

BOLING INDEPENDENT SCHOOL DISTRICT STUDENT CODE OF CONDUCT

I. THE PURPOSE OF THE STUDENT CODE OF CONDUCT

The Student Code of Conduct that follows is the District's response to the requirements of Chapter 37 of the Texas Education Code. The law requires the District to define misconduct that may-or must- result in a range of specific disciplinary consequences including removal from a regular classroom or campus, suspension, placement in or removal from a Disciplinary Alternative Education Program (DAEP), or expulsion from school.

This Student Code of Conduct has been adopted by the Boling ISD Board of Trustees with the advice of its District-level committee. The Student Code of Conduct provides information to parents and students regarding expectations for behavior, consequences of misconduct, and procedures for administering discipline.

In accordance with state law, the Student Code of Conduct will be posted at each school campus or will be available for review at the office of the campus principal. Parents will be notified of any Student Code of Conduct violation that may result in a student being suspended, removed to DAEP, or expelled from the District. The Student Code of Conduct shall be distributed to all students, teachers, and administrators at the beginning of the school year. It shall also be provided to new professional employees, newly enrolled students, any parent and any other person on request. Changes due to changed laws go into affect immediately and shall be published and distributed during the next semester, but no later than the beginning of the next year.

The Glossary at the back of the Student Code of Conduct provides easy access to definitions of legal terms.

In case of conflict between the Student Code of Conduct and the student handbook, the Student Code of Conduct will prevail. The Student Code of Conduct is adopted by the District's Board of Trustees and has the force of policy.

A complete copy of the Boling ISD policy governing student discipline is found in FO, FOA, FOAA, FOAB, FOAC, FOB, FOE, FOD legal and local, and Texas Education Code Chapter 37, Discipline, Law and Order.

Each student and parent or guardian annually sign a statement that they received and read the student handbook and code of conduct and acknowledge the responsibilities outlined therein.

II. RESPONSIBILITIES OF:

RIGHTS AND RESPONSIBILITIES OF STUDENTS:

Schools are places of learning. For individual students and schools as a whole to succeed, courtesy, respect, and diligence are essential and are required. Each student is expected to:

1. Demonstrate courtesy even when others do not.
2. Behave in a responsible manner, always exercising self-discipline. Be honest with others.
3. Attend all classes, regularly and on time.
4. Prepare for each class; take appropriate materials, assignments and homework to class on time.
5. Obey all campus and classroom rules.
6. Respect the rights and privileges of other students, teachers, volunteers and other District staff.
7. Respect the property of others, including District property and facilities.
8. Cooperate with staff investigation of disciplinary cases and volunteer information when the student has knowledge relating to a serious offense and to assist the school staff in maintaining safety, order, and discipline.
9. Pay required fees and fines, unless these are waived.
10. Avoid violations of the Student Code of Conduct.
11. Obey all campus and classroom rules, including safety rules.
12. Seek changes in school policies and regulations in an orderly and responsible manner, through appropriate channels.
13. Meet district and campus standards of grooming and dress.

RIGHTS AND REPOSIBILITIES OF PARENTS:

Throughout this Code of Conduct "Parents" includes single parent, legal guardian, or person having lawful control of the student. Parents have the responsibility to:

1. Make every effort to provide for the physical needs of the child.
2. Teach the child to pay attention and to obey the rules.
3. Be sure their child attends school regularly and promptly report and explain absences and tardies to the school.
4. Encourage and lead the child to develop proper study habits at home.
5. Participate in meaningful parent-teacher conferences to discuss their child's school progress and welfare.
6. Keep informed of school policies and academic requirements of school programs.
7. Participate in school-related organizations.
8. Be sure their child is appropriately dressed at school and school-related activities.
9. Discuss report cards and school assignments with their child.
10. Bring to the attention of school authorities any learning problem or condition that may relate to their child's education.
11. Maintain up-to-date home, work, and emergency telephone numbers and other pertinent information at the school.
12. Cooperate with school administrators and teachers.
13. Be sure their child attends school tutorials when required or as the need arises.
14. Submit a signed statement that they understand and consent to the responsibilities outlined in this plan.
15. Control their child. Under Family Code 533.01, a student's parent is legally liable for property damage proximately caused by (a) the negligent conduct of the student if such conduct is reasonably attributable to the negligent failure of the parent to exercise that duty, or (b) the willful or malicious conduct of a student who is at least 12 but under 18 years of age.

RIGHTS AND RESPONSIBILITIES OF ADMINISTRATORS: Administrators have the responsibility to:

1. Respond to discipline problems referred to them by teachers.
2. Promote effective training and discipline of all students.
3. Encourage parent communication with the school, including participation in parent-teacher conferences.
4. Provide appropriate assistance to students in learning mature self-discipline.
5. Assume responsibility and instructional leadership for discipline and for evaluation of the Student Code of Conduct.
6. Serve as appropriate role models for the students on their campus in accordance with the standards of the profession.
7. Confer with parents concerning absences.
8. Notify parents by phone or in writing of any violation that may result in a suspension, placement in a DAEP, or expulsion. Notification will be made within three school days after the administrator becomes aware of the violation.
9. Secure a signed statement from parents of acknowledging receipt of a copy of the code of conduct, and knowledge of the code.
10. Report firearm offenses to TEA in accordance with 37.00 1 (e).
11. Schedule hearings within 3 days after a formal teacher removal of a student.
12. Provide a student's parent with notice and the opportunity to participate in a proceeding before the Board or the Board's designee for placement in a DAEP to extend beyond 60 days or the end of the next grading period, whichever is sooner. Any decision is final and may not be appealed beyond the Board.
13. Provide due process for suspensions, DAEP placement and expulsions (3 school days for notification to parents).
14. Provide 120 calendar day review of academic status of students in DAEP. In the case of a high school student, the student's progress toward graduation and the student's graduation plan will also be reviewed. At the review, the student or the student's parent will be given the opportunity to present arguments for the student's return to the regular classroom or campus. The student may not be returned to the classroom of a teacher who removed the student without that teacher's consent. The district must offer a student the opportunity to complete each course in which the student was enrolled at no charge.
15. Report certain offense and crimes to law enforcement as required by Education Code 37.015.

RIGHTS AND RESPONSIBILITIES OF TEACHERS: Teachers have the responsibility to:

1. Use discipline management techniques developed in the District's Student Code of Conduct.
2. Ensure good student discipline by being in regular attendance and on time.
3. Be prepared to perform their teaching duties with appropriate preparation, assignments, and resource materials.
4. Comply with district and school policies, rules, regulations and directives.
5. Maintain an orderly classroom atmosphere conducive to learning.
6. Teach to the standards of performance required by the District.

7. Establish rapport and an effective working relationship with parents, students, and other staff members.
8. Teach students to strive toward self-discipline.
9. Encourage good work habits that will lead to the accomplishment of personal goals.
10. Serve as appropriate role models for their students, in accordance with the standards of the teaching profession.
11. Remove from class a student who commits certain offenses.
12. Report in writing, up to one page, to the principal or other appropriate administrator any known violation of the Student Code of Conduct.
13. Maintain confidentiality upon receipt of information that a student has committed an expellable offense.

III. CODE OF CONDUCT – BEHAVIOR REQUIREMENTS

ASSUALTS:

Students are prohibited from assaulting anyone on school property or at any school-related event. For purpose of defining what conduct is prohibited, an assault is defined as:

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

BUS:

Student misconduct on the bus will not be allowed. Bus transportation is a privilege that is afforded to our students; therefore, bus privileges can be revoked. The severity and number of times of the offense will be taken into consideration.

The following will not be tolerated:

1. Bodily harm or threatened bodily harm to students, drivers, or any other personnel.
2. Destruction of the bus or other property in any way.
3. Disrespect to the driver or any other school personnel in any way involved.
4. Improper boarding/unloading procedures.
5. Rude, discourteous conduct. Unnecessary noise.
6. Refusing to obey the bus driver.
7. Fighting/pushing/tripping or other behavior relating to safety and the well-being of others.
8. Failure to remain seated and failure to sit correctly.

ATTENTION PARENTS: Please be advised that if a student is not allowed to ride the bus because the student cannot behave, the parent must see that the child is transported to school and back home in the afternoon. The student must be in school. Failure to attend classes because bus privileges have been revoked is not an excuse for absence, and the child will be considered truant.

The Board of Trustees of Boling Independent School District reserves the right to amend all policies with the approval of the majority vote of the Board.

SAFETY RULES FOR SCHOOL BUS RIDERS

1. Video recorders with sound capabilities will be used on buses for the purpose of improving discipline.
2. Get to your bus on time – three to five minutes early.
3. Stand back from the edge of the road or curb because the bus is required to be pulled off on the side of the roadway.

Loading, riding and unloading procedures:

1. Stand in line at least five feet back from the bus stop to avoid accidents.
2. Permit younger students to board first.
3. Watch your step. Step on and off quickly, quietly, without crowding, pushing, or shoving.
4. Do not play at bus stops. Watch traffic at all times.
5. Move away from the bus as soon as you get off to avoid falling under the rear wheels of the bus.
6. To cross a roadway:
 - a. If the driver instructs you to cross without his escorting you, move at least 10 feet in front of the bus on the shoulder or curb and wait for the driver to signal you to cross.
 - b. If the driver signifies or instructs you that he will escort you across the roadway, the driver will precede you off the bus and across the road or street.

7. Be seated before the bus begins to move. Remain seated until the bus stops.
8. Keep your head, arms, elbows, or anything else out of the window.
9. Never put anything in the aisles.
10. Band instruments too large to be held in the lap or placed in book racks or under the seat must be placed so as not to block the aisles.
11. Live animals, insects, or dangerous objects of any nature may not be brought on buses by anyone.
12. Cold drink bottles or cans are not permitted on buses.
13. Use of tobacco in any form is prohibited while riding buses.
14. Damage to the interior of the bus by a student must be paid for by the student or students causing the damage.
15. Eating on buses is not permitted. Exception: Extracurricular trips when approved by the bus sponsor. Never throw objects of any kind from the buses.
16. In case of emergency, remain calm. Listen for driver's instructions.
17. To prevent overcrowding of buses, please do not invite large groups of friends to ride a bus home with you. If you do invite someone to ride home on the bus with you, they must have permission slips by both their parents and the Principal.
18. Only students enrolled in Boling ISD are permitted to ride buses.
19. Follow any instructions given to you by the bus driver and/or sponsor.
20. Never use the rear emergency door to enter or to exit the bus except in an emergency.
21. Remember that the driver is in full charge of the bus and all pupils. Pupils must obey the driver promptly.
22. Occupy the seat assigned by the driver.
23. Help keep the bus neat and tidy.
24. Report any damage to the bus immediately to the driver.
25. Do not leave the bus without permission, except at home or at school.
26. For continued violation of any of the above rules, a pupil will be reported to school authorities who may bar him temporarily or permanently from riding the bus.
27. The driver shall not leave the bus to go to a telephone or otherwise summon help. He/She shall detail two older students or some responsible children to the nearest house for such purpose. The State Law dictates that these students are to call a doctor or ambulance and notify the Superintendent if the accident results in serious injury to any student. The driver will remain at the scene of the accident and render First Aid. He/She shall detail two students with red flares or flags to signal traffic, one ahead of the bus and one behind the bus (about 330 feet from the scene of the accident).

DISRUPTION OF CLASSES:

For purposes 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 300 feet of school property, to willfully disrupt, alone or in concert with others, the conduct of classes or other school activities. Conduct that disrupts the educational activities of a school includes:

1. Emissions by any means of noise of an intensity 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 cause 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 force or 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. Interfering with the normal activity, occupancy, or use of any school bus engaged in the transportation of students to and from school-sponsored activities by exhibiting or using or threatening to exhibit or use a firearm.
6. 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.

DRESS CODE:

The District's dress code is established to teach grooming and hygiene, instill discipline, prevent disruption, avoid safety hazards, and teach respect for authority. Students should be dressed and groomed in a manner that is clean and neat and that will not be a health or safety hazard to themselves or others.

The District prohibits any clothing or grooming that in the Principal's judgment may be reasonably expected to cause disruption of or interference with normal school operations. The District prohibits pictures, emblems, or writings that are lewd, offensive, vulgar, or obscene, or that advertises or depicts tobacco products, alcoholic beverages, drugs, or any other substance prohibited under policy FNCF (L). The student and parent may determine the student's personal dress and grooming standards, provided they comply with these general guidelines and the District's dress code for students in the code of conduct.

If the principal determines that a student's grooming violates the dress code, the student shall be given an opportunity to correct the problem at school. If not corrected, the student shall be assigned to Intradistrict Supervised Study for the remainder of the day or until the problem is corrected. A student whose clothing violated the dress code shall be assigned to Intradistrict Supervised Study either for the remainder of the day or until a parent or designee brings an acceptable change of clothing to the school. Repeated offenses may result in more serious disciplinary action. Appropriate discipline procedures shall be followed in all cases.

The principal, in cooperation with the sponsor, coach, or other person in charge of an extracurricular activity, may regulate the dress and grooming of students who participate in the activity. Students who violate these standards may be removed or excluded from the activity for a period determined by the principal or sponsor and may be subject to other disciplinary action.

1. **BOYS:** Shirts should be buttoned with not more than the top button unbuttoned, or a comparable opening on other shirt styles. No tank tops should be worn. Mesh or see-through shirts must be worn with proper undergarments. All shirts must be tucked in. Sleeveless shirts will not be worn.
2. **GIRLS:** Shirts should be buttoned with not more than the top button unbuttoned, or a comparable opening on other shirt styles. No low necklines, spaghetti straps, halter tops, tank tops or tube tops should be worn. Mesh or see-through shirts must be worn with proper undergarments. Tops must be long enough to stay tucked in; or, if worn over pants, must be long enough so as not to expose the midriff and must be box-cut or designed to be worn outside the pants.
3. Proper undergarments must be worn under all clothing.
4. No advertisement for alcoholic beverages, tobacco or tobacco-related products, drug or drug-related products, suggestive obscene writing or pictures on clothing is allowed as part of the school dress.

5. Extremely short dresses, skirts, or shorts are not to be worn to school or school related activities. As a guideline any garment length three (3) inches above the top of the knee cap may be considered extreme.
6. Stretch or tight pants, hostess or lounge-type suits, clingy see-through material, clingy sweater knits, body suits, and over-sized, baggy clothing are not acceptable. Pants are to be worn at the waistline and not on the hips.
7. The wearing of shoes is mandatory. A shoe shall cover and/or protect the sole of the foot and shall be securely attached to the foot so as not to flop. No house shoes or shoes with metal taps are permitted.
8. Hats are not allowed to and from school, and during the school day.
9. Hair is to be neatly trimmed and combed and kept out of the eyes. No extreme hair styles are accepted. No rollers are allowed in hair. Afro hair styles are to be no longer than four (4) inches. Boys' hair should be no lower than the bottom of the ear lobes and no longer than the top of the collar of a dress shirt.
10. Sideburns must be neatly trimmed and no lower than the bottom of the ear lobe.
11. Students should have a clean-shaven face at all times.
12. Sunglasses or non-prescription glasses of any type shall not be worn inside the building.
13. Earrings are prohibited for wear by male students.
14. Body tattoos must be covered or concealed while on school property or while attending a school-sponsored or school-related activity on or off school property.
15. Any fad or dress that may be disruptive or immodest may be corrected at the discretion of the school administration.

DRUG AND ALCOHOL USE:

The use of illicit drugs and unlawful possession and use of alcohol is wrong and harmful. No student shall possess, use, transmit, or attempt to possess, use or transmit, or be under the influence of any of the following substance 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 state and federal 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 volatile chemical substance for inhalation.
4. Any other intoxicant, or mood-changing, mind-altering, or behavior-altering drugs, including caffeine pills, and other over-the-counter stimulants and sedatives.

“Use” means a student has smoked, ingested, injected, imbibed, drunk, or other-wise taken internally a prohibited substance. “Under the influence” means a student’s faculties are noticeably impaired, but the student need not be legally intoxicated. The transmittal, sale, or attempted sale of what is represented to be any of the above-listed substance is also prohibited under this rule. A student who uses a drug authorized by a licensed physician through a prescription specifically for that student’s use shall not be considered to have violated this rule. A student who violated this provision shall be subject to disciplinary action, which may include suspension, removal to a disciplinary alternative education program, or expulsion and referral for prosecution, and may be required to complete an appropriate rehabilitation program.

ELECTRONIC DEVICES:

C.D. players, radios, tape players, electronic games, and etc. are not permitted to and from school during the school day.

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 or designee 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.

PAGERS (BEEPERS), CELLULAR TELEPHONES OR OTHER TELECOMMUNICATIONS DEVICES

Pagers (beepers), cellular telephones or other telecommunication devices need to be in the off position and not used during the school day. A student in violation of this rule is subject to discipline and the device is confiscated and may be disposed of in any reasonable manner at the discretion of the principal, provided the student’s parent and the company

whose name and address or telephone number appear on the device are given 30 days' prior notice of its intent to dispose of the device. Alternatively, at the sole discretion of the principal or designee, the device may be returned to the owner or the student's parent(s) provided an administration fee of \$15 is paid.

PERSISTENT OFFENSES:

The District defines "persistent" to be two or more violations of the code in general or repeated occurrences of the same violation.

PRESCRIPTION/NON-PRESCRIPTION MEDICINE:

A student who uses a drug authorized by a licensed physician through a prescription specifically for that student's use shall not be considered to have violated the drug rule. The student will bring the drug to school in the original container, showing the student's name, what drug is contained therein, dosage requirements, and the prescribing physician's name. Immediately upon arriving at school, the student must turn such drugs over to the school nurse or other designated school authority. Any student who needs to carry asthma inhaler with them during school or school activities must bring a note from their physician stating this, plus a note from parent/guardian. The student must bring a note from the parent/guardian that gives the school permission to administer medication as directed. Non-prescription medicine will be turned into the office in the original container with a note from the parent/guardian giving permission to dispense as directed on the note. Strict compliance with the above is mandatory and any deviation there from will be considered a violation of Board Policy and Rule.

PUBLICATONS:

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 support a 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 material 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. Materials that are profane are prohibited.
 - 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 scurrilously 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.

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 its 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 that Board meeting, the student shall be given a reasonable period of time to present his viewpoint.

SECRET SOCIETIES AND GANG ACTIVITIES:

Students shall not become members or promise to become members of any organization composed wholly or in part of students of public school below the rank of college or junior college which seeks to perpetuate itself by taking in additional members from the students enrolled in such school on the basis of the decision of its membership, 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. Gangs are specifically included in this rule. Any student who violates this rule shall be recommended for placement in a DAEP.

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 behaviors known to be offensive, and to stop these behaviors when asked or told to stop. All students are prohibited from engaging in offensive verbal or physical conduct of a sexual nature directed toward another student.

This prohibition applies whether the conduct is by word, 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, Charles V. Butcher Superintendent, who serves as the District's Title IX coordinator for students.

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 calendar days may request a conference with the superintendent or designee by following the procedures 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.

SERIOUS OFFENSES:

Any offense that is Level II or above, or is listed as prohibited conduct in the Code of Conduct, is a serious offense.

TOBACCO USE:

Students shall not possess or use tobacco products, including but not limited to cigarettes, cigars, pipes, snuff, or chewing tobacco, while under the school's jurisdiction.

TRANSFER STUDENTS:

The District has the right to revoke the transfer of a transfer student for violating the District's Student Code of Conduct.

VANDALISM AND 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.

WEAPONS:

A student shall not go onto the school premises with a firearm, explosive weapon, or illegal knife, unless pursuant to written regulations or written authorization of the District. The student shall not interfere with normal activities, occupancy, or use of any building or portion of the campus by exhibiting, using, or threatening to exhibit or use the firearm, explosive weapon, or illegal knife. Students are prohibited from bringing to school or a school-related activity

any weapons. This prohibition will not normally apply to school supplies such as pencils, compasses, and the like, unless they are used in a menacing or threatening manner.

Weapons include, but are not limited to: a firearm, illegal knife, pocket knife, explosive weapon, machine gun, short-barrel firearm, switchblade knife, metallic knuckles, ammunition, chemical dispensing device, zip gun, fireworks, razor, chain, or any other object used in a way that threatens to inflict bodily injury on another person. The possession or use of articles not generally considered weapons may be prohibited when, in the principal's or designee's judgment, a reasonable apprehension of danger exists to the student in possession, other students, staff, or school property by virtue of possession or use.

IV. DUE PROCESS, SUSPENSION, DAEP, EXPULSION, RESOURCE STUDENT:

1. Disciplinary Alternative Educational Program Procedures

1. Removals to a DAEP will be made by the principal or assistant principal.
2. The duration of a student's placement in a DAEP will be determined by the principal or assistant principal.
3. DAEP placement will be correlated to the seriousness of the offense, the student's age and grade level, the frequency of misbehavior, the student's attitude, and statutory requirements.
4. Students with disabilities are subject to applicable state and federal law in addition to the Student code of Conduct. To the extent any conflict exists, state and/or federal law will prevail.
5. A student who, on or within 300 feet of school property or at a school-related event on or off school property, (1) sells, gives, delivers, possesses, uses, or is under the influence of prohibited drugs or alcohol or (2) engages in conduct punishable as an offense relating to an abusable volatile chemical, will be placed in a DAEP on the first offense if the conduct is not punishable as a felony. However, if the student sells, gives, delivers, possesses, uses, or is under the influence of prohibited drugs, alcohol, or an abusable volatile chemical of any amount a second time in the same school year, the student will be expelled.
6. When a student is removed from class by a teacher (formal removal) or an administrator for a mandatory or discretionary DAEP offense, the principal or other appropriate administrator will schedule a conference within three school days with the student's parent, the student, and the teacher, in the case of a teacher removal. Until a conference can be held as a result of a formal teacher removal or administrator removal, the principal may place the student in: another appropriate classroom, in-school suspension, out-of-school suspension, or a DAEP.
7. Before removing a student, the principal or assistant principal shall meet with the student and inform the student, orally or in writing, of the reasons for the removal, an explanation of the basis for the removal, and an opportunity to respond to the reasons for the removal. The student will be given the opportunity to explain his/her version of the incident.
8. After the conference, if the student is placed in the DAEP and the length of placement is inconsistent with the guidelines included in the Student Code of Conduct, The DAEP placement order will give notice of the inconsistency.

Placement in a DAEP may not exceed one year unless a review by the District determines that: (1) the student is a threat to the safety of other students or to District employees; or (2) extended placement is in the best interest of the student. The statutory limitations on the length of a DAEP placement do not apply to a placement resulting from the principal's decision to place a student who engaged in the sexual assault of another student in a DAEP so that the students are not assigned to the same campus.

A DAEP placement in accordance with Education Code 37.0081 may be for any length of time determined necessary by Board or its designee in light of the factors considered before placement. A student placed under this section is entitled to periodic status reviews by the Board or designee at intervals not to exceed 120 days.

The Board's designee will send the student and the parents a copy of the DAEP order. Not later than the second business day after the conference, the Board's designee will deliver to the juvenile court a copy of the order placing the student in a DAEP and all information required by Section 52.04 of the Family Code (mandatory placement in DAEP).

After the conference, if the student is placed in a DAEP, the appropriate administrator will write a DAEP placement order. A copy of the DAEP placement order will be sent to the student and the student's parent. Parental questions or complaints regarding disciplinary measures should be addressed to the campus

administration, in accordance with policy FNG(LOCAL). A copy of this policy may be obtained from the principal's office or the central administration office. A request to address the Board to appeal a decision to remove a student shall be made in writing to the Superintendent within two (2) school days after notice of removal. The Superintendent shall inform the parent that the matter will be placed on the agenda of the next Board meeting. The Board shall hear both sides of the issue and base its decision on the evidence. Consequences will not be deferred pending the outcome of an appeal. The decision to place a student in a DAEP cannot be appealed beyond the Board.

9. The student's parent shall be notified in writing of the decision to remove the student. The principal or assistant principal shall set the term of removal and forward a copy of the order of removal to the parent. The initial notice may be made by telephone and shall be as soon as reasonably possible.
10. State law prohibits students placed in a DAEP for mandatory removal reasons from attending or participating in school-sponsored or school-related extracurricular activities.
11. The District does not permit a student who is placed in a DAEP to participate in any school-sponsored or school-related extracurricular or co curricular activity including seeking or holding honorary positions and/or membership in school-sponsored clubs and organizations.
12. If during the term of placement in a DAEP the student engages in additional conduct for which placement in a DAEP or expulsion is required or permitted, additional proceedings may be conducted, and the principal, or other appropriate administrator, or the Board may enter an additional disciplinary order as a result of those proceedings.
13. For placement in a DAEP to extend beyond 60 days or the end of the next semester, whichever is sooner, a student's parent will be given notice and the opportunity to participate in a proceeding before the principal or assistant principal. Any decision is final and may not be appealed beyond the Board.
14. For placement in a DAEP to extend beyond the end of the school year, the principal or assistant principal must determine that: (1) The student's presence in the regular classroom or campus presents a danger of physical harm to the student or others; or (2) The student has engaged in serious or persistent misbehavior that violates the District's Student Code of Conduct.
15. Students who commit offenses requiring placement in a DAEP at the end of one school year may be required to continue that placement at the start of the next year to complete the assigned term of placement.
16. The District will provide transportation to students in a DAEP unless suspended from bus privileges due to bus disciplinary action.
17. When a student violates the District's Student Code of Conduct in a way that requires or permits the student to be placed in a DAEP and the student withdraws from the District before a DAEP placement order is completed, the District may complete the proceedings and issue a DAEP placement order. If the student then reenrolls in the District during the same or a subsequent school year, the District may enforce the order at that time, less any period the placement that has been served by the student during enrollment in another district. If the principal, or other appropriate administrator, or the Board fails to issue a DAEP placement order after the student withdraws, the next district in which the student enrolls may complete the proceedings and issue a DAEP placement order.
18. A student assigned to a DAEP placement in another district or open-enrollment charter school at the time he or she enrolls in the District will be placed directly into the District's DAEP.
19. For senior assigned to a DAEP who are eligible to graduate, the placement in the program will continue through graduation, and the student will not be allowed to participate in the graduation ceremony and related graduation activities.
20. Students under the age of ten: Students under age six cannot be removed from class and placed in a DAEP unless they commit a federal firearms offense. Students between six and nine years of age who commit expellable offenses must be placed in a DAEP. Elementary students cannot be placed in a DAEP with students not in elementary school (may be placed in the same building with other students but isolated in a room with elementary students only).
21. The office of the prosecuting attorney will notify the District if a student was placed in a DAEP for certain offenses including any felony, unlawful restraint, indecent exposure, assault, deadly conduct, terroristic threats, organized crime, certain drug offenses, or possession of a weapon, and: (1) Prosecution of a student's case was refused for lack of prosecutorial merit or insufficient evidence and no formal proceeding, deferred adjudication, or deferred prosecution will be initiated; or (2) The court or jury found a student not guilty, or made a finding that the student did not engage in delinquent conduct or conduct indicating a need for supervision, and the case was dismissed with prejudice.

If a student was placed in a DAEP for conduct other than a false alarm or report of a terroristic threat involving a public school or conduct on or within 300 feet of school property for which DAEP placement is required by law, on receiving the notice from the prosecutor, the principal or assistant principal will review the student's placement in the DAEP and schedule a review of the student's placement with the student's parent not later than the third day after the principal or designee receives notice from the prosecutor. The student may not be returned to the regular classroom pending the review.

After reviewing the notice and receiving information from the student's parent, the principal or designee may continue the student's placement in the DAEP if there is reason to believe that the presence of the student in the regular classroom threatens the safety of other students or teachers. The student or the student's parent may appeal the principal's decision to the superintendent and to the Board. The student may not be returned to the regular classroom pending the appeal.

The Board will, at the next scheduled meeting, review the notice from the prosecutor and receive information from the student, the student's parent, and the Superintendent or designee, and confirm or reverse the decision of the Superintendent or designee. The Board will make a record of the proceedings.

If the Board confirms the decision of the Superintendent or designee, the Board will inform the student and the student's parent of the right to appeal to the Commissioner of Education. The student may not be returned to the regular classroom pending the appeal.

22. **Placement Review:** A student placed in a DAEP will be provided a review of his or status, including academic status, by the principal at intervals not to exceed 120 days. In the case of a high school student, the student's progress toward graduation and the student's graduation plan will also be reviewed. At the review, the student or the student's parent will be given the opportunity to present arguments for the student's return to the regular classroom or campus. The student may not be returned to the classroom of a teacher who removed the student without that teacher's consent.
23. **Out-of-State DAEP Placement:** If the student was placed by a school district in another state for a period that exceeds one year, Boling ISD, by state law, will reduce the period of the placement so that the total placement does not exceed one year. After a review, however, the placement may be extended beyond a year if Boling ISD determines that the student is a threat to the safety of other students or employees or the extended placement is in the best interest of the student.

2. Emergency Placement to a DAEP

When an emergency placement occurs, the student will be given oral notice of the reason for the action. Not later than the tenth day after the date of the placement, the student will be given the appropriate conference required for placement in a DAEP. If the emergency placement involves a student with disabilities who receives special education services, the term of the student's emergency removal is subject to the requirements of federal law.

3. Review of Removal to a Disciplinary Alternative Education Program

A student placed in a DAEP will be provided a review of his or her status, including academic status, by the principal or assistant principal at intervals not to exceed 120 days. In the case of a high school student, the student's progress toward graduation and the student's graduation plan will also be reviewed. At the review, the student or the student's parent will be given the opportunity to present arguments for the student's return to the regular classroom or campus. The student may not be returned to the classroom of a teacher who removed the student without that teacher's consent.

4. Notice to Parent/Authorities for DAEP

The principal or assistant principal shall deliver to the student and the student's parent or guardian, a copy of the order placing the student in a DAEP. If the student is removed to a DAEP for misconduct for which the penalty is mandatory removal, not later than the second day after the date a hearing is held before the principal or his designee, the principal or his designee shall deliver a copy of the order placing the student in the DAEP to the authorized officer of the juvenile court in Wharton County.

5. All Students: Hearing; Notice to Parent

Before suspending a student or removing a student to a DAEP, the administrator shall conduct an informal hearing at which: (1) the student is advised of the conduct with which he or she is charged. (2) The student is given the opportunity to explain his or her version of the incident.

A student's parent shall be notified by telephone or other appropriate means as soon as reasonable possible of a suspension or removal to a DAEP. Parents of students who have been suspended shall be advised that it is their responsibility to provide adequate supervision for the student during the period of suspension.

6. Parent Conference for Suspension or DAEP

When the administrator suspends or removes a student to a DAEP, he or she shall encourage the student's parent to attend a conference to discuss the disciplinary action and/or the student's behavior.

7. Representation for Expulsion

At the expulsion hearing, the student is entitled to be represented by his or her parent, or by another adult who can provide guidance to the student and who is not a District employee. If the District makes a good-faith effort to inform the student and the student's parent of the time and place of the hearing, the District may hold the hearing regardless of whether the student, the student's parent, or another adult attends the hearing.

8. Expulsion Hearing

Before a student is expelled, the superintendent shall provide the student an opportunity for a hearing at which the student is afforded due process, which shall include the following:

1. Prior 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 superintendent.
3. Right to an adult representative or legal counsel.
4. Opportunity to testify and present evidence and witnesses in his or her defense.
5. Opportunity to examine the evidence presented by the school administration and question the administration's witnesses.

The notice shall be in writing and shall advise of the nature of the evidence to be used against the student, including a list of witnesses and the nature of their testimony, and any documents that will be used at the hearing. The decision shall be based exclusively on evidence presented at the hearing. The final decision shall be communicated promptly to the student and parent. If the superintendent conducts the hearing, a tape recording or transcript of the proceeding shall be made for the Board's review on appeal, in the event the matter is appealed to the Board.

9. Expulsion Term

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

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

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

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

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

10. Appeal of the Superintendent's Decision to Expel

A decision by 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 student with handicaps shall not be excluded from his or her current placement pending appeal to the Board for more than ten (10) days without ARD committee action to determine appropriate services in the interim. Pending appeal to a special education hearing officer, unless the district and the parents agree otherwise, a student with handicaps shall remain in the present education setting; however, if warranted,

the District on recommendation to the ARD committee, may seek an injunction in state or federal court to remove a dangerous student with handicaps.

Request for a Board review of a decision to expel a student shall be made in writing to the superintendent within seven (7) 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 (5) days of receipt of the appeal request. The Board shall review the record of the due process hearing on the expulsion and may hear a statement from the student or parent(s) and from the person(s) who conducted the hearing. The Board shall base its decision on evidence reflected in the record and any statements made by the parties at the review. After the due process hearing, if the student is expelled, the board or its designee will deliver to the student and the student's parent a copy of the order expelling the student.

11. Notice to Juvenile Authorities after Expulsion

The superintendent or his designee shall mail a copy of the expulsion order to the student and the student's parent or guardian. Not later than the second (2nd) day after an expulsion hearing is held, the superintendent or his designee shall also mail a copy of the order to the authorized officer of the juvenile court in the county in which the student resides.

12. Emergency Expulsion

1. A Superintendent or his designee may immediately expel a student if the principal or designee reasonably believes that the action is necessary to protect persons or property from imminent harm.
2. At the time of emergency expulsion, the student shall be given oral notice of the reason for the action.
3. Within a reasonable time (ten [10] school days) after the emergency expulsion, the student shall be offered the due process outlined in the sections Expulsion Hearing; Expulsion Term.

13. Parental Supervision during Expulsion

After the superintendent or his designee notifies the parent or guardian that the student has been expelled, the parent or guardian shall provide adequate supervision of the student during the period of expulsion.

14. Sanctions during Expulsion

Expelled students are prohibited from being on school grounds or attending school-related extracurricular activities during the period of expulsion, except by special permission. If a court orders a student who has been expelled to attend school as a condition of probation, the District shall readmit the student but the student is not immune from suspension, removal to a DAEP, or expulsion during the term of the probation. No district academic credit will be earned for work missed during the period of expulsion unless the student is enrolled in a JJAEP or another district-approved program.

15. Appeal of Board's Decision to Expel

If a student appeals the Board's decision to expel, the student shall be expelled pending further appeals. No educational services shall be provided, except as determined by the ARD committee for students with handicaps. The Board's decision may be appealed to the state district court in the county in which the District's central administrative offices are located.

16. Withdrawal During the Expulsion Process:

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

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

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

17. Additional Misconduct:

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

18. Newly Enrolled Students:

Boling ISD will continue the expulsion of any newly enrolled student expelled from another district or an open-enrollment charter school until the period of the expulsion is completed. If a student expelled in another state enrolls in the district, the district may continue the expulsion under the terms of the expulsion order, may place the student in a DAEP for the period specified in the order, or may allow the student to attend regular classes if: (1) The out-of-state district provides the district with a copy of the expulsion order, and (2) The offense resulting in the expulsion is also an expellable offense in the district in which the student is enrolling.

If a student is expelled by a district in another state for a period that exceeds one year and the district continues the expulsion or places the student in a DAEP, the district will reduce the period of the expulsion or DAEP placement so that the entire period does not exceed one year, unless after a review it is determined that: (1) The student is a threat to the safety of other students or district employees, or (2) Extended placement is in the best interest of the student.

19. DAEP Placement of Expelled Students:

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

V. ADMINISTRATIVE DEFINITIONS FOR IMPLEMENTATION OF THE CODE OF CONDUCT

CAMPUS DISCIPLINE PERSON:

The campus discipline person(s) on each campus shall be the principal or designated professional personnel. Duties shall include the authority to:

1. Assess and implement the Student Code of Conduct.
2. Suspend a student from campus for no more than three days at a time.
3. Assign students to intradistrict supervised study.
4. Assign students to DAEP.
5. Recommend to the superintendent to expel a student.
6. Report crimes as required by law and call local law enforcement if suspect that a crime has been committed on campus.

INTERROGATION:

Administrators and teachers have the right to question students regarding their conduct or the conduct of others.

JURISDICTION:

A student whose behavior shows disrespect for others, including interference with learning and a safe environment, will be subject to disciplinary action.

School rules and the authority of the District to administer discipline apply whenever the interest of the District is involved, on or off school grounds, in conjunction with or independent of classes and school-sponsored activities.

The District has disciplinary authority over a student :

1. During the regular school day and while the student is going to and from school on District transportation;
2. During lunch periods in which a student is allowed to leave campus;
3. For certain mandatory DAEP and discretionary offenses, within 300 feet of school property as measured from any point on the school's real property boundary line;
4. While the student is in attendance at any school-related activity, regardless of time or location;
5. For any school-related misconduct, regardless of time or location;
6. For mandatory expulsion offense committed while on school property or while attending a school-sponsored or school-related activity of another district in Texas;
7. When retaliation against a school employee or volunteer occurs or is threatened, regardless of time or location;
8. When the student commits a felony, as provided by Texas Education Code 37.006 or 37.0081; and
9. When criminal mischief is committed on or off school property or at a school-related event.

LIABILITY REPORT OF DRUG OFFENSE:

A teacher, school administrator, or school employee who reports to a school administrator or governmental authority a student whom the teacher suspects or using, passing, or selling on school property marijuana or a controlled substance, a dangerous drug, an abusable glue or aerosol paint, a volatile chemical, or an alcoholic beverage shall not be liable for civil damages. (TEC 37.016)

MINOR OFFENSES:

Any violation of the code of conduct that is listed in Level I is considered a minor offense. Any other offense is considered a serious offense.

NOTICE TO PARENT:

The District shall make reasonable efforts to notify the parent prior to removing a child from school premises. If the parent cannot be notified prior to removal of the reasons for the removal, the parent shall be notified as soon as possible of the reasons for removal.

PHYSICAL RESTRAINT:

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

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

POLICE – CUSTODY OF STUDENTS

Before a student at school is arrested or taken into custody by a law enforcement officer or other legally authorized person, the principal shall verify the official's identity. To the best of his or her ability, the principal shall verify the official's authority to take custody of the student and then shall deliver over the student. The principal shall immediately notify the superintendent and ordinarily shall make reasonable efforts to notify the parent or other person having lawful control of the student. If the officer or other authorized person raises what the principal considers to be a valid objection to notifying the parent at that time, the principal shall not notify the parent.

POLICE QUESTIONING OF STUDENTS:

The following guidelines apply when law enforcement officers or other lawful authorities desire to question or interview a student at school:

1. The principal shall verify and record the identity of the officer or other lawful authority and request an explanation of the need to question or interview the student at school.
2. Unless the interviewer objects, the principal ordinarily shall make reasonable efforts to notify the student's parents or other person having lawful control of the student.
3. Unless the interviewer objects, the principal or designee shall be present during the questioning or interview.

SANCTIONS:

Expelled students, out of school and in-school suspended students, and students assigned to DAEP are prohibited from being on school grounds or attending school-related extracurricular activities during the period of expulsion, suspension, or DAEP, except by special permission of the superintendent.

SCHOLASTIC PENALTIES:

There will be no scholastic penalties for students placed in the intradistrict supervised studies. Students placed in DAEP will focus on English Language Arts, mathematics, science, history and self-discipline. Grades earned in DAEP will have no scholastic penalty.

A student suspended from his or her regular classes will receive an excused absence if the student satisfactorily completes the assignments for the period of suspension within a time designated by the teacher. A grade adjustment shall be imposed on work made up for a period of suspension according to Board Policy. The maximum grade a student may make is 70.

Pending an appeal to the Board of an expulsion, students will be allowed to remain current on all coursework. However, if the appeal is denied, the student will not receive credit for that work. Students who are expelled will not receive credit for work missed during expulsion. Handicapped students will receive educational services during expulsion as determined by the Admission, Review, and Dismissal (ARD) Committee.

Work that was missed during unexcused absences will not be made up and a grade of zero (0) will be recorded for any graded work.

Generally, academic sanctions shall not be used as discipline. However, when the disciplinary infraction is academically related, such as cheating or plagiarism, academic sanctions determined by the teacher may be imposed.

SEARCHES:

School officials may search a student or a student's property with reasonable or probable cause with or without the student's free and voluntary consent. However, consent obtained through threat of contacting the police authorities is not considered to be freely and voluntarily given. Vehicles on school property are also subject to search.

Areas such as lockers, which are owned and jointly controlled by the district, may be searched if reasonable cause exists to believe that contraband is inside the locker. Students shall not place, keep, or maintain any article or material in school-owned lockers that is forbidden by district policy or that would lead school officials to reasonably believe that it would cause a substantial disruption on school property or at a school-sponsored function.

Searches of student's outer clothing and pockets may be conducted if reasonable cause exists. Highly intrusive invasions of a student's privacy, such as searches of the student's person, shall be conducted only if probable cause exists to believe that the student possesses contraband. This search will be done in the presence of a witness of the same gender as the offender.

Searching with an alcohol and narcotics interdiction dog is to be accomplished on a random, unpredictable basis throughout the entire school facility. No routine with regards to time, place, frequency, or duration of visit should be planned or tolerated if the desired effect is to be realized. Students found with contraband will be dealt with according to school policy.

CONSEQUENCES:

Guidelines and Techniques:

In general, discipline will be designed to improve conduct and to encourage all students to adhere to their responsibilities as citizens of the school community. Discipline shall be administered by district personnel when necessary, to have students respect others, to maintain access to a public education for all students, to protect students and school employees, or property and to maintain essential order and discipline and a safe environment. The consequences may be different for students at the elementary, middle school, and high school levels. Students shall be treated fairly and equitably. Discipline shall be based on careful assessment of the circumstances of each case. Factors to consider shall include:

- a. The seriousness of the offense.
- b. Student's age and grade level.
- c. The frequency that a particular student misbehaves (student's disciplinary history).
- d. The student's attitude.
- e. The potential effect of the misconduct on the school environment, and statutory requirements.
- f. Intent or lack of intent at the time the student engaged in the conduct.
- g. The District will take into consideration self-defense as a factor in a decision to order suspension, removal to a DAEP, or expulsion.

Because of these factors, discipline for a particular offense (unless otherwise specified by law) may bring into consideration varying techniques and responses. Disciplinary action will draw on the professional judgment of teachers and administrators and on a range of discipline management techniques. A student who violates campus or classroom rules that are not Student Code of Conduct violations may be disciplined by one or more of the discipline management techniques. For this violation, the teacher is not required to make a Student Code of Conduct violation report, and the principal is not required to notify parents. The following discipline management techniques may be used – alone or in

combination – for misbehavior violation the Student Code of Conduct or campus or classroom rules. These are not listed in order of severity.

1. Arrest.
2. Assigned duties other than class tasks, such as scrubbing desks, picking up litter or etc...
3. Behavior contracts.
4. Cooling-off time or “time out”.
5. Corporal punishment.
6. Counseling by teachers, counselors or administrative personnel.
7. Detention outside of school hours or during school.
8. Disciplinary Alternative Education Program (DAEP).
9. Emergency Expulsion.
10. Expulsion.
11. Grade reductions as permitted by policy.
12. Intradistrict Supervised Study.
13. Oral correction or verbal reprimand.
14. Other strategies and consequences as determined by school officials.
15. Out of school suspension.
16. Parent-teacher conference, phone calls, letters.
17. Referral to outside agency and/or legal authority for criminal prosecution in addition to disciplinary measures imposed by the District.
18. Restitution.
19. Rewards or demerits.
20. School-assessed and school-administered probation.
21. Seating changes in the classroom.
22. Sending the student to the office or other assigned area.
23. Special assignments or duties.
24. Techniques or penalties identified in individual student organizations’ extracurricular standards of conduct.
25. Temporary or permanent confiscation of items that disrupt the educational process.
26. Temporary removal from class.
27. Verbal Correction.
28. Withdrawal of privileges, such as participation in extracurricular activities and eligibility for seeking and holding honorary offices, and/or membership in school-sponsored clubs or organizations.
29. Withdrawing or restricting bus privileges.

Each handicapped student’s individual education plan (IEP) shall address the student’s specialized needs on discipline, including which of the discipline management techniques can appropriately be used with the student.

Parental questions or complaints regarding disciplinary measures should be addressed to the teacher or campus administration, as appropriate, and in accordance with policy FNG(LOCAL). A copy of the policy may be obtained from the principal’s office or the central administration office. Consequences will not be deferred pending the outcome of a grievance.

VI. GLOSSARY FOR CONSEQUENCES:

CORPORAL PUNISHMENT:

Corporal punishment is permitted in order to preserve an effective educational environment, free from disruption. Corporal punishment shall be reasonable and moderate and may not be administered maliciously or for the purpose of revenge. Such factors as the size, age, and physical, mental, and emotional conditions of the student; the type of instrument to be used; the amount offered to be used; and the part of the body to be struck shall be considered before administering any corporal punishment. A disciplinary record shall be maintained and shall contain the name of the student, the type of misconduct, any previous disciplinary actions, and the type of corporal punishment administered, the name of the person administering the punishment, the name of the witnesses present, and the date and time of punishment. Disciplinary records shall be made available to parents or the students, whichever is appropriate. 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 told the reason corporal punishment is being administered.
2. Corporal punishment shall be administered only by the principal, assistant principal, or a teacher.
3. The instrument to be used in administering corporal punishment shall be approved by the principal.

4. When corporal punishment is administered, it shall be done in the presence of one other district professional employee and shall take place in a designated place out of view of other students.

DISCIPLINARY ALTERNATIVE EDUCATION PROGRAM:

A disciplinary alternative education program (DAEP) is established for students who violate certain standards of conduct. Students in disciplinary DAEP are separated from other students and taught a special curriculum of English Language Arts, mathematics, science, social studies and self-responsibility. The duration of the student's placement in the DAEP will be determined by the principal. The principal will schedule a hearing not later than the third class day after the day on which a student is removed from class with the student's parent, teacher, and the student. The principal may place students in: another appropriate classroom, intradistrict supervised study, or suspension until the hearing can be held. The student shall not participate in extra-curricular activities. Students placed in the DAEP will be allowed to ride their bus unless they have been removed from the bus due to bus discipline.

DISCRETIONARY REMOVAL

General misconduct violations will not necessarily result in the formal removal of the student from class or another placement but may result in a routine referral, formal removal, or the use of one or more discipline management techniques.

DETENTION:

For minor infractions of the code of conduct or other policies and regulations, teachers may detain students after school hours. Before assigning students to detention, the teacher shall inform the student of the conduct that allegedly constitutes the violation, and the student shall be given an opportunity to explain his version of the incident. When after-school detention is used, notice shall first be given to the student's parent or legal guardian to inform the parent of the reason for the afternoon detention and permit arrangements for the necessary transportation of the student. The notification can be sent home with the student. Except in the case of a student who is 18 or older, the after-school detention shall not begin until the parent has been notified. The student's parent or guardian, if the student is a minor, will be required to provide transportation when the student has been assigned to after-school detention. Short term in-school detention does not require parent notification but the same due process procedures described for after-school detention will be followed.

EMERGENCY DAEP:

The principal or the principal's designee may remove a student from regular classes and place the student in a DAEP when the principal or designee reasonably believes the student's behavior is so unruly, disruptive, or abusive that it seriously interferes with a teacher's ability to communicate effectively with the students in the class, with the ability of the student's classmates to learn, or with the operation of school or a school-sponsored activity.

At the time of removal, the student shall be given oral notice of the reason for the action. Within a reasonable time after the emergency placement (ten [10] school days), the student will be given the appeal rights listed under the section entitled "Due Process".

EMERGENCY EXPULSION:

In an emergency, the superintendent or superintendent's designee may order the immediate removal of a student for the following reason: Emergency expulsion when people or property are in imminent danger.

When an emergency expulsion occurs, the student will be given oral notice of the reason for the action. Within a reasonable amount of time after the emergency expulsion, the student will be given appropriate due process required for a student facing expulsion. If emergency expulsion involves a student with disabilities who receives special education services, the term of the student's emergency expulsion is subject to the requirements of federal law.

The District shall make reasonable efforts to notify the parent prior to removing a student from school premises for emergency reasons. If the parent cannot be notified prior to the removal, the parent will be notified as soon as possible after the removal and given the reasons for it.

EXPULSION:

An expulsion means suspension of a student from school for more than three school days. Expulsion does not include the removal of a student to a DAEP unless the student is placed in a DAEP for a federal firearms violation. The duration of a student's expulsion will be determined by the superintendent. The superintendent will schedule a hearing not later than the

third class day after the day on which a student is removed from class with the student's parents, principal, teacher, and the student.

The principal may place students in:

- a. Another appropriate classroom
- b. Intra-District Supervised Study
- c. Out-of-school suspension until a hearing can be held. The student shall not participate in extracurricular activities.
- d. DAEP

FORMAL REMOVAL

Formal removal from class will be initiated by a teacher if:

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

A teacher or administrator must remove a student from class if the student engages in behavior that under the Education Code require or permits the student to be placed in a DAEP or expelled.

A teacher or administrator may remove a student from class for a behavior that the District has determined is a violation of the Student Code of Conduct.

INTRA-DISTRICT SUPERVISED STUDY (ISS):

ISS is the placement of students on the same or a different campus for isolation and supervised study. The duration of a student's placement in ISS will be determined by the principal and the student shall not participate in extracurricular activities. The principal will schedule an informal hearing which will include the following:

- a. The student is advised of the conduct with which he or she is charged.
- b. The student is given the opportunity to explain his or her version of the incident.

SUSPENSION:

A student may be suspended for up to three days. There is no limit on the number of times a student may be suspended in a semester or school year. A student who is to be suspended will be given an informal hearing which will include the following:

- a. The student is advised of the conduct with which he or she is charged.
- b. The student is given the opportunity to explain his or her version of the incident.

The length of the suspension is not to exceed three days and the student shall not participate in extracurricular activities.

VII. DISCIPLINARY SYSTEM:

Students violating the District's rules and regulations shall suffer disciplinary consequences commensurate with their misbehavior. In general, discipline shall be progressively administered so that penalties increase due to the severity or persistence of the misbehavior. The length of the punishment will depend on the offense. Pursuant to state law, however, some offenses require mandatory removal to a DAEP or mandatory expulsion. The consequences are not necessarily in the order of their severity and one or more disciplinary options may be used for a single offense if deemed appropriate. The teacher or administrator responsible for the discipline of a student in a given situation may use discretion in determining the disciplinary action most appropriate to the setting and the violation. As a consequence of persistent or serious violations, students may be referred to the counselor, nurse, or other staff members with special skills for assistance in modifying the behavior. School officials shall notify a local law enforcement authority if they suspect that criminal acts have occurred on school or District property.

The following offenses and consequential disciplinary options are listed in order of severity, with Level I being the least severe and Level V being the most severe. The district may impose campus or classroom rules in addition to those found in the Code. These rules may be posted in classrooms or given to the student and may or may not constitute violations of the Code.

LEVEL I VIOLATIONS AND DISCIPLINARY OPTIONS:

Minor acts of misconduct, generally observed in the classroom or in the building, which interfere with the orderly educational process.

A teacher may handle the following behaviors by implementing the appropriate discipline management technique or by sending the student to the principal's office. Parents may, be requested to come for a conference with the teacher to discuss the misbehavior and the disciplinary action.

1. Being disruptive, rude, and making unnecessary noises.
2. Eating or drinking in an undesignated area.
3. Failing to participate in classroom activities.
4. Lying.
5. Minor offenses, violating campus standards of behavior.
6. Neglecting to bring required material or assigned work to class.
7. Parking in unauthorized parking areas or reckless driving on school property.
8. Persistent offenses.
9. Persistently disturbing other students.
10. Possessing and/or using nuisance items.
11. Refusing to follow instructions or classroom rules.
12. Scuffling, pushing shoving or running.
13. Sleeping in class.
14. Tardy.
15. Theft of less than \$1.00.
16. Throwing objects that can cause bodily injury or damage property.

Level I Violations/Level I Removal require:

1. The teacher is not required to write a student code of conduct violation report.
2. If the teacher sends the student to the office, a report is required on the approved form.
3. If referred to the principal, the principal is not required to notify the student's parents.

Disciplinary Options:

One of more consequences may be used for each offense. These are not listed in order of severity.

1. Behavioral contracts.
2. Cooling off time or "time-out".
3. Corporal punishment.
4. Detention outside of school hours or during school.
5. Oral correction or verbal reprimand.
6. Seating changes in the classroom.
7. Special assignment or duties.
8. Temporary or permanent confiscation of items that disrupt the educational process.
9. Withdrawal of privileges.
10. Any other discipline management techniques listed under the section entitled "Consequence" except "Removal to a DAEP" or "Expulsion" or any other option identified by the principal.

LEVEL II VIOLATIONS AND DISCIPLINARY OPTIONS:

Level II are more severe and disruptive misbehavior violations which interferes with the learning environment. Parents will be notified of the offense and may be requested to come for a conference with the administrator to discuss the offenses and the disciplinary action.

Students are prohibited from:

1. Cheating or copying the works of another.
2. Directing profanity, vulgar language, or obscene gestures toward another student or students.
3. Disobeying school rules about conduct on school buses.
4. Engaging in acts of familiarity with another.
5. Entering school parking lot without office or teacher permission during class time.
6. Failure to serve detention or attend required tutorials.
7. Failing to comply with directives given by school personnel.
8. Forgery of school records and/or forms.
9. Misuse of food in the cafeteria.
10. Participation in an unauthorized organization.
11. Persistent offenses from Level I (minor acts of misbehavior) or acts of misconduct for which the student has been warned.
12. Physical contact with another with implied intent to physically abuse.

13. Possessing, smoking, or using tobacco products.
14. Possessing or using matches or a lighter.
15. Posting or distributing unauthorized publications on school property.
16. Selling or soliciting for sale unauthorized merchandise.
17. Theft from \$1.00 to \$20.00.
18. Throwing objects that can cause bodily injury or property damage.
19. Truancy, including leaving school without permission.
20. Use, exhibition, or possession of a knife less than 5.5 inches long.
21. Vandalism, including defacement of school property.
22. Violating dress and grooming standards.

Level II Removals Require:

1. Do not require removal from class or another placement of a student.
2. Do require a student code of conduct violation report be made by the teacher. The principal or appropriate administrator must send a copy of the report to the student's parent or guardian within a reasonable period of time.

Disciplinary Options:

One or more consequences may be used for each offense. These are not listed in order of severity.

1. Corporal punishment.
2. Detention outside of school hours or during school.
3. Exclusion from extracurricular activities.
4. Grade penalty for copying or cheating.
5. Intradistrict Supervised Study.
6. Out-of-school suspension.
7. Removal to a DAEP (permissive)
8. Restitution, if applicable.
9. Temporary removal from class.
10. Any other discipline management technique listed under the section entitled "Consequences" or any other option identified by the principal.

LEVEL III VIOLATIONS AND DISCIPLINARY OPTIONS:

Acts of misbehavior which are serious and which disrupt the orderly educational process. Parents will be notified and requested to come for a conference with the administrator in each instance of Level III misbehavior.

Violations:

1. Abusing the student's own prescription drug, giving a prescription drug to another student, or possessing or being under the influence of another person's prescription drug on school property or at a school-related event. Having or taking prescription drugs or over-the-counter drugs at school other than as provided by district policy.
2. Accessing prohibited or inappropriate material by electronic means.
3. Behavior which is illegal that does not constitute an expellable offense.
4. Being insubordinate.
5. Bullying, harassment, or making a hit list, including intimidation by name-calling, using ethnic or racial slurs, or making derogatory statements that could disrupt the school program or incite violence.
6. Burglary of a District facility.
7. Causing or attempting to cause damage to school or private property, stealing or assisting or attempting to steal school or private property owned by another student or district employee in an amount under \$1500 or an amount that does not constitute a felony.
8. Damaging or vandalizing property owned by others.
9. Defacing or damaging school property – including textbooks, lockers, furniture, and other equipment – with graffiti or by other means.
10. Discharging a fire extinguisher without valid cause.
11. Engaging in conduct that constitutes sexual harassment or sexual abuse, whether the conduct is by word, gesture, or any other sexual conduct, including requests for sexual favors directed toward another student or a District employee.
12. Engaging in inappropriate verbal, physical, or sexual contact directed toward another student or a District employee.
13. Engaging in harassment motivated by race, color, religion, national origin, disability, or age and directed toward another student or District employee.

14. Engaging in threatening behavior toward another student or District employee on or off school property.
15. Engaging in verbal or written exchanges that threaten the safety of another student, a school employee, or school property.
16. Engaging in any disruptive actions or demonstrations that disrupt the school environment, educational process, or school activities.
17. Engaging in any misbehavior that gives school officials reasonable cause to believe that such conduct will substantially disrupt the school program or incite violence.
18. Exhibiting disrespect or directing profanity, vulgar language, or obscene gestures toward school employees or other adults.
19. Extortion, coercion or blackmail. (Obtaining money or another object of value from an unwilling person, or forcing an individual to act through the use of force or threat of force).
20. Falsifying records, passes, or other school – related documents.
21. Fighting, physical abuse, or threat of physical abuse.
22. Forcing an individual to act through the use of force or threat of force.
23. Gambling.
24. Hacking (illegal or unauthorized entry or attempted entry into computer files).
25. Hazing.
26. Interfering with the conduct of school activities, including, but not limited to, trespassing and boycotting.
27. Insubordination, noncompliance with the directives of a member of the school staff.
28. Leaving school grounds, or school-sponsored events, without permission.
29. Making false accusations or hoaxes regarding school safety.
30. Mooning.
31. Perjury or lying as a witness during a school investigation.
32. Persistent offenses from Level I or Level II as determined by the principal.
33. Possessing or use of fireworks of any kind, stink bombs, smoke bombs, or any other pyrotechnic device or other noxious chemical.
34. Possession and/or concealment of a weapon not included under expellable offenses.
35. Possessing a razor, box cutter, chain, or any other object used in a way that threatens or inflicts bodily injury to another person.
36. Possessing or selling a “look-alike” weapon.
37. Possessing an air gun or BB gun.
38. Possessing ammunition.
39. Possessing a stun gun.
40. Possessing mace or pepper spray.
41. Possessing or using any articles not generally considered to be weapons, including school supplies, when the principal or designee determines that danger exists.
42. Possessing or using a laser pointer for other than an approved use.
43. Possession or distribution of pornographic or obscene material.
44. Possessing or selling look-alike drugs or items attempted to be passed off as drugs and contraband.
45. Possessing or selling seeds or pieces of marijuana in less than a usable amount.
46. Possessing, using, giving, or selling paraphernalia related to any prohibited substance.
47. Possessing published or electronic material that is designed to promote or encourage illegal behavior or that could threaten school safety; using e-mail, or Web sites at school to encourage illegal behavior; or threatening school safety.
48. Refusing to accept discipline management techniques assigned by a teacher or principal.
49. Repeatedly violating other communicated campus or classroom standards of behavior.
50. Robbery – committing or assisting in a robbery or theft that does not constitute a felony according to the Texas Penal Code.
51. Sending or posting electronic messages that are abusive, obscene, sexually oriented, threatening, harassing, damaging to another’s reputation, or illegal.
52. Use of a knife less than 5.5 inches long in violation of the safety and well-being of others.
53. Using a cellular telephone or other telecommunications device at school during the school day.
54. Using the Internet or other electronic communications to threaten students or employees, or cause disruption to the educational program.
55. Violating computer use policies, rules, or agreements signed by the student, and/or agreements signed by the student’s parent.

56. Violating safety rules.

Disciplinary Options:

One or more consequences may be used for each offense.

1. Arrest.
2. Corporal punishment.
3. Intradistrict supervised study.
4. Reference to law enforcement.
5. Removal to DAEP (permissive).
6. Restitution, if applicable.
7. Suspension.
8. Emergency placement to DAEP when a student is so unruly, disruptive, or abusive that the student's presence seriously interferes with a teacher's ability to communicate effectively with the students in a class, with the ability of the student's classmates to learn, or with the operation of school or a school-sponsored activity.
9. Any other discipline management technique listed under the section entitled "Consequences" or any other option identified by the principal.

Level III Removal Requires:

1. A student code of violation report to be made by the reporting teacher or principal.
2. The principal or appropriate administrator must send a copy of the report to a student's parent or guardian within a reasonable period of time.

LEVEL IV VIOLATIONS AND MANDATORY REMOVAL TO DAEP

Mandated reasons for which a student must be removed by a teacher or administrator and placed in a DAEP and may be suspended or placed in ISS pending a hearing:

1. Conduct relating to a false alarm or report (including a bomb threat).
2. Making a terroristic threat.

A student must be placed in DAEP for any of the following offenses, if the student commits these offenses on school property or within 300 feet of school property as measured from any point on the school's real property line, or while attending a school-sponsored or school-related activity on or off school property:

1. Engages in conduct punishable as a felony. Vandalism damage to property equal to or in excess of \$1,500 is felony criminal mischief.
2. Commits an assault under Penal Code 22.01(a)(1).
3. Sell, gives, or delivers to another person, or possesses, uses, or is under the influence of marijuana, a controlled substance, or a dangerous drug in an amount not constituting a felony offense.
4. Sell, gives, or delivers to another person an alcoholic beverage; commits a serious act of offense while under the influence of alcohol; or possesses, uses, or is under the influence of alcohol, if the conduct is not punishable as a felony offense.
5. Behaves in a manner that contains the elements of an offense relating to abusable volatile chemicals.
6. Behaves in a manner that contains the elements of the offense of public lewdness.
7. Behaves in a manner that contains the elements of the offense of indecent exposure.
8. Engages in expellable conduct, if the student is between six and nine years of age.
9. Engages in conduct that contains the elements of the offense of retaliation against any school employee or volunteer on or off school property.
10. Engages in conduct punishable as a felony listed under Title 5 of the Texas Penal Code when the conduct occurs off school property and not as a school-sponsored or school-related event and:
 - a. The student receives deferred prosecution.
 - b. A court or jury finds that the student has engaged in delinquent conduct.
 - c. The principal or designee has a reasonable belief that the student engaged in the conduct.
11. A principal or other appropriate administrator may, but is not required to, place a student in a DAEP for off-campus conduct for which DAEP placement is required by state law if the principal or other appropriate administrator does not have knowledge of the conduct before the first anniversary of the date the conduct occurred.
12. Commits a federal firearms violation and is younger than six years of age.
13. Sexual Assault/Victim of a Violent Criminal Offense and Campus Assignments: If a student has been convicted of or placed on deferred adjudication for sexual assault or aggravated sexual assault against another student on the same campus, and if the victim or the victim's parents request that the board transfer the offending student to another campus, the offending student shall be transferred to another campus in the district. If there is no other

campus in the district serving the grade level of the offending student, the offending student will be transferred to a DAEP. The victim may also transfer to another school district when reasonable and appropriate.

A student may be placed in DAEP:

1. Engaging in conduct punishable as a felony, other than those listed as offenses involving injury to a person in Title 5 of the Texas Penal Code, that occurs off school property and not at a school-sponsored or school-related event, if the student's presence in the regular classroom threatens the safety of other students or teachers or will be detrimental to the educational process.
2. The student receives deferred prosecution for conduct defined as a felony offense in Title 5 of the Texas Penal Code. A student's placement in the DAEP as a result of receiving deferred prosecution of delinquent conduct, as described above, may occur regardless of: (1) the date on which the student's conduct occurred; (2) the location at which the conduct occurred; (3) whether the conduct occurred while the student was enrolled in the District; or (4) whether the student has successfully completed any court disposition requirements imposed in connection with the conduct.
3. The student has been found by a court to have engaged in delinquent conduct for conduct defined as a felony offense in Title 5 of the Texas Penal Code.
4. For items 2 & 3, the principal or designee must determine that the student's presence in the regular classroom (1) threatens the safety of other students or teachers; (2) will be detrimental to the educational process; (3) is not in the best interest of the District's students.
5. Involvement in gang activity, including participating as a member of pledge, or soliciting another person to become a pledge or member of a gang.
6. Involvement in a public school fraternity, sorority, or secret society, including participating as a member or pledge, or soliciting another person to become a pledge or member of a public school fraternity, sorority, or secret society.
7. Criminal mischief not punishable as a felony.
8. A federal firearms violation, for a student six years of age or younger.
9. In an emergency, the principal or the principal's designee may order the immediate placement of a student in a DAEP for any reason for which placement in a DAEP may be made on a nonemergency basis.

CONSEQUENCES:

1. Disciplinary Alternative Education Program (DAEP)
2. Suspension
3. Intradistrict Supervised Studies
4. An administrator may immediately suspend or place in intradistrict supervised study a student for the following emergency reasons: (1) pending DAEP or Expulsion hearing; (2) for behavior that is so unruly, disruptive, or abusive that the teacher cannot communicate with the class.

Level IV removal requires:

1. A student code of violation report to be made by the reporting teacher or principal.
2. The principal or appropriate administrator must send a copy of the report to the student's parent or guardian within a reasonable period of time.

LEVEL V VIOLATIONS/MANDATORY REMOVAL – EXPELLABLE OFFENSES

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

1. Bringing to school a firearm, as defined by federal law. "Firearm" under federal law includes: (1) any weapon (including a starter gun) that will, is designed to, or may readily be converted to expel a projectile by the action of an explosive. (2) The frame or receiver of any such weapon. (3) Any firearm muffler or firearm weapon. (4) Any destructive device, such as any explosive, incendiary or poison gas bomb, or grenade.
2. Using, exhibiting, or possessing the following, as defined by the Texas Penal Code: (1) A firearm (any device designed, made, or adapted to expel a projectile through a barrel by using the energy generated by an explosion or burning substance or any device readily convertible to that use). (2) An illegal knife, such as a knife with a blade over 5 ½ inches; hand instrument, designed to cut or stab another by being thrown; dagger, including but not limited to a dirk, stiletto, and poniard; bowie knife; sword; or spear. (3) A club such as an instrument specially designed, made, or adapted for the purpose of inflicting serious bodily injury or death by striking a person with the instrument, including a blackjack, nightstick, mace, and tomahawk. (4) A prohibited weapon, such as an explosive weapon; a machine gun; a short-barrel firearm; a firearm silencer; a switchblade knife; knuckles; armor-piercing ammunition; a chemical dispensing device; or a zip gun.

3. Behavior containing elements of the following offenses under the Texas Penal Code:
 - a. Aggravated assault, sexual assault, or aggravated sexual assault.
 - b. Arson
 - c. Murder, capital murder, or criminal attempt to commit murder or capital murder.
 - d. Indecency with a child.
 - e. Aggravated kidnapping.
 - f. Aggravated robbery.
 - g. Manslaughter.
 - h. Criminally negligent homicide.
 - i. Behavior punishable as a felony that involves the selling, giving, or delivering to another person, possessing, using, or being under the influence of marijuana, a controlled substance, a dangerous drug, or alcohol; or committing a serious act or offense under the influence of alcohol.
 - j. Retaliation against a school employee combined with one of the above-listed offenses on or off school property or at a school-related activity.
4. If the student sells, gives, delivers, possesses, uses or is under the influence of prohibited drugs, alcohol, or an abusable volatile chemical of any amount a second time in the school year, the student will be expelled.

A student may be expelled:

1. For engaging in conduct relating to a false alarm or report (including a bomb threat) or a terroristic threat involving a public school.
2. For any offense that is state-mandated expellable offense if the offense is committed on the property of another district in Texas or while the student is attending a school-sponsored or school-related activity at a school in another district in Texas.
3. For committing any of the following offenses on or within 300 feet of school property, as measured from any point on the school's real property boundary line, or while attending a school-sponsored or school-related activity on or off school property: (1) selling, giving, or delivering to another person, or possessing, using, or being under the influence of any amount of marijuana, a controlled substance, or a dangerous drug, if the conduct is not punishable as a felony; (2) selling, giving, or delivering to another person, or possessing, using, or being under the influence of any amount of alcohol; or committing a serious act or offense under the influence of alcohol, if the conduct is not punishable as a felony; (3) engaging in conduct that contains the elements of an offense relating to abusable volatile chemicals; (4) engaging in conduct that contains the elements of assault under Section 22.01(a)(1) against an employee or a volunteer; (5) engaging in deadly conduct.
4. A student may be expelled for the following conduct while within 300 feet of school property, as measured from any point on the school's real property boundary line: (1) committing aggravated assault, sexual assault, or aggravated sexual assault; (2) committing arson; (3) committing murder, capital murder, or criminal attempt to commit murder or capital murder; (4) committing indecency with a child, aggravated kidnapping, manslaughter, criminally negligent homicide, or aggravated robbery; (5) committing a felony drug- or alcohol-related offense; (6) using, exhibiting, or possessing a firearm (as defined by state law, an illegal knife, a club, or prohibited weapon, or possessing a firearm (as defined by federal law).
5. A student may be expelled if the student engages in the following conduct no matter where the conduct takes place: (1) Engaging in conduct that contains the elements of assault under Penal Code 22.01(a)(1) in retaliation against a school employee or volunteer; (2) engaging in criminal mischief, if punishable as a felony.
6. A student may be expelled if the student engages in conduct that contains the elements of one of the following offenses against another student, without regard to where the conduct occurs: aggravated assault, sexual assault, aggravated sexual assault, murder, capital murder, criminal attempt to commit murder or capital murder, and aggravated robbery.
7. A student may be expelled for engaging in serious or persistent misbehavior that violates the District's Student Code of Conduct, while placed in a DAEP. The District defines "persistent" as two or more violations of the Student Code of Conduct in general or repeated occurrences of the same violation. Serious offenses include, but are not limited to the following: murder; vandalism; robbery or theft; extortion, coercion, or blackmail; disruptive actions or demonstrations that substantially disrupt or materially interfere with school activities; hazing; insubordination; profanity, vulgar language, or obscene gestures directed toward teachers or other school employees; fighting, committing physical abuse, or threatening physical abuse; possession or distribution of pornographic materials; leaving school grounds without permission; sexual harassment of a student or District employee; possession of or conspiracy to possess any explosive or explosive device; falsification of records, passes, or other school-related documents; refusal to accept discipline management techniques assigned by the teacher or principal;

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

CONSEQUENCES:

1. The Board delegated to the superintendent the authority to expel students.
2. Students shall not participate in extracurricular activities and will not come to any school functions on or off school property.
3. Suspension or Intradistrict Supervised Study until the expulsion hearing takes place.

Level V removal requires:

1. A student code of violation report to be made by the reporting teacher or principal.
2. The principal or appropriate administrator must send a copy of the report to a student's parent or guardian within a reasonable period of time.

VIII. TEACHER REMOVALS OF STUDENTS:

Routine Referral: A teacher may send a student to the principal's office in order to maintain effective discipline in the classroom as a discipline management technique. The principal shall respond by employing appropriate discipline management techniques consistent with local policy and the code of conduct.

Formal Removal: A teacher or administrator may remove from class a student for behavior that violates this Code to maintain effective discipline in the classroom. A teacher may also initiate a formal removal form class if: (1) The student's behavior has been documented by the teacher as repeatedly interfering with the teacher's ability to teach his or her class; or (2) The behavior is so unruly, disruptive, or abusive that the teacher cannot teach, and the students in the classroom cannot learn.

The principal may either:

1. Place the student in another appropriate classroom;
2. Place the student in intradistrict supervised study; or
3. Place the student in a DAEP.
4. Out-of-School suspension

The teacher will also remove a student from his or her class if the student engages in an offense for which removal to a DAEP is required (Level IV) or for which expulsion is required (Level V). Upon receipt of those referrals, the principal or designee shall take the appropriate action required by state law and this Discipline Management Plan. Each school in the District will establish a three-member committee to determine placement of a student when a teacher removes a student and refuses to allow the student to return to his or her classroom. Each committee shall consist of two teachers, one teacher alternate, chosen by the campus faculty, and member chosen from the professional staff of a campus selected by the principal. (May be the principal). The teacher refusing to readmit the student shall not serve on the committee. The principal may not return the student to the classroom of the teacher who removed the student without the teacher's consent unless the placement review committee determines that such placement is the best or only available alternative. If the student is removed by the teacher, the student may be prohibited from attending or participating in school-sponsored or school-related activities. Handicapped students may not be removed in violation of specific IEP provisions for more than ten (10) days without ARD committee approval.

REVIEW OF TEACHER REMOVALS:

Not later than the third class day after the day on which a teacher removes a student from class, the school principal shall schedule a hearing among the principal or a designee, a parent or guardian of the student, the teacher removing the student, and the student. The student may not be returned to class pending the hearing. Following the hearing and whether or not each requested person is in attendance, after valid attempts to require a person's attendance, the principal shall order the placement of the student in either in intradistrict supervised studies, a DAEP, or another teacher's classroom. If the teacher removes the student for a reason listed as mandatory placement in a DAEP, or mandatory expulsion, the principal shall take the appropriate action as required by state law and the code of conduct. If the removal extends beyond the end of the next grading period, the student's parent is entitled to a hearing as described in the section entitled "Appeal Rights (For Removal to a DAEP).

IX. STUDENTS WITH DISABILITIES

DAEP PLACEMENT OF RESOURCE STUDENTS:

The discipline of students with disabilities is subject to applicable state and federal law in addition to the Student Code of Conduct. To the extent any conflict exists, state and/or federal law will prevail.

In accordance with the Education Code, a student who is enrolled in a special education program may not be disciplined for conduct meeting the definition of bullying, harassment, or making hit lists until an ARD committee has been held to review the conduct.

In deciding whether to order suspension, DAEP placement, or expulsion the district will take into consideration a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct.

1. The placement of a student with a disability who receives special education services may be made only by a duly constituted admission, review, and dismissal committee. A student with a disability who receives special education services may be placed in a DAEP for behavioral purposes if the student does meet the statutory criteria for DAEP placement. Education Code 37.004 (Mandatory reasons for which s student must be removed and placed in a DAEP).
2. If the IEP of a student with a disability contains disciplinary sanctions, including emergency removal, suspension, and removal to a DAEP, and those sanctions are not currently being challenged in a court or special education administrative appeal, the sanctions implemented in accordance with specifications in the IEP shall be followed without regard to the procedural requirements for emergency removal, suspension, or removal to a DAEP. 19 TAC 133.24(5)
3. When the total number of days of student with a disability is removed or suspended, under policy FO (LEGAL) and/or FOA (LEGAL), FOAA (LEGAL), FOAB (LEGAL), or FOC (LEGAL), is 16 school days in a school year, the ARD committee shall review the student's IEP, unless the discipline management portion of the IEP specifies otherwise. 19 TAC 133.24(4)
4. Students with disabilities shall not be removed to a DAEP for more than ten days unless the ARD committee first determines whether the alleged behavior in question was related to the student's disability or to the placement. If the ARD committee determines there is a connection, they must also determine what action is appropriate. Removal for more than ten consecutive school days requires ARD committee action, subject to the parents' right to appeal. 19 TAC 133.24(2); 34 CFR 104.33

EMERGENCY REMOVAL OF RESOURCE STUDENTS:

Removal of a student with a disability for any of the reasons listed in Emergency Removal shall be used only in emergency situations and shall not exceed five school days. Consecutive five-day removals are prohibited, unless the ARD committee determines that the student poses an immediate threat to the safety of himself or others, or disrupts the safety of the learning environment. If the parents appeal the ARD committee's decision and refuse to permit a change in placement, the District may seek a court injunction to remove a dangerous student with a disability for more than ten consecutive days. If emergency removals, suspensions, or removals to DAEP total 16 school days in a year, the ARD committee shall review the student's IEP, unless the discipline management portion of the IEP specifies otherwise.

EXPULSION OF RESOURCE STUDENTS:

1. A student with a disability may be expelled for engaging in conduct that would warrant such action for a student without a disability only if the Admission, Review, and Dismissal (ARD) committee determines the misconduct is not related to the disability or inappropriate placement.
2. In determining whether a student's disruptive behavior is related to a student's disability, the ARD committee shall base its decision on currently effective evaluation and assessment data and review of the current IEP documentation rather than on established eligibility or previous committee decisions. The committee shall consider whether the student's behavior indicates the need for new assessment or evaluation data. Unless the parents agree otherwise, the student must be returned to his current placement after ten days while additional assessments are being conducted.
3. The ARD 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.
4. If the ARD committee determines that the student's disruptive behavior is related to the disability 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 committee shall review the placement and recommend alternatives. If the ARD committee determines that the behavior was related to the disability, 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. [See FO (LEGAL)]

SUSPENSION OF RESOURCE STUDENTS:

1. If the IEP of a student with a disability contains disciplinary sanctions, including suspension, and those sanctions are not currently being challenged in a court or special education administrative appeal, the sanctions implemented in accordance with specifications in the IEP shall be followed without regard to the procedural requirements for suspension.
2. Students with disabilities may be suspended for a period not to exceed six school days within a semester. 19 TAC 133.24(2)
3. When the total number of days a student with a disability is suspended is 16 school days in a school year, the ARD committee shall review the student's IEP, unless the discipline management portion of the IEP specifies otherwise. 79 TAC 133.24(4)

APPEAL OF BOARD'S DECISION TO EXPEL

If a student appeals the Board's decision to expel, the student shall be expelled pending further appeals. No educational services shall be provided, except as determined by the ARD committee for students with handicaps. The Board's decision may be appealed to the state district court in the county in which the District's central administrative offices are located.

X. Federal No Child Left Behind (NCLB) Act: Persistently Dangerous School

According to the Federal No Child Left Behind (NCLB) Act, a student attending a persistently dangerous public elementary school or secondary school (as determined by the Texas Education Agency) would be allowed to transfer to another Local Education Agency (LEA) or school district when reasonable and appropriate.

XI. GLOSSARY

1. Armor-piercing ammunition is handgun ammunition designed primarily for the purpose of penetrating metal or body armor and to be used primarily in pistols and revolvers.
2. Arson occurs when a person starts a fire, regardless of whether the fire continues after ignition, or causes an explosion with intent to destroy or damage: (1) any vegetation, fence, or structure on open-space land; or (2) any building, habitation, or vehicle: knowing that it is within the limits of an incorporated city or town; knowing that it is insured against damage or destruction; knowing that it is subject to a mortgage or other security interest; knowing that it is located on property belonging to another; knowing that it has located within it property belonging to another; or when the person is reckless about whether the burning or explosion will endanger the life of some individual or the safety of the property of another.
3. Assault as defined in part by Texas Penal Code 22.01(a)(1). A person commits an assault if the person intentionally, knowingly, recklessly causes bodily injury to another.
4. Bullying is written or oral expression or physical conduct that a school district's board of trustees or the board's designee determines: (1) To have the effect of physically harming a student, damaging a student's property, or placing a student in reasonable fear of harm to the student's person or of damage to the student's property; or (2) To be sufficiently severe, persistent, or pervasive to create an intimidating, threatening, or abusive educational environment for a student.
5. Chemical dispensing device is a device, other than a small chemical dispenser sold commercially for personal protection, designed, made, or adapted for the purpose of causing an adverse psychological or physiological effect on a human being.
6. Club is an instrument specially designed, made, or adapted for the purpose of inflicting serious bodily injury or death by striking a person with the instrument, including a blackjack, mace, and tomahawk.
7. Deadly conduct occurs when a person commits an offense by recklessly engaging in conduct that places another in imminent danger of serious bodily injury or by knowingly discharging a firearm in the direction of an individual, habitation, building, or vehicle.
8. Deferred adjudication is an alternative to seeking a conviction in court that may be offered to a juvenile for delinquent conduct or conduct indication a need for supervision. .
9. Deferred prosecution may be offered to a juvenile as an alternative to seeking a conviction in court for delinquent conduct or conduct indication a need for supervision.
10. Delinquent conduct is conduct that violates either state or federal law and is punishable by imprisonment or confinement in jail. Delinquent conduct also includes conduct that violates certain juvenile court orders, including probation orders. Delinquent conduct does not, however, include violations of traffic laws.
11. Discretionary means that something is left to or regulated by a local decision maker.

12. Explosive weapon is any explosive or incendiary bomb, grenade, rocket, or mine that is designed, made, or adapted for the purpose of inflicting serious bodily injury, death, or substantial property damage, or for the principal purpose of causing such a loud report as to cause undue public alarm or terror, and includes a device designed, made, or adapted for delivery or shooting an explosive weapon.
13. False Alarm or Report occurs when a person knowingly initiates, communicates or circulates a report of a present, past, or future bombing, fire, offense, or other emergency that he or she knows is false or baseless and that would ordinarily: (1) cause action by an official or volunteer agency organized to deal with emergencies; (2) Place a person in fear of imminent serious bodily injury; or (3) prevent or interrupt the occupation of a building, room, or place of assembly.
14. Graffiti is making marks with aerosol paint or an indelible marker on tangible property of the owner without the effective consent of the owner. The markings may include inscriptions, slogans, drawings, or paintings.
15. Harassment is: (1) Conduct that meets the definition in district policies DIA(LOCAL) and FFH(LOCAL); or (2) Conduct that threatens to cause harm or bodily injury to another student, is sexually intimidating, causes physical damage to the property of another student, subjects another student to physical confinement or restraint, or maliciously and substantially harms another student's physical or emotional health or safety.
16. Hazing involves any knowing, intentional, or reckless act, occurring on or off the campus, by one person alone or acting with others, directed against a student, that endangers the mental or physical health or safety of a student for the purposes of pledging, initiation into, affiliation with, holding office in, or maintaining membership in an organization.
17. Hit list is a list of people targeted to be harmed, using a firearm, a knife, or any other object to be used with intent to cause bodily harm.
18. Knuckles is any instrument consisting of finger rings or guards made of a hard substance that is designed, made, or adapted for the purpose of inflicting serious bodily injury or death by striking a person with a fist enclosed in the knuckles.
19. Machine gun is any firearm that is capable of shooting more than two shots automatically, without manual reloading, by a single function of the trigger.
20. Mandatory means that something is obligatory or required because of an authority.
21. Paraphernalia is any device that can be used to inhale, ingest, inject, or otherwise introduce a controlled substance into a human body.
22. Persistent misbehavior is two or more violations of the Code in general or repeated occurrences of the same violation.
23. Possession means to have on a student's person or in the student's personal property, including but not limited to the student's clothing, purse, or backpack; in any private vehicle used by the student for transportation to or from school or school-related activities, including but not limited to an automobile, truck, motorcycle, or bicycle; or any other school property used by the student, including but not limited to a locker or desk.
24. Reasonable belief determination can be made by the principals or designee using all available information, including the information furnished under Article 15.27 of the Code of Criminal Procedure. Administrators may place a student in a Disciplinary Alternative Education Program (DAEP) if they have reasonable belief that the student has engaged in felony conduct under Title 5. Administrators also may place a student in a DAEP if they have reasonable belief that the student has committed felony conduct that is not a Title 5 offense, if the principal believes the student's continued presence in the regular classroom threatens the safety of other students or teachers, or will be detrimental to the educational process.
25. Self-defense is using force against another when and to the degree a person reasonably believes the force is immediately necessary to protect himself or herself.
26. Serious offenses include but are not limited to: (1) murder, (2) vandalism, (3) robbery or theft, (3) extortion, coercion, or blackmail, (4) actions or demonstrations that substantially disrupt or materially interfere with school activities, (5) hazing, (6) insubordination, (7) profanity, vulgar language, or obscene gestures, (8) fighting, committing physical abuse, or threatening physical abuse, (9) possession or distribution of pornographic materials, (10) leaving school grounds without permission, (11) sexual harassment of a student or district employee, (12) possession of or conspiracy to possess any explosive or explosive device, (13) falsification of records, passes, or other school-related documents, (14) refusal to accept discipline assigned by the teacher or principal
27. Short-barrel firearm is a rifle with a barrel length of less than 16 inches or a shotgun with a barrel length of less than 18 inches, or any weapon made from a rifle or shotgun that, as altered, has an overall length of less than 26 inches.

28. Switchblade is any knife with a blade that folds, closes, or retracts into the handle or sheath and that opens automatically by pressing a button or by the force of gravity or centrifugal force.
29. Terroristic threat occurs when a person threatens to commit any offense involving violence to any person or property with intent to: (1) cause a reaction of any type to his or her threat by an official or volunteer agency organized to deal with emergencies; (2) place any person in fear of imminent serious bodily injury; (3) prevent or interrupt the occupation or use of a building; room, place of assembly, or place to which the public has access; place of employment or occupation; aircraft, automobile, or other form of conveyance; or other public place; (4) cause impairment or interruption of public communications, public transportation, public water, gas, or power supply or other public service; (5) place the public or a substantial group of the public in fear of serious bodily injury; or (6) influence the conduct or activities of a branch or agency of the federal government, the state, or a political subdivision of the state (including the District).
30. Title 5 offenses involve injury to a person and include murder; kidnapping, assault; sexual assault; unlawful restraint; coercing, soliciting, or inducing gang membership if it causes bodily injury to a child; indecency with a child; injury to a child, and elderly person, or a disabled person; abandoning or endangering a child; deadly conduct; terroristic threat; aiding a person to commit suicide; and tampering with a consumer product. [See FOC(EXHIBIT)]
31. Under the influence means not having the normal use of mental or physical faculties; however, the student need not be legally intoxicated to trigger disciplinary action. Impairment of a person's physical and/or mental faculties may be evidenced by a pattern of abnormal or erratic behavior and/or the presence of physical symptoms of drug or alcohol use.
32. Use means that a student has voluntarily introduced into his or her body by any means a prohibited substance recently enough that it is detectable by the student's physical appearance, actions, breath, or speech.
33. Zip gun is a device or combination of devices, not originally a firearm, but adapted to expel a projectile through a smooth-bore or rifled-bore barrel by using the energy generated by an explosion or burning substance.

XII. BOLING INDEPENDENT SCHOOL DISTRICT ACCEPTABLE USE POLICY FOR THE INTERNET

Students at Boling I.S.D. have a tremendous opportunity due to new technology. Students have access to the Internet. Computers are available in the Library, and in classrooms with Internet connection. The Internet is a way that students can research topics related to their studies, find current events through newspapers from the Houston Chronicle to the New York Times, and retrieve text and graphic information on virtually any topic. The goal of the Texas Education Agency is that eventually, all students will have access to the Internet.

Boling I.S.D. will use the Internet to support instruction. Students will be able to retrieve information as it happens or at least the most current information from sources they would not otherwise have available. They will not be able to use technology for participation in "chat rooms". Students will be under the supervision of a teacher before being allowed to log on. Failure to abide by the rules established by the school will result in the loss of the privilege. It is important to note that there is offensive and objectionable material available through the Internet. The teachers who supervise the students have had training in what to watch for and how to deal with attempts to reach sources where objectionable material may be found. Every precaution will be taken to prevent students from seeing anything other than legitimate material. Students found violating this policy will receive a one month ban from the computer for the first unauthorized access. Should a second offense occur, the student will be denied computer use for the remainder of the year.

Any parent having a question or concern, please call your principal and they will be more than happy to visit with you. The principals will be willing to give parents a demonstration of what is available to your child. Parents are requested to sign the bottom of the Student Handbook and Student Code of Conduct Signature Form indicating your permission for your child to have access to the Internet. No student will be allowed access until the signed authorization is on file.

XIII. STUDENT HANDBOOK AND STUDENT CODE OF CONDUCT SIGNATURE FORM

A student handbook containing policies and regulations on the rights and responsibilities of students and the code of student conduct and student discipline shall be distributed to all students, parents, teachers, and administrators at the beginning of the school year. It shall also be provided to new professional employees, newly enrolled students, any parent and any other person on request. Changes during the year shall be published and distributed during the next semester, but no later than the beginning of the next school year.

Each student and parent shall sign a statement annually that they have received and read the student handbook and code of conduct and acknowledge the responsibilities outlined there. Failure to sign this form does not exempt me/us from compliance with the laws, policies, rules, and regulations of the state or the school district.

I understand that most of the general school information and rules for Boling Independent School District are in this book, and it is the responsibility of my child to familiarize himself with this information.

If there is any question about something that is not covered in this handbook, I understand that it is also the responsibility of my child to secure the answer from the teachers or the school administration.