When HISD proposes its annual budget, it seeks to balance the GF revenues with GF expenditures.**

FY23 Adopted Budget		
	(\$, M)	(% of Total)
Local Sources	1,901	87%
State Sources	191	9%
Federal Sources	72	3%
Transfers	20	1%
Total General Fund	2,183	100%

Notes

- The table above includes General Fund sources in the **adopted FY23 budget**.
- In addition to GF revenue, HISD also administers Internal Service Funds and Federal Funds, which are not included in this view.

General Fund Expenditures Overview: Adopted Budget

FY23 Adopted Budget

	(\$, M)	(% of Total)
Schools	1,606	70%
Departments	279	12%
Districtwide Services	83	4%
Recapture	247	11%
Other	69	3%
Total General Fund	2,284	100%

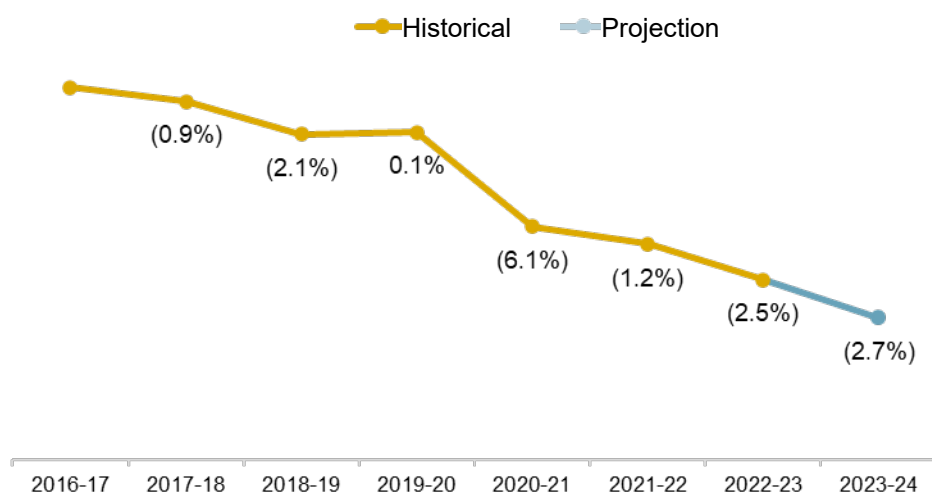
Notes

- Funding to schools includes \$1,259M in direct funding (via the Resource Allocation Model) and \$347M in pupil support provided directly from departments to schools.
- “Other” represents payments for Tax Increment Reinvestment Zones.
- Estimated “fallout” for adopted budget expected to reduce total expenditures by \$70M.

CASE FOR CHANGE

Enrollment Trends

Historical and Projected Enrollment



- Using the latest principal enrollment projections, the district will have decreased by ~31,000 students from FY17 to FY24 (a roughly 14.5% decline)
- HISD should consider the long-term budget implications if projected enrollment loss is realized next year and continues to decline at a similar rate in future years

Pro Forma (Forecasted) Budget: “Status Quo”

(\$, In Millions)

Principals’ enrollment projections for FY24 worsened the forecasted outlook presented in the February workshop. **Without introducing any cost-saving measures, our deficit is expected to grow in excess of \$280M.**

	Adopted 2022-2023	Latest Thinking 2022-2023	2023-2024	2024-2025	2025-2026
Total Revenues	\$ 2,133	2,164	2,182	2,222	2,260
Appropriations	\$ (2,336)	(2,419)	(2,434)	(2,575)	(2,614)
Fallout Estimate	70	95	70	70	70
Operating Surplus / (Deficit)	\$ (133)	(160)	(181)	(283)	(284)
Use of One-Time ESSER Funds	\$ 102	102	39	-	-
Use of Reserve for Encumbrances and ERP Projects to Address Carryover	-	54	-	-	-
Surplus / (Deficit) After Use of One-Time Funds	\$ (31)	(4)	(143)	(283)	(284)

Note: This pro forma does not include impact of future enrollment changes in FY26.

SOLUTIONS FOR ADDRESSING THE DEFICIT

Solutions for Addressing the Deficit

Navigating this challenging deficit will inherently impact our schools and operations; however, we are committed to **prioritizing solutions that have the *least negative impact on students***. The tools at our disposal for addressing the deficit include stabilizing and increasing revenue and decreasing costs.

Revenue

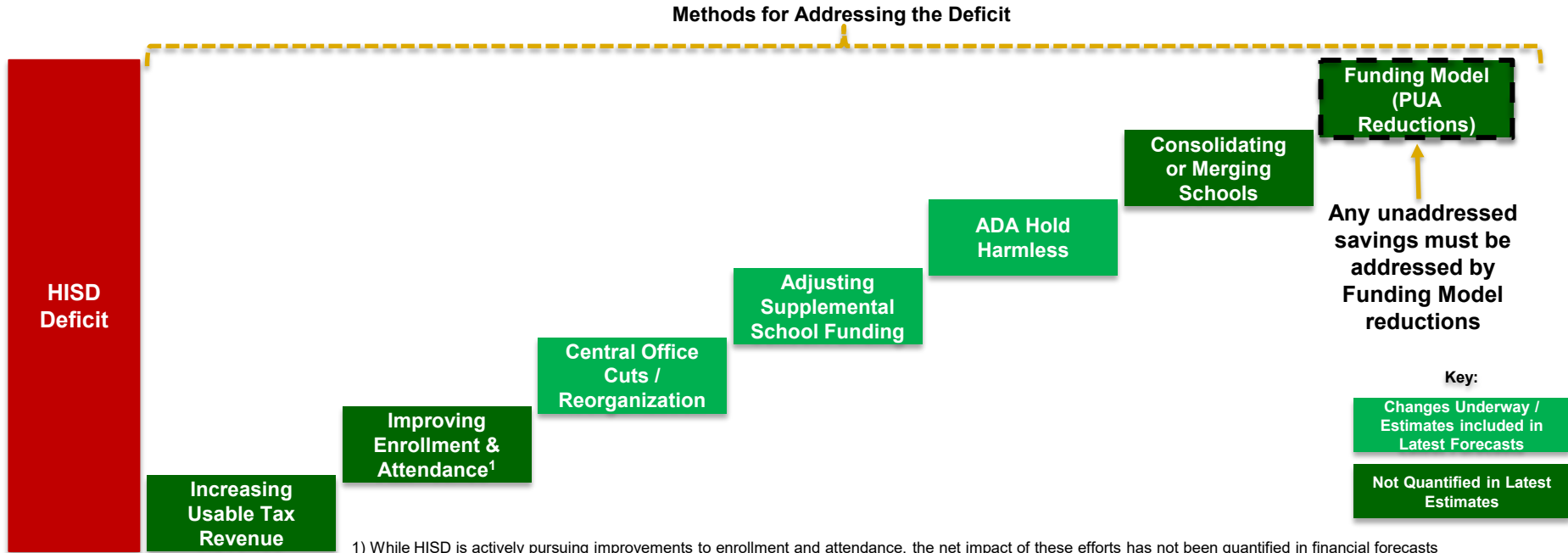
- Increasing usable tax revenue
- Stabilizing and increasing enrollment and attendance

Costs

- Central office cuts / reorganization
- Adjusting supplemental school funding
- Reducing the PUA
- Consolidating or merging schools

HISD must consider all these solutions over time.

This visual represents the effects of a *potential* combination of solutions, *in no particular order*. HISD has set a target of eliminating this deficit by FY26 (before reserves are exhausted).



1) While HISD is actively pursuing improvements to enrollment and attendance, the net impact of these efforts has not been quantified in financial forecasts

School Specific General Fund Changes

Small School Subsidy

Savings: ~\$8M

Standardizing per unit allocation to \$1,500

High School Allotment

Savings: ~\$5M

Reduction from \$170 to \$85

***5% Cap on GF impact
Imposed for SSS and HSA***

Removal of ADA Hold Harmless

Savings: ~\$29M¹

***Beginning in FY24, schools
will not be held harmless
for attendance***

1) Estimated impact based on change in policy applied to static enrollment at a unique point in time. Final impact may vary slightly due to enrollment changes

School Specific General Funds that are NOT Changing

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Magnet School
Funding

*All magnet funding will remain the same
for FY 23-24*

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PUA

*The Per Unit Allotment
(PUA) and weights will not
decrease for the FY 23-24*

Notes:

- Magnet funding on a school-level basis may fluctuate due to enrollment changes at the school level
- Principals will experience a Per Unit Allocation **increase** of \$409 to account for the average salary increase in FY23

Pro Forma (Forecasted) Budget: Proposed FY24 Adjustments Included

(\$, in Millions)

The realization of Central Office cuts, supplemental school funding adjustments, and the end of ADA “hold harmless” contribute to a material reduction in our forecasted deficit.

	Adopted 2022-2023	Latest Thinking 2022-2023	2023-2024	2024-2025	2025-2026
Total Revenues	\$ 2,133	2,164	2,182	2,222	2,260
Appropriations	\$ (2,336)	(2,419)	(2,372)	(2,513)	(2,552)
<i>Fallout Estimate</i>	70	95	70	70	70
Operating Surplus / (Deficit)	\$ (133)	(160)	(119)	(222)	(222)
Use of One-Time ESSER Funds	\$ 102	102	39	-	-
Use of Reserve for Encumbrances and ERP Projects to Address Carryover	-	54	-	-	-
Surplus / (Deficit) After Use of One-Time Funds	\$ (31)	(4)	(81)	(222)	(222)

Note: This pro forma does not include impact of future enrollment changes in FY26. Further refinement of this pro forma is ongoing and will be presented in future workshops.

Cost-saving measures introduced in FY24 are expected to reduce the FY25 deficit from **\$283M** to **\$222M**

Key Takeaways

1. Principal-projected enrollment numbers for FY24 indicate that HISD may face a decline in enrollment of ~5,200 students.
2. In order to begin to address enrollment decline and long-standing structural inefficiencies, the administration is proposing changes to both the central office and the schools General Fund allocations. These changes amount to ~\$58 M in savings and include:
 - **Standardizing Small School Subsidy allocation** (~\$8M)
 - **Cutting the High School Allotment in half** (~\$5M)
 - **Removing ADA Hold Harmless** (~\$29M)
 - **Central Office Cuts** (~\$15M)
3. Current financial forecast indicates that even though introducing cost saving measures will allow HISD to remain above reserve requirements through most of FY26, **additional cost savings opportunities must still be identified to mitigate our anticipated operating deficit.**
4. Principals are currently working on completing their FY24 budgets. As these are submitted, HISD leadership will assess the impacts of these cuts.

HISD Code of Student Conduct

Requirements of Law, Texas Education Code,
Chapter 37

Date: April 12, 2023

Presenter:

*Glenda Calloway, Executive Director
Counseling and Student Assistance
gcallowa@houstonisd.org*



Agenda

- Purpose and Parameters of the Student Code of Conduct
- Current Changes for SY 23-24
- Future Opportunities for Stakeholders to share their thoughts

Texas Education Code – Chapter 37

- The Texas Legislature passed the Safe Schools act in **1995**.
- This act established comprehensive school safety requirements for public schools.
- Texas' Response: Entered into the education code as: TEC Chapter 37 Discipline Law & Order

TEA HEALTH & SAFETY

Chapter 37 TEC

- The board of trustees of an independent school district shall, with the advice of its district-level committee adopt a student code of conduct for the district.
- The student code of conduct must be posted and prominently displayed at each school campus or made available for review at the office of the campus principal.

Code must include

Specify circumstances in which a students can be removed from:

- A classroom
- A campus
- A DAEP
- A School District Vehicle

Code must include (Chapter 37):

- The conditions which allow for an administrator to refer a student to a DAEP
- Conditions in which a student may be suspended or expelled
- The requirements of due process procedures, which include parent/student conferences

Code must include (Chapter 37):

- Provision for weighing the following factors before making disciplinary decisions:
 - Self defense
 - Disciplinary history
 - Student's status in the conservatorship of the DFPS or status being homeless
 - Intent or lack of intent
 - A disability that impairs the student's capacity to appreciate the wrongfulness of the action

The Code Must (Chapter 37)

- Provide guidelines for length of removal or expulsion
- Address how parents/guardians will be notified of disciplinary action
- Address bullying, harassment, hit lists, dating violence, threats

The Code Must (Chapter 37)

- Provide options for:
 - Managing student behavior in classrooms, on school grounds, or on a vehicle owned by the school district
 - Preventing and intervening in student discipline problems including bullying, harassment, hit lists

TEC 37.0012

Requires the designation of an administrator on each campus as a **CAMPUS BEHAVIOR COORDINATOR** who is responsible for :

- (1) maintaining student discipline;
- (2) implementing progressive discipline management techniques as appropriate; and,
- (3) promptly notifying parents of major sanctions such as suspension, DAEP placement or expulsion.

The Code

The *Code* was developed to protect the rights of all students, parents, and staff by:

- providing a districtwide discipline management plan
- specifying the behavior that is expected of all students
- describing the broad range of student misconduct and providing appropriate disciplinary consequences or options for the various kinds of misconduct
- outlining student rights relating to school
- listing procedures that must be followed when applying consequences

Changes for School Year 2023-2024

The following has been added to the intro...

This *Student Code of Conduct* is adopted by the district's board of trustees, it has the force of policy. In the event of a conflict between the *Code* and a campus-specific Student Handbook, the *Code* shall prevail.

The Code's Jurisdiction:

- while at school or 300 feet from the school's property line
- at school sponsored or school related activities
- certain criminal felony violations away from school
- cyberspace and social media activities that directly and substantially impact the school environment

The following has been added to the responsibilities of the Campus Behavior coordinator

- Establish protocols to review and analyze campus-specific discipline data monthly.

The following has been added throughout the code under Level III, IV, V.

After considering certain factors, as prescribed by law, an administrator may consider other interventions such as restorative practices, restitution, community service, Education First, etc. in lieu of using an exclusionary consequence.

The following has been added to the Education First reference in the *Code*:

- **For students with no other serious, documented discipline concerns** a first instance of using or being under the influence of marijuana, a controlled drug, a dangerous drug, an alcoholic beverage, an abusable volatile chemical or possession of inhalant paraphernalia, designer drugs, synthetic marijuana, synthetic cannabinoids, stimulants (e.g. "bath salts"), or analogs of any controlled substance shall result in referral, screening, and appropriate intervention through the **Education First program**.

Glossary has been added.

Current Proposed Bills During the 88th Legislative Session

HB 3654 Davis

Relating to the suspension of a public school student for engaging in certain conduct against an employee or volunteer of a school district. **Has not passed. Retaliation against employees is already referenced in our Code.**

HB 3867 Bucy

Relating to notification and documentation requirements regarding certain behavior management for a student enrolled in a special education program of a public school. **This relates to SPED procedures – still in committee.**

HB 3898 Martinez

Relating to establishing a pilot program to employ a life skills counselor and establish a life skills circle to assess certain student behavior at public high school campuses in certain counties. **This relates to Life Skills Students – still in committee.**

Future Opportunities for Stakeholders to share their thoughts

- Meetings with school principals
- Survey (English, Spanish, Vietnamese, and Arabic.) April 17, 2023-April 26, 2023
 - Students
 - Parents
 - Campus level staff
 - District level staff
 - Community Members

Glossary

Abuse is improper or excessive use.

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

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

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

Arson is defined in part by Penal Code 28.02 as a crime that involves:

Starting a fire or causing an explosion with intent to destroy or damage:

- a. Any vegetation, fence, or structure on open-space land; or
- b. Any building, habitation, or vehicle:
 1. Knowing that it is within the limits of an incorporated city or town,
 2. Knowing that it is insured against damage or destruction,
 3. Knowing that it is subject to a mortgage or other security interest,
 4. Knowing that it is located on property belonging to another,
 5. Knowing that it has located within it property belonging to another, or

When the person starting the fire is reckless about whether the burning or explosion will endanger the life of some individual or the safety of the property of another.

Recklessly starting a fire or causing an explosion while manufacturing or attempting to manufacture a controlled substance if the fire or explosion damages any building, habitation, or vehicle; or

Intentionally starting a fire or causing an explosion and in so doing:

- a. Recklessly damaging or destroying a building belonging to another, or
- b. Recklessly causing another person to suffer bodily injury or death.

Assault is defined in part by Penal Code 22.01 (a) as intentionally, knowingly, or recklessly causing bodily injury to another (**assault with bodily injury**); intentionally or knowingly threatening another with imminent bodily injury (**verbal assault**); or intentionally or knowingly causing physical contact with another that can reasonably be regarded as offensive or provocative (**assault by contact**).

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:

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

Bullying includes **cyberbullying**. (See below.) This state law on bullying prevention applies to:

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

Chemical dispensing device is defined by Penal Code 46.01 as a device designed, made, or adapted for the purpose of dispensing a substance capable of causing an adverse psychological or physiological effect on a human being. A small chemical dispenser sold commercially for personal protection is not in this category.

Club is defined by Penal Code 46.01 as an instrument, specially designed, made, or adapted for the purpose of inflicting serious bodily injury or death by striking a person with the instrument, and includes but is not limited to a blackjack, nightstick, mace, and tomahawk

Controlled substance means a substance, including a drug, an adulterant, and a dilutant, listed in Schedules I through V or Penalty Group 1, 1-A, 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.

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

Crisis Response Plan should include guidelines for membership on the school crisis response team and the roles of its members; protocols for delivering crisis intervention services; and

protocols for notifying team members, school staff, students, parents, and the community of information about a crisis.

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

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

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

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

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

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

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

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

Education First - The HISD Board of Trustees in the Spring Semester, 2017 approved a Disciplinary Alternative Education Program (DAEP) diversion program for first time drug possession offenses for students who have no other documented serious discipline concerns. Students are now eligible to receive educational intervention on their home campus or through a community-based partnership as an alternative to placement at the DAEP if the student is successful in completing the prescribed educational intervention. This program is referred to as Education First.

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 or a consumable liquid solution or other material aerosolized or vaporized during the use of an electronic cigarette or other device described by this provision. The term includes any device that is manufactured, distributed, or

sold as an e-cigarette, e-cigar, or e-pipe or under another product name or description and a component, part, or accessory for the device, regardless of whether the component, part, or accessory is sold separately from the device.

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

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

- Cause action by an official or volunteer agency organized to deal with emergencies;
- Place a person in fear of imminent serious bodily injury; or
- Prevent or interrupt the occupation of a building, room, or place of assembly.

Firearm is defined by federal law (18 U.S.C. 921(a)) as:

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

Such term does not include an antique firearm.

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

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

Harassment includes:

- Conduct that 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 Education Code 37.001(b)(2); or
- Conduct that is punishable as a crime under Penal Code 42.07, including the following types of conduct if carried out with the intent to harass, annoy, alarm, abuse, torment, or embarrass another:
 - 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. Sending repeated electronic communications in a manner reasonably likely to harass, annoy, alarm, abuse, torment, embarrass, or offend another; and
- e. Publishing on an internet website, including a social media platform, repeated electronic communications in a manner reasonably likely to cause emotional distress, abuse, or torment to another person, unless the communications are made in connection with a matter of public concern, as defined by law.

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

- Any type of physical brutality;
- An activity that subjects the student to an unreasonable risk of harm or that adversely affects the student's mental or physical health, such as sleep deprivation, exposure to the elements, confinement to small spaces, calisthenics, or consumption of food, liquids, drugs, or other substances;
- An activity that induces, causes, or requires the student to perform a duty or task that violates the Penal Code; or
- 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 Education Code 37.001(b)(3) 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.

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

Indecent exposure is defined by Penal Code 21.08 as an offense that occurs when a person exposes the person's anus or any part of the person's genitals with intent to arouse or gratify the sexual desire of 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 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.

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

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

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

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

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

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

Positive Behavioral Interventions and Supports (PBIS) [is an evidence-based](#), tiered framework for supporting *students'* behavioral, academic, social, emotional, and mental health. When implemented with fidelity, [PBIS improves](#) social emotional competence, academic success, and school climate.

Possession means to have an item on one's person or in one's personal property, including, but not limited to:

- Clothing, purse, or backpack;
- A private vehicle used for transportation to or from school or school-related activities, including, but not limited to, an automobile, truck, motorcycle, or bicycle;
- Telecommunications or electronic devices; or
- Any school property used by the student, including, but not limited to, a locker or desk.

Prohibited weapon under Penal Code 46.05(a) means:

The following items, unless registered with the U.S. Bureau of Alcohol, Tobacco, Firearms, and Explosives or otherwise not subject to that registration requirement or unless the item is classified as a curio or relic by the U.S. Department of Justice: An explosive weapon;

- a. A machine gun;
- b. A short-barrel firearm;
- Armor-piercing ammunition;
- A chemical dispensing device; (not pepper spray or mace for personal use)
 - A zip gun;
- A tire deflation device; or
- 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, when the person 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 Education Code 37.121(d) are excepted from this definition.

Reasonable belief is that which an ordinary person of average intelligence and sound mind would believe. Chapter 37 requires certain disciplinary decisions when the superintendent or designee has a reasonable belief that a student engaged in conduct punishable as a felony offense. In forming such a reasonable belief, the superintendent or designee may use all available information, including the notice of a student's arrest under Code of Criminal Procedure Article 15.27.

Response to intervention in discipline management, commonly referred to as **Rti**, focuses on providing high-quality instruction, support, and interventions that are driven by identified student social and emotional needs, monitoring progress frequently to make decisions about changes in instruction or behavioral goals, and applying student response data to important educational decisions.

Restorative Practice (justice) is an alternative to using punitive-based approaches to school discipline and behavior management in K-12 classrooms. It focuses on repairing harm through inclusive processes that bring together students and educators.

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

Serious misbehavior means:

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

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

- Behavior that is grounds for permissible expulsion or mandatory DAEP placement.
- Behavior identified by the district as grounds for discretionary DAEP placement.
- Actions or demonstrations that substantially disrupt or materially interfere with school activities.
- Refusal to attempt or complete 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.

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.

Social-emotional learning (SEL) is the process of developing the self-awareness, self-control, and interpersonal skills that are vital for school, work, and life success. People with strong social-emotional skills are better able to cope with everyday challenges and benefit academically, professionally, and socially.

Terroristic threat is defined by Penal Code 22.07 as a threat of violence to any person or property with intent to:

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

Threat assessment is intended to prevent violence and involves both assessment and intervention. Threat assessment involves **determining whether a student poses a threat of violence** (they have intent and means to carry out the threat) and whether a threat is a transient threat or substantive threat -- **transient** (i.e., expression of anger or frustration that can be quickly or easily resolved) or **substantive** (i.e., serious intent to harm others that involves a detailed plan and means)

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

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

- Murder, manslaughter, or homicide under Sections 19.02–.05;
- Kidnapping under Section 20.03;
- Trafficking of persons under Section 20A.02;
- Smuggling or continuous smuggling of persons under Sections 20.05–.06;
- Assault under Section 22.01;

- Aggravated assault under Section 22.02;
- Sexual assault under Section 22.011;
- Aggravated sexual assault under Section 22.021;
- Unlawful restraint under Section 20.02;
- Continuous sexual abuse of a young child or disabled individual under Section 21.02;
- Bestiality under Section 21.09;
- Improper relationship between educator and student under Section 21.12;
- Voyeurism under Section 21.17;
- Indecency with a child under Section 21.11;
- Invasive visual recording under Section 21.15;
- Disclosure or promotion of intimate visual material under Section 21.16;
- Sexual coercion under Section 21.18;
- Injury to a child, an elderly person, or a disabled person of any age under Section 22.04;
- Abandoning or endangering a child under Section 22.041;
- Deadly conduct under Section 22.05;
- Terroristic threat under Section 22.07;
- Aiding a person to commit suicide under Section 22.08; and
- Tampering with a consumer product under Section 22.09.

Under the influence means lacking the normal use of mental or physical faculties. Impairment of a person's physical or mental faculties may be evidenced by a pattern of abnormal or erratic behavior, the presence of physical symptoms of drug or alcohol use, or by admission. A student "under the influence" need not be legally intoxicated to trigger disciplinary action.

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

Zip gun is defined by Penal Code 46.01 as a device or combination of devices 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.

Thank you



In Closing...

If you have questions regarding the Student Code of Conduct, please contact Glenda Calloway.

For all other questions feel free to email DAC@houstonisd.org

Meeting Adjourned!

Next Meeting: Tuesday, June 13, 2023, 5-6:30pm

