

**Wall Independent School District
Discipline Management Plan
And
Student Code of Conduct**

This section contains the Discipline Management Plan and Student Code of Conduct for this school district. It is designed to inform you and your student of the type of conduct expected in Wall ISD. It is important that you and your student review this information together so that you will clearly understand the rules of acceptable conduct and the consequences of violation of established rules. With your support and encouragement, we are confident your student will meet behavioral expectations of the District. Those who fail to do so may expect to experience normal discipline management techniques, suspension, removal to an alternative education placement, or expulsion.

Sincerely,

Russell Dacy, Wall ISD Superintendent

Discipline Management Plan and Code of Conduct

Table of Contents

Preamble.....	3
Implementation of the Code of Conduct.....	3
Responsibility and Authority for Administration and Enforcement of The Code of Conduct.....	3
Placement Review Committee.....	4
Parent/Teacher Conferences.....	4
Student Records.....	4
Textbooks (Middle School and High School).....	5
Visitors.....	5
Student Code of Conduct.....	6
Philosophy.....	6
Jurisdiction.....	6
Abiding by the Law.....	6
End of Semester/Year Offenses.....	6
Students at School or School Related Activities are Prohibited From:.....	7
General Dress Code.....	8
Attendance.....	8
Compulsory Attendance.....	9
Vandalism/Damage to School Property.....	10
Harassment.....	10
Sexual Harassment.....	10
Hazing.....	11
Tobacco Use.....	11
Cellular Phones and Electronic Devices.....	11
Drugs/Alcohol Use.....	11
Weapons.....	12
Bullying.....	13
Social Media.....	14
Assaults.....	14
Disturbing School or Classes.....	15
Disruption of Lawful Assembly.....	15
Distribution of Materials.....	16
Prior Review.....	17
Student Conduct on School Busses.....	17
Closed Campuses.....	18
Secret of Self-Perpetuating Societies.....	19

General Guidelines for Assessing Discipline.....	20	
Definitions.....		20
Listing of Offenses and Consequences by Level.....		21
Level I Offenses.....		21
Level I Disciplinary Options.....		22
Level II Offenses.....		22
Level II Disciplinary Options.....		22
Level III Offenses.....		22
Level III Disciplinary Options.....		24
Level IV Serious Offenses.....		25
Level IV Disciplinary Options.....		26
Level V Mandatory Removal or Expulsion Offenses.....		27
Mandatory Removal.....		27
Mandatory Expulsion.....		31
Procedural Due Process.....		37
Disciplinary Alternative Education Program (DAEP).....		37
Expulsion.....		37
Appeal of Board’s Decision to Expel.....		38
Emergency Suspension or Expulsion.....		38
Teacher Removal of a Student.....		39
Suspension.....		41
Placement of Students with Disabilities.....		41
Appeal of Students with Disabilities Expulsion.....		43
Corporal Punishment.....		43
Detention.....		44
Non-Exempt Detention (High School Only).....		44
Readmission of Expelled Students.....		44
Interrogation and Searches.....		45
Physical Restraint.....		45
Cooperation with Law Enforcement Agencies.....		46
Police Questioning of Students.....		46
Arrested Students.....		46

Preamble

The student Code of Conduct for the Wall Independent School District has been developed by administrators, teachers, parents and community members of the district. It is based on the premise that the student's education begins with discipline and ends in self-discipline. Based on 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. 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.

Implementation of the Code of Conduct

Responsibility and Authority for Administration and Enforcement of the Code of Conduct.

1. The building principal and/or other appropriate administrator shall have the responsibility of implementing the code of conduct.
2. Students may be assigned to an alternative education program, in accordance with the code of conduct, by the principal or another appropriate administrator.
3. Suspension of a student from school, not to exceed three days, who engages in conduct for which one may be placed in the discipline alternative education program, may be imposed by the principal or other appropriate administrator.
4. 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 law.
5. 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.
6. The school administration provides each certified employee access to subchapter A of Chapter 37 on alternative settings for behavior management online at www.wallisd.net.
7. Inform each teacher of a student who has committed an expellable offense.

Placement Review Committee

Each school shall establish a three-member committee. The campus faculty shall select two teachers to serve as members of the committee, and one additional teacher shall serve as alternate. The principal shall serve or select one member from the professional staff. The committee shall have the responsibility to:

1. Determine, in accordance with law and policy, the placement of a student, when a teacher refuses to readmit a student whom the teacher has removed from class.
2. Make recommendations regarding readmission of expelled students prior to completion of a court imposed disposition.

Parent Teacher Conferences

It is recognized that 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:

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

Student Records

Certain information about District students is considered directory information and will be released to anyone who follows procedures for requesting it, unless the parent objects to the release of any or all directory information about the child. This objection must be made in writing to the principal within ten school days after the issuance of the handbook. Directory information includes: a student's name, address, telephone number, date and place of birth, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, awards received in school, and most recent previous school attended.

By law, both parents, whether married, separated, or divorced, have access to the records of a student who is under 18 or a dependent for tax purposes. A parent whose rights have been legally terminated will be denied access to the records if the school is given a copy of the court order terminating these rights.

The District's complete policy regarding student records, (including FERPA), is available from the principal's or superintendent's office.

Textbooks (Middle School and High School)

Textbooks must be kept in student assigned lockers. Students may place binders on top of the lockers but keep school issued books in their lockers. Books confiscated from the tops of the lockers will be taken to the office. Students may be required to pay a fine or face discipline consequences if books are confiscated.

*Damages to textbooks, library books, lockers, and other school property will be assessed and fines will be issued. Students with unpaid fines will have a hold placed on their report card and schedule for the upcoming school year.

Visitors

Parents and other visitors are welcome to visit the school. All visitors must first report to the principal's office. Visits to individual classrooms during instructional time are permitted only with the principal's approval, and such visits are not permitted if their duration or frequency interferes with the delivery of instruction or disrupts the normal school environment.

Student Code of Conduct

Philosophy

The mission of the school district is to provide a quality education for each and every student. 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 stated expectations. However, when violations of the 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:

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

Jurisdiction

The District has jurisdiction over its students during the regular school day and while going to and from school on District transportation. The District's jurisdiction includes any activity during the school day on school grounds, or adjacent to school grounds, attendance at any school-related activity, regardless of time or location, and any school-related misconduct, including retaliation against an employee, regardless of time or location.

Abiding by the Law

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

End of Semester/Year Offenses

Certain student offenses may result in a long-term assignment to an alternative education program for the remainder of the semester or year. Such placement may extend beyond the school year in accordance with TEC 37.009ã.

Students at School or School-Related Activities are Prohibited From:

1. Cheating or copying the work of another student.
2. Throwing objects, outside supervised school activities, that can cause bodily injury or damage to property.
3. Leaving school-sponsored events without permission.
4. Directing profanity, vulgar language, or obscene gestures toward other students.
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 or other school employees.
7. Playing with matches or fire, or committing arson.
8. Committing robbery or theft.
9. Damaging or vandalizing property owned by the District, other students or District employees.
10. Disobeying school rules concerning conduct on school buses.
11. Fighting, committing physical abuse, or 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 use of force or threat of force.
13. Engaging in verbal abuse, i.e., name-calling, ethnic or racial slurs, or derogatory statements that may substantially disrupt the school program or incite violence.
14. Engaging in inappropriate physical or sexual contact disruptive to the school environment or disturbing to other students.
15. Engaging in any other conduct that disrupts the school environment or educational process.
16. Committing 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.

General Dress Code

The dress code for Wall ISD is established to teach and project positive standards of the school and community and to enhance our image to visitors. The dress code also serves to teach grooming and hygiene, instills discipline, prevent disruption, avoid safety hazards, and teach respect for authority. The District prohibits any clothing or grooming standards that in the principal's judgment may reasonably be expected to cause disruption of or interference with normal school operations. Refer to the student handbook for specific dress code information and policies at Wall ISD.

Students and parents should understand that because of our changing styles and fashions, it may become necessary for the principal to make changes in current dress code requirements. These changes may take place at any time during the school year. Any changes that occur will always reflect the high standards and expectations of our school community.

Attendance

To receive credit in a class, a student must be in attendance for at least 90% of the days the class is offered. A student who is in attendance less than 90% of the days the class is offered in a semester shall not be given credit for the class unless the attendance committee finds that the absence(s) are the result of extenuating circumstances.

School employees must investigate and report violations of the state compulsory attendance law. A student absent from school without permission from any class, from required special programs, such as basic skills for ninth graders, or from required tutorials will be considered truant and subject to disciplinary action.

Truancy may also result in assessment of penalties by a court of law against both the student and his or her parents. A complaint against the parent may be filed in the appropriate court if the student:

- **Is absent from school on ten or more days or part of days within a six-month period in the same school year, or**
- **Is absent on three or more days or parts of days within a four-week period.**

When returning to school after an absence, a student must bring a note signed by the parent that describes the reason for the absence or the Principal or attendance clerk must be notified by

phone. Verification of any illness may be required if the student's absences are more than three to five consecutive days, or if the reason given is suspect.

The District considers the following as extenuating circumstances for the purpose of granting credit for a class:

1. An excused absence based on personal sickness, sickness or death in the family, quarantine, weather or road conditions making travel dangerous, or any other unusual cause acceptable to the principal.
2. Participation in court proceedings or child abuse/neglect investigation.
3. A migrant student's late enrollment or early withdrawal.
4. Days missed as a runaway.
5. Completion of a competence-based program for at-risk students.
6. Late enrollment or early withdrawal of a student under Texas Youth Commission.
7. Teen parent absences to care for his or her child.
8. Participation in a substance abuse rehabilitation program.
9. Homelessness, as defined in federal law.

An attendance committee will be appointed by each campus to hear appeals from students who are in attendance less than 90% of the days the class is offered.

The committee will consist of the student's teacher(s), counselor, and the principal or his or her representative. The attendance committee will have the authority to:

1. Grant excessive absences.
2. Offer alternative ways for students to make up time and school work missed.
3. Deny credit.

Compulsory Attendance

Students will be required to attend school if they are six years old on/or before September 1, and until student has completed the school year in which their 17th birthday occurs.

Vandalism/Damage to School Property

Students shall not vandalize or otherwise damage or deface any property, including furniture and other equipment, belonging to or used by the District or District schools. Parents or guardians of students guilty of damaging school property shall be liable for damages in accordance with law. Students shall be responsible for the care and return of state-owned textbooks and may be charged for replacement of lost textbooks.

Harassment

Harassment, in general terms is conduct so severe, persistent, or pervasive that it affects the student's ability to participate in or benefit from an educational program or activity; creates an embarrassing, intimidating, threatening, hostile, or offensive educational environment; or substantially interferes with the student's academic performance.

Examples of harassment may include, but are not limited to, offensive or derogatory language directed at a person's religious beliefs or practices, accent, skin color, or need for accommodation; threatening or intimidating conduct; offensive jokes, name-calling, slurs, or rumors; graffiti or printed material promoting racial, ethnic, or other negative stereotypes or other kinds of aggressive conduct such as theft or damage to property.

Sexual Harassment

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 one another courteously, with respect for the other person's feelings; to avoid any behavior 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 a sexual nature directed toward another student. This prohibition applies whether the conduct is by work, gesture, or any other intimidating sexual conduct, including requests for sexual favors that the other student regards as offensive or provocative.

Students and/or parents are encouraged to discuss their questions or concerns about the expectations in this area with the teacher, the principal or designee.

A complaint alleging sexual harassment by another student or sexual harassment or sexual abuse by a staff member may be presented by a student and/or parent in a conference with the Principal or designee or with the Title IX coordinator. The first conference with the student ordinarily will be held by a person who is the same gender as the student. The conference will be scheduled and held as soon as possible within five days of the request. The principal or Title IX coordinator 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 parent, the student or parent within 10 days may request a conference with the Board of 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.

Hazing

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

Students shall have prior approval from the principal for any type of “initiation rites” of a school club or organization. No student shall engage in any form of hazing, nor shall any student encourage or assist any other person in hazing.

Tobacco Use

The use or possession of tobacco products by students is prohibited on all campuses.

Students shall not possess or use tobacco products, including but not limited to cigarettes, cigars, pipes, snuff, or chewing tobacco, on school premises or at school-related activities.

Cellular Phones and Electronic Devices

Policies regarding cellular phones and other electronic devices are located in the Wall ISD Student Handbook.

Drug-Alcohol Use

No student shall possess, use, transmit, or attempt to possess, use, or 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:

1. 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, amphetamine, or barbiturate.

2. Alcohol or any alcoholic beverage
3. Any abusable glue, aerosol paint, or any other chemical substance for inhalation
4. Any other intoxicant, or mood-changing, mind-altering, or behavior-altering drugs prohibited under the Texas Controlled Substance Act or Federal Drug Abuse Prevention Control Act.

“Use” means a student has smoked, ingested, injected, 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 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 this rule.

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 to be 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:

1. Firearms of any kind
2. Fireworks or concussion devices of any kind
3. Knives
4. Razors
5. Clubs or night sticks
6. Metallic or hard surfaced knuckles
7. Chains
8. Pellet guns, BB guns or slingshots

9. Any other object that may be used in a way that threatens to inflict harm to another person

Lockers and cars parked on school premises may be inspected and searched by school personnel if there is a reasonable suspicion to believe they contain items prohibited on school grounds.

Bullying

Bullying is defined in Section 37.0832 of the Education Code as a single significant act or a pattern of acts by one or more students directed at another student that exploits an imbalance of power and involves engaging in written or verbal expressions, expression through electronic means, or physical conduct that:

- Has the effect or will have the effect of physically harming a student, damaging a student's property, or placing a student in reasonable fear of harm to the student's person or of damage to the student's property;
- Is sufficiently severe, persistent, or pervasive enough that the action or threat creates an intimidating, threatening, or abusive educational environment for a student.
- Materially and substantially disrupts the educational process or the orderly operation of a classroom or school; or
- Infringes on the rights of the victim at school.
- Social Media-A student who uses social media, including but not limited to, Facebook, Twitter, cell phones, text or emails, to transmit words or images that are vulgar, obscene, threatening, lewd, sexting, or harassing, whether on or off school property, may be subject to disciplinary action.

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

The district is required to adopt policies and procedures regarding:

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

Bullying is prohibited by the district and could include hazing, threats, taunting, teasing, confinement, assault, demands for money, destruction of property, theft of valued possessions, name-calling, rumor-spreading, or ostracism.

If a student believes that he or she has experienced bullying or has witnessed bullying of another student, it is important for the student or parent to notify a teacher, counselor, principal, or another district employee as soon as possible to obtain assistance and intervention. The administration will investigate any allegations of bullying or other related misconduct. The district will also provide notice to the parent of the alleged victim and the parent of the student alleged to have engaged in bullying. A student may anonymously report an alleged incident of bullying through www.wallisd.net and clicking on the reporting bullying tab on the left.

If the results of an investigation indicate that bullying has occurred, the administration will take appropriate disciplinary action and may notify law enforcement in certain circumstances. Disciplinary or other action may be taken even if the conduct did not rise to the level of bullying. Available counseling options will be provided to these individuals, as well as to any students who have been identified as witnesses to the bullying.

Any retaliation against a student who reports an incident of bullying is prohibited.

Upon recommendation of the administration, the board may, in response to an identified case of bullying, decide to transfer a student found to have engaged in bullying to another classroom at the campus. In consultation with the student's parent, the student may also be transferred to another campus in the district. The parent of a student who has been determined by the district to be a victim of bullying may request that his or her child be transferred to another classroom or campus with the district.

Social Media

A student who uses social media, including but not limited to Facebook, Twitter, cell phones, texting or emails, to transmit words or images that are vulgar, obscene, threatening, lewd, sexting, or harassing, whether on or off school property, may be subject to disciplinary action.

Assaults

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

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

4. Retaliation against a witness is making any type of threat against a student who has provided the school, law officials or parents with information about illegal activities.

Disturbing School or Classes

For purpose of this rule, “school property” includes the public school campuses or school grounds upon which any public school is located, and any grounds or buildings used by District schools for assemblies or other school-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 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:

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

Disruption of Lawful Assembly

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

1. Obstructing or restraining the passage of persons in an exit, entrance, or hallway of any building without the authorization of the administration of the school.
2. Seizing control of any building or portion of a building for the purpose of interfering with any administrative, educational, research, or other authorized activity.
3. Preventing or attempting to prevent by force or violence or the threat of violence any lawful assembly authorized by the school administration.
4. Disrupting by force or violence or the threat of force or violence a lawful assembly in progress.

5. Obstructing or restraining the passage of any person at 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.

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

Conduct by students, either in or out of class, that for any reason – whether because of time, place, or manner of behavior – materially disrupts class work or involves substantial disorder or invasion of the rights of 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 substantial disruption of, or material interference with, normal school operations or approved school activities.

Distribution of Materials

Distribution of written materials 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 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 standards:
 - a. Materials that are 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.
 - b. Material may not be forbidden if the portions or specific language objected to may also be found in material that is made available to students through school facilities, i.e., the school library or reading assigned by teachers.
 - c. Libelous material may be prohibited from distribution.
 - d. 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. Advocacy directed toward inciting or producing

imminent lawless or disruptive action and that is likely to incite or produce such action shall be restricted.

- e. Hate literature that scrupulously attacks ethnic, religious, or racial groups, and similar irresponsible publications aimed at creating hostility and violence may be banned. Only material that could reasonable support a forecast of material and substantial disruption of normal school operations is affected by this restriction.

Prior Review

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

1. Material shall be submitted to the building principal for review.
2. The principal shall approve or disapprove 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 disapproval to the superintendent, who shall decide the appeal within three days of it receipt. Failure of the superintendent to act within the three-day period shall be interpreted as disapproval.
4. The student may appeal disapproval by the superintendent to the Board. The student shall notify the superintendent of the appeal and request the matter 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.

Student Conduct on School Buses

School buses shall be considered an extension of the classroom and students are expected to conduct themselves accordingly. 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:

1. Being disobedient or disrespectful to the driver.
2. Standing or moving around while the bus is in motion.
3. Sticking the head or hands out of a window.
4. Throwing object(s) out of a window.
5. Loud talking or laughing.
6. Using tobacco.
7. Scuffling or fighting.
8. Using obscene and/or unacceptable language.
9. Littering the bus.
10. Disturbing others.

11. Eating or drinking on the bus.
12. Tampering with the bus and/or equipment.
13. Possessing or being under the influence of marijuana, alcohol, a controlled substance, a dangerous drug, or a “look-alike” (something represented to be a prohibited substance).

Should the rules be broken, the following consequences will be invoked:

First Bus Report

The student will have a conference with the principal, or designee, and/or other disciplinary action may be taken. The student will retain bus privileges contingent upon not receiving another bus report.

The parent will be notified of the offence, the conference, or other disciplinary action.**

Second Bus Report

If the student receives a second bus report within the same semester (or within a short space of time) he/she may lose bus privileges for up to five days.**

Third Bus Report

The student will lose bus privileges for up to 10 days. **

Fourth Bus Report

The student may lose bus privileges for the remainder of the semester. After returning to the bus in the second semester, if the student receives another bus report, he/she will lose bus privileges for the remainder of the school year. In each instance, the parents will be notified. **

**In the event of initiation and/or participation in a major offense, a student may lose bus privileges for an undetermined length of time. Students may also be subject to further discipline action under the regular student code of conduct.

Closed Campuses

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

Students leaving campus without administrative approval shall be subject to disciplinary action.

Secret or Self-Perpetuating Societies

Students shall not become members or promise to become members of any organization composed wholly or in part of students in public schools which seek 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.

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 indicates otherwise:

Class Disruption: Any behavior which violates the rules of a particular classroom and interferes with a teacher's opportunity to present, or other student's opportunity to concentrate on the presentation or assignment.

Discipline Management: Any action which is intended to promote proper behavior and/or discourage misconduct.

On-Campus Suspension: An on-campus setting, apart from the regular classroom, where the student continues to receive instruction in each course to the extent possible, for students who commit disciplinary infractions.

ISS (Fairview): An off-campus setting, apart from the regular classroom, where the student continues to receive instruction in each course to the extent possible, for students who commit disciplinary infractions.

Suspension: Removal of a student from school and school activities for a period not to exceed three days at a time, for disciplinary infractions.

Disciplinary Alternative Education Program (DAEP): 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 a DAEP. The length of student placement in DAEP shall be a minimum of 20 school days at Fairview School.

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

Parents: Includes single parent, legal guardian, or person in lawful control.

School Premises: Any property owned by the school district or over which the school district or its personnel exert lawful control, including property visited by students in connection with a school-operated activity, such as a field trip or an extracurricular activity.

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.

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:

1. Being tardy to class.
2. Refusing to follow classroom rules.
3. Refusing to participate in classroom activities or fulfill assignments.
4. Failure to bring appropriate material to class.
5. Possessing and/or using nuisance items.
6. Eating, drinking, or gum chewing in an undesignated area.
7. Disruption of the orderly classroom process.
8. Possession of any kind of knife not defined as an illegal knife as stated in the Texas Penal Code. *Possession of an illegal knife is a Level V offense.
9. Driving or riding to Ag, Athletics, Band or any other use of a motor vehicle during school hours without special permission from the principal.
10. Running, making excessive noise, or other disruptions in halls, buildings, classrooms, or other supervised settings.
11. Bullying (Includes intimidation by name-calling, using ethnic or racial slurs, or making derogatory statements that could disrupt the school program or incite violence)

Level I Disciplinary Options

Any one or any combination of consequences may be used:

1. Teacher/student or administrator/student conference.
2. Parent conference or call.
3. In-class disciplinary action or assignment.
4. Withdrawal of student privileges.
5. Detention.
6. Confiscation of nuisance items or materials.
7. Supervised campus service assignment.
8. Corporal punishment.

Level II Offenses

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

Level II Disciplinary Options

Any one or any combination may be applied:

1. Any combination of teacher, principal, or appropriate administrator, parent and student conference.
2. Any discipline technique outlined in Level I.
3. Corporal punishment.
4. On-Campus suspension.

Level III Offenses

Level III acts of misconduct include those student infractions which are somewhat more serious than those in Levels 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:

1. Cheating or copying the work of another student.
2. Leaving the classroom, building, grounds, or assigned activity without permission.
3. Cutting class or other scheduled activity.
4. Violation of the dress code.
5. Using profane, obscene, indecent, or racially or ethnically offensive language and/or physical gestures to other students.
6. Being disrespectful toward school personnel or refusing to comply with lawful requests or directions of school personnel.
7. Truancy.
8. Altering school records or documents, or forgery of a name on school documents.
9. Vandalism to or defacing school property.
10. Excessive absences or tardies.
11. Inappropriately engaging in acts of familiarity with other students.
12. Possession of electronic paging device(s) or cellular telephones during school hours. School hours are from 7:55 a.m. to 3:35 p.m.
13. Throwing or irresponsible use of objects that can cause bodily injury or damage to property.
14. First time possession or use of tobacco products or electronic cigarettes.
15. Exhibiting any unacceptable or unwanted physical contact that could, but does not result in injury.
16. Recklessness in an automobile.
17. Minor infractions of theft.
18. Possession of an electronic audio device such as but not limited to an I-Pod, MP3 player, etc.

19. Encouraging, promoting, or attempting to assist another student or students to violate the Code of Conduct.
20. Minor violation of the Technology Acceptable Use Policy.
21. Failure to tell the truth or be honest with school personnel.
22. Verbal harassment
23. Possession, use, or distribution of material that is offensive or inappropriate.
24. Sale, give, or deliver tobacco or electronic cigarettes to a student on school property or at a school sponsored activity.

Level III Disciplinary Options

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

1. Any combination of teacher, principal, or appropriate administrator, student and parent conference.
2. Grade penalty for copying or cheating.
3. Exclusion from extracurricular activities.
4. On-campus suspension. (All OCS requirements will be completed by end of school year)
5. Corporal punishment.
6. Restoration and/or restitution as applicable.
7. Withdrawal of selected student privileges.
8. Supervised campus service assignment.
9. Involvement of law enforcement personnel.
10. Detention
11. Confiscation of nuisance items
12. Violation of the cell phone policy-refer to Wall ISD student handbook for policy consequences.

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:

1. Any repeated offense of Level III, or new violation while being disciplined for a Level III offense.
2. 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.
3. Threats, oral or written, to do bodily harm to another, or to the property of another. (See P-4.) Retaliation against a witness.
4. Interfering with school authorities or school programs through boycotts, sit-ins, or trespassing.
5. Fighting, which is defined as physical conflict between two or more individuals. A fight has occurred if a student who is attacked strikes back. To avoid penalty, a student under attack should seek to detach himself/ herself from the situation and get school personnel or adult help.
6. Stealing, robbery, extortion, gambling or arson.
7. Using profane, obscene, indecent, immoral, or offensive language and/or gestures directed toward school personnel.
8. Refusal or failing to comply with assigned disciplinary consequences.
9. Possessing a device, object, or substance that could cause bodily harm to individuals in any school setting.
10. 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.
11. Possession, use, or distribution of any substance or object represented to be a drug, alcohol, or weapon.
12. Subsequent possession or use of tobacco products or electronic cigarettes.
13. Indecent exposure, sexual misconduct, and/or sexual harassment.
14. Hazing

15. Gang-related behavior or activity, or gang membership.
16. Possession of drug paraphernalia.
17. Burglary of a school facility or major vandalism to District property.
18. Posting or distributing unauthorized communicative materials on school premises.
19. Assault.
20. Placing or discharging fireworks.
21. Pledges to join, solicit membership in a public school fraternity, sorority, secret society, or gang as defined in TEC 37.121.
22. Use, exhibition, or possession of a BB gun or pellet gun.
23. Major violation of the Technology Acceptable Use Policy.

Level IV Disciplinary Options

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

**ISS placement will be carried over to the next school year if not completed in the current year.

1. Level IV offenses (first offense) resulting in discipline placement shall be for a minimum of 5 school days of ISS at Fairview School. A second Level IV offense resulting in discipline placement shall be for a minimum of 10 school days of ISS at Fairview School.
2. Suspension from school not to exceed three days at a time.
3. Citation by law enforcement personnel.
4. A student may be expelled if the student:
 - a. Continues to engage in serious or persistent misbehavior that violates the code of conduct or AEP classroom rules after being placed in an alternative education program for disciplinary reasons.
 - b. 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 at a school-related activity, (intentional or knowing damage to school property resulting in a loss of \$1,500 or more).
5. Any disciplinary option outlined in Level III Disciplinary Options.

6. A subsequent Level IV violation can result in a placement in the DAEP at Fairview. The minimum assignment in the DAEP will be 30 days with 10 days awarded for good behavior.

Level V Mandatory Removal or Expulsion Offenses

Mandatory Removal

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, or within 300 feet of school property, he or she shall be removed to the DAEP at Fairview School for a minimum of 30 days with 10 days awarded for good behavior school days.

1. Commits assault as defined by Penal Code 22.01(a)(1).
2. Makes a terroristic threat as defined by 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 483, Health and Safety Code, or an alcoholic beverage as defined by 1.04 of the Alcoholic Beverage Code.
4. Commits a serious offense under the influence of alcohol.
5. Commits an offense relating to abusable glue or aerosol paint under 485.031 through 483.035, Health and Safety Code, or other volatile chemicals under Chapter 484, Health and Safety Code.
6. Engages in public lewdness under Penal Code 21.07.
7. Engages in indecent exposure under Penal Code 21.08.
8. Engages in retaliation 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 37.007ã.

A student shall also be removed from the regular classroom and placed in the DAEP if the student engages in any conduct that would be punishable as a felony if prosecuted, regardless of the time or place of the conduct.

The terms of removal will prohibit the student from attending or participating in school sponsored or school-related activities.

DAEP placement and Impact on Graduation - For graduating seniors who are in DAEP during the last week of school, the last day of placement in the DAEP will be the last instructional day unless the administrator determines that: (1) the student's presence in the regular classroom or campus presents a danger of physical harm to the students or others; (2) the student has engaged in serious or persistent misbehavior that violates the Student Code of Conduct.

Disciplinary Action Reasons-DAEP Placement

Under TEC §37.006(a), (b), (c), and (l), all students, who are at least 6 years of age on the date that an offense is committed, **must be removed to a DAEP**, for a time period that is determined by the local Student Code of Conduct, if one of the following acts are committed: on or within 300 feet of school property, or while the student is attending a school-sponsored, or school related activity, on or off of school property. The school administrator designated must first establish a reasonable belief that the act has been committed and then corroborate and document that belief with appropriate law enforcement officials.

1. **Engages in Conduct Punishable as a Felony**- Includes all felony activities that are not otherwise more specifically defined or included as a behavior that requires a mandatory expulsion action.
2. **Assault of Someone other than School Staff** - Section 22.01 (a)(1), Penal Code, defines assault as when a person intentionally, knowingly, or recklessly causes bodily injury to another person. **Two or more students cannot assault each other.** For purposes of this reason, an assault must involve a victim and a perpetrator(s) and the victim must receive bodily injury.
3. **Assault of School Staff**- Section 22.01 (a)(1), Penal Code, defines assault as when a person intentionally, knowingly, or recklessly causes bodily injury to another person. For purposes of this reason, an assault must involve a victim and a perpetrator(s) and the victim must receive bodily injury.
4. **Terroristic Threat**- Under Section 22.07 Penal Code, a person commits an offense if he threatens to commit any offense involving violence to any person or property with the intent to:
 - a. cause a reaction of any type to his threat by an official or volunteer agency organized to deal with emergencies; or
 - b. place any person in fear of imminent serious bodily injury; or
 - c. prevent or interrupt the occupation or use of a building; room; place of assemble; place to which the public has access; place of employment or occupation; aircraft, automobile, or other form of conveyance; or other public place; or
 - d. cause impairment or interruption of public communications, public transportation, public water, gas, or power supply or other public service.

Note: A person who receives a terroristic threat must not only believe the threat, but also believe that the person making the threat will carry it out.

5. **Marijuana or Controlled Substance or Dangerous Drug** - sells, gives, or delivers to another person or possesses or uses or is under the influence of marijuana or a controlled substance, as defined by Chapter 481, Health and Safety Code, or a dangerous drug, as defined by Chapter 483, Health and Safety Code.

Chapter 481, Health and Safety Code, defines **marijuana** as Cannabis Sativa whether growing or not, the seeds of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of that plant or its seeds. The term does not include resin extracted from a part of the plant, the mature stalks of the plant or fiber produced from the stalks, oil or cake made from the seeds of the plant, the sterilized seeds of the plant or a compound, manufacture, salt, derivative, mixture, or preparations of the mature stalks, fiber, oil or cake.

Chapter 481, Health and Safety Code, defines a **controlled substance** as a substance, including a drug and an immediate precursor, listed in Schedules I-V or penalty Groups 1-4 of the Health and Safety Code. Possession of any amount in Penalty Groups 1 and 2 is a felony. Possession of a controlled substance in Penalty Groups 3 and 4 is a felony if the amount is more than 28 grams. It is also a felony to deliver a controlled substance to a minor. (However, this offense does not apply to minors in some circumstances.)

Chapter 483, Health and Safety Code, defines a **dangerous drug** as a device or a drug that is unsafe for self-medication and that is not included in Schedules I-V or penalty Groups 1-4 of the Health and Safety Code. The term includes a device or drug that bears or is required to bear the legend:

- (a) Caution: federal law prohibits dispensing without a prescription; or
- (b) Caution: federal law restricts this drug to use by or on the order of a licensed veterinarian.

6. **Alcohol**- sells, gives, or delivers to another person an alcoholic beverage, as defined by Section 1.04, Alcoholic Beverage Code, commits a serious act or offense while under the influence of alcohol, or possesses, uses, or is under the influence of an alcoholic beverage.

Section 1.04, Alcoholic Beverage Code, defines an alcoholic beverage as alcohol, or any beverage containing more than one-half of one percent of alcohol by volume, which is capable of use for beverage purposes, either alone or when diluted.

7. **Abuse of Glue or Paint** - engages in conduct that contains the elements of an offense relating to abusable glue or aerosol paint under Sections 485.031 through 485.035, Health and Safety Code, or relating to volatile chemicals under Chapter 484, Health and Safety Code.

Chapter 485.031, Health and Safety Code, defines the offense of possession or use of abusable glue or aerosol paint as when a person inhales, ingests, applies, uses, or possesses an abusable glue or aerosol paint with the intent to inhale, ingest, apply, or use abusable glue or aerosol paint in a manner contrary to the directions for use, cautions or warnings appearing on a label of a container of the glue or paint and is designed to affect the persons central nervous system, create or induce a condition of intoxication,

hallucination, or elation or change or distort or disturb the person's eyesight, thinking process, balance or coordination.

8. **Public Lewdness/Indecent Exposure**- engages in conduct that contains the elements of the offense of public lewdness under Section 21.07, Penal Code, or indecent exposure under Section 21.08, Penal Code.

Chapter 21.07, Penal Code, defines public lewdness as when a person knowingly engages in any of the following acts in a public place or, if not in a public place, is reckless about whether another is present or will be offended or alarmed by:

- (a) an act of sexual intercourse;
- (b) act of deviate sexual intercourse;
- (c) act of sexual contact; or
- (d) act involving contact between the person's mouth or genitals and the anus or genitals of an animal or fowl.

Chapter 21.08, Penal Code, defines indecent exposure as an offense when a person exposes his anus or any part of his genitals with intent to arouse or gratify the sexual desire of any person, and he is reckless about whether another is present who will be offended or alarmed by his act.

9. **Retaliation Against School Employee**- engages in conduct that contains the elements of the offense of retaliation under Section 36.06, Penal Code, against any school employee.

Section 36.06, Penal Code, defines the offense of retaliation as when a person intentionally or knowingly harms or threatens to harm another by an unlawful act in retaliation for or on account of the service of another as a public servant, witness, prospective witness, informant, or a person who has reported or who the actor knows intends to report the occurrence of a crime or to prevent or delay the service of another as a public servant, witness, prospective witness, informant, or a person who has reported or who the actor knows intends to report the occurrence of a crime.

10. **Title 5 Felony Committed Off Campus**- a student who commits an off-campus felony **must be removed from their regular education program and placed in a DAEP if:**

- (a) the student receives deferred prosecution for conduct and the conduct is defined as a felony under Title 5 of the Penal Code;
- (b) a court or jury finds that the off-campus conduct engaged in by the student constitutes delinquent conduct and is defined as a felony under Title 5 of the Penal Code; or,
- (c) the superintendent or the superintendent's designee has a reasonable belief that the student engaged in conduct defined as a felony under Title 5 of the Penal Code.

Title 5 felonies include but are limited to: murder; capital murder; manslaughter; criminally negligent homicide; kidnapping; aggravated kidnapping; indecency with a child; felony assault; sexual assault; aggravated assault; aggravated sexual assault; injury to a child, elderly individual, or disabled individual; abandoning or endangering a child; deadly conduct; terroristic threat; aiding suicide; and tampering with a consumer product.

11. **False Alarm/False Report** - a student who commits an offense if he knowingly initiates, communicates or circulates a report of a present, past, or future bombing, fire, offense, or other emergency that he knows is false or baseless and that would ordinarily:
 - (a) cause action by an official or volunteer agency organized to deal with emergencies;
 - (b) place a person in fear of imminent serious bodily injury; or
 - (c) prevent or interrupt the occupation of a building, room, place of assembly, place to which the public has access, or aircraft, automobile, or other mode of conveyance.

Disciplinary Information for Students At Least Age 6

1. **Non-Title 5 Felony Committed Off Campus** - a student may be removed from class and placed in a DAEP under TEC §37.008 based on conduct occurring off campus and while the student is not in attendance at a school-sponsored or school-related activity if;
 - (a) the superintendent or the superintendent's designee has a reasonable belief that the student has engaged in conduct defined as a felony offense other than those defined in Title 5, Penal Code; and
 - (b) the continued presence of the student in the regular classroom threatens the safety of other students or teachers or will be detrimental to the educational process.
2. **Other Reasons Identified in the Student Code of Conduct:**
 - (a) Disruptive Behavior
 - (b) Other Violation of Student Code of Conduct
 - (c) Tobacco Violations and
 - (d) School-Related Gang Violence

Mandatory Expulsion

There are 20 reasons for expulsion from school. Expulsion is required if a student commits any of the first 8 of the following offenses on school property or at a school related activity: For offenses 9-17, expulsion is allowed without regard to where the conduct occurs.

1. Using, exhibiting or possessing a firearm, as defined in Penal Code Section 46.01(3)/

2. Using, exhibiting or possessing an illegal knife as defined in Penal Code Section 46.01(6), or by local policy.
3. Using, exhibiting or possessing a club as defined in Penal Code Section 46.01(1).
4. Using, exhibiting or possessing a weapon listed in Penal Code Section 46.05 as a prohibited weapon.
5. Engaging in conduct containing the elements of the offense of arson under Penal Code Section 28.02.
6. Engaging in conduct containing the elements of the offense of indecency with a child under Penal Code Section 21.11.
7. Engaging in conduct containing the elements of the offense of aggravated kidnapping under Penal Code Section 20.04.
8. Engaging in conduct containing the elements of the offense involving use, possession or sale of drugs or alcohol, if punishable as a felony.
9. Engaging in conduct containing the elements of the offense of aggravated assault under Penal Code Section 22.02.
10. Engaging in conduct containing the elements of the offense of sexual assault under Penal Code Section 22.011.
11. Engaging in conduct containing the elements of the offense of aggravated sexual assault under Penal Code Section 22.021.
12. Engaging in conduct containing the elements of the offense of murder under Penal Code Section 28.02.
13. Engaging in conduct containing the elements of the offense of capital murder under Penal Code Section 19.03.
14. Engaging in conduct containing the elements of the offense of criminal attempt to commit murder or capital murder under Penal Code Section 15.01.
15. Engaging in conduct containing the elements of aggravated robbery under Penal Code Section 29.03.
16. Expulsion is also required if the student engages in conduct containing the elements of any offense listed in the first 14 paragraphs against any employee of the school district in retaliation for or as a result of the employee's employment with a school district. In this

instance expulsion is required even if the act of retaliation occurred off school property and not at a school related activity.

17. A student may be expelled for engaging in documented serious misbehavior that violates the district's Code, despite documented behavioral interventions while placed in a DAEP. For purposes of discretionary expulsion from a DAEP, serious misbehavior means:
 - a. Deliberate violent behavior that poses a direct threat to the health or safety of others;
 - b. Extortion, meaning the gaining of money or other property by force or threat;
 - c. Conduct that constitutes coercion, as defined by Section 1.07, of the penal code; or
 - d. Conduct that constitutes the offense of:
 - i. Public lewdness under Section 21.01, Penal Code
 - ii. Indecent exposure under Section 231.08, Penal Code
 - iii. Criminal mischief under Section 28.03, Penal Code
 - iv. Personal hazing under Section 37.152, Penal Code; or
 - v. Harassment under Section 42.07(a)(1), Penal Code, of a student or district employee.
18. Expulsion is permissible but not required if the student engages in conduct containing the elements of the offense of criminal mischief under Penal Code Section 28.03 if the conduct is punishable as a felony. The law does not require that the act of criminal mischief occur on school property or at a school related activity.
19. Expulsion is permissible but not required if the student sells, gives, delivers to another person, uses, or is under the influence of any amount of marijuana, a controlled substance, or a dangerous drug or alcohol at school or a school sponsored event.
20. Expulsion is permissible but not required if the student engages in conduct that contains the elements of an offense relating to abusable glue or aerosol paint or volatile chemicals at school or a school sponsored event.

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

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

An expulsion for offenses 1-18 as listed above shall be for a minimum of 90 school days.

Disciplinary Information for Students at Least Age 10

Under TEC §37.007(a), (d), (e), and (h), students, who are at least 10 years of age on the date that an offense is committed **must be expelled from their regular education setting** for a time

period that is determined by the local Student Code of Conduct. The only exception is that TEC §37.007(e) requires that students who bring a firearm to school be expelled for a minimum of one year. The school administrator designated must first establish a reasonable belief that the act has been committed and then corroborate and/or document that belief with appropriate law enforcement officials.

Students who are less than 10 years of age and commit an expellable offense must be expelled with placement to a DAEP.

1. **Firearm** - uses, exhibits, or possesses a firearm as defined by Section 46.01 (3), Penal Code.

Section 46.01 (3) defines a firearm as 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. This definition does not include antique or curio firearms manufactured prior to 1899.

In accordance with federal law, a local educational agency (LEA), including a school district, home-rule school district, or open-enrollment charter school, shall expel a student who brings a firearm, as defined by 18 U.S.C. Section 921, to school. The student must be expelled from the student's regular campus for a period of at least one year, except that:

1. the superintendent or other chief administrative officer of the school district or of the other LEA, as defined by 20 U.S.C. Section 2891, may modify the length of the expulsion in the case of an individual student;
 2. the district or other LEA shall provide educational services to [the] an expelled student in an alternative education program as provided by TEC §37.008 if the student is younger than 10 years of age on the date of expulsion; and
 3. the district or other LEA may provide educational services to an expelled student who is older than 10 years of age in an alternative education program as provided in TEC §37.008.
2. **Illegal Knife**- uses, exhibits, or possesses an illegal knife as defined by Section 46.01, Penal Code, or by local policy.

Section 46.01 defines an illegal knife as one with a blade longer than 5.5 inches and includes in the definition of knife a hand instrument designed to cut or stab another by being thrown, a dagger, a bowie knife, a sword or a spear.

3. **Club**- uses, exhibits, or possesses a club as defined by Section 46.01 (1), Penal Code. Section 46.01 (1) defines a club as an instrument that is specifically designed, made, or

adapted for the purpose of inflicting serious bodily injury or death by striking a person with the instrument, and includes but is not limited to a blackjack, nightstick, mace, or a tomahawk.

4. **Weapon**- uses, exhibits, or possesses a weapon listed as a prohibited weapon under Section 46.05, Penal Code.

Section 46.05 defines a prohibited weapon as one of the following: an explosive weapon, a machine gun, a short-barrel firearm, a firearm silencer, a switchblade knife, knuckles (i.e. brass knuckles), armor-piercing ammunition, a chemical dispensing device (i.e. Mace or Pepper Gas), or a zip gun.

5. **Aggravated Assault against School Staff**- aggravated assault against a school district employee or volunteer under Section 22.02, Penal Code.

Section 22.02, Penal Code, defines aggravated assault as an offense as defined in §22.01 if the person causes serious bodily injury to another, including the person's spouse, or uses or exhibits a deadly weapon during the commission of the assault. For this Action Reason there must be a victim(s) and a perpetrator(s). Two students cannot commit aggravated assault against each other.

6. **Aggravated Assault against Student**- aggravated assault against someone other than a school district employee or volunteer under Section 22.02, Penal Code.

Section 22.02, Penal Code, defines aggravated assault as an offense as defined in §22.01 if the person causes serious bodily injury to another, including the person's spouse, or uses or exhibits a deadly weapon during the commission of the assault. For this Action Reason there must be a victim(s) and a perpetrator(s). Two students cannot commit aggravated assault against each other.

7. **Sexual Assault/Aggravated Sexual Assault against School Staff**- sexual assault under Section 22.011, Penal Code or aggravated sexual assault under Section 22.021, Penal Code against a school district employee or volunteer.

8. **Sexual Assault/Aggravated Sexual Assault against Student**- sexual assault under Section 22.011, Penal Code or aggravated sexual assault under Section 22.021, Penal Code against someone other than a school district employee or volunteer.

9. **Arson** - Section 28.02, Penal Code, defines arson as when a person starts a fire or causes an explosion with intent to destroy or damage any vegetation, fence, structure, open-space land, building or vehicle knowing that it is within the limits of an incorporated city or town, it is insured, it is subject to mortgage or it is insured, it is subject to mortgage or it is located on property belonging to another.

House Bill 3224 adds to the acts that constitute arson intentionally starting a fire or causing an explosion and in so doing: 1) recklessly damaging or destroying a building

10. **Murder, Capital Murder, or Criminal Attempt to Commit Murder/Capital Murder**

Section 19.02, Penal Code, defines murder as when a person intentionally or knowingly causes the death of another person, intends to cause serious bodily injury and commits an act clearly dangerous to human life that causes the death of an individual or attempts to commit a felony, other than manslaughter, and in the course thereof he commits an act clearly dangerous to human life that causes the death of an individual.

Section 19.03, Penal Code, defines capital murder as when a person commits an offense defined under Section 19.02 and the person murders a peace officer or fireman who is acting in the lawful discharge of an official duty, the person intentionally commits murder during the course of committing or attempting to commit kidnapping, burglary, robbery, aggravated sexual assault, arson, or obstruction or retaliation. A person also commits capital murder if the person commits murder for remuneration or the promise of remuneration or employs another to commit murder for remuneration.

Section 15.01, Penal Code, defines criminal attempt as when a person if, with specific intent to commit an offense, does the act amounting to more than mere preparation but fails to effect the commission of the offense intended.

11. **Indecency with a Child** - Section 21.11, Penal Code, defines indecency with a child as when a person, with a person younger than 17 years, engages in sexual contact with student or exposes his anus or any part of his genitals knowing the student is present with intent to arouse or gratify the sexual desire of any person.

12. **Aggravated Kidnapping** - Section 20.04, Penal Code, defines aggravated kidnapping as when a person intentionally or knowingly abducts another person with intent to hold him for ransom, use him as a hostage, facilitate the commission of a felony, inflict bodily injury on him or abuse him sexually, terrorize him or a third person, or interfere with the performance of any governmental or political function.

13. **Felony Controlled Substance Violation** - Examples would include four (4) ounces or more of marijuana, any amount of cocaine, and other controlled substances. Always get corroboration from law enforcement before using this Action Reason code.

14. **Felony Alcohol Violation** - An example would be intoxication manslaughter. Always get corroboration from law enforcement before using this Action Reason code.

NOTE: For all Level IV and Level V violations requiring mandatory or discretionary DAEP placements, suspensions, expulsions, or placements in a JJAEP, the district will take into consideration:

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

Procedural Due Process

Disciplinary Alternative Education Program (DAEP)

Before placing a student in a disciplinary alternative education program (DAEP), the principal or appropriate school administrator shall conduct an informal hearing at which the student and parents shall be advised of the conduct with which he or she is charged and shall be given the opportunity to explain his or her version of the incident.

If the placement extends beyond the end of the next grading period, the student or student's parents have a right to notice and participation in a hearing before the Superintendent or designee. A decision to place a student in the DAEP beyond the end of a grading period may not be appealed beyond the Board. After hearing the appeal, the Board or its designee shall set the terms for the student's placement in the DAEP and deliver a copy of the order placing the student in the DAEP to the student and the student's parent. The student's status must be reviewed by the superintendent at intervals of not more than 120 days.

For placement in the DAEP to extend beyond the end of the school year, the board or designee must determine that:

1. The student's presence in the regular classroom or campus presents a danger of physical harm to students or others; or
2. The student has engaged in serious or persistent misbehavior that violates the student code of conduct; or
3. School action on the offense for which the student is placed in the DAEP takes place during the final grading period of the year.

Expulsion

Before a student is expelled, he or she shall have the right to a hearing before the Board or its designee that meets the standards for due process under the federal constitution, which includes the following.

1. Prior written notice of the charges and the proposed sanctions, so as to afford a reasonable opportunity for preparation.
2. Right to a full and fair hearing before the Board or its designee.
3. Right to representation by legal counsel, by a parent or guardian, or by any other adult who is not an employee of the school district.
4. Opportunity to testify and present evidence and witnesses in one's defense.

5. Opportunity to examine the evidence presented by school administrators and right to question school administration witnesses. Special consideration may be given the victim or witnesses depending on the age, health, sensitivity and well-being of the witness or victim.

A notice of the hearing and an invitation to attend shall be sent to the student's parent or guardian. The written notice shall advise of the nature of evidence and the names of any witnesses whose testimony may be used against the student. The Board decision shall be based exclusively on evidence presented at the hearing.

The final decision of the Board shall be communicated promptly to the student and parent. If the decision to expel is made, the superintendent shall provide a written order outlining terms of and length of the expulsion. The expulsion may not extend beyond the end of the school year unless the conduct leading to the expulsion occurred during the final grading period. If the unacceptable conduct occurs during the final grading period of the year, the expulsion may extend into the next school year, but not beyond the end of the first semester.

Not later than the second business day after the date of a hearing, a copy of the expulsion order will be delivered to the authorized officer of the juvenile court of the county in which the student resides. Parents are responsible for supervision of the student during the expulsion term.

Appeal of Board's Decision to Expel

If a student appeals a Board's decision to expel, the student shall remain expelled pending further appeal. No educational service will be provided, except as determined by the ARD or 504 committee for disabled students. The Board's decision may be appealed to the district court of the county in which the school administration office is located.

Emergency Suspension or Expulsion

Emergency Suspension

The principal or appropriate administrator may order a student to be immediately placed in an alternative education program if it is reasonably believed that the student's behavior is so unruly, disruptive, or abusive that it interferes with:

1. A teacher's ability to communicate effectively with students in a class;
2. The ability of the student's classmates to learn;
3. The operation of the school or school sponsored activity; or
4. If the appropriate administrator reasonably believes that eminent harm is likely.

At the time of the emergency placement the student shall be given oral notice of the reasons for emergency suspension. The principal or appropriate administrator shall not be liable for civil damages for an emergency removal.

Emergency Removal

The principal or appropriate administrator has the right to order the immediate expulsion of a student if the administrator reasonably believes that the action is necessary to protect persons or property from imminent harm.

At the time of the emergency removal, the student shall be given a notice of the reason for the emergency expulsion. A due process hearing for expulsion will be provided within 10 days, unless the parent or guardian agrees in writing to an extension of time. The principal or appropriate administrator is not liable for civil damages for an emergency expulsion.

The conditions of an emergency placement or emergency removal may restrict the student's extracurricular activities according to the Student Code of Conduct.

Teacher Removal of a Student

Informal Discretionary Removal

A teacher may seek the help of the principal in an effort to maintain effective discipline. When a student is sent to the principal's office under this provision, the principal shall employ appropriate discipline management techniques consistent with Levels I, II or III of this Student Code of Conduct.

If the behavior is a violation of the Student Code of Conduct, the teacher, before leaving school that day, must file a written report, for repeated offenses, not to exceed one page in length, with the principal or appropriate administrator, and a copy will be sent to the parent or guardian within 24 hours.

Formal Discretionary Removal

A teacher may remove a student from class:

1. If a student behaves in a way that is documented by the teacher to repeatedly interfere with classroom learning; or
2. The teacher determines the student to be so unruly, disruptive, or abusive that it seriously interferes with the teacher's ability to communicate effectively with the students in the class or with the ability of the student's classmates to learn.

If the behavior is a violation of the Student Code of Conduct, the teacher must file a written report that day, not to exceed one page in length, with the principal, and a copy will be sent to the parent or guardian within 24 hours.

When a student is removed from class by a teacher under this provision, the principal shall schedule a hearing within three class days. The hearing shall include the principal, parent/guardian, student, and the teacher who removed the student, when appropriate. Even if all persons are not present, the principal may still order the appropriate placement and the duration of that placement. At the hearing, the student shall be advised of the conduct with which he or she is charged and given an opportunity to explain his or her version of the incident.

When a teacher removes a student from class under this provision, the principal may:

1. Place the student into another appropriate classroom, or
2. Place the student into in-school suspension, or
3. Place the student into the DAEP.

If the principal's decision is that the student should be returned to that teacher's classroom and the teacher withholds his or her consent for that return; the placement review committee shall determine the student's placement. The committee shall not return the student to that teacher's classroom unless it determines that placement is the best or only alternative available.

Terms of removal may prohibit the student from attending or participating in school sponsored or school related activities.

Mandatory Removal by a Teacher

A teacher shall remove from the classroom a student who engages in conduct described under Level V of the Student Code of Conduct. The principal shall either place a student removed under this provision into the DAEP or recommend expulsion of the student, as appropriate. When a student is removed from class by a teacher under this provision, the principal shall schedule a hearing within three days. The hearing shall include the principal, parent/guardian, student, and the teacher who removed the student, when appropriate. Even if all persons are not present, the principal may still order the appropriate placement and the duration of that placement.

If the principal's decision is that the student should be expelled, the student shall be provided a due process hearing for expulsion consistent with this Code of Student Conduct.

If the principal's decision is that the student should be returned to that teacher's classroom following completion of the assignment to the DAEP and the teacher withholds his or her consent for that return, the placement review committee shall determine the student's placement. The

committee shall not return the student to that teacher's classroom unless it determines that placement is the best or only alternative available.

Terms of removal shall prohibit the student from attending or participating in school-sponsored or school related activities.

Suspension

The principal or other appropriate administrator may suspend a student who commits a Level IV offense. A suspension may not exceed three school days, and the student shall be responsible for all class work missed during the period of suspension. Multiple suspensions for subsequent offenses are permissible.

Before suspending the student, the principal shall conduct an informal hearing at which:

1. The student is advised of the conduct of which he or she is charged.
2. The student is given the opportunity to explain his or her version of the incident.

District personnel shall make every effort to notify the parent prior to suspending a student from school. If the parent cannot be contacted prior to removal, the parent shall be notified as soon as possible and shall be informed of the reasons for suspension.

It is the responsibility of the parent to provide adequate supervision of the student during the period of suspension.

Placement of Students with Disabilities

Placement of Students with Disabilities in the DAEP

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 student may not be placed in the DAEP 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 Removals of Disabled Students

The principal or appropriate administrator may order the immediate suspension of a student with a disability for emergency reasons 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 the emergency removals, suspensions, or removal to alternative education programs total sixteen school days in a year, the ARD or 504 committee shall review the student's IEP, unless the discipline management portion of 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, members of the special education support staff, qualified to determine whether a link exists between the misconduct and the disability or placement, may be contacted for advice on whether or not a connection exists between the disability and the conduct.

A student with a disability shall not be removed to a DAEP 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 parents' right to appeal.

If a disabled student 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 a 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 indicates the need for new assessment or evaluation date. Unless the parents agree otherwise, the student must be returned to his current 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 significant 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 conditions, it shall either rewrite the IEP to address the student's behavioral and educational needs or, when appropriate consider the extension of an emergency removal.

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 privileges of the home campus pending appeal of an expulsion.

A disabled student 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 exclusion.

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 hearings outlined in this code and shall base its decision on the evidence presented at that hearing.

If the decision to expel the disabled student is upheld by the Board, the superintendent shall mail a copy of the expulsion order to the student and the student's parents. 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.

Corporal Punishment

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:

1. The student will be informed of the reason(s) for corporal punishment.
2. Corporal punishment may be administered by the teacher, school principal, or certified designee.

3. The instrument to be used in administering corporal punishment shall be approved by the principal.
4. 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

Detention

For minor infractions of the code of conduct or other policies or regulations, teachers or administrators may require students to attend Detention Hall. Before assigning one to detention, the teacher or administrator shall inform the student of the conduct that allegedly constitutes a rules violation, and the student shall be given an opportunity to explain his or her version of the incident.

Non-Exempt Detention (High School Only)

Non-Exempt detention refers to detention that is served during semester finals. Students that have received a non-exempt detention will serve detention during semester finals and will not be exempt from the regular school day. Students that are exempt during semester finals will be following a modified schedule in which they are only required to attend school during their scheduled final. During semester finals all students must attend their first period class each day from 7:55 – 9:55 for attendance purposes. Non-exempt detentions may include but are not limited to the following:

- Cell phone violations
- Receiving 3 or more detentions in a semester
- Leaving school grounds without permission
- Failure to reconcile school fines
- Various infractions of the code of conduct

During the school year the principal may issue a non-exempt detention as necessary.

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 the DAEP. 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.

Interrogations and Searches

Searches 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 laws, 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 standard.

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 at any time. 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 clothing and pockets may be conducted if reasonable suspicion exists. Certified school personnel have the authority to question students regarding their conduct or the 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:

1. Smell of alcohol on breath.
2. Present inability to communicate coherently.
3. Dilated pupils.
4. Odor of marijuana.
5. Habitually sleeping in class.
6. Bloodshot eyes.
7. Canine alert on one's locker, books, car, etc.

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:

1. Protect a person, including the employee, from physical injury.
2. Obtain possession of a weapon or dangerous object.
3. Protect property from serious damage.
4. Restrain an irrational student.
5. 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 action.

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 or 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 officer 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.

When a representative of the Department of Family and Protective Services or another lawful authority desires to question or interview a student at school as part of a child abuse investigation, the principal shall cooperate fully with the official's requests regarding the conditions of the interview or questioning. This can be found in board policy under GRA (LOCAL).

Police Questioning of Student

1. For police questioning of a student in school, the following guidelines shall apply: The officer shall provide his/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.
4. Effort shall be made for questioning to be out of the view of other students.

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. The principal shall immediately make reasonable efforts to notify the student's parents and the superintendent.