

*2015-2016*

*DISCIPLINE  
MANAGEMENT  
PLAN*

*STUDENT  
CODE  
OF  
CONDUCT*

# **Student Code of Conduct**

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## STUDENT CODE OF CONDUCT ACKNOWLEDGMENT

Dear Student and Parent:

As required by state law, the board of trustees has 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 with your family. If you have any questions about the required conduct and consequences for misconduct, we encourage you to ask for an explanation from the student's teacher or campus administrator.

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

Thank you,

Daryl Stuard, BISD Superintendent

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The Bremond ISD Student Code of Conduct is available online. We acknowledge and understand that students will be held accountable for their behavior and will be subject to the disciplinary consequences outlined in the Code.

Print name of student: \_\_\_\_\_

Signature of student: \_\_\_\_\_

Print name of parent: \_\_\_\_\_

Signature of parent: \_\_\_\_\_

Date: \_\_\_\_\_

Grade: \_\_\_\_\_

Please check one: ☐ Yes, I give permission for the use of corporal punishment.

☐ No, I do not give permission for the use of corporal punishment.

**Update Revised 07/13/15**

Discipline Management Plan and  
Student Code of Conduct

**PREAMBLE**

Administrators, teachers, parents, and community members of the district have developed the Student Code of Conduct for the Bremond Independent School District. It is based on the premise that one's education begins with discipline and ends in self-discipline. Basic to this premise is the belief that effective learning situations can best be provided and positive behavioral patterns enforced when unacceptable behavioral patterns and their consequences are outlined, communicated and understood by students, parents, and school personnel. When discord does arise, adherence to this code will assure that all parties are treated with courtesy, respect and fairness, yet with a firmness that will direct students to conduct themselves in an acceptable manner.

In accordance with state law, the Code shall be posted at each school campus or shall be available for review at the office of the campus principal. Additionally, the code shall be available at the office of the campus behavior coordinator and posted on the district's website. Parents shall be notified of any conduct violation that may result in a student being suspended, placed in a D.A.E.P., expelled, or taken into custody by a law enforcement officer under chapter 37 of the Education Code.

Because the Student Code of Conduct is adopted by the district's board of trustees, it has the force of policy; therefore, in case of conflict between the Code and the student handbook, the Code shall prevail.

This code provides information to parents and students regarding standards of conduct, consequences of misconduct, and procedures for administering discipline. It remains in effect during summer school and at all school-related events and activities outside of the school year until an updated version adopted by the board becomes effective for the next school year.

As required by law, a person at each campus must be designated to serve as the campus behavior coordinator. The designated person may be the principal of the campus or any other campus administrator selected by the principal. The campus behavior coordinator is primarily responsible for maintaining student discipline. The district maintains a current list of the persons serving as a campus behavior coordinator in the student handbook or on the district's website at [www.bremondisd.net](http://www.bremondisd.net).

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

**Philosophy.**

The mission of the school district is to develop each student's intellectual, social and emotional abilities in order to insure that each child masters the basic curriculum and maximizes his or her innate potential. These objectives may be met only when there is a school climate free from disruptions that interfere with the learning process. The purpose of this code is to communicate the expectations for responsible student behavior, and the consequences of irresponsible and disruptive behavior. It is expected that individual students will assume responsibility for self-discipline in accordance with state expectations. However, when violations of the Student Code of Conduct do occur, discipline will be administered in order to correct disruptive behavior, to protect other students, school employees, or property, and/or to maintain a positive learning environment.

Student discipline shall be administered fairly and equitably, and based on a careful assessment of the circumstances of each case. Factors to be considered shall include:

- The seriousness of the offense.
- The student's age.
- The frequency of the misconduct.
- The student's attitude.
- The potential effect of the misconduct on the school environment.

Parental questions or complaints regarding disciplinary measures should be addressed to the teacher or campus administration, as appropriate and in accordance with policy FNG (LOCAL). A copy of this policy may be obtained from the principal's office or the central administration office or on the district's website at [www.bremondisd.net](http://www.bremondisd.net).

# **CHAPTER ONE**

## **IMPLEMENTATION OF THE CODE OF CONDUCT**

### **A. Responsibility and Authority for Administration and Enforcement of the Code of Conduct**

- The building principal and/or other appropriate administrator shall have the responsibility of implementing the Student Code of Conduct.
- Assignment of a student from school to an alternative educational program, in accordance with the code, may be made by the principal or other appropriate administrator.
- Suspension of a student from school, not to exceed three days, who engages in conduct for which one may be placed in the alternative education program, may be imposed by the principal or other appropriate administrator.
- The superintendent shall have the authority to expel a student for disciplinary infractions and/or violations of the law in accordance with this code and state and federal laws.
- The superintendent, principal, or appropriate administrator may order the immediate suspension, expulsion, or placement in an alternative education program of a student whose behavior is so unruly, disruptive, or abusive, that it seriously interferes with school operations or activities, and/or the administrator reasonably believes that such action is necessary to protect persons or property from imminent harm.
- The school administrator shall provide each certified employee a copy of Subchapter A of Chapter 37 on alternative settings for behavior management, and a copy of the local discipline policies.
- Inform each teacher of a student who has committed an expellable offense.

### **B. Roles and Responsibilities of Certified Personnel in Maintaining Acceptable Conduct**

Administrators have the responsibility to:

- Assure a safe and orderly climate for teaching and learning.
- Enforce the Student Code of Conduct.
- Provide appropriate support for teachers who seek help in discipline management.
- Notify parents within 24 hours of receipt of report of violation of the Student Code of Conduct.
- Provide campus in-service related to the Student Code of Conduct.
- Communicate with parents when their child becomes a discipline problem.
- Secure a signed statement from parents acknowledging receipt of a copy of the Student Code of Conduct, and knowledge of the Code.
- Report firearm offenses to TEA in accordance with 37.001 (e).
- Schedule a hearing within 3 days after a formal teacher removal of a student.
- Provide parents with notice of an opportunity to participate in a proceeding before the board designee when student's placement in an alternative education program (D.A.E.P.) extends beyond the end of the next grading period.
- Provide minimal due process for suspensions and D.A.E.P. placements.
- Provide 120 days review of a student placed in a D.A.E.P.
- Make appropriate reports to law enforcement.
- Take necessary disciplinary action when a student is required to register as a sex offender.

The district has disciplinary authority over a student:

- During the regular school day and while the student is going to and from school or a school-sponsored or school-related activity on district transportation.
- During lunch periods in which a student is allowed to leave campus.
- While the student is in attendance at any school-related activity, regardless of time or location.
- For any school-related misconduct, regardless of time or location.

- When retaliation against a school employee or volunteer occurs or is threatened, regardless of time or location.
- When criminal mischief is committed on or off school property or at a school-related event.
- For certain offenses committed within 300 feet of school property as measured from any point on the school's real property boundary line.
- For certain offenses committed while on school property or while attending a school-sponsored or school-related activity of another district in Texas.
- When the student commits a felony, as provided by Education Code 37.006 or 37.0081.
- When the student is required to register as a sex offender.

Teachers and other certified personnel have the responsibility to:

- Be knowledgeable of the Student Code of Conduct and sign a statement to the effect.
- Develop, maintain, and communicate classroom rules and discipline management procedures.
- Remove from class a student who commits certain serious offenses.
- Maintain an orderly classroom and atmosphere.
- Establish rapport and an effective working relationship with parents.
- Report in writing, up to one page, to the principal or other appropriate administrator any known violation of Student Code of Conduct.
- Maintain confidentiality upon receipt of information that a student has committed an expellable offense.

### **C. Role and Responsibilities of Parents in Maintaining Acceptable Conduct**

Parents, which includes single parent, legal guardian, or parent(s) having lawful control of the student, have the responsibility to:

- Make every effort to provide for the physical needs of the student.
- Teach the child to pay attention and obey rules.
- Assure their child attends school regularly and reports and explains absences and tardiness to school personnel.
- Be sure the child is appropriately dressed at school-related activities.
- Support school personnel in the enforcement of the discipline imposed in accordance with school policy and the Student Code of Conduct.
- Participate in meaningful conferences with school personnel regarding the child's progress, behavior, or general welfare.
- Discuss report cards and school assignments with your child.
- Bring to the attention of school personnel any problems or condition that may relate to the child's education or well-being.
- Supply all records required for enrollment.
- Submit a signed statement that they have received and reviewed the Student Code of Conduct and they are knowledgeable of the responsibilities outlined in the Code.
- Control their child.

### **D. Rights and Responsibilities of Students**

All students are entitled to enjoy the basic rights of citizenship recognized and protected by law for persons of their age and maturity. The school will foster a climate of mutual respect for the rights of others. Students are expected to respect the rights and privileges of other students, teachers, and district staff. The district's rules of conduct and discipline are established to achieve and maintain order in the school. Students who violate district and school rules will be subject to disciplinary measures designed to correct the misconduct and to promote adherence by all students to their responsibilities as citizens in the school community.

Student's responsibilities for achieving a positive learning environment at school or school-related activities include:

1. Attending all classes, daily and on time.
2. Being prepared for each class with appropriate materials and assignments.
3. Meet District and campus standards of grooming and dress.
4. Exhibiting respect toward others, even when others do not.
5. Behaving in a respectable manner, always exercise self-discipline.
6. Paying required fees and fines, unless they are waived.
7. Refraining from violations of the Student Code of Conduct.
8. Obeying all school and class rules, including safety rules.
9. Exhibiting responsible conduct at school, on school buses and at all school functions on or off campus.
10. Cooperating with staff in the investigation of disciplinary cases and volunteering information relating to a serious offense.
11. Avoid violations of the Student Code of Conduct.

**E. Students at School or School-Related Activities are Prohibited From:**

1. Cheating or copying the work of another student.
2. Throwing objects that can cause bodily injury or damage to property or school grounds.
3. Leaving school-sponsored events without permission.
4. Directing profanity, vulgar language, or obscene gestures towards others.
5. Insubordination, such as disobeying directives from school personnel or school policies, rules, and regulations.
6. Being disrespectful or directing profanity, vulgar language, or obscene gestures toward teachers and regulations.
7. Possessing or using matches or lighters or other incendiary devices, or committing arson.
8. Committing or assisting in a robbery or theft, that does not constitute a felony according to the Texas Penal Code.
9. Damaging or vandalizing property owned by other students or District employees.
10. Disobeying school rules about conduct on District vehicles.
11. Fighting, committing physical abuse, threatening physical abuse.
12. Committing extortion, coercion, or blackmail; that is obtaining money or other objects of value from an unwilling person, or forcing an individual to act through the act of force or threat of force.
13. Engage in verbal abuse, i.e., name calling, ethnic or racial slurs, or derogatory statements that may substantially disrupt the school program or entice violence.
14. Engaging in inappropriate physical or sexual contact (public displays of affection) disruptive to the school environment or disrupting to other students during the school day.
15. Engaging in any other conduct that disrupts the school environment or educational process.
16. Committing inappropriate or indecent exposure.
17. Being tardy or leaving school grounds when not permitted to do so.
18. Engaging in any conduct constituting felony criminal mischief as defined by law.
19. Engaging in any unruly, disruptive, or abusive behavior that seriously interferes with teacher's communications, with students, with student's ability to learn, or with the educational process.
20. Carrying a pocketknife.
21. Engaging in conduct that constitutes sexual harassment or sexual abuse whether by word, gesture, or any other sexual conduct including requests for sexual favors.
22. Possessing, smoking, or using tobacco/tobacco substitute products, including electronic cigarettes; and any component, part, or accessory for an electronic cigarette device.
23. Display, turn on, or use a telecommunications device, including a cellular telephone, or other electronic device or laser pointer on school property during the school day.

24. Violating acceptable use policies, rules or agreements signed by student, and/or agreement signed by the student's parent or guardian.
25. Violating dress and grooming standards as communicated in the Student Handbook or by sponsors of extracurricular activities.
26. Repeatedly violating communicated campus or classroom standards of behavior.
27. Possessing, using, distributing, abusing, attempting to possess or be under the influence of alcohol, drugs, prescription drugs, or other illegal substances.
28. Possessing fireworks of any kind, smoke or stink bombs, or any other pyrotechnic device.
29. Discharging a fire extinguisher when there is no emergency.
30. Causing a false fire alarm.
31. Possessing or selling of "look-alike" weapons.
32. Possessing air guns or BB guns.
33. Possessing mace or pepper spray.
34. Gambling.
35. Making bomb threats.
36. Making false threats to school safety.
37. Possessing material that is pornographic.
38. Threatening a district student, employee, or volunteer on or off school property.
39. Engaging in bullying, harassment, or making hit lists.
40. Engaging in conduct that constitutes dating violence.
41. Recording the voice or image of another without the prior consent of the individuals being recorded or in any way that disrupts the educational environment or invades the privacy of others.
42. Violating computer use policies, rules, or agreements signed by the student or the student's parent.
43. Possessing or selling seeds or pieces of marijuana in less than a useable amount.
44. Possessing, using, selling, or give paraphernalia related to any prohibited substance.
45. Possessing, using, abusing, or selling look-alike drugs or attempting to pass items off as drugs or contraband. Abuse the student's own prescription drug, give a prescription drug to another student, or possess or be under the influence of another person's prescription drug on school property or at a school-related event.
46. Abusing over-the-counter drugs. Be under the influence of prescription or over-the-counter drugs that cause impairment of the physical or mental faculties.
47. Having or taking prescription drugs or over-the-counter drugs at school other than as provided by district policy.
48. Theft of another person's property.
49. Deface or damage school property – including textbooks, technology and electronic resources, lockers, furniture, and other equipment – with graffiti or by other means.
50. Engage in conduct that constitutes sexual or gender-based harassment or sexual abuse, whether by work, gesture, or any other conduct, directed toward another person, including a district student, employee, board member, or volunteer.
51. Use the Internet or other electronic communication to threaten district students, employees, board members, or volunteers, including off school property if the conduct causes a substantial disruption to the educational environment.
52. Use e-mail or websites to engage in or encourage illegal behavior or threaten school safety, including off school property if the conduct causes a substantial disruption to the educational environment.

#### **F. Removal from the Regular Educational Setting**

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

A routine referral occurs when a teacher sends a student to the Campus Behavior Coordinator's office as a discipline management technique. The Campus Behavior Coordinator may then employ alternative discipline management techniques, including progressive interventions.

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

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

Within three school days of the formal removal, the Campus Behavior Coordinator or appropriate administrator will schedule a conference with the student's parent; the student; the teacher, in the case of removal by a teacher; and any other administrator.

At the conference, the appropriate administrator shall inform the student of the misconduct for which he or she is charged and the consequences. The student shall have an opportunity to give his or her version of the incident.

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

- Another appropriate classroom.
- In-school suspension.
- Out-of-school suspension.
- D.A.E.P.

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

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

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

## **G. Discipline Management Techniques**

The following discipline management techniques may be used – alone, in combination, or as part of progressive interventions – for behavior prohibited by the Student Code of Conduct or by campus or classroom rules:

- Correction, oral or written.
- Cooling-off time or "time out."
- Seating changes within the classroom.
- Temporary confiscation of items that disrupt the educational process.
- Rewards or demerits.
- Behavioral contracts.
- Counseling by teachers, counselors, or administrative personnel.
- Parent-teacher conferences.
- Detention.
- Sending the student to the office or other assigned area, or to in-school suspension.
- Assignment of school duties such as cleaning or picking up litter.

- Withdrawal of privileges, such as participation in extracurricular activities, eligibility for seeking and holding honorary offices, or membership in school-sponsored clubs and organizations.
- Penalties identified in individual student organizations' extracurricular standards of behavior.
- Withdrawal or restriction of bus privileges.
- School-assessed and school-administered probation.
- Corporal punishment, unless the student's parent or guardian has provided a signed statement prohibiting its use.
- Out-of-school suspension, as specified in the Suspension section of this Code.
- Placement in a D.A.E.P., as specified in the D.A.E.P. section of this Code.
- Placement and/or expulsion in an alternative educational setting, as specified in the Placement and/or Expulsion for Certain Serious Offenses section of this Code.
- Expulsion, as specified in the Expulsion section of this Code.
- Referral to an outside agency or legal authority for criminal prosecution in addition to disciplinary measures imposed by the district.
- Other strategies and consequences as determined by school officials.

The Campus Behavior Coordinator shall promptly notify a student's parent by phone or in person of any violation that may result in in-school or out-of-school suspension, placement in a DAEP, placement in a JJAEP, or expulsion. The Campus Behavior Coordinator shall also notify a student's parent if the student is taken into custody by a law enforcement officer under the disciplinary provisions of the Education Code. A good faith effort shall be made on the day the action was taken to provide to the student for delivery to the student's parent written notification of the disciplinary action. If the parent has not been reached by telephone or in person by 5:00 p.m. of the first business day after the day the disciplinary action was taken, the Campus Behavior Coordinator shall send written notification by U.S. Mail. If the Campus Behavior Coordinator is not able to provide notice to the parent, the principal or designee shall provide the notice.

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

Questions from parents regarding disciplinary measures should be addressed to the teacher or campus administration, as appropriate. Appeals or complaints regarding the use of specific discipline management techniques should be addressed in accordance with policy FNG (LOCAL). A copy of the policy may be obtained from the principal's office or the central administration office or through Policy On Line at the following address: [www.bremondisd.net](http://www.bremondisd.net).

Consequences shall not be deferred pending the outcome of a grievance.

## **H. Jurisdiction/Applicability of School Rules**

As required by law, the District has developed a Student Code of Conduct that prohibits certain behaviors and establishes standards of acceptable behavior—both on and off campus—and consequences for violation of the standards. Students need to be familiar with the standards set out in the Student Code of Conduct, as well as campus and classroom rules.

The District has disciplinary authority over a student in accordance with the Student Code of Conduct. Students are subject to the same rules of conduct for extracurricular activities that apply during the instructional day and will be subject to consequences established by the Student Code of Conduct or any stricter code of conduct for participants established by the sponsor in accordance with Board policy.

To achieve the best possible learning environment for all students, the Student Code of Conduct and other campus rules of behavior will apply whenever the interest of the District is involved, on or off school grounds, in conjunction with or independent of classes and school-sponsored activities. All Bremond ISD teachers and administrators have full authority over student conduct. Examples include, but are not limited to:

- Before- or after- school activities on District premises.
- School-sponsored events off District premises.
- The regular school day.
- While going to and from school or school sponsored events on district transportation.
- Any activity during the school day on school grounds or within 300 feet of school grounds as measured from any point on the school's real property boundary line.
- Attendance at any school-related activity, regardless of time or location.
- Any school-related misconduct; including retaliation against an employee or volunteer, regardless of time or location.
- When the student commits a felony, as provided by TEC 37.0066 or 37.0081; when criminal mischief is committed on or off school property or at a school-related event.
- School social events to which a student brings a guest. Guests are expected to observe the same rules as students attending the event, and the person inviting the guest will share responsibility for the conduct of the guest.
- The District has the right to search a vehicle (and its contents) driven to school by a student and parked on school property whenever there is reasonable cause to believe it contains articles or materials prohibited by the District.

## **I. Abiding by the Law**

Every student is expected to abide by federal laws and the laws of the State of Texas. Violations of certain federal and state laws shall constitute a violation of the Student Code of Conduct and appropriate discretionary and mandatory measures will be imposed.

## **J. Dress Code**

Although the ultimate responsibility for student's grooming lies with the student and their parents, the school has a part to play in the student dress code. The responsibility of the school officials to prescribe and control personal appearance in the schools has been affirmed repeatedly in the courts of the United States. The Bremond I.S.D. School Board sets the standards of acceptable dress for students.

Classroom teachers may make interpretations of the Bremond I.S.D. student dress code. If there is a question, the student will be referred to the principal. Students in violation of this dress code on a first offense basis will be sent or taken home to correct the violation or another means will be provided to adhere to dress code. Additional disciplinary action may be warranted if there is a repeat of dress code violation.

Students are expected to dress appropriately and in good taste with concern given to the safety and well-being of students. No aspect of the student's dress should cause disruption to the learning environment at school. In accordance with these parameters, the following guidelines are adopted as the Bremond ISD dress code:

1. No manner of dress should bear any indecent/suggestive words or slogans or sexual innuendos; nor should they bear any slogans or phrases related to tobacco, alcohol, drugs, or gangs. Likewise, no phrases or slogans of a prejudicial nature toward groups of people, races, etc. are allowed.
2. Slits in dresses or skirts should be no shorter than one inch below the extended fingers of both hands.
3. Shorts must not be wind shorts, soccer shorts or made of such inappropriate materials.
4. Shorts, skirts, and dresses are acceptable if the hem is no more than 3 inches above the kneecap.
5. Shorts, skirts, dresses, and pants should be hemmed and not frayed. Tears, cuts, holes, and frays are not allowed with the exception of a moderate side-seam cut at the cuff.
6. Immodest dress will not be allowed. Examples include: strapless dresses, clothes made of see-through material, tank-tops, muscle shirts, halter tops, blouses or tops that reveal a bare midriff – front or back – at any time, leggings or tights with short tops, low-cut or revealing blouses.
7. Undergarments may not be worn as outerwear.

8. Trousers/jeans/shorts/sweats should be worn properly at the waistline. Underpants should not be visible above the waistline of the pants. ....whether the pants are covered by a top or not.
9. No student shall wear curlers, caps, hats, bandannas, visors, or hoods inside any school facility during the school day.
10. Sunglasses or other unusual eyewear, except by written order of a physician, will not be permitted in the school building.
11. Students must wear appropriate and safe footwear (shoes or boots) at all times.
12. Girls may have earrings in their ears. Any other body piercing by any student, girl or boy, is prohibited.
13. Students will not be allowed to have coverings over prohibited piercings or to have objects present to keep prohibited piercings open.
14. Boys; hair should be neatly trimmed off the ears, out of the eyes, and off the top of the collar. Ponytails and/or pigtails of any type are not permitted for boys. No objects (including but not limited to beads, ribbons, hair clips) are permitted in boys' hair. Mustaches, beards, or goatees are not allowed. Sideburns may extend to the bottom of the earlobe.
15. Unusual or distracting hairstyles, colors, mohawks, or designs are not permitted. **Mullet-style haircuts are not permitted for any student.**
16. Visible tattoos are prohibited.
17. Pocket/wallet chains of any kind are not allowed.
18. Pajama bottoms of any kind are not allowed.
19. Arm/wrist/sweat bands of any kind are not allowed.
20. Shirttails should not be excessive in length.
21. "Grills" are prohibited.
22. Roller shoes are prohibited during the instructional day or at any Bremond I.S.D. activity on or off campus.
23. Students shall remain fully clothed in public places including hallways outside locker rooms and restrooms.
24. Cuts in eyebrows are prohibited.
25. Sleeveless shirts by boys are prohibited.

#### **K. Tardy Policy/Late Arrival Policy**

Students have four minutes to change classes. Students reporting late to class without the permission of the teacher will be written up as tardy and assigned detention. Repeated instances will result in more severe disciplinary action.

First Tardy ----- 1 in-class detention with teacher  
 Second Tardy (same class) -----1 administrative detention  
 Third Tardy (same class) -----Parent/Principal conference  
 Fourth Tardy (same class) -----Saturday School  
 Fifth Tardy (same class)-----Disciplinary action at the discretion of the principal.

Disciplinary consequences may also be assigned to the student by the campus principal.

**Tardiness will be cumulative over each semester.**

**The original Detention must be served regardless of the additional punishment.**

#### **Late Arrival**

First Late Arrival-----Warning  
 Second Late Arrival-----In-class detention with teacher  
 Third Late Arrival-----1 administrative detention  
 Fourth Late Arrival-----Parent/Principal conference  
 Fifth Late Arrival-----Disciplinary action at the discretion of the principal

## **L. Vandalism/Damage of School Property**

The taxpayers of Bremond I.S.D. have made a substantial and sustained financial commitment for the construction and upkeep of school facilities. To ensure that school facilities can serve those for whom they are intended—both this year and in the coming years—littering, defacing, or damaging school property is not tolerated. Parents or guardians of students guilty of damaging school property shall be liable for damages in accordance with law. Students will be subject to criminal proceedings as well as disciplinary consequences in accordance with the Student Code of Conduct.

## **M. Sexual Harassment**

Students must not engage in unwanted and unwelcome verbal or physical conduct of a sexual nature directed toward another student or a District employee. This prohibition applies whether the conduct is by word, gesture, or any other sexual conduct, including requests for sexual favors. The district believes that every student has the right to attend school and school-related activities free from all forms of discrimination on the basis of sex, including sexual harassment. The district considers sexual harassment of students to be serious and will consider the full range of disciplinary options, up to and including expulsion, according to the nature of the offense.

All students are expected to treat District employees and one another courteously, with respect for the other person's feelings; to avoid behaviors known to be offensive; and to stop these behaviors when asked or told to stop.

The District encourages parental and student support in its efforts to address and prevent harassment in any form in the public schools. Students and/or parents are encouraged to discuss their questions or concerns about expectations in this area with the teacher, the principal, or the superintendent, who serves as the District's Title IX coordinator for students.

A complaint alleging harassment by another student or by a staff member may be presented by a student and/or parent in a conference with the principal or designee. The conference will be scheduled and held as soon as possible, within five days of the request. The principal will coordinate an appropriate investigation, which ordinarily will be completed within 10 days. The District will notify the parents of all students involved in sexual harassment by student(s) when the allegations are not minor, and will notify parents of any incident of sexual harassment or sexual abuse by an employee. To the greatest extent possible, complaints will be treated as confidential. Limited disclosure may be necessary to complete a thorough investigation. The student or parent will be informed if extenuating circumstances delay completion of the investigation.

The student will not be required to present a complaint to a person who is the subject of the complaint.

If the resolution of the complaint is not satisfactory to the student or the parent, the student or parent within 10 days may request a conference with the superintendent, Title IX coordinator, or designee by following the procedure set out in Board Policy FNCJ (LOCAL). If the resolution by the superintendent or designee is not satisfactory, the student or parent may present the complaint to the Board as provided by policy.

## **N. Hazing**

Hazing includes any willful act done by a student, either individual or with others, to another student for the purpose of subjecting the other student to indignity, humiliation, intimidation, physical abuse, social or other ostracism, shame, or disgrace.

Students shall have prior approval from the principal or designee for any type of "initiation rites" of a school club or organization. Students shall not engage in any form of hazing, nor shall any student encourage or assist any other person in hazing.

## **O. Tobacco/Tobacco Substitute Use**

The use or possession of tobacco/tobacco substitute products by students is prohibited on all campuses and they may be issued a law enforcement citation. Students shall not possess or use tobacco/tobacco substitute products, including but not limited to cigarettes, electronic cigarettes, cigars, pipes, snuff, or chewing tobacco on school premises or at school-related activities.

## **P. Electronic Devices**

Students may not bring to school those items which are inappropriate or which are specifically against school rules. **BISD reserves the right to confiscate these items, assign disciplinary measures, and make disposition of the items according to the following guidelines:**

- Cigarettes, matches, disposable lighters, weapons, and all tobacco/tobacco substitute products will not be returned.
- Video games, CD players, radios, tape recorders, pagers, unauthorized electronic devices, cameras, and all other confiscated properties will be returned accordingly:
  - a) 1<sup>st</sup> offense... Confiscated item returned at the end of the school day.
  - b) 2<sup>nd</sup> offense... Call to parent... item released to parent only.
  - c) 3<sup>rd</sup> offense... Items held until end of semester
  - d) 4<sup>th</sup> offense... Items not returned until end of the school year.

Cellular phones may be brought to school but may not be displayed, turned on, or used during the instructional day, unless under the following guidelines -

Students are allowed “silent access” to personal electronic devices in the cafeteria before school, in the cafeteria during lunch, and after school.

Students may not bring to school those items which are inappropriate or which are specifically against school rules.

In addition, students are prohibited from possessing, sending, forwarding, posting, accessing, or displaying electronic messages that are abusive, obscene, sexually oriented, threatening, harassing, damaging to another’s reputation, or illegal. This prohibition also applies to conduct off school property, whether the equipment used to send such messages is district-owned or personally owned, if it results in a substantial disruption to the educational environment.

Any person taking, disseminating, transferring, possessing, or sharing obscene, sexually oriented, lewd, or otherwise illegal images or other content, commonly referred to as “sexting,” will be disciplined according to the Student Code of Conduct, may be required to complete an educational program related to the dangers of this type of behavior, and in certain circumstances, may be reported to law enforcement. Because engaging in this type of behavior can lead to bullying or harassment, as well as possibly impede future endeavors of a student, we encourage you to review with your child <http://beforeyoutext.com>, a state-developed program that addresses the consequences of engaging in inappropriate behavior using technology.

In addition, any student who engages in conduct that results in a breach of the district’s computer security will be disciplined in accordance with the Student Code of Conduct, and in some cases, the consequence may rise to the level of expulsion.

## **Q. Laser Pointers**

Students are not permitted to possess or use laser pointers while on school property, while using District transportation, or while attending school-sponsored or school-related activities, whether on or off school property. Laser pointers will be confiscated and students will be disciplined according to the Student Code of Conduct.

## **R. Drug-Alcohol Abuse**

No student shall possess, use, transmit, or attempt to possess, use, transmit, or be under the influence of any of the following substances on school premises during any school term or off school premises at a school-related activity, function, or event:

- Any controlled substance or dangerous drug as defined by law, without regard to amount, including but not limited to marijuana, any narcotic drug, hallucinogen, stimulant, depressant, amphetamines, or barbiturate.
- Alcohol or any alcoholic beverages.
- Any abusive glue, aerosol paint, or any other chemical substance for inhalation.
- Any other intoxicant, or mood-changing, mind-altering drugs prohibited under the Texas Controlled Substance Act or Federal Drug Abuse Prevention Control Act.

“Use” means a student has smoked, ingested, infected, imbibed, inhaled, drunk, or otherwise taken internally a prohibited substance recently enough that it is detectable by the student’s physical appearance, actions, breath, or speech. “Under the influence” means a student’s faculties are noticeably impaired, but the student need not be legally intoxicated. The transmittal, sale, or attempted sale of what is represented to be any of the above-listed substances is also prohibited under law.

## **S. Weapons**

A student shall not be in possession of any prohibited weapon at school, on school premises, or at any school-related activity, unless pursuant to written regulations or written authorization of the district. A student shall not possess or use articles not generally considered being weapons when the principal or designee determines that a danger exists for any student, school employee, or school property by virtue of possession or use.

Weapons include, but are not limited to:

- Firearms of any kind.
- Fireworks or concussion devices of any kind.
- Knives of any size, including pocketknives.
- Razors.
- Clubs or night sticks
- Metallic or hand surface knuckles.
- Chains
- Pellet gun, BB gun, or slingshots.
- Any other object used in any way that threatens to inflict harm to another person.

School personnel may inspect lockers and cars parked on school premises if there is a reasonable suspicion to believe they contain weapons.

## **T. Assault**

Students are prohibited from assaulting anyone at school, on school property, and at any school-related event. An assault is defined as:

- Intentionally, knowingly, or recklessly causing bodily injury to another.
- Intentionally or knowingly threatening another with imminent bodily injury.
- Intentionally or knowingly causing physical contact with another when the student knows or reasonably believes the other will regard the contact as offensive or provocative.

## **U. Disturbing School or Class**

For purpose of this rule, “school property” includes the school campuses or school grounds upon which any public school is located, any ground or buildings used by district schools for assemblies or other school-related activities, and “public property” includes any street, highway, alley, public park, or sidewalk.

No student shall be permitted on school property or on public property within **500 feet** of the school property, to willfully disrupt, alone or in concert with others, the instructional program or other school activities. Conduct that disrupts the educational activities of a school includes:

- Interference with the movement of people at an exit, or a hallway of a district building without authorization from an administrator.
- Interference with an authorized activity by seizing control of all or part of a building.
- Use of force, violence, or threats in an attempt to prevent participation in an authorized assembly.
- Use of force, violence, or threats to cause disruption during an assembly.
- Interference with the movement of people at an exit or an entrance to district property.
- Use of force, violence, or threats in an attempt to prevent people from entering or leaving district property without authorization from an administrator.
- Disruption of classes or other school activities while on district property or on a public property that is within 500 feet of district property. Class disruption includes making loud noises; trying to entice a student away from, or to prevent a student from attending, a required class or activity; and entering a classroom without authorization and disrupting the activity with profane language or any misconduct.
- Interference with the transportation of students in district vehicles.

## **V. Disruption of Lawful Assembly**

No student or group of students acting in concert may willingly engage in disruptive activity or disrupt a lawful assembly on the campus or property of any school in the district. Disruptive activities include:

- Obstructing or restraining the passage of persons in an exit, entrance, or hallway of any building without the authorization of the administration of the school.
- Seizing control of any building or portion of a building for the purpose of interfering with any administrative, educational, research, or other authorized activity.
- Preventing or attempting to prevent by force or violence or the threat of violence any lawful assembly authorized by the school administration.
- Disrupting by force or violence or the threat of force or violence a lawful assembly in progress.
- Obstructing or restraining the passage of any person at an exit or entrance to said campus or property, or preventing or attempting to prevent by force or violence or by threats thereof the entrance or exit of any person to or from said property or campus without the authorization of the administration of the school.
- Disrupting classes while on District property or on public property that is within 500 feet of District property. Class disruption includes making loud noises; trying to entice a student away from, or to prevent a student from attending, a required class or activity; entering a classroom without authorization; and disrupting the activity with profane language or any misconduct.
- Interfering with the transportation of students in District vehicles.

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 reasonable fear that force or violence is likely to occur.

Conduct by the 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 rights of other students or employees at school or school-related activities, is prohibited.

Student demonstrations and similar activities shall be prohibited when there is evidence that may reasonably lead school authorities to forecast interference with, normal school operations or approved school activities. (Policy FO, GKA)

#### **W. Distribution of Material**

Distribution of written material may be restricted, subject to the following guidelines:

1. Distribution may be limited in order to prevent material and substantial interference with normal school operations in circumstances where there is evidence that reasonably supports forecast that disruption will likely result directly from the distribution.
2. Reasonable administrative regulations as to the time, place, and manner of the distribution may be prescribed to promote orderly administration of school activities by preventing disruption, but shall not be designed to stifle expression.
3. Content of the materials to be distributed shall conform to the following:
  - Materials sexually inappropriate for the age and maturity of the audience or that endorse actions endangering the health and safety of students shall not be distributed.
  - Materials may not be forbidden if the portion or specific language objected to may also be found in material made available to students through school facilities, i.e., the school library or reading assignments by teachers.
  - Libelous material may be prohibited from distribution.
  - Publications that criticize board members or school officials or advocate violation of school rules may be prohibited when there is evidence that reasonably supports a forecast that material and substantial disruption of normal school operations will result from the publication.
  - Hate literature that scrupulously attacks ethnic, religion, or racial groups, and similar irresponsible publications aimed at creating hostility and violence may be banned.
  - Only material that could reasonably support a forecast of material and substantial disruption of normal school operations is affected by this restriction.

#### **X. Prior Review**

All students' publications and other written material intended for distribution to students shall be submitted for prior review according to the following:

1. Material shall be submitted to the building principal or a designee for review.
2. The principal or designee shall approve submitted material within twenty-four hours of the time the material is received. Failure to act within the twenty-four hour period shall be interpreted as disapproval.
3. The student may appeal to the superintendent, who shall decide the appeal within three days of its receipt. Failure of the superintendent to act within the three-day period shall be interpreted as disapproval.
4. The student may appeal the decision of the superintendent to the Board. The student shall notify the superintendent of the appeal and request the matter to be placed on the agenda for the next Board meeting. At the Board meeting, the student shall be given a reasonable period of time to present his or her viewpoint.

## **Y. Student Conduct on School Buses**

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

School buses shall be considered an extension of the classroom and students are expected to conduct themselves accordingly. Students must follow the driver's instructions at all times. Students being transported in school-owned vehicles shall comply with the Student Code of Conduct. Behavior which is not permitted includes but is not limited to the following:

- Being disobedient or disrespectful to the driver.
- Standing or moving around while the bus is in motion.
- Sticking limbs or head out of windows.
- Throwing object(s) out of a window or inside the bus.
- Littering the bus.
- Disturbing others.
- Eating or drinking on the bus.
- Tampering with the bus and/or equipment.
- Holding objects out the window.

Always wait for the bus driver's signal before crossing in front of the bus. Should the rules be broken, the following consequences will be invoked:

### **First Bus Report**

If during the school year, a student receives a disciplinary report, the student will have a conference with the principal, or designee. Other disciplinary action commiserate with the offense may be taken. The student may have bus privileges removed. The parent will be notified of the offense, the conference, or other disciplinary action.

### **Second Bus Report**

If during the school year, the student receives a second disciplinary report, the student will have a conference with the principal, or designee. A parent conference with the principal will be requested. Other disciplinary action commiserate with the offense may be taken. The student may have bus privileges removed for up to ten days. The parent will be notified of the offense, the conference, or other disciplinary action.

### **Third Bus Report**

If during the school year, the student receives a third disciplinary report, the student will have a conference with the principal, or designee. A parent conference with the principal will be requested. Other disciplinary action commiserate with the offense may be taken. The student may have bus privileges removed for up to the remainder of the school year. The parent will be notified of the offense, the conference, or other disciplinary action.

### **Fourth Bus Report**

If during the school year, the student receives a fourth disciplinary report, the student will have a conference with the principal, or designee. A parent conference with the superintendent will be requested.

Other disciplinary action commiserate with the offense may be taken. The student may have bus privileges removed for up to the rest of the school year. The parent will be notified of the offense, the conference, or other disciplinary action. After returning to the bus in the following semester, if the student receives another bus report, the student will lose bus privileges for the remainder of the school year.

#### **Z. Closed Campus**

Students attending District schools shall not be allowed to leave the campus during the lunch hour. The principal or designee shall consider special circumstances on a case -by-case basis.

Students leaving campus at any time during the instructional day without administrative approval shall be subject to disciplinary action.

#### **AA. Secret or Self-Perpetuating Societies**

Students shall not be members or promise to become members of any organization composed wholly or in part of students in public schools which seeks to perpetuate itself by taking in additional members from the students enrolled in such school on the basis of the decision of its members, rather than upon the free choice of any student in the school, who is qualified under the rules of the school, to fill the special aims of the organization.

#### **BB. Harassment on the basis of Race, Color, Religion, National Origin, or Disability**

Students must not engage in harassment behaviors motivated by race, color, religion, national origin, or disability directed toward another student. The district believes that every student has the right to attend school and school-related activities free from all forms of discrimination.

All students are expected to treat District employees and one another courteously, with respect for the other person's feelings; to avoid behaviors known to be offensive; and to stop these behaviors when asked or told to stop.

All students are prohibited from engaging in offensive verbal or physical conduct of any nature directed towards another student. This prohibition applies whether the conduct is by word, gesture, or any other intimidating conduct.

The District encourages parental and student support in its efforts to address and prevent harassment in any form in the public schools. Students and/or parents are encouraged to discuss their questions or concerns about expectations in this area with the teacher, the principal, or superintendent, who serves as the District's Title IX coordinator for students.

A complaint alleging harassment by another student or by a staff member may be presented by a student and/or parent in a conference with the principal or designee. The conference will be scheduled and held as soon as possible, within five days of the request. The principal will coordinate an appropriate investigation, which ordinarily will be completed within 10 days. The student or parent will be informed if extenuating circumstances delay completion of the investigation. The student will not be required to present a complaint to a person who is the subject of the complaint.

If the resolution of the complaint is not satisfactory to the student or the parent, the student or parent within 10 days may request a conference with the superintendent who is the Title IX coordinator or with his designee by following the procedure set out in Board Policy FNG (LOCAL) and FNCL. If the resolution by the superintendent or designee is not satisfactory, the student or parent may present the complaint to the Board as provided by policy.

## **CC. Videotaping**

For safety purposes, video or audio equipment will be used to monitor student behavior on buses, halls, parking lots and other common areas on campus. Students will not be told when the equipment is being used.

The principals will review the tapes routinely and document student misconduct. Discipline will be in accordance with the Student Code of Conduct.

A parent who wants to view a videotape of the incident leading to the discipline of their child may request access in accordance with District policy. (FO LOCAL, FL LEGAL)

## **DD. Bullying**

Bullying is when a student or group of students engages in written or verbal expression, expression through electronic means, or physical conduct that occurs on school property, at a school-sponsored or school-related activity, or in a vehicle operated by the district and a school district's board of trustees or the board's designee determines that the behavior:

1. Has the effect or will have the effect of physically harming a student, damaging a student's property, or placing a student in reasonable fear of harm to the student's person or of damage to the student's property; or
2. Is sufficiently severe, persistent, and pervasive enough that the action or threat creates an intimidating, threatening, or abusive educational environment for a student.

This conduct is considered bullying if it:

1. Exploits an imbalance of power between the student perpetrator who is engaging in bullying and the student victim through written or verbal expression or physical conduct; and
2. Interferes with a student's education or substantially disrupts the operation of a school.

The Bremond Independent School District believes that all students have a right to a safe and healthy school environment. The district, schools, and community have an obligation to promote mutual respect, tolerance, and acceptance.

The Bremond Independent School District will not tolerate behavior that infringes on the safety of any student. A student shall not intimidate or harass another student through words or actions. Such behavior includes: direct physical contact, such as hitting or shoving; verbal assaults, such as teasing or name-calling; and social isolation or manipulation.

The Bremond Independent School District expects students and/or staff to immediately report incidents of bullying to the principal. A link will be included on the Bremond ISD web page where incidents of bullying can be reported. Staff is expected to immediately intervene when they see a bullying incident occur. Each complaint of bullying should be promptly investigated. This policy applies to students on school grounds, while traveling to and from school or a school-sponsored activity, during the lunch period, and during a school-sponsored activity.

To ensure bullying does not occur on school campuses, the Bremond Independent School District will provide staff development training in bullying prevention and cultivate acceptance and understanding in all students and staff to build each school's capacity to maintain a safe and healthy learning environment.

Teachers should discuss this policy with their students in age-appropriate ways and should assure them that they need not endure any form of bullying. Students who bully are in violation of this policy and are subject to disciplinary action up to and including expulsion.

Bremond ISD will adopt a Student Code of Conduct to be followed by every student while on school grounds, or when traveling to and from school or a school-sponsored activity, and during lunch period.

The Student Code of Conduct includes, but is not limited to:

- Any student who engages in bullying may be subject to disciplinary action up to and including expulsion.
- Students are expected to immediately report incidents of bullying to the principal or designee.
- Students can rely on staff to promptly investigate each complaint of bullying in a thorough and confidential manner.

If the complainant student or the parent of the student feels that appropriate resolution of the investigation or complaint has not been reached, the student or the parent of the student should contact the principal or Superintendent. The school system prohibits retaliatory behavior against any complainant or any participant in the complaint process.

Bremont ISD's counselor will be available for any students who need counseling from being bullied and/or from witnessing others being bullied.

On the request of a parent or other person with authority to act on behalf of a student who is a victim of bullying, the board of trustees of a school district or the board's designee shall transfer the victim to:

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

The board of trustees or the board's designee shall verify that a student has been a victim of bullying before transferring the student under this section.

The board of trustees or the board's designee may consider past student behavior when identifying a bully.

The determination by the board of trustees or the board's designee is final and may not be appealed.

A school district is not required to provide transportation to a student who transfers to another campus.  
(FNC LEGAL, FO LEGAL)

#### **EE. Class Field Trips**

On a case-by-case basis, at the discretion of the principal, students who have multiple student code of conduct violations may not be permitted to attend class field trips.

HS/MS students will not be allowed to participate in school-sponsored extra-curricular events if they have 10 or more unexcused absences per semester in any one class period and the attendance make-up hours have not been completed by the student at the time of the scheduled extra-curricular activity.

#### **FF. Technology Resources and the Internet**

Students shall not:

1. Violate policies, rules, or agreements signed by the student or the student's parent regarding the use of technology resources.
2. Attempt to access or circumvent passwords or other security-related information of the district, students, or employees or upload or create computer viruses, including off school property if the conduct causes a substantial disruption to the educational environment.
3. Attempt to alter, destroy, or disable district technology resources including but not limited to computers and related equipment, district data, the data of others, or other networks connected to

- the district's system, including off school property if the conduct causes a substantial disruption to the educational environment.
4. Use the Internet or other electronic communications to threaten district students, employees, or volunteers, including off school property if the conduct causes a substantial disruption to the educational environment.
  5. Send, or possess electronic messages that are abusive, obscene, sexually oriented, threatening, harassing, damaging to another's reputation, or illegal, including cyber bullying and "sexting," either on or off school property, if the conduct causes a substantial disruption to the educational environment.
  6. Use e-mail or Web sites to engage in or encourage illegal behavior or threaten school safety, including off school property if the conduct causes a substantial disruption to the educational environment.

#### **GG. Participating in Graduation Activities**

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

Participation might include a speaking role, as established by district policy and procedures.

Students eligible to give the opening and closing remarks at graduation shall be notified by the campus principal. Notwithstanding any other eligibility requirements, in order to be considered as an eligible student to give the opening or closing remarks, a student shall not have engaged in any misconduct in violation of the district's Code resulting in an out-of-school suspension, removal to a DAEP, or expulsion during the semester immediately preceding graduation.

The valedictorian and salutatorian may also have speaking rolls at graduation. No student shall be eligible to have such a speaking role if he or she engaged in any misconduct in violation of the district's Code resulting in an out-of-school suspension, removal to a DAEP, or expulsion during the semester immediately preceding graduation.

## Chapter Two

### General Guidelines for Assessing Discipline

#### Definitions

The following words and terms, when used in this code, shall have the stated meaning unless the context clearly indicated otherwise:

Alternative Educational Program (D.A.E.P.): An instructional setting other than the regular classroom, completely apart from students who are not assigned to the program, located on or off the regular campus, with instruction that focuses on English Language Arts, Mathematics, Science, History, and self-discipline, and provides for behavioral needs through supervision and counseling. The District in cooperation with other school districts, juvenile agencies, or other entities may operate an D.A.E.P. The length of student placement in an D.A.E.P. will be determined by the building principal.

Detention: For minor infractions of the Student Code of Conduct or other policies or regulations, teachers or administrators may detain students before, during, or after school hours. Before assigning one to detention the teacher or administrator shall inform the student of the conduct that allegedly constitutes a rule violation, the student shall be given an opportunity to explain his or her version of the incident.

Expulsion: Suspension of a student from school for more than three consecutive days. Expulsion for a period of up to one year is required by laws for certain student offenses and may contain a provision that prohibits attendance from school activities.

In-School Suspension: An on/off campus setting, apart from the regular classroom where the student continues to receive assignments in each course to the extent possible, for students who commit disciplinary infractions.

Parent Teacher Conferences: A close and cordial relationship between parents and school personnel will enhance student achievement. District personnel will communicate and work closely with parents in an effort to improve academic performance and/or establish workable solutions to student behavior problems. All schools will schedule at least one general conference for parents to provide an overview of district and classroom behavior expectations. This conference may be accomplished through open house, meeting of the parent teacher organization or through a general meeting of parents and district or campus personnel.

Other conferences may be held at the request of the parent or school personnel when:

- Problems arise relating to a student's academic achievement.
- The student's behavior results in assignment to in-school suspension or an alternative education program.
- There are excessive absences or tardies.

Reassignment of Classes: A student may be removed from the assigned classroom and placed in another class on the same campus. To the extent possible the student should continue to receive instruction in the course from which removed. The purpose of this type of removal is to remove the student from a potentially dangerous or explosive situation. The administrator shall determine length of removal or stay.

Out of School Suspension: Removal of a student from school activities for a period not to exceed three days at a time, for a disciplinary infraction. The absence will be documented as an excused absence in order for students to be given the opportunity to make-up missed assignments.

## **A. Corporal Punishment**

In deciding whether to administer corporal punishment, the district will take into consideration:

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

Corporal punishment-spanking or paddling the student-may be used as a discipline management technique in accordance with the Student Code of Conduct and policy FO (LOCAL) in the District's Policy Manual. However, the teacher and the principal will honor a parent's request that discipline methods other than corporal punishment be used.

Corporal punishment is permitted as a corrective action to certain rules infractions in order to preserve an effective and orderly educational environment. Factors of student size and age, and the physical, mental and emotional conditions of the student shall be considered before the administration of any corporal punishment.

Corporal punishment shall be limited to spanking or paddling and shall be administered only in accordance with the following guidelines:

- The student will be informed of the reason(s) for corporal punishment.
- The teacher, school principal, or assistant principal may administer corporal punishment.
- The instrument to be used in corporal punishment shall be approved by the principal.
- The administration of corporal punishment shall be performed in the presence of one other professional employee of the district, and in a designated place out of view of other students.
- A record shall be maintained on each administration of corporal punishment.
- The maximum number of strikes administered to a student at any one time will be three (3).

If you do not want corporal punishment to be administered to your child as a method of student discipline, please return the form included in the forms packet or submit a written statement to the campus principal stating this decision. A signed statement must be provided each year if you do not want corporal punishment to be administered to your child. You may choose to revoke this prohibition at any time during the year by providing a signed statement to the campus principal. However, district personnel may choose to use discipline methods other than corporal punishment even if the parent requests that this method be used on the student.

Please note that if the district is made aware that a student is in temporary or permanent conservatorship (custody) of the state, through foster care, kinship care, or other arrangements, corporal punishment shall not be administered, even when a signed statement prohibiting its use has not been submitted by the student's caregiver or caseworker.

## **B. Detention**

For minor infractions of the code of conduct or other policies or regulations, teachers or administrators may detain students before, during, or after school hours. Before assigning one to detention the teacher or administrator shall inform the student of the conduct that allegedly constitutes a rule violation, the student shall be given an opportunity to explain his or her version of the incident.

In deciding whether to assign detention, the district will take into consideration:

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

A student may be assigned to detention sessions according to teacher or administrative discretion according to severity of infraction, student discipline record, and other contributing factors. **A sack lunch will be provided during lunch detention. No other food or drink will be allowed in the classroom. Students with specific food allergies or dietary needs who have current medical documentation may be offered a suitable alternative in the sack lunch by the cafeteria.** Students are required to bring school materials or library books to detention. The student must be engaged in a learning activity and alert for the entire session. Students that do not successfully complete their detention assignment will be subject to further disciplinary action. The consequences for failure to attend or complete a detention assignment is at the discretion of the campus administrator.

Detention will be assigned as close as possible to the day in which the infraction occurred.

### **C. In-School Suspension (I.S.S.)**

Students may be suspended for any behavior listed in the Code as a general conduct violation, D.A.E.P. offense, or expellable offense.

In deciding whether to order suspension, the district will take into consideration:

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

I.S.S. Policies/Procedures –

1. The student is responsible for bringing to the I.S.S. site all textbooks and materials necessary to complete all assignments for the entire day.
2. On the assigned day, it is the responsibility of the student to report to the I.S.S. site upon arrival to school.
3. Meals:
  - **A sack lunch will be provided during lunch**
  - **No other food or drink will be allowed in the classroom.**
  - **Students with specific food allergies or dietary needs who have current medical documentation may be offered a suitable alternative in the sack lunch by the cafeteria.**
4. **A student arriving tardy to I.S.S. will receive detention.**
5. The student must raise their hand and be recognized by the supervisor before speaking.
6. The student is responsible for remaining busy for time spent in I.S.S.
7. All assignments from classroom teachers must be successfully completed. Failure to complete all assignments will result in another day of I.S.S.
8. The supervisor will assign seats.
9. There is no talking, sleeping, laying head on desk, or getting out of the assigned seat without the permission of the I.S.S. supervisor.
10. The student must stay for the entire school day to receive credit for the day served. Violation of any I.S.S. rule, failure to comply with the instruction of the supervisor or any regular school rule will result in referral to the principal for disciplinary action.
11. Failure to successfully complete an assignment will result in further disciplinary action.
12. **The student will not be allowed to participate in or attend an extracurricular event on or off campus prior to the completion of an I.S.S. placement.**
13. Students assigned to I.S.S. will have their cell phone taken up by the supervisor to be returned to the student at the end of the school day.
14. A student removed from the regular classroom to in-school suspension or another setting, other than a D.A.E.P., will have an opportunity to complete before the beginning of the next school year each course the student was enrolled in at the time of removal from the regular classroom. The district may provide the opportunity by any method available, including a correspondence course, distance learning, or summer school. **The district will not charge the student for any method of completion provided by the district.**

#### **D. Saturday School**

The principal will assign Saturday School for attendance make-up purposes or excessive tardiness. Procedures concerning Saturday School are as follows:

1. The student will report to the assigned room before 8:00 a.m. on the assigned Saturday with something to work on or a library book to read. This is not an option.
2. The student will be seated and work quietly through 12:00 noon; the end of the Saturday School day.
3. It is the responsibility of the student to make arrangements for transportation to and from school on this day. The student will not need to bring a lunch.

#### **E. Suspension**

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

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

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

Before being suspended a student shall have an informal conference with the Campus Behavior Coordinator, who shall advise the student of the conduct of which he or she is accused. The student shall be given the opportunity to explain his or her version of the incident before the administrator's decision is made.

The number of days of a student's suspension shall be determined by the Campus Behavior Coordinator, but shall not exceed three school days.

**The student shall not be allowed to participate in or attend an extracurricular event on or off campus prior to the completion of a suspension placement.**

#### **F. Disciplinary Alternative Education Placement (D.A.E.P.)**

In deciding whether to order placement in a D.A.E.P., regardless of whether the action is mandatory or discretionary, the Campus Behavior Coordinator shall take into consideration:

1. Self-defense (see glossary).
2. Intent or lack of intent at the time the student engaged in the conduct.
3. The student's disciplinary history.
4. A student who is expelled for an offense that otherwise would have resulted in a D.A.E.P. placement does not have to be placed in a D.A.E.P. in addition to the expulsion.

If a student has been convicted of continuous sexual abuse of a young child or children or convicted of or placed on deferred adjudication for sexual assault or aggravated sexual assault against another student on the same campus, and if the victim's parent or another person with the authority to act on behalf of the victim request that the board transfer the offending student to another campus, the offending student shall be transferred to another campus in the district. If there is no other campus in the district serving the grade level of the offending student, the offending student shall be transferred to a D.A.E.P.

In an emergency, the principal or the principal's designee may order the immediate placement of a student in a D.A.E.P. for any reason for which placement in a D.A.E.P. may be made on a non-emergency basis.

When an emergency placement occurs, the student will be given oral notice of the reason for the action. Not later than the tenth day after the date of the placement, the student will be given the appropriate conference required for assignment to the D.A.E.P.

Removals to a D.A.E.P. will be made by the BISD Campus Behavior Coordinator.

When a student is removed from class for a D.A.E.P. offense, the Campus Behavior Coordinator shall schedule a conference within three school days with the student's parent, the student, and the teacher, in the case of a teacher removal.

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

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

After the conference, if the student is placed in the D.A.E.P., the Campus Behavior Coordinator shall write a placement order. A copy of the D.A.E.P. placement order shall be sent to the student and the student's parent.

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

If the student is placed in the D.A.E.P. and the length of placement is inconsistent with the guidelines included in this Code, the placement order shall give notice of the inconsistency.

The duration of a student's placement in a D.A.E.P. shall be determined by the BISD Campus Behavior Coordinator.

The duration of a student's placement shall be determined on a case-by-case basis. D.A.E.P. placement shall be correlated to the seriousness of the offense, the student's age and grade level, the frequency of misconduct, the student's attitude, and statutory requirements.

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

The district may provide the opportunity to complete the course through an alternative method, including a correspondence course, distance learning, Odyssey Ware computer-based learning, or summer school. The district will not charge the student for any method of completion provided by the district. [See policy FOCA (LEGAL).]

Appeals regarding the decision to place a student in a D.A.E.P. should be addressed to the Bremond ISD Superintendent of Schools in accordance with the policy FOC (LEGAL).

Student or parent appeals regarding the process used for the placement decision, such as issues related to the administrator's handling of the conference or proper notice being provided, should be addressed in accordance with policy FNG (LOCAL). A copy of this policy may be obtained from the principal's office or the central administration office or through Policy On Line at the following address:  
[www.bremondisd.net](http://www.bremondisd.net).

When a student violates the district's Code in a way that requires or permits the student to be placed in a D.A.E.P. and the student withdraws from the district before a placement order is completed, the district

may complete the proceedings and issue a placement order. If the student then reenrolls in the district during the same or a subsequent school year, the district may enforce the order at that time, less any period of the placement that has been served by the student during enrollment in another district. If the appropriate administrator or the board fails to issue a placement order after the student withdraws the next district in which the student enrolls may complete the proceedings and issue a placement order.

The district shall decide on a case-by-case basis whether to continue the placement of a student who enrolls in the district and was assigned to a D.A.E.P. in an open-enrollment charter school or another district. The district may place the student in the district's D.A.E.P. or a regular classroom setting.

If the student was placed in a D.A.E.P. by a school district in another state for a period that exceeds one year, this district, by state law, shall reduce the period of the placement so that the total placement does not exceed one year. After a review, however, the placement may be extended beyond a year if the district determines that the student is a threat to the safety of other students or employees or the extended placement is in the best interest of the student.

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

The maximum period of D.A.E.P. placement shall be one calendar year except as provided below.

Placement in a D.A.E.P. may exceed one year when a review by the Campus Behavior Coordinator determines that:

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

The statutory limitations on the length of a D.A.E.P. placement do not apply to a placement resulting from the board's decision to place a student who engaged in the sexual assault of another student so that the students are not assigned to the same campus.

Students who commit offenses requiring placement in a D.A.E.P. at the end of one school year may be required to continue that placement at the start of the next school year to complete the assigned term of placement.

For placement in a D.A.E.P. to extend beyond the end of the school year, the superintendent must determine that:

1. The student's presence in the regular classroom or campus presents a danger of physical harm to the student or others, or
2. The student has engaged in serious or persistent misbehavior (see glossary) that violates the district's Code.

For placement in a D.A.E.P. to extend beyond 60 days or the end of the next grading period, whichever is sooner (Not to exceed 120 days), a student's parent shall be given notice and the opportunity to participate in a proceeding before the board or the board's designee. In the case of a high school student, the student's progress toward graduation and the student's graduation plan shall also be reviewed. At the review, the student or the student's parent shall be given the opportunity to present arguments for the student's return to the regular classroom or campus. The student may not be returned to the classroom of a teacher who removed the student without that teacher's consent.

The office of the prosecuting attorney shall notify the district if a student was placed in a D.A.E.P. for certain offenses including any felony, unlawful restraint, indecent exposure, assault, deadly conduct, terroristic threats, organized crime, certain drug offenses, or possession of a weapon, and:

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

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

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

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

If the board confirms the decision of the superintendent or designee, the student and the student's parent may appeal to the Commissioner of Education. The student may not be returned to the regular classroom pending the appeal.

Questions or complaints from parents regarding disciplinary measures should be addressed to the campus administration, in accordance with policy FNG (LOCAL). A copy of this policy may be obtained from the principal's office or the central administration office or through Policy On Line at the following address: [www.bremondisd.net](http://www.bremondisd.net).

For seniors who are eligible to graduate and are assigned to a D.A.E.P. at the time of graduation, the last day of placement in the program shall be the last instructional day, and the student will be allowed to participate in the graduation ceremony and related graduation activities unless otherwise specified in the D.A.E.P. placement order.

Disciplinary consequences will not be deferred pending the outcome of an appeal. The decision to place a student in a D.A.E.P. cannot be appealed beyond the board.

- 1) Students will be assigned to D.A.E.P. for a minimum of 15 days and a maximum of 180 days. Students in grades 6-12 will be assigned to D.A.E.P. Students in grades prior to grade 6 will be assigned to D.A.E.P. only in extreme cases.
- 2) The D.A.E.P. curriculum will include math, science, social studies, language arts, and self-discipline and other scheduled class curriculum. Internet access will be available to students in the D.A.E.P. in order to complete assignments. The student's teachers will be responsible for the assignment and the grading of all student work. Bremond ISD will provide for the needs of Special Education students with its Special Education staff.
- 3) Parent and student signatures are required for entry into the D.A.E.P. All assignments must be completed before the D.A.E.P. administrator will release the student. A dismissal form for attendance and recommendations will be sent to the student's school office the day following the student's dismissal.
- 4) When a student violates the district's Code in a way that requires or permits the student to be placed in a D.A.E.P. and the student withdraws from the district before a placement order is completed, the district may complete the proceedings and issue a placement order. If the student then reenrolls in the district during the same or a subsequent school year, the district may enforce the order at that time, less any period of the placement that has been served by the student during enrollment in another district. If the appropriate administrator or the board fails to issue a

placement order after the student withdraws, the next district in which the student enrolls may complete the proceedings and issue a placement order. BISD will continue the D.A.E.P. placement of a student who enrolls in the district and was assigned to D.A.E.P. in an open-enrollment charter school or another district.

- 5) **NOTE: The Bremond Independent School District does not permit a student who is placed in a Disciplinary Alternative Education Program for any reason determined by the District to participate in or attend any school-sponsored or school-related extracurricular or non-curricular activity, including seeking or holding honorary positions and/or memberships in school-sponsored clubs and organizations.**
- 6) Specific rules and guidelines have been established for students during the D.A.E.P. placement. Failure to follow these rules and guidelines may result in loss of credit for the day, additional days assigned to the D.A.E.P. center for 1 to 3 days, or expulsion from the school district.
- 7) A student may be expelled if the student, while placed in a disciplinary alternative education program, engages in documented serious misbehavior while on the program campus despite documented behavioral interventions.

Serious misbehavior means:

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

Serious or persistent misbehavior includes but is not limited to:

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

8) **Sack lunches will be provided. No other food or drink will be allowed in the classroom. Students with specific food allergies or dietary needs who have current medical documentation may be offered a suitable alternative in the sack lunch by the cafeteria.**

9) **If Bremond ISD is a member of a D.A.E.P. off-campus cooperative, the policies and procedures of the cooperative will prevail.**

10) **Students assigned to D.A.E.P. will have their cell phone taken up by the supervisor to be returned to the student at the end of the school day.**

#### **G. Placement and/or Expulsion for Certain Serious Offenses**

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

1. Self-defense (see glossary),

2. Intent or lack of intent at the time the student engaged in the conduct, and
3. The student's disciplinary history.

This section includes two categories of serious offenses for which the Education Code provides unique procedures and specific consequences.

Upon receiving notification in accordance with state law that a student is currently required to register as a sex offender, the administration must remove the student from the regular classroom and determine appropriate placement unless the court orders JJAEP placement.

If the student is under any form of court supervision, including probation, community supervision, or parole, the placement shall be either D.A.E.P. or JJAEP placement for at least one semester.

If the student is not under any form of court supervision, the placement may be in D.A.E.P. or JJAEP for one semester or the placement may be in a regular classroom. The placement may not be in the regular classroom if the board or its designee determines the student's presence:

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

At the end of the first semester of a student's placement in an alternative educational setting and before the beginning of each school year for which the student remains in an alternative placement, the district shall convene a committee, in accordance with state law, to review the student's placement. The committee shall recommend whether the student should return to the regular classroom or remain in the placement. Absent a special finding, the board or its designee must follow the committee's recommendation.

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

If a student enrolls in the district during a mandatory placement as a registered sex offender, the district may count any time already spent by the student in a placement or may require an additional semester in an alternative placement without conducting a review of the placement.

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

Regardless of whether placement or expulsion is required or permitted by one of the reasons in the D.A.E.P. Placement or Expulsion sections, in accordance with Education Code 37.0081, a student may be expelled and placed in either D.A.E.P. or JJAEP if the board or its designee makes certain findings and following circumstances exist in relation to a felony offense under Title 5 (see glossary) of the Texas Penal Code. The student must:

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

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

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

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

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

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

The student is subject to the placement until:

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

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

In accordance with state law, a student may be placed in a D.A.E.P. for any one of the following offenses:

- Involvement in a public school fraternity, sorority, or secret society, including participating as a member or pledge, or soliciting another person to become a pledge or member of a public school fraternity, sorority, secret society, or gang.
- Involvement in criminal street gang activity.
- Any criminal mischief, including a felony.
- Assault (no bodily injury) with threat of imminent bodily injury.
- Assault by offensive or provocative physical contact.

In accordance with state law, a student may be placed in a D.A.E.P. if the superintendent or the superintendent's designee has reasonable belief that the student has engaged in conduct punishable as a felony, other than aggravated robbery or those listed as offenses involving injury to a person in Title 5 of the Texas Penal Code, that occurs off school property and not at a school-sponsored or school-related event, if the student's presence in the regular classroom threatens the safety of other students or teachers or will be detrimental to the educational process.

The appropriate administrator may, but is not required to, place a student in a D.A.E.P. for off-campus conduct for which D.A.E.P. placement is required by state law if the administrator does not have knowledge of the conduct before the first anniversary of the date the conduct occurred.

## **H. Placement of Students with Disabilities**

### Placement of Students with Disabilities in a D.A.E.P.

The long-term placement of a student with a disability who receives special education services may be made only by a constituted Admissions, Review and Dismissal (ARD) Committee. Such students may not be placed in an alternative education program solely for educational purposes if the student does not also meet the criteria for alternative placement in TEC 37.006(a) or 37.007(a). Due process or minimal due process procedures as appropriate shall apply.

### Emergency Removal of Students with Disabilities

The principal or appropriate administrator may order the immediate suspension of a student with disability for emergency reason if it is believed that such action is necessary to protect the student, other persons or property from imminent harm. Removal shall be made only in emergency situations and shall not exceed three days unless the ARD or 504 committee determines that the student poses an immediate threat to himself/herself or others, or disrupts the safety of the learning environment.

If emergency removal, suspension, or removal to an alternative educational program total sixteen school days in a year, the ARD or 504 committee shall review the student's IEP, unless the discipline management portion or the IEP specifies otherwise.

### Suspension of Students with Disabilities

A student with a disability may be suspended for a period not to exceed three consecutive school days for each separate offense. Before such students are suspended, a member of the special education support staff, qualified to determine whether a link exists between the misconduct and the disability or placement, may be contacted to advise whether or not a connection exists between the disability and the conduct.

A student with a disability shall not be removed to an alternative education program for more than ten days unless the ARD or 504 Committee first determines whether the alleged behavior in question was related to the disabling condition. If the ARD or 504 Committee determines there is a connection, they must also determine what action is appropriate. Removal for more than ten consecutive school days requires ARD or 504 Committee action, subject to the parent's right to appeal.

If a student with a disability is removed from school premises for any reason for a total of 16 days or more in the school year, the ARD or 504 Committee shall review the student's IEP, unless the IEP specifies otherwise.

### Expulsion of Students with Disabilities

A student with a disability may be expelled for engaging in conduct that would warrant such action for a non-disabled student only if the ARD or 504 Committee determines the misconduct is not related to the disabling condition or inappropriate placement.

In determining whether a student's disruptive behavior was related to the student's disabling condition, the ARD or 504 Committee shall base its decision on currently effective evaluation and assessment data and on review of the current IEP documentation rather than on established eligibility or previous committee decisions. The ARD or 504 Committee shall consider whether the student's behavior indicated the need for new assessment or evaluation data. Unless the parents agree otherwise, the placement after ten days while additional assessments are being made.

The ARD or 504 Committee shall determine the instructional and related services to be provided during the time of expulsion. The student's IEP shall include goals and objectives designed to assist in returning the student to school and preventing regression.

If the ARD or 504 Committee determines that the student's disruptive behavior is related to the disabling condition or inappropriate placement, the student shall not be expelled. If the disruptive behavior on the part of the student indicates an inappropriate placement, the ARD or 504 Committee shall review the placement and recommend alternatives. If the ARD or 504 Committee determines that the behavior was related to the disabling condition, it should either rewrite the IEP to address the student's behavioral and educational needs or, when appropriate, consider the extension of an emergency removal.

### **I. Appeal of a Student with Disabilities Expulsion**

A decision of the Board's designee to expel a student may be appealed to the Board. A student may be denied the privilege of the home campus pending appeal of an expulsion.

A student with a disability shall not be excluded from school pending appeal to the Board for more than ten days without ARD or 504 Committee action. During an appeal to a special education hearing officer, the student shall remain in his current classes unless the District and parent agree otherwise or the hearing officer grants an interim order to authorize the expulsion.

Request for a Board hearing to appeal a decision to expel a student shall be made in writing to the superintendent within three school days after receipt of the written decision. The superintendent shall provide the parent written notice of the date, time, and place of the review within five days of receipt of the appeal request. The Board shall conduct a hearing that complies with required due process for expulsion hearing outlined in the code and shall base its decision on the evidence presented at that hearing.

If the decision to expel the student with the disability is upheld by the Board, the superintendent shall mail a copy of the expulsion order to the student and the student's parent. A copy of the order shall also be mailed to the authorized officer of the juvenile court of the county in which the student resides.

#### **J. Readmission of Expelled Students**

On recommendation of the Placement Review Committee or on its own initiative, the District may readmit an expelled student while the student is still fulfilling court-imposed sanctions. After a student completes the sanctions, the district must readmit the student; however, the District may place the student in an alternative education program. The student may not be returned to the classroom of the teacher under whose supervision the offense occurred without that teacher's consent. The teacher may not be coerced to consent.

#### **K. Interrogations and Searches**

Search of a student and/or property of the student may be conducted based on a reasonable suspicion of the presence of an item violating Board policy, the Student Code of Conduct, or criminal law, and that the search could reasonably be expected to produce evidence of that violation. School officials may search a student or a student's property upon reasonable suspicion or with the student's free and voluntary consent. However, consent obtained through threat of contacting law enforcement agents is not considered to be free and voluntarily given. Vehicles on school property are subject to search under the same standards.

Lockers are property of the school and remain under school jurisdiction when assigned to an individual student. The school reserves the right to inspect all lockers or student desks at any time when there is reasonable cause to believe it contains articles or materials prohibited by the district. A student has full responsibility for security of his or her locker. Searches of lockers may be conducted at any time there is reasonable suspicion to do so whether or not the student is present.

Searches of student's outer clothes and pockets may be conducted if reasonable suspicion exists. Certified school personnel have the authority to question students regarding their conduct of others.

Reasonable suspicion for search exists if there is reasonable suspicion that the student is currently possessing, ingesting, or under the influence of alcohol or other controlled substances. The following are a few, but not all of the examples of circumstances supporting reasonable suspicion:

- Smell of alcohol on the breath.
- Present inability to communicate coherently.
- Dilated pupils.
- Odor of marijuana.
- Habitually sleeping in class.
- Bloodshot eyes.
- Canine alert on one's locker, books, car, etc.

If any prohibited items are found in the student's desk, locker or person, the parent will be notified in a timely fashion. (FNF Local)

#### **L. Physical Restraint**

Any District employee may, within the scope of the employee's duties, use and apply physical restraint to a student that the employee reasonably believes is necessary in order to:

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

#### **M. Cooperation with Law Enforcement Officials**

The District and district personnel will cooperate with law enforcement agencies within reason. Law enforcement officials may be summoned to keep or restore order at school related activities. They may also be summoned to conduct an investigation of alleged criminal conduct on school premises or at school sponsored activities. Administrators shall have the responsibility and authority to determine when law enforcement officers' assistance is needed within their respective jurisdiction. However, district administrators shall at all times act in a manner that protects and guarantees the rights of students and parents.

#### **N. Police Questioning of Students**

For police questioning of a student in school, the following guidelines shall apply:

1. The officer shall verify and provide his or her name and title for District records.
2. The officer shall state the necessity for questioning the student during school hours at school.
3. After consultation, the principal or officer shall make reasonable effort to contact the student's parents unless the interviewer raises what the principal considers to be a valid objection.
4. Effort shall be made for questioning to be out of the view of the other students.
5. The principal ordinarily will be present, unless the interviewer raises what the principal considers to be a valid objection. (GRA Legal and Local)

#### **O. Arrested Students**

If a student at school is subject to arrest or apprehension by law enforcement officer(s), the principal or appropriate administrator, after consultation, shall deliver the student into the officer's custody. Before a student is released to a law enforcement officer or other legally authorized person, the principal will verify the officer's identity and, to the best of his or her ability, will verify the official's authority to take custody of the student. The principal shall immediately make reasonable effort to notify the superintendent and the student's parents, unless the officer or other authorized person raises what the principal considers to be a valid objection to notifying the parents. Because the principal does not have the authority to prevent or delay a student's release to a law enforcement officer, notification will most likely be after the fact.

State law requires the District to permit a student to be taken into legal custody:

- To comply with an order of the juvenile court.
- To comply with the laws of arrest.

- By a law enforcement officer if there is probable cause to believe the student has engaged in delinquent conduct or conduct in need of supervision.
- By a probation officer if there is probable cause to believe the student has violated a condition of probation imposed by the juvenile court.
- To comply with a properly issued directive to take a student into custody.
- By an authorized representative of Child Protective Services, Texas Department of Protective and Regulatory Services, a law enforcement officer, or a juvenile probation officer, without a court order, under the conditions set out in the Family Code relating to the student's physical health or safety.
- To comply with a properly issued directive to take a student into custody.

The District is required by state law to notify:

- All instructional and support personnel who have responsibility for supervising a student who has been arrested or referred to the juvenile court for any felony offense or for certain misdemeanors.
- All instructional and support personnel who have regular contact with a student who is required to register as a sex offender or who has been convicted, received deferred prosecution, received deferred adjudication, or was adjudicated of delinquent conduct for any felony offense or certain misdemeanors. FL (Legal) GRA (Legal)

## **Chapter Three**

### **Listing of Offenses and Consequences by Level**

#### Level I Offenses

Level I acts of misconduct include repeated infractions of classroom management procedures or rules, or other misconduct that disrupts the educational process to the extent that the classroom teacher needs administrative support to correct the problem. The following is a non-inclusive list of behavior infractions:

- Being tardy to class.
- Refusing to follow classroom rules.
- Refusing to participate in classroom activities or fulfill assignments.
- Possessing and/or using nuisance items.
- Eating, drinking, or gum chewing in an undesignated area.
- Disruption of the orderly classroom process.
- Running, making excessive noise, or other disruptions in halls, buildings, classrooms, or supervised settings.

#### Level I Disciplinary Options

Any one or any combination of the consequences may be applied:

- Teacher/student or administrator/student conference.
- Parent/teacher conference or call.
- In-class disciplinary action or assignment.
- Withdrawal of student's privileges, including bus privileges.
- Detention.
- Counselor/student conference.
- Confiscation of nuisance item or material.
- Supervised campus service assignment.
- Changes within the classroom.
- Removal to office.
- Corporal punishment

#### Level II Offenses

When a student's behavior does not change as a result of action taken at Level I, and the student is being seen for a second time by the principal for repeated Level I infractions, the student is moved to Level II for disciplinary purposes.

#### Level II Disciplinary Options

Any one or any combination may be applied:

- Any combination of teacher, principal or appropriate administrator, parent and student conference.
- Any discipline technique outlined in Level I.
- In-school suspension for one or two days.
- Placement in the Disciplinary Alternative Educational Program for up to three days
- Corporal punishment

### Level III Offense

Level III acts of misconduct include those student infractions which are somewhat more serious than those in Level I and II in their effect on the orderly process of the school program. Examples of misconduct include but are not limited to the following:

- Cheating or copying the work of another student.
- Gambling.
- Leaving the classroom, building, grounds, or assigned activity or school-related activity, on or off campus, without permission.
- Disobeying rules for conduct on school buses.
- Discharging a fire extinguisher.
- Cutting class or other scheduled activities.
- Violation of the dress code.
- Using profane, obscene, indecent or racial or ethnically offensive language and/or physical gestures to other students.
- Failure to comply with lawful directives issued by school personnel.
- Truancy.
- Altering school records or documents, or forgery of a name on school documents.
- Vandalism to or defacing school property.
- Excessive absence or tardiness.
- Inappropriately engaging in acts of familiarity with other students.
- Use of electronic paging device(s) or cellular telephones during the instructional day.
- Throwing or irresponsible use of objects that can cause bodily injury or damage to property.
- Possession or use of tobacco/tobacco substitute products.
- Exhibiting any unacceptable or unwanted physical contact that could but does not result in injury.
- Recklessness in an automobile on school property.
- Possession or distribution of pornographic material.
- Refusing to accept discipline management techniques proposed by the teacher or principal.
- Refusing to comply with assigned disciplinary consequences.
- Theft

### Level III Disciplinary Options

Any one or any combination of the following may be applied:

- Any combination of teacher, principal, or appropriate administrator, parent and student conference.
- Grade penalty for copying or cheating.
- Detention.
- Suspension or expulsion from extracurricular activities.
- In-school suspension.
- Up to three days out-of-school suspension per offense.
- Emergency removal.
- Restoration and/or restitution as applicable.
- Withdrawal of selected student privileges.
- Supervised campus service assignment.
- Saturday School.
- Involvement of law enforcement personnel.
- Disciplinary Alternative Education Placement up to the remainder of the semester. (or the next semester if the incident occurs during the last six weeks of a semester)

#### Level IV Serious Offenses

Level IV offenses include those acts of misconduct that seriously disrupt the educational process, endanger or seriously affect other students, and perhaps violate the law. Examples include, but are not limited to the following:

- Any repeated offense of Level III, or a new violation while being disciplined for a Level II offense.
- Repeated acts of disobedience or disorderly behavior which may prove to be detrimental to the school, harmful to health and safety, or inhibiting to the rights of others.
- Being disrespectful to school personnel or refusing to comply with lawful requests or directions of school personnel.
- Bullying, including intimidation by name-calling, using ethnic or racial slurs, or making derogatory statements that could disrupt the school program or incite violence.
- Making or assist in making threats, oral or written, to do bodily harm to another, or to the property of another.
- Engaging in harassment motivated by race, color, religion, national origin, disability, or age and directed toward another student or a District employee.
- Engaging in conduct that constitutes sexual harassment or sexual abuse.
- Committing extortion, coercion, or blackmail.
- Making false accusations or hoaxes regarding school safety.
- Interfering with school authorities or school programs through boycotts, sit-ins, or trespassing.
- Fighting, this is defined as physical conflict between two or more individuals. To avoid penalty, a student under attack should seek to detach himself/herself from the situation and get school personnel or adult help.
- Committing or assisting in a robbery or theft, even if does not constitute a felony according to Texas Penal Code.
- Using profane, obscene, indecent, immoral, or offensive language and/or gestures directed toward school personnel.
- Failure to comply with assigned disciplinary consequences.
- Possessing or conspiring to possess a box cutter, chain or any other device, object, or substance that could threaten or cause bodily harm to individuals in any school setting.
- Failure to report to school personnel the knowledge of an event, device, object, or substance that could cause bodily harm to individuals in any school setting.
- Possession, use, or distribution of any substance represented to be a drug or alcohol.
- While within 300 feet of school property or at a school-related event on or off school property,
  1. sells, gives, delivers, possesses, uses or is under the influence of prohibited drugs or alcohol or
  2. engages in conduct punishable as an offense relating to an abusable volatile chemical if the conduct is not punishable as a felony.
- Possession, smoking or use of tobacco/tobacco substitute products.
- Possession or use of a lighter.
- Indecent exposure, sexual misconduct, and/or sexual harassment of a student or District employee.
- Hazing.
- Gang-related behavior or activity, or gang membership.
- Possession of drug paraphernalia.
- Burglary or theft of a school facility or major vandalism to district property.
- Posting or distributing unauthorized communicative materials on school premises.
- Assault.
- Defacing or damaging school property—including textbooks, lockers, other equipment.
- Possessing, placing or discharging fireworks of any kind, smoke or stink bombs, or any other pyrotechnic device.

- Possessing or selling a “look alike” weapon.
- Possessing an air gun or BB gun.
- Possessing ammunition.
- Possessing a stun gun.
- Possessing mace or pepper spray.
- Possessing or using any articles not generally considered to be a weapon, including school supplies, when the principal or designee determines that a danger exists.
- Pledges to join or solicit membership in a public school fraternity, sorority, secret society, or gang as defined in TEC 37.121.
- Falsification of records, passes, or other school related documents.
- Possessing or selling look-alike drugs or items attempted to be passed off as drugs or contraband.
- Possessing or selling seeds or pieces of marijuana in less than a usable amount.
- Possessing, using, giving, or selling paraphernalia related to any prohibited substance.
- Abusing the student’s own prescription drug, giving a prescription drug to another student, or possessing or being under the influence of another person’s prescription drug on school property or at a school-related event.
- Violating the District’s policy on taking prescription drugs and over-the-counter drugs at school.
- Possessing or using a laser pointer for other than an approved use.
- Violating computer use policies, rules, or agreements signed by the student, and/or agreements signed by the student's parent.
- Using the Internet or other electronic communications to threaten students, employees, or cause disruption to the educational program.
- Sending or posting electronic messages that are abusive, obscene, sexually oriented, threatening, harassing, damaging to another's reputation, or illegal.
- Engaging in verbal or written exchanges that threaten the safety of another student, a school employee, or school property.
- Possessing published or electronic material that is designed to promote or encourage illegal behavior or that could threaten school safety, using e-mail or Web sites at school to encourage illegal behavior, or threatening school safety.
- Unauthorized entry of a school facility.

#### Level IV Disciplinary Options

Any one or any combination of the following may be applied:

- Any discipline technique outlined in Level III.
- Suspension from school not to exceed three days at a time per offense.
- Citation by law enforcement personnel.
- Disciplinary Alternative Education Program placement up to the remainder of the semester. (or the next semester if the incident occurs during the last six weeks of a semester)
- Reassignment of classes.
- A student may be expelled if the student:
  1. Continues to engage in serious or persistent misbehavior that violates the Student Code of Conduct or D.A.E.P. classroom rules after being placed in an alternative education program for disciplinary reasons.
  2. Engages in criminal mischief under Penal Code 28.03, if the conduct is punishable as a felony, whether committed on or off of school property or
  3. At a school-related activity, intentionally or knowingly damages school property resulting in a loss of \$1,500 or more.

### Level V Mandatory Removal Offenses

If a student commits any of the following acts while on school property, or while attending a school-sponsored or school related activity on or off the property, he or she **must** be removed to a Disciplinary Alternative Education Program:

1. Commits assault as defined by Penal Code 22.01 (a) (1).
2. Make terrorist threats as defined by the Penal Code 22.07.
3. Sells, gives, delivers, uses, or possesses marijuana, a controlled substance as defined by Chapter 481, Health and Safety Code, or by 21 U.S.C. 801 et seq., a dangerous drug as defined by Chapter 438, Health and Safety Code, or an alcoholic beverage as defined by 1.04 of the Alcohol Beverage Code. A student with a valid prescription for low-THC cannabis as authorized by Chapter 487 of the Health and Safety Code does not violate this provision.
4. Commits an offense relating to abusive glue or aerosol paint under 485.031 through 483.035, Health and Safety Code, or other volatile chemicals under Chapter 484, Health and Safety.
5. Behaves in a manner that contains the elements of an offense of volatile chemicals.
6. Engages in public lewdness under Penal Code 21.07.
7. Engages in relationship against a school employee under Penal Code 36.06 except, if the student commits a mandatory expellable offense against any employee in retaliation for or as a result of the employee's employment with the school district, the student must be expelled under 37.007 (c).
8. Engages in conduct punishable as a felony listed as a Title 5\* offense of Texas Penal Code on or off school property and not at a school-sponsored or school-related event. [\*Title 5 Offense includes; aggravated robbery, murder, kidnapping, sexual assault; indecency with a child; injury to a child; an elderly person, or a disabled person; abandoning or endangering a child; deadly conduct; terroristic threats; a false alarm or report (including a bomb threat); aiding a person to commit a suicide; and tampering with a consumer report.] and:
  - The student receives deferred prosecution.
  - A court or jury finds that the student has engaged in delinquent conduct.
  - The superintendent or designee has a reasonable belief that the student engaged in the conduct.
9. Commits a second offense in which the student sells, gives, or delivers to another person alcoholic beverages, commits a serious act or offense while under the influence of alcohol: possesses, uses or is under the influence of alcohol, if the conduct is not punishable as a felony offense, while within 300 feet of school property or at a school-related event on or off school property.
10. Behaves in a manner that contains the elements of the offense of indecent exposure.
11. Involvement in gang activity, including participating as a member or pledge, or soliciting another person to become a pledge or a member of a gang.
12. Assaults on employees or volunteers on campus as defined in Texas Penal Code 22.01 (a)(1).
13. Engages in conduct that contains the elements of the offense of retaliation against any school employee or volunteer on or off school property.
14. Engages in any conduct that would be punishable as a felony if prosecuted, regardless of the time or place of conduct.
15. Engaging in conduct punishable as a felony, other than those listed as offenses involving injury to a person in Title 5 of the Texas Penal Code, that occurs off school property and not at a school-sponsored or school related event, if the student's presence in the regular classroom threatens the safety of other students or teachers or will be detrimental to the educational process.
16. Criminal mischief not punishable as a felony.
17. Commits a Federal firearms violation and is younger than six years of age.
18. Engages in expellable conduct and is between six and nine years of age.
19. Behaves in a manner that contains the elements of an offense relating to abusable volatile chemicals.

The terms of removal to the Disciplinary Alternative Education Placement will prohibit the student from attending or participating in school-sponsored or school-related activities.

### Level V Mandatory Expulsion Offenses

A student **must** be expelled from school for bringing a firearm to school as defined by federal law, when the offense occurs on school property or while attending a school-related activity on or off of school property. "Firearm" under federal law includes:

1. Any weapon (including a starter gun), which will or is designed to or which readily can be converted to expel a projectile by the action of an explosive.
2. The frame or receiver of any such weapon.
3. Any firearm muffler or firearm weapon.
4. Any destructive device, such as any explosive, incendiary, or poison gas bomb, or grenade.

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

Using, or possessing the following, as defined by the Texas Penal Code-

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), unless the use, exhibition, or possession of the firearm occurs at an off-campus approved target range facility while participating in or preparing for a school-sponsored shooting sports competition or a shooting sports educational activity that is sponsored or supported by the Parks and Wildlife Department or a shooting sports sanctioning organization working with the department.
2. An illegal knife, which includes, a knife with a blade over 5½ inches; hand instrument, designed to cut or stab another by being thrown; dagger, including but not limited to a dirk, stiletto, and poniard; bowie knife; sword; or spear.
3. A club such 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, including a blackjack, nightstick, mace, and tomahawk. (See glossary)
4. A prohibited weapon, such as an explosive weapon; a machine gun; a short-barrel firearm; a firearm silencer; knuckles; armor-piercing ammunition; a chemical dispensing device; or a zip gun. (See glossary)

Behavior containing elements of the following offenses under the Texas Penal Code-

1. Arson. (See glossary)
2. Murder, capital murder, or criminal attempt to commit murder or capital murder.
3. Indecency with a child.
4. Aggravated kidnapping.
5. Aggravated robbery.
6. Manslaughter.
7. Criminally negligent homicide.
8. Behavior punishable as a felony that involves the selling, giving, or delivering to another person, possessing, using, or being under the influence of marijuana, a controlled substance, a dangerous drug, or alcohol; or committing a serious act or offense while under the influence of alcohol.
9. Retaliation against a school employee or volunteer combined with one of the above-listed offenses on or off school property or at a school-related activity.
10. Aggravated assault, sexual assault, or aggravated sexual assault.

11. Continuous sexual abuse of a young child or children.

**A student may be expelled** for engaging in conduct relating to a false alarm or report (including a bomb threat) or a terroristic threat involving a public school.

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

**A student may be expelled** for committing 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:

- Selling, giving, or delivering to another person, or possessing, using, or being under the influence of any amount of marijuana, a controlled substance, or a dangerous drug, if the conduct is not punishable as a felony. A student with a valid prescription for low-THC cannabis as authorized by Chapter 487 of the Health and Safety Code does not violate this provision.
- Selling, giving, or delivering to another person, or possessing, using, or being under the influence of any amount of alcohol; or committing a serious act or offense while under the influence of alcohol, if the conduct is not punishable as a felony.
- Engaging in conduct that contains the elements of an offense relating to abusable volatile chemicals.
- Engaging in conduct that contains the elements of assault under Section 22.01(a)(1) against an employee or a volunteer.
- Engaging in deadly conduct. (See glossary)

**A student may be expelled** for the following conduct while within 300 feet of school property, as measured from any point on the school's real property boundary line:

- Committing aggravated assault, sexual assault, or aggravated sexual assault.
- Committing arson.
- Committing murder, capital murder, or criminal attempt to commit murder or capital murder.
- Committing indecency with a child, aggravated kidnapping, manslaughter, criminally negligent homicide, or aggravated robbery.
- Committing a felony drug- or alcohol-related offense.
- Using, or possessing a firearm (as defined by state law, an illegal knife, a club, or prohibited weapon, or possessing a firearm (as defined by federal law).
- Continuous sexual abuse of a young child or children.

**A student may be expelled** if the student engages in the following conduct no matter where the conduct takes place:

- Engaging in conduct that contains the elements of assault under Penal Code 22.01(a)(1) in retaliation against a school employee or volunteer.
- Engaging in criminal mischief, if punishable as a felony.
- Engaging in conduct that contains the elements of the offense of breach of computer security under Section 33.02, Penal Code, if:
  - A. The conduct involves accessing a computer, computer network, or computer system owned by or operated on behalf of a school district; and
  - B. The student knowingly:
    - i. Alters, damages, or deletes school district property or information; or

- ii. Commits a breach of any other computer, computer network, or computer system.

**A student may be expelled if** the student engages in conduct that contains the elements of one of the following offenses against another student, without regard to where the conduct occurs:

- Aggravated assault
- Sexual assault
- Aggravated sexual assault
- Murder
- Capital murder
- Criminal attempt to commit murder or capital murder
- Aggravated robbery
- Breach of computer security
- Engaging in conduct relating to a false alarm or report (including a bomb threat) or a terroristic threat involving a public school

**A student may be expelled** if the student, while placed in a disciplinary alternative education program, engages in a documented serious misbehavior while on the program campus despite documented behavioral interventions.

Serious offenses include, but are not limited to, the following:

- Murder
- Vandalism
- Robbery or theft
- Extortion, meaning the gaining of money or other property by force or threat
- Disruptive actions or demonstrations that substantially disrupt or materially interfere with school activities
- Hazing
- Conduct that constitutes coercion, as defined by section 1.07, Penal Code
- Insubordination
- Profanity, vulgar language, or obscene gestures directed toward teachers or other school employees.
- Fighting, committing physical abuse, or threatening physical abuse.
- Possession or distribution of pornographic materials
- Leaving school grounds without permission
- Sexual harassment of a student or District employee
- Possession of or conspiracy to possess any explosive or explosive device
- Falsification of records, passes, or other school-related documents
- Refusal to accept discipline management techniques assigned by the teacher or principal
- Public lewdness under Section 21.07, Penal Code
- Indecent exposure under Section 21.08, Penal Code
- Criminal mischief under Section 28.03, Penal Code
- Personal hazing under Section 37.152
- Harassment under Section 42.07 (a)(1), Penal Code, of a student or district employee
- Deliberate violent behavior that poses a direct threat to the health or safety of others

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

In an emergency, the principal or the principal's designee may order the immediate expulsion of a student for any reason for which expulsion may be made on a non-emergency basis.

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

If a student is believed to have committed an expellable offense, the principal or other appropriate administrator shall schedule a hearing within a reasonable time. The student's parent shall be invited in writing to attend the hearing.

Until a hearing can be held, the Campus Behavior Coordinator or other administrator may place the student in:

- Another appropriate classroom
- In-school suspension
- Out-of-school suspension
- D.A.E.P.

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

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

After providing notice to the student and parent of the hearing, the district may hold the hearing regardless of whether the student or the student's parent attends.

The board of trustees delegates to the superintendent authority to conduct hearings and expel students.

After the due process hearing, the expelled student may request that the board review the expulsion decisions. The student or parent must submit a written request to the superintendent within seven days after receipt of the written decision. The superintendent must provide the student or parent written notice of the date, time, and place of the meeting at which the board will review the decision.

The board shall review the record of the expulsion hearing in a closed meeting unless the parent requests in writing that the matter be held in an open meeting. The board may also hear a statement from the student or parent and from the board's designee.

The board shall hear statements made by the parties at the review and will base its decision on evidence reflected in the record and any statements made by the parties at the review. The board shall make and communicate its decision orally at the conclusion of the presentation. Consequences shall not be deferred pending the outcome of the hearing.

Before ordering the expulsion, the board or Campus Behavior Coordinator shall take into consideration:

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

After the due process hearing, if the student is expelled, the board or its designee shall deliver to the student and the student's parent a copy of the order expelling the student.

Not later than the second business day after the hearing the superintendent shall deliver to the juvenile court a copy of the expulsion order and the information required by Section 52.04 of the Family Code.

If the length of the expulsion is inconsistent with the guidelines included in the Student Code of Conduct, the expulsion order shall give notice of the inconsistency.

The length of an expulsion shall be correlated to the seriousness of the offense, the student's age and grade level, the frequency of misbehavior, the student's attitude, and statutory requirements.

The duration of a student's expulsion shall be determined on a case-by-case basis. The maximum period of expulsion is one calendar year except as provided below.

An expulsion may not exceed one year unless, after review, the district determines that:

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

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

Students who commit offenses that require expulsion at the end of one school year may be expelled into the next school year to complete the term of expulsion.

When a student has violated the district's Code in a way that requires or permits expulsion from the district and the student withdraws from the district before the expulsion hearing takes place, the district may conduct the hearing after sending written notice to the parent and student.

If the student then reenrolls in the district during the same or subsequent school year, the district may enforce the expulsion order at that time, less any expulsion period that has been served by the student during enrollment in another district.

If the appropriate administrator or the board fails to issue an expulsion order after the student withdraws, the next district in which the student enrolls may complete the proceedings.

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

Expelled students are prohibited from being on school grounds or attending school-sponsored or school-related activities during the period of expulsion.

No district academic credit will be earned for work missed during the period of expulsion unless the student is enrolled in a JJAEP or another district approved-program.

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

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

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

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

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

When an emergency expulsion occurs, the student shall be given verbal notice of the reason for the action. Within ten days after the date of the emergency expulsion, the student shall be given appropriate due process required for a student facing expulsion.

The district may provide educational services to any expelled student in a D.A.E.P.; however, educational services in the D.A.E.P. must be provided if the student is less than ten years of age.

Terms of expulsion shall deny the student access to all district activities and school property.

Federal law requires that a student expelled for a firearm violation must be expelled from the student's regular campus for a period of at least one-year, subject to individual modifications made by the superintendent.

## GLOSSARY

The glossary provides legal definitions and locally established definitions and is intended to assist in understanding terms related to the Student Code of Conduct.

**Abuse** is improper or excessive use.

**Aggravated robbery** is defined in part by Texas Penal Code 29.3(a) 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.

**Armor-piercing ammunition** is handgun ammunition used in pistols and revolvers and designed primarily for the purpose of penetrating metal or body armor.

**Arson** is:

1. 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
    6. When the person starting the fire is reckless about whether the burning or explosion will endanger the life of some individual or the safety of the property of another;
2. A crime that involves recklessly starting a fire or causing an explosion while manufacturing or attempting to manufacture a controlled substance and the fire or explosion damages any building, habitation, or vehicle; or
3. A crime that involves intentionally starting a fire or causing an explosion and in so doing:
  - a. Recklessly damages or destroys a building belonging to another, or
  - b. Recklessly causes another person to suffer bodily injury or death.

**Assault** is defined in part by Texas Penal Code (a) (1) as intentionally, knowingly, or recklessly causing bodily injury to another.

**Bullying** is when a student or group of students engages in written or verbal expression, expression through electronic means, or physical conduct that occurs on school property, at a school-sponsored or school-related activity, or in a vehicle operated by the district and a school district's board of trustees or the board's designee determines that the behavior:

1. Has the effect or will have the effect of physically harming a student, damaging a student's property, or placing a student in a reasonable fear of harm to the student's person or of damage to the student's property; or
2. Is sufficiently severe, persistent, and pervasive enough that the action or threat creates an intimidating, threatening, or abusive educational environment for a student.

This conduct is considered bullying if it:

1. Exploits an imbalance of power between the student perpetrator who is engaging in bullying and the student victim through written or verbal expression or physical conduct; and
2. Interferes with a student's education or substantially disrupts the operation of a school.

**Chemical dispensing device** is a device designed, made, or adapted for the purpose 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 an instrument specially designed, made, or adapted for the purpose of inflicting serious bodily injury or death. A blackjack, mace, and tomahawk are in the same category.

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

**Cyberbullying** is the use of any electronic communication device to engage in bullying or intimidation.

**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** 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.

**Explosive weapon** is 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** 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:

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

**Firearm silencer** means any device designed, made, or adapted to muffle the report of a firearm.

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

**Harassment** is:

1. Conduct that meets the definition established in district policies DIA(LOCAL) and FFH(LOCAL);  
or

2. Conduct that threatens to cause harm or bodily injury to another person, including a district student, employee, board member or volunteer; is sexually intimidating, causes physical damage to the property of another student subjects another student to physical confinement or restraint, or maliciously and substantially harms another student's physical or emotional health or safety.

**Hazing** is an intentional or reckless act, on or off campus, by one person alone or acting with others, that endangers the mental or physical health or safety of a student for the purpose of pledging, initiation into, affiliation with, holding office in, or maintaining membership in an organization.

**Hit list** is 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.

**Knuckles** is 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.

**Machine gun** 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.

**Persistent misbehavior** is two or more violations of the Code in general or repeated occurrences of the same violation.

**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 other school property used by the student, including but not limited to a locker or desk.

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

**Reasonable belief** is a determination made by the superintendent or designee using all available information, including the information furnished under Article 15.27 of the Code of Criminal Procedure.

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

**Serious misbehavior means:**

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

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

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

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

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

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

**Title 5 offenses** are those that involve injury to a person and include Murder; Kidnapping; Assault; Aggravated assault; Sexual assault; Aggravated sexual assault; Unlawful restraint; Indecency with a child; Injury to a child, an elderly person, or a disabled person of any age; Abandoning or endangering a child; Deadly conduct; Terroristic threat; Aiding a person to commit suicide; Trafficking of persons; Smuggling or continuous smuggling of persons; Invasive visual recording; Voyeurism; Disclosure or promotion of intimate visual material, and tampering with a consumer product. (See FOC EXHIBIT)

**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. 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 a device or combination of devices, not originally a firearm, but adapted to expel a projectile through a smooth-bore or rifled-bore barrel by using energy generated by an explosion or burning substance.