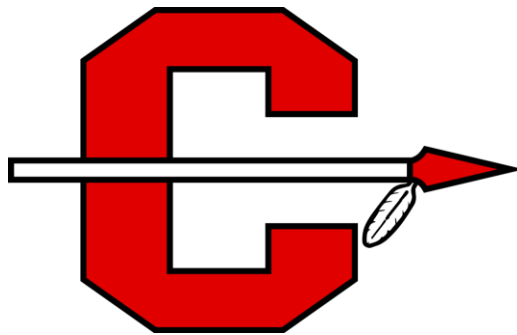


CLEVELAND
INDEPENDENT SCHOOL DISTRICT
2021-2022
STUDENT CODE OF CONDUCT



APPROVED BY THE CLEVELAND ISD BOARD OF TRUSTEES
JULY 26, 2021

MISSION STATEMENT

The mission of the Cleveland Independent School District is to build a community of empowered, life-long learners, in a way that staff and community support and take pride in Cleveland ISD, so that we can develop successful, productive, responsible, and healthy citizens of the world.

Nondiscrimination Statement

In its efforts to promote nondiscrimination, Cleveland ISD does not discriminate on the basis of race, religion, color, national origin, gender, disability, or any other basis prohibited by law, in providing education services, activities, and programs, including CTE programs, in accordance with Title VI of the Civil Rights Act of 1964, as amended; Title IX of the Educational Amendments of 1972; and Title II of the Americans with Disabilities Act of 1990 (ADA), as amended, which incorporates and expands upon the requirements of Section 504 of the Rehabilitation Act of 1973, as amended.

The following district representatives have been designated to coordinate compliance with these legal requirements:

- Title IX/ADA Coordinator, for concerns regarding discrimination on the basis of sex, including sexual harassment or gender-based harassment: **Dr. Nathan Boughton**, Assistant Superintendent of Human Resources, whose office is located at 316 East Dallas Street, Cleveland, Texas, who can be reached by telephone by calling (281) 592-8717.
- Section 504 Coordinator, for concerns regarding discrimination on the basis of disability: for ADA, **Dr. Tammie Marberry**, Director of Special Education, whose office is located at 316 East Dallas Street, Cleveland, Texas, she can be reached by calling (281) 592-8717.
- All other concerns regarding discrimination: See the superintendent, **Chris Trotter**, whose office is located at 316 East Dallas Street, Cleveland, Texas, who can be reached by telephone by calling (281) 592-8717.

Nondiscrimination declaración

En sus esfuerzos para promover un lugar sin discriminación, Cleveland ISD no discrimina por la raza, religión, color, origen nacional, género, discapacidad o cualquier otra base prohibida por la ley, en la prestación de los servicios de educación, actividades y programas, incluyendo programas CTE, de conformidad con el título VI de la ley de derechos civiles de 1964, según enmendada; Título IX de las enmiendas educativas de 1972; y título II de los americanos con acto de las inhabilidades de 1990 (ADA), según enmendada, los que incorpora y amplía los requisitos de la sección 504 de la Rehabilitación Acto de 1973, según enmendada.

Los siguientes representantes de distrito han sido designados para coordinar el cumplimiento de estos requisitos legales:

- Coordinador del IX/ADA, del título de preocupaciones con respecto a la discriminación por razón de sexo, incluyendo el acoso sexual o acoso de género: **Dr. Nathan Boughton**, Assistant Superintendente de el distrito, cuya se encuentra en 316 East Dallas Street, Cleveland, Texas, que se puede llegar por teléfono llamando al (281) 592-8717.
- Sección 504 Coordinador, preocupaciones con respecto a la discriminación por discapacidad: **Dr. Tammie Marberry**, Director Especial Educación, cuya oficina se encuentra en 316 East Dallas Street, Cleveland, Texas, y por teléfono llamando al (281) 592-8717.
- Todas las otras preocupaciones con respecto a la discriminación: contacte Superintendente, **Chris Trotter**, cuya oficina se encuentra en 316 East Dallas Street, Cleveland, Texas, y por teléfono llamando al (281) 592-8717.

Cleveland Independent School District

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**ACKNOWLEDGEMENT
STUDENT CODE OF CONDUCT
AND STUDENT HANDBOOK
Electronic Version**

Dear Student and Parent:

As required by State law, the Cleveland Independent School District Board of Trustees officially adopted the Student Code of Conduct and Student Handbook in order to promote a safe and orderly learning environment for every student.

Parents and students are required to read and sign-off on this Student Code of Conduct and Student Handbook. Parents may always reference back to the Student Code of Conduct and the Student Handbook on the district's website at <http://www.clevelandisd.org>. If you have any questions about any of the materials in this handbook, please contact your campus specific teacher, counselor, or campus administrator.

The student and parent should each sign this page on the space provided below and submit this page to the student's school.

Thank you.

Chris Trotter
Superintendent of Schools

We acknowledge that we have read the CLEVELAND ISD Student Code of Conduct and Student Handbook for the 2021-2022 school year, and that we are responsible for understanding the rules and other information contained in the Student Code of Conduct and the Student Handbook. We understand that students will be held accountable for their behavior and will be subject to the disciplinary consequences outlined in the Code of Conduct and Student Handbook.

Student's Name: _____
(Please print)

Student's Signature: _____ Date: _____

Parent/Guardian Name: _____
(Please print)

Parent/Guardian Signature: _____ Date: _____

School: _____ Grade Level: _____

**CONFIRMACION DE RECIBO
EL CODIGO DE CONDUCTA ESTUDIANTE DEL MANUAL
Y DEL MANUAL DEL ESTUDIANTE EL
DISTRIBUCIÓN**

Estimado Estudiante y Padres:

Basado en el requisito de la ley estatal, el Distrito independiente Escolar de Cleveland ha adoptado oficialmente el Código de Conducta del Estudiante y el Manual del Estudiante con el fin de promover un ambiente de aprendizaje seguro y ordenado para todos los estudiantes.

Los padres y estudiantes deben leer y firmar este Código de Conducta Estudiantil del Manual de Conducta del Estudiante y el Manual del Estudiante. Los padres siempre podrán hacer referencia de nuevo al Código de Conducta del Estudiante en el sitio web del distrito en <http://www.clevelandisd.org>. Si usted tiene alguna pregunta acerca de cualquiera de los materiales incluidos en este manual, por favor pongase en contacto con el maestro del estudiante, consejero o director de la escuela.

El estudiante y los padres de familia deberán firmar esta página en el espacio provisto a continuación y enviar esta página a la escuela del estudiante.

Gracias.

Chris Trotter
Superintendent del escuela

Reconocemos que hemos leído el Código de CLEVELAND ISD de Conducta Estudiantil y el Manual del Estudiante para el año escolar 2021-2022 y que somos responsables de entender las reglas y otra información contenida en el Código de Conducta del Estudiante y el Manual del Estudiante. Nosotros entendemos que los estudiantes serán responsables de su comportamiento y estarán sujetos a las consecuencias disciplinarias descritas en el Código de Conducta y el Manual del Estudiante.

Nombre del estudiante: _____

Firma de estudiante: _____ Fecha: _____

Nombre de padre/tutor: _____

Firma de padre/tutor: _____ Fecha: _____

Escuela: _____ Grado: _____

Table of Contents

STUDENT CODE OF CONDUCT	8
PURPOSE.....	8
SCHOOL DISTRICT AUTHORITY AND JURISDICTION	9
CAMPUS BEHAVIOR COORDINATOR	9
Threat Assessment and Safe and Supportive School.....	9
Searches.....	10
Reporting Crimes.....	10
PARENT DEFINED.....	10
PARTICIPATING IN GRADUATION ACTIVITIES	10
STANDARDS FOR STUDENT CONDUCT.....	11
CLEVELAND ISD DISCIPLINE MATRIX.....	12
GENERAL CONDUCT VIOLATIONS.....	21
DISREGARD FOR AUTHORITY	21
MISTREATMENT OF OTHERS	22
PROPERTY OFFENSES.....	22
POSSESSION OF PROHIBITED ITEMS	22
POSSESSION OF TELECOMMUNICATIONS OR OTHER ELECTRONIC DEVICES.....	23
ILLEGAL, PRESCRIPTION, AND OVER-THE-COUNTER DRUGS	23
MISUSE OF TECHNOLOGY RESOURCES AND THE INTERNET	24
SAFETY TRANSGRESSIONS.....	24
MISCELLANEOUS OFFENSES	26
DISCIPLINE MANAGEMENT TECHNIQUES	26
STUDENTS WITH DISABILITIES	26
TECHNIQUES.....	26
Prohibited Adversive Techniques.....	27
NOTIFICATION	28
APPEALS.....	28
REMOVALFROM THE SCHOOL BUS.....	29
REMOVAL FROM THE REGULAR EDUCATIONAL SETTING.....	29
ROUTINE REFERRAL	29
FORMAL REMOVAL	29
RETURNING STUDENT TO CLASSROOM.....	30
OUT-OF-SCHOOL SUSPENSION	30
MISCONDUCT	30
PROCESS	30
DISCIPLINARY ALTERNATIVE EDUCATION PROGRAM (DAEP) PLACEMENT	31
DISCRETIONARY PLACEMENT: MISCONDUCT THAT MAY RESULT IN DAEP PLACEMENT.....	32
<i>Misconduct Identified in State Law</i>	32
MANDATORY PLACEMENT: MISCONDUCT THAT REQUIRES DAEP PLACEMENT.....	32
SEXUAL ASSAULT AND CAMPUS ASSIGNMENTS	33
PROCESS.....	33
<i>Conference</i>	33
<i>Placement Order</i>	34
<i>Coursework Notice</i>	34

LENGTH OF PLACEMENT	34
<i>Exceeds One Year</i>	35
<i>Exceeds School Year</i>	35
<i>Exceeds 60 Days</i>	35
APPEALS	35
RESTRICTIONS DURING PLACEMENT	36
PLACEMENT REVIEW	36
ADDITIONAL MISCONDUCT	36
NOTICE OF CRIMINAL PROCEEDINGS	36
WITHDRAWAL DURING PROCESS	37
NEWLY ENROLLED STUDENTS	37
EMERGENCY PLACEMENT PROCEDURE	37
PLACEMENT AND/OR EXPULSION FOR CERTAIN OFFENSES	38
REGISTERED SEX OFFENDERS	38
<i>Review Committee</i>	38
<i>Newly Enrolled Student</i>	38
<i>Appeal</i>	38
CERTAIN FELONIES	38
<i>Hearing and Required Findings</i>	39
<i>Length of Placement</i>	39
<i>Newly Enrolled Students</i>	40
EXPULSION	40
DISCRETIONARY EXPULSION: MISCONDUCT THAT MAY RESULT IN EXPULSION	40
<i>Any Location</i>	40
<i>At School, Within 300 Feet, or at a School Event</i>	41
<i>Within 300 Feet of School</i>	41
<i>Property of Another District</i>	42
<i>While in DAEP</i>	42
MANDATORY EXPULSION: MISCONDUCT THAT REQUIRES EXPULSION	42
Under Federal Law	42
Under the Texas Penal Code	42
UNDER AGE TEN	43
PROCESS	43
<i>Hearing</i>	43
<i>Board Review of Expulsion</i>	44
<i>Expulsion Order</i>	44
LENGTH OF EXPULSION	44
WITHDRAWAL DURING PROCESS	45
ADDITIONAL MISCONDUCT	45
RESTRICTIONS DURING EXPULSION	45
NEWLY ENROLLED STUDENTS	45
EMERGENCY EXPULSION PROCEDURES	46
DAEP PLACEMENT OF EXPELLED STUDENTS	46
APPENDICES	47
Appendix A	48
Appendix B	50
Appendix C	52
Appendix D	62
Appendix E	64
Appendix F	65
Appendix G	66
Appendix H	69
Appendix I	70
GLOSSARY	71

STUDENT CODE OF CONDUCT

PURPOSE

The Student Code of Conduct is the district's response to the requirements of Chapter 37 of the Texas Education Code.

The Code provides methods and options for managing students in the classroom and on school grounds, disciplining students, and preventing and intervening in student discipline problems.

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, out-of-school suspension, placement in a disciplinary alternative education program (DAEP), or expulsion from school.

This Student Code of Conduct has been adopted by the Cleveland Independent School District Board of Trustees and developed with the advice of the district-level committee. This Code provides information to parents and students regarding standards of conduct, consequences of misconduct, and procedures for administering discipline. It remains in effect during summer school and at all school-related events and activities outside of the school year until an updated version adopted by the board becomes effective for the next school year.

In accordance with state law, the Code shall be posted at each school campus or shall be available for review at the office of the campus principal, (also serving as the campus behavior coordinator) and posted on the district's web site located online at <http://www.clevelandisd.org>. Parents shall be notified of any conduct violation that may result in a student being suspended, placed in a DAEP, or JJAEP, expelled, or taken into custody by a law enforcement officer under Chapter 37 of the Education Code.

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

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

SCHOOL DISTRICT AUTHORITY AND JURISDICTION

CAMPUS BEHAVIOR COORDINATOR

As required by law, a person at each campus must be designated to serve as the campus behavior coordinator. The designated person for Cleveland Independent School District is the campus principal. The campus behavior coordinator is primarily responsible for maintaining student discipline.

The district shall post on its website and in the Student Handbook, for each campus, the e-mail address and telephone number of the person serving as campus behavior coordinator.

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 or a school-sponsored or school-related activity on district transportation;
2. During lunch periods in which a student is allowed to leave campus;
3. While the student is in attendance at any school-related activity, regardless of time or location;
4. For any school-related misconduct, regardless of time or location;
5. When retaliation against a school employee or volunteer occurs or is threatened, regardless of time or location;
6. When a student engages in cyberbullying, as provided by Education Code 37.0832;
7. When criminal mischief is committed on or off school property or at a school-related event;
8. For certain offenses committed within 300 feet of school property as measured from any point on the school's real property boundary line;
9. For certain offenses committed while on school property or while attending a school-sponsored or school-related activity of another district in Texas;
10. When the student commits a felony, as provided by Education Code 37.006 or 37.0081; and
11. When the student is required to register as a sex offender.

Threat Assessment and Safe and Supportive School Team

The campus behavior coordinator or other appropriate administrator will work closely with the campus threat assessment safe and supportive school team to implement the district's threat assessment policy and procedures, as required by law, and shall take appropriate disciplinary action in accordance with the Code of Conduct.

Searches

District officials may conduct searches of students, their belongings, and their vehicle in accordance with state and federal law and district policy. Searches of students shall be conducted in a reasonable and nondiscriminatory manner. Refer to the district's policies at FNF (legal) and FNF (local) for more information regarding investigations and searches.

The district has the right to search a vehicle driven to school by a student and parked on school property whenever there is reasonable cause to believe it contains articles or materials prohibited by the district.

REPORTING CRIMES

The campus behavior coordinator and other school administrators as appropriate shall report crimes as required by law and shall call local law enforcement when an administrator suspects that a crime has been committed on campus.

SECURITY PERSONNEL

To ensure sufficient security and protection of students, staff, and property, the board employs police officers, school resource officers, and/or security personnel. In accordance with law, the board has coordinated with the campus behavior coordinator and other district employees to ensure appropriate law enforcement duties are assigned to security staff. The law enforcement duties of district peace officers are listed in policy CKE(local). The law enforcement duties of school resource officers are to ensure visitors are properly checked in, maintain peace and structure during campus activities, and to provide a presence of security on the campus.

‘PARENT’ DEFINED

Throughout the Code of Conduct and related discipline policies, the term “parent” includes a parent, legal guardian, or other person having lawful control of the child.

PARTICIPATING IN GRADUATION ACTIVITIES

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

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

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

Unauthorized Persons

In accordance with Education Code 37.105, a school administrator, school resource officer (SRO), or district police officer shall have the authority to refuse entry or eject a person from district property if the person refuses to leave peaceably on request and:

1. The person poses a substantial risk of harm to any person; or
2. The person behaves in a manner that is inappropriate for a school setting, and the person persists in the behavior after being given a verbal warning that the behavior is inappropriate and may result in refusal of entry or ejection.

Appeals regarding refusal of entry or ejection from district property may be filed in accordance with FNG(LOCAL) or GF(LOCAL), as appropriate. However, the timelines for the district's grievance procedure shall be adjusted as necessary to permit the person to address the board in person within 90 days, unless the complaint is resolved before a board hearing.

See **DAEP—Restrictions During Placement** on page 36, for information regarding a student assigned to DAEP at the time of graduation.

STANDARDS FOR STUDENT CONDUCT

Each student is expected to:

- Demonstrate courtesy, even when others do not.
- Behave in a responsible manner, always exercising self-discipline.
- Attend all classes, regularly and on time.
- Prepare for each class; take appropriate materials and assignments to class.
- Meet district and campus standards of grooming and dress as articulated in the CLEVELAND ISD Student Handbook and Student Code of Conduct.
- Obey all campus and classroom rules.
- Respect the rights and privileges of students, teachers, and other district staff and volunteers.
- Respect the property of others, including district property and facilities.
- Cooperate with and assist the school staff in maintaining safety, order, and discipline.
- Adhere to the requirements of the Student Code of Conduct.

Cleveland Independent School District Discipline Matrix

The following information identifies levels of actions and possible consequences that the district may administer if the student engages in the indicated violation.



CLEVELAND INDEPENDENT SCHOOL DISTRICT



DISCIPLINE MATRIX

2021-2022

Specific entries below may be grade level specific:

Levels of Discipline

- Level I Misconduct: Minor
- Level II Misconduct: Serious
- Level III Misconduct: Persistent Serious Misconduct, Mandatory Teacher Removal or severe Misconduct
- Level IV Misconduct: Misconduct that leads to mandatory placement within the Discipline School
- Level V Misconduct: Misconduct that leads to expulsion

Level I Misconduct: Minor

Definition: Level I refers to minor acts of misconduct. Discipline for Level I offenses is most often managed by the classroom teacher. A formal Student Code of Conduct violation report is **not required** for Level I violations.

Examples of Minor Misbehavior are:

101 Violation of written classroom guidelines, regulations, and expectations

102 Minor bus misconduct

103 Violation of written non-classroom guidelines, regulations, and expectations

Right of Appeal: Any student and/or parent may appeal the decision of the teacher to the campus principal within 72 hours of the time the parent becomes aware of the discipline. The appeal decision of the campus principal is final.

Level II Misconduct: Serious

Definition: Level II refers to a major act of misconduct that does not require immediate placement in the Discipline School or expulsion, but does require a Student Code of Conduct

violation report.

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

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

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

Examples of Serious Misbehavior:

- 201** Persisting in Level I misconduct (Definition: The student continues to engage in violation of a written rule, regulation, or guideline after the teacher has completed the disciplinary techniques reflected in his or her plan of discipline)
- 202** Failing to cooperate with the classroom teacher's discipline options. (Definition: The student is cited for violation of a written classroom rule, regulation, or guideline and thereafter fails to complete the approved disciplinary techniques as reflected in the teacher's plan of discipline)
- 203** Gambling
- 204** Stealing from students, staff, or the school
- 205** Cutting class, including leaving campus or school - sponsored events without permission or not being in assigned location, and excessive tardies
- 206** Harassing, which includes using abusive, indecent, or profane language either spoken or written and/or offensive body gestures toward a student
- 207** Speaking, directing, or writing language that is abusive, indecent, or profane toward an adult or engaging in minor physical contact with an adult.
- 208** Fighting - elementary students (in grades 3-5) after a finding of fact a Student Code of Conduct violation report may be processed with a three (3) day suspension, a citation, and the consequences of a Student Code of Conduct violation report
- A student has the right of self-defense. The district expects a student to prevent a fight by walking away, seeking adult help, not to engage in verbal altercations or incitement, and to report that trouble is coming if possible.*
- 209** Possessing, purchasing, using or accepting a cigarette or tobacco product or electronic

- cigarette or other electronic vaporizing device (Health & Safety Code Sec. 3.01 Ch. 161.252)
- 210** Violating safety rules (including bicycle and traffic)
 - 211** Possessing unacceptable items
 - 212** Misusing food in the cafeteria and/or violating cafeteria rules
 - 213** Violating required school attendance laws (TEC 25.085)
 - 214** Attempting physical contact with another student with the implied intent to intimidate or cause harm (including throwing objects that can cause bodily injury or property damage)
 - 215** Engaging in acts of public displays of affection with another (PDA)
 - 216** Selling or soliciting for sale unauthorized merchandise
 - 217** Directing abusive, indecent, profane, or vulgar language toward a student
 - 218** Engaging in any misbehavior that gives school officials reasonable cause to believe that such conduct will substantially disrupt the school program or incite violence
 - 219** Failing to comply with directives given by school personnel
 - 220** Forging or writing parents' or staff's name (examples: notes, hall passes, school documents, etc.)
 - 221** Giving false information to a staff member
 - 222** Giving another student any type of non-prescription medication or unauthorized substance
 - 223** Violating dress code, repeatedly (after first time). Students in violation of the dress code will be required to remain within in-school suspension until violation is corrected. Student will not be sent home without prior parental permission.
 - 224** Academic dishonesty, cheating, or plagiarism
 - 225** Failure to properly display ID, defacing ID, wearing another student's ID, failure to wear ID while on campus, arriving on campus without a proper student ID, after receiving a written warning (**CMS and CHS students**)
 - 226** Violating any other written Code of Conduct as determined by the principal, approved by the Superintendent, and communicated in writing to the students (such as being posted).
 - 227** Damage or destruction of school property that is not considered a Penal Code (28.03) offense
 - 228** Mooning or other reckless type of display (elementary students PK- 5th)
 - 229** Elopement/ leaving class without permission (elementary PK – 5th)
 - 230** Possessing, purchasing, using, or accepting a vaping device that is a non-felony charge

231 Possessing, purchasing, using, or accepting CBD products

The options indicated each time a Student Code of Conduct violation report is sent home are equal in nature and the campus administration should work with the parent and/or student as to which option should be used. Campus-based discipline consequences will be implemented at the discretion of the administrator. Special mitigating circumstances may allow for discipline options other than those listed below.

Prior to disciplinary action, an administrator shall conduct a conference with the student at which:

- (1) The student is advised of the misconduct; and
- (2) The student is given an opportunity to explain his or her version of the incident

First Referral - Appropriate discipline action may include:

- One day Saturday school;
- Detention
- One day suspension. (3rd thru 12th)

Second Referral - Appropriate disciplinary action may include:

- Two days of Saturday school;
- Detention
- Two day suspension. (3rd thru 12th)

Third Referral - Appropriate disciplinary action may include:

- Three days of Saturday school;
- Detention
- Three day suspension. (3rd thru 12th)
-

Fourth Referral - If not from the same teacher, administrator shall use appropriate discipline. In general, a student may not be allowed to stay in any teacher's classroom in which the teacher has written four (4) Student Code of Conduct violation reports.

Right of Appeal: Any student and/or parent may appeal the decision of the assistant principal to the campus principal. All appeals should be addressed through the Cleveland Independent School District Complaint/Grievance procedures that are contained in school district policies, FNG LOCAL, and FNG LEGAL.

Level III Misconduct: Persistent Serious Misconduct, Mandatory Teacher Removal, Severe Misconduct

Definition: Level III Misconduct is defined as persistent Level II misbehavior, or a formal

removal by a classroom teacher under Sec. 37.002 (b) of the TEC, or after a finding of fact indicates that the student engaged in severe misconduct.

Examples of severe misconduct are:

- 301** Unauthorized actions (refusal of a student who is engaging in misbehavior or does not have legitimate business to obey a reasonable order in regards to the entry, ejection from school property, or fails to give identification of name when asked) (TEC 37.105)
- 302** Trespassing on school grounds (TEC 37.107)
- 303** Loitering (any student who remains on school property after being advised by the person in charge to leave)
- 304** Disrupting activities (TEC 37.123)
- 305** Disrupting classes (TEC 37.124)
- 306** Disrupting transportation (TEC 37.126)
- 307** Personal hazing (TEC 37.152) and/or organization hazing (TEC 37.153)
- 308** Criminal mischief (Penal Code 28.03) i.e. - vandalism and marking on property under \$1500
- 309** Criminal mischief (Penal Code 28.03) i.e. – vandalism and marking on property over \$1500
- 310** Reckless damage or destruction (Penal Code 28.04)
- 311** Offensive gesture towards an employee [Penal Code 42.01 (2)]
- 312** Physical contact with an employee with the implied intent to intimidate or cause harm
- 313** Incitement (abusive, indecent, profane, or vulgar language which implies intent to harm) [Penal Code 42.01 (1)]
- 314** Gross/willful insubordination as determined by the principal (Definition: Student willfully or intentionally disregards reasonable instructions)
- 315** Abusive, indecent, profane, or vulgar language directed towards an employee [Penal Code 42.01(1)]
- 316** Possession or distribution of pornographic materials
- 317** Possession or use of fireworks, stink bomb, smoke bomb, or other noxious chemical [Penal Code 42.01 (3)]
- 318** Sending or posting messages, physical contact, or verbal or written messages that are abusive, obscene, sexually oriented, threatening, harassing, damaging to another's reputation, or illegal

- 319** Gang-related behavior, including pledging to become a member, soliciting another student to join, clothing, signs, which includes: [Definition: Gang related behavior used to intimidate non-gang members; use of fist/hand in a striking motion to the body (TEC 37.121)]
- 320** Fighting (in grades 6-12), after a finding of fact a Student Code of Conduct violation report may be processed with a three day suspension, a citation, and placement in the discipline school.
- 321** Disruption of a lawful assembly
- 322** Disorderly conduct (Penal Code 42.01)
- 323** Extortion, coercion, or blackmail
- 324** Possession and/or concealment of a weapon not included under expellable offenses (this includes possessing or selling "look-alike" weapons)
- 325** Perjury or lying as a witness during a school investigation
- 326** Hacking (illegal or unauthorized entry or attempted entry into computer files or unauthorized websites)
- 327** Mooning or other reckless type of displays [Penal Code 42.01 (12)] (secondary 6th-12th)
- 328** Engaging in inappropriate sexual conduct
- 329** Behavior that is illegal that does not constitute an expellable offense
- 330** Possessing or selling look-alike drugs, drug paraphernalia, or items attempted to be passed off as drugs and contraband
- 331** Engaging in verbal or written exchanges (may be via Internet, sending or posting messages or verbal or written exchanges) that threaten the safety of another student, school employee, or school property
- 332** Possession of published or electronic material that is designed to promote or encourage illegal behaviors and could threaten school safety
- 333** Refusal to accept discipline management techniques assigned by the teacher or principal
- 334** Possession of or conspiring to possess an explosive or explosive device
- 335** Persisting in Level II misbehavior (Definition: A student who has been correctly placed academically is issued a 4th discipline referral by the same teacher)

- 336** Used, exhibited or possessed a non-illegal knife as defined by the Student Code of Conduct and is allowed under [TEC 37.007] (knife blade equal to or less than 5.5 inches)
- 337** Misbehavior while at DAEP
- 338** Formal removal by a teacher for student behavior that seriously interferes with a teacher's ability to conduct class (TEC 37.002). Formal procedure for removal followed.
- 339** Violation of Student Code of Conduct not included under TEC 37.006 or 37.007
- 340** Persistent elopement – leaving class without permission on a repeated basis (elementary PK-5th)
- 341** Elopement – leaving the building without permission constitutes a serious safety violation (elementary PK-5th)
- 342** Simple Assault: the action of one student being the aggressor and causing minor injury to the other student.

The principal or designee may process a Student Code of Conduct violation report for severe misconduct. The principal or designee has authority to place students in the DAEP for grades 4th – 12th (10 years of age and up) for any Level III offense.

Right of Appeal: Any student and/or parent may appeal the decision of the principal or designee to place the student in the DAEP. All appeals should be addressed through the Cleveland Independent School District complaint/grievance procedures that are contained in school district policies, FNG LOCAL, and FNG LEGAL.



The student shall be removed from the regular program and attend their assigned placement at the DAEP until the appeal process has been completed.

Level IV Misconduct: Misconduct that leads to MANDATORY placement within the DAEP campus.

Definition: Mandatory placement in the DAEP is defined as those offenses that require placement by state law and those offenses designated by the Board of Education as to require mandatory placement.

- 401** Engaging in conduct punishable as a felony or within 300 feet of school property or while attending a school sponsored activity.
- 402** Sells, gives, delivers to another person or possession of drugs that is not a felony (Chapter 481, Health & Safety Code or by 21 U.S.C. Section 801) or is under the influence of an illegal Drug.
- 403** Sells, gives, delivers to another person or possession of alcohol that is not a felony (Section 1.04, Alcoholic Beverage Code) or is under the influence of alcohol [TEC 37.007 (a) (3) or (b)]
- 404** Offense relating to abusable glue or aerosol paint (Chapter 485.031-485-035 of Health & Safety Code)

- 405** Offense of public lewdness or indecent exposure (Penal Code 21.07/Penal Code 21.08)
- 406** Retaliation against school employee or volunteer [TEC 37.006(b) and 37.007(d)]
- 407** Off campus conduct in which the student received deferred prosecution for conduct defined as a felony offense in (Family Code 53.03) (Title 5, Penal Code), engaged in delinquent misconduct defined in (Family Code 54.03) (Title 5, Penal Code), or the superintendent has a reasonable belief that the student has engaged in a felony offense
- 408** Terroristic threat [TEC 37.006(a) (2)]
- 409** Assault against a school district employee or volunteer [Penal Code 22.01(a) (1), 22.07]
- 410** Assault under penal Code Section 22.01 (a) against someone other than a school district employee or volunteer
- 411** Off campus conduct by the student if the superintendent has a reasonable belief that the student has engaged in a felony offense and continued presence of the student in the regular classroom threatens the safety of other students or teachers or will be detrimental to the educational process
- 412** Emergency placement (TEC 37.019)
- 413** School related gang violence - Action by three or more persons having a common identifying sign or symbol or an identifiable sign or symbol or indefinable leadership who associate in the commission of criminal activities
- 414** False alarm, bomb threat, bomb hoax, or any other hoax regarding verbal or written threats
- 415** Student is required to register as a sex offender under Chapter 62 of the Code of Criminal Procedure and is under court supervision – TEC 37.304. The offense(s) for which the student is required to register as a sex offender must have occurred on or after September 1, 2007.
- 416** Student is required to register as a sex offender under Chapter 62 of the Code of Criminal Procedure and is not under court supervision – TEC 37.305. The offense(s) for which the student is required to register as a sex offender must have occurred on or after September 1, 2007.
- 417** Public urination or defecation
- 418** Harassment against school district employee (Penal Code 42.07(a)(1) TEC 37.006(a)(2)(G))

- 419** Bullying to the effect of encouraging a student to commit suicide, casual violence toward a student through group bullying or release or threaten to release intimate visual material of a student without consent from the student. TEC 37.005(2)(b) Consult Central Administration

Right of Appeal: Any student and/or parent may appeal the mandatory decision of the principal or designee to assign a student to DAEP. All appeals should be addressed through the Cleveland Independent School District Complaint/Grievance procedures that are contained in school district policies, FNG LOCAL, and FNG LEGAL.



The student shall be removed from the regular program and attend their assigned placement at the DAEP until the appeal process has been completed.

Level V Misconduct: Misconduct that Leads to Mandatory Expulsion.

Definition: Mandatory Expulsion is removal from all education services for the remainder of the school year, unless the misconduct occurred in the last six weeks, in which case placement shall continue until the end of the following semester. Mandatory Expulsion is defined as those offenses that require expulsion by state law and those offenses designated by the Board of Education as to require mandatory expulsion. If a student under ten engages in expellable conduct, the student must be placed in a Discipline School.

- 501** Drug offenses when punishable as felonies [TEC 37.006 (a) 3 and 37.007(b) or 37.007(a) (3)]
- 502** Sells, gives, delivers to another person or possession of alcohol that is a felony [TEC 37.006(a) 4 and 37.007 (b) or 37.007(a) (3)]
- 503** Student commits retaliation against a school employee [TEC 37.006(b) and 37.007 (d)]
- 504** Uses, possesses, or exhibits a firearm [TEC 37.007(a) (1) (A) and 37.007(e)]
- 505** Uses, possesses, or exhibits location restricted knife [TEC 37.007 (a) (1) (B)]
- 506** Uses, possesses, or exhibits a club [TEC 37.007(a) (1) (C)]
- 507** Uses, possesses, or exhibits a prohibited weapon [TEC 37.007 (a) (1) (D)]
- 508** Arson [TEC 37.007 (a) (2) (B)]
- 509** Murder, capital murder, criminal attempt to commit murder, or capital murder [TEC 37.007 (a) (2) (C)]
- 510** Indecency with a child [TEC 37.007(a) (2) (D)]
- 511** Aggravated kidnapping [TEC 37.007(a) (2) (E)]

- 512** Aggravated assault against an employee or volunteer [TEC 37.007 (d)]
- 513** Aggravated assault against a non-employee [TEC 37.007(a) (2) (A)]
- 514** Sexual assault or aggravated sexual assault against an employee or volunteer [TEC 37.007(d)]
- 515** Sexual assault or aggravated sexual assault against a non-employee [TEC 37.007(a) (2) (A)]
- 516** Emergency Placement [TEC 37.019]
- 517** Aggravated Robbery [TEC 37.007]
- 518** Manslaughter [TEC 37.007 (a) (2) (G)]
- 519** Criminally Negligent Homicide [TEC 37.007 (a) (2) (h)]
- 520** Engages in Deadly Conduct [TEC 37.007(a) (2) (f)]
- 521** Continuous sexual abuse of young child or children under Penal Code 21.02, occurring on school property or while attending a school-sponsored or school-related activity on or off school property – TEC 37.007 (a) (2) (I).
- 522** Title 5 Felony off campus
- 523** Possessing, purchasing, using, or accepting a vaping device that is a felony charge (TEC 37.007)(a)(3)

Right of Appeal: Any student and/or parent may appeal the mandatory decision of the principal or designee to expel a student. All appeals should be addressed through the Cleveland Independent School District Complaint/Grievance procedures that are contained in school district policies, FNG LOCAL, and FNG LEGAL.



The student shall be removed from the regular program and attend their assigned placement at the DAEP until the appeal process has been

GENERAL CONDUCT VIOLATIONS

The categories of conduct below are prohibited at school, in vehicles owned or operated by the district, and at all school-related activities, but the list does not include the most severe offenses. In the subsequent sections on Out-of-School Suspension, DAEP Placement, Placement and/or Expulsion for Certain Offenses, and Expulsion, certain offenses that require or permit specific consequences are listed. Any offense, however, may be severe enough to result in removal from the Regular Educational Setting as detailed in that section.

DISREGARD FOR AUTHORITY

Students shall not:

- Fail to comply with directives given by school personnel (insubordination).

- Leave school grounds or school-sponsored events without permission.
- Disobey rules for conduct on district vehicles.
- Refuse to accept discipline management techniques assigned by a teacher or principal.

Mistreatment of Others

Students shall not:

- Use profanity or vulgar language or make obscene gestures.
- Fight or scuffle. (For assault, see DAEP Placement and Expulsion.)
- Threaten a district student, employee, or volunteer, including off school property, if the conduct causes a substantial disruption to the educational environment.
- Engage in bullying, cyberbullying, harassment, or making hit lists. (See glossary for all four terms.)
- Release or threaten to release intimate visual material of a minor or a student who is 18 years of age or older without the student's consent.
- Engage in conduct that constitutes sexual or gender-based harassment or sexual abuse, whether by word, gesture, or any other conduct, directed toward another person, including a district student, employee, board member, or volunteer.
- Engage in conduct that constitutes dating violence. (See glossary.)
- Engage in inappropriate or indecent exposure of private body parts.
- Participate in hazing. (See glossary.)
- Cause an individual to act through the use of or threat of force (coercion).
- Commit extortion or blackmail (obtaining money or an object of value from an unwilling person).
- Engage in inappropriate verbal, physical, or sexual conduct directed toward another person, including a district student, employee, or volunteer.
- Record the voice or image of another without the prior consent of the individuals being recorded or in any way that disrupts the educational environment or invades the privacy of others.

PROPERTY OFFENSES

Students shall not:

- Damage or vandalize property owned by others. (For felony criminal mischief, see DAEP Placement or Expulsion.)
- Deface or damage school property – including textbooks, technology and electronic resources, lockers, furniture, and other equipment – with graffiti or by other means.
- Steal from students, staff, or the school.
- Commit or assist in a robbery or theft even if it does not constitute a felony according to the Texas Penal Code. (For felony robbery, aggravated robbery and theft see DAEP Placement and Expulsion.)

POSSESSION OF PROHIBITED ITEMS

Students shall not possess or use:

- Fireworks of any kind, smoke or stink bombs, or any other pyrotechnic device;
- A razor, box cutter, chain, or any other object used in a way that threatens or inflicts bodily injury to another person;
- A “look-alike” weapon that is intended to be used as a weapon or could reasonably be perceived as a weapon;

- An air gun or BB gun;
- Ammunition;
- Knuckles;
- A club
- A location-restricted knife;
- A hand instrument designed to cut or stab another by being thrown;
- A firearm; including silencer or suppressor
- A stun gun;
- A pocketknife or any other small knife;
- Mace or pepper spray;
- Pornographic material;
- Tobacco products, e-cigarettes; and any component, part, or accessory for an e-cigarette;
- Matches or a lighter;
- A laser pointer for other than an approved use; or
- Any articles not generally considered to be weapons, including school supplies, when the principal or designee determines that a danger exists. For weapons and firearms, see DAEP Placement and Expulsion. In most circumstances, possession of these items is punishable by mandatory expulsion under federal or state law.

POSSESSION OF TELECOMMUNICATIONS OR OTHER ELECTRONIC DEVICES

Students shall:

- For safety purposes, be permitted to possess telecommunications and iPad-type devices, including mobile telephones; however, these devices must remain turned off during the instructional day, unless directed by a teacher to use as an instructional tool, including during all testing. The use of mobile telephones in locker rooms or restroom areas at any time while at school is strictly prohibited.

Students shall not:

- Students shall not use a telecommunications device, including a cellular telephone, or other electronic device in violation of district and campus rules.

The district will not be responsible for any damaged, lost, or stolen device.

ILLEGAL, PRESCRIPTION, AND OVER-THE-COUNTER DRUGS

Students shall not:

- Possess, use, give, or sell alcohol or an illegal drug. (Also see DAEP Placement and Expulsion for mandatory and permissive consequences under state law.)
- Possess or sell seeds or pieces of marijuana in less than a usable amount
- Possess, use, give, or sell paraphernalia related to any prohibited substance. (See glossary for “paraphernalia.”)
- Possess, use, abuse, or sell look-alike drugs or attempt to pass items off as drugs or contraband.
- Abuse the student’s own prescription drug, give a prescription drug to another student, or possess or be under the influence of another person’s prescription drug on school property or at a school-related event. (See glossary for “abuse.”)

- Abuse over-the-counter drugs. (See glossary for “abuse.”) Be under the influence of prescription or over-the-counter drugs that cause impairment of the physical or mental faculties. (See glossary for “under the influence.”)
- Have or take prescription drugs or over-the-counter drugs at school other than as provided by district policy.
-

MISUSE OF TECHNOLOGY RESOURCES AND THE INTERNET

Students shall not:

- Violate policies, rules, or agreements signed by the student or the student’s parent regarding the use of technology resources.
- Attempt to access or circumvent passwords or other security-related information of the district, students, or employees or upload or create computer viruses, including off school property if the conduct causes a substantial disruption to the educational environment.
- Attempt to alter, destroy, or disable district technology resources, including but not limited to, computers and related equipment, district data, the data of others, or other networks connected to the district’s system, including off school property if the conduct causes a substantial disruption to the educational environment.
- Use the internet or other electronic communications to threaten district students, employees, board members, or volunteers, including off school property if the conduct causes a substantial disruption to the educational environment or infringes on the rights of another student at school.
- Send, post, deliver, or possess electronic messages that are abusive, obscene, sexually oriented, threatening, harassing, damaging to another’s reputation, or illegal, including cyberbullying and “sexting,” either on or off school property, if the conduct causes a substantial disruption to the educational environment or infringes on the rights of another student at school.
- Use the Internet or other electronic communication to engage in or encourage illegal behavior or threaten school safety, including off school property if the conduct causes a substantial disruption to the educational environment or infringes on the rights of another student at school.
- Be disciplined for technology misconduct related to possessing items described above so long as the student (1) did not contribute to creation of the item in any way, (2) possessed it only after receiving the item unsolicited from another, (3) either promptly destroyed the item or reported it to a school employee as soon as possible, and (4) did not provide a copy, forward, or re-post the item to anyone other than law enforcement, a school employee, or the student’s parent/guardian.

SAFETY TRANSGRESSIONS

Students shall not:

- Possess published or electronic material that is designed to promote or encourage illegal behavior or that could threaten school safety.
- Engage in verbal (oral or written) exchanges that threaten the safety of another student, a school employee, or school property.
- Make false accusations or perpetrate hoaxes regarding school safety.
- Engage in any conduct that school officials might reasonably believe will substantially disrupt the school program or incite violence.
- Throw objects that can cause bodily injury or property damage.

- Discharge a fire extinguisher without valid cause.

MISCELLANEOUS OFFENSES

Students shall not:

- Violate dress and grooming standards as communicated in the Student Handbook and attached heretofore as Appendix C.
- Cheat or copy the work of another.
- Gamble.
- Falsify records, passes, or other school-related documents.
- Engage in actions or demonstrations that substantially disrupt or materially interfere with school activities.
- Repeatedly violate other communicated campus or classroom standards of conduct.
- Engage in academic dishonesty, which includes cheating or copying the work of another student, plagiarism, and unauthorized communication between students during an examination.

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.

DISCIPLINE MANAGEMENT TECHNIQUES

Discipline shall be designed to improve conduct and to encourage students to adhere to their responsibilities as members of the school community. Disciplinary action shall draw on the professional judgment of teachers and administrators and on a range of discipline management techniques, including restorative practices. Discipline shall be based on the seriousness of the offense, the student's age and grade level, the frequency of misbehavior, the student's attitude, the effect of the misconduct on the school environment, and statutory requirements.

STUDENTS WITH DISABILITIES

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, the district shall comply with federal law. For more information regarding discipline of students with disabilities, see policy FOF(legal).

In accordance with the Education Code, a student who receives special education services may not be disciplined for conduct meeting the definition of bullying, cyberbullying, harassment, or making hit lists (see glossary) until an ARD committee meeting has been held to review the conduct.

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

TECHNIQUES

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

- Verbal correction, oral or written.

- Cooling-off time or a brief “time-out” period, in accordance with law.
- Seating changes within the classroom or vehicles owned or operated by the district.
- Temporary confiscation of telecommunication or other electronic devices. If confiscated, the device will be returned to the parent. The district will not be responsible for damaged, lost, or stolen telecommunications or other electronic devices.
- Rewards or demerits.
- Behavioral contracts.
- Counseling by teachers, school counselors, or administrative personnel.
- Parent-teacher conferences.
- Behavior coaching.
- Anger management classes.
- Mediation (victim-offender).
- Classroom circles.
- Family group conferencing.
- Grade reductions for cheating, plagiarism, and as otherwise permitted by policy.
- Detention, including outside regular school hours. Notice shall be given to the student’s parent to inform him or her of the reason for the detention and permit arrangements for necessary transportation.
- Sending the student to the office or other assigned area, or to in-school suspension.
- Withdrawal of privileges, such as participation in extracurricular activities, eligibility for seeking and holding honorary offices, or membership in school-sponsored clubs and organizations.
- Penalties identified in individual student organizations’ extracurricular standards of behavior.
- Restriction or revocation of district transportation privileges.
- School-assessed and school-administered probation.
- Corporal punishment, unless the student’s parent or guardian has provided a signed statement prohibiting its use.
- Out-of-school suspension, as specified in the Out-of-School Suspension section of this Code.
- Placement in a DAEP, as specified in the DAEP section of this Code.
- Placement and/or expulsion in an alternative educational setting, as specified in the Placement and/or Expulsion for Certain Offenses section of this Code.
- Expulsion, as specified in the Expulsion section of this Code.
- Referral to an outside agency or legal authority for criminal prosecution in addition to disciplinary measures imposed by the district.
- Other strategies and consequences as determined by school officials.

PROHIBITED AVERSIVE TECHNIQUES

Aversive techniques are prohibited for use with students and are defined as techniques or interventions intended to reduce the reoccurrence of a behavior by intentionally inflicting significant physical or emotional discomfort or pain. Aversive techniques include:

- Using techniques designed or likely to cause physical pain, other than corporal punishment as permitted by district policy.
- Using techniques designed or likely to cause physical pain by electric shock or any procedure involving pressure points or joint locks.
- Directed release of noxious, toxic, or unpleasant spray, mist, or substance near a student’s face.

- Denying adequate sleep, air, food, water. Shelter, bedding, physical discomfort, supervision, or access to a restroom facility.
- Ridiculing or demeaning a student in a manner that adversely affects or endangers the learning or mental health of the student or constitutes verbal abuse.
- Employing a device, material, or object that immobilizes all four of a student's extremities, including prone or supine floor restraint.
- Impairing the student's breathing, including applying pressure to the student's torso or neck or placing something in, on, or over the student's mouth or nose or covering the student's face.
- Restricting the student's circulation.
- Securing the student to a stationary object while the student is standing or sitting.
- Inhibiting, reducing, or hindering the student's ability to communicate.
- Using chemical restraints.
- Using time-out in a manner that prevents the student from being able to be involved in and progress appropriately in the required curriculum or any applicable individualized education program (IEP) goals, including isolating the student by use of physical barriers.
- Depriving the student of one or more of the student's senses, unless the technique does not cause the student discomfort or complies with the student's IEP or behavior intervention plan (BIP).

NOTIFICATION

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

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

APPEALS

Questions from parents regarding disciplinary measures should be addressed to the teacher, campus administration, or campus behavior coordinator, as appropriate. Appeals or complaints regarding the use of specific discipline management techniques should be addressed in accordance with policy FNG (LOCAL). A copy of the policy may be obtained from the principal's office or through *Policy Online* at the following address: <http://www.clevelandisd.org>.

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

REMOVAL FROM THE SCHOOL BUS

A bus driver may refer a student to the transportation office to maintain effective discipline on the bus. The district must employ additional discipline management techniques, as appropriate, which can include restricting or revoking a student's bus riding privileges.

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

REMOVAL FROM THE REGULAR EDUCATIONAL SETTING

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

ROUTINE REFERRAL

A routine referral occurs when a teacher sends a student to the campus behavior coordinator's office as a discipline management technique. The campus behavior coordinator shall employ alternative discipline management techniques, including progressive interventions. A teacher or administrator may remove a student from class for a behavior that violates this Code to maintain effective discipline in the classroom.

FORMAL REMOVAL

A teacher **may** also initiate a formal removal from class if:

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

Within 3 school days of the formal removal, the campus behavior coordinator or appropriate administrator shall schedule a conference with the student's parent; the student; the teacher who removed the student from class, and any other appropriate administrator.

At the conference, the campus behavior coordinator or appropriate administrator shall inform the student of the alleged misconduct and the proposed consequences. The student shall have an opportunity to respond to the allegations.

When a student is removed from the regular classroom by a teacher and a conference is pending, the campus behavior coordinator or other administrator may place the student in:

- Another appropriate classroom.
- In-School suspension.
- Out-of-school suspension.
- DAEP.

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

Returning Student to Classroom

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

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

OUT-OF-SCHOOL SUSPENSION

MISCONDUCT

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

The district shall not use out of school suspension for students in grade 2 or below unless the conduct meets the requirements established by law.

A student below grade 3 or a student who is homeless shall not be placed in out of school suspension unless, while on school property or while attending a school-sponsored or school-related activity on or off school property, the student engages in:

- Conduct that contains the elements of a weapons offense, as provided in Penal Code Section 46.02 or 46.05;
- Conduct that contains the elements of assault, sexual assault, aggravated assault, aggravated sexual assault, as provided by the Penal Code; or
- Selling, giving, or delivering to another person or possessing, using, or being under the influence of any amount of marijuana, an alcoholic beverage, or a controlled substance or dangerous drug as defined by federal or state law.

The district shall use a positive behavior program as a disciplinary alternative for students below grade 3 who commit general conduct violations instead of suspension or placement in a DAEP. The program shall meet the requirements of law.

PROCESS

State law allows a student to be suspended for no more than 3 school days per behavior violation, with no limit on the number of times a student may be suspended in a semester or school year.

Before being suspended, a student shall have an informal conference with the campus behavior coordinator or appropriate administrator, who shall advise the student of the alleged misconduct. The student shall have the opportunity to respond to the allegation before the administrator makes a decision.

The number of days of a student's suspension shall be determined by the campus behavior coordinator but shall not exceed 3 school days.

In deciding whether to order out-of-school suspension, the district shall take into consideration:

1. Self-defense (see glossary),

2. Intent or lack of intent at the time the student engaged in the conduct,
3. The student's disciplinary history, or
4. A disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct.
5. A student's status in the conservatorship of the Department of Family and Protective Services (foster care), or
6. A student's status as homeless.

The appropriate administrator shall determine any restrictions on participation in school-sponsored or school-related extracurricular and co-curricular activities.

COURSEWORK DURING SUSPENSION

The district shall ensure a student receives access to coursework for foundation curriculum courses while the student is placed in in-school or out-of-school suspension, including at least one method of receiving this coursework that doesn't require the use of the internet.

A student removed from the regular classroom to in-school suspension or another setting, other than DAEP, will have an opportunity to complete before the beginning of the next school year each course the student was enrolled in at the time of removal from the regular classroom. The district MAY provide the opportunity by any method available, including a correspondence course, another distance learning option, or summer school. The district will not charge the student for any method of completion provided by the district.

DISCIPLINARY ALTERNATIVE EDUCATION PROGRAM (DAEP) PLACEMENT

The DAEP shall be provided in a setting other than the student's regular classroom. An elementary school student may not be placed in a DAEP with a student who is not an elementary school student.

For purposes of DAEP, elementary classification shall be kindergarten-grade 6 and secondary classification shall be grades 7-12.

Summer programs provided by the district may serve students assigned to a DAEP separately or in conjunction with other students who are not assigned to the program.

A student who is expelled for an offense that otherwise would have resulted in a DAEP placement does not have to be placed in a DAEP in addition to the expulsion.

In deciding whether to place a student in a DAEP, regardless of whether the action is mandatory or discretionary, the campus behavior coordinator shall take into consideration:

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

4. A disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct.
5. A student's status in the conservatorship of the Department of Family and Protective Services (foster care), or
6. A student's status as homeless.

In addition to the policies, rules, regulations, and guidelines contained in this volume, students assigned to the Cleveland ISD Disciplinary Alternative Education Program (DAEP) will be governed by the DAEP Student Handbook while assigned to the alternative campus.

DISCRETIONARY PLACEMENT: MISCONDUCT THAT MAY RESULT IN DAEP PLACEMENT

A student **may** be placed in a DAEP for behaviors prohibited in the General Conduct Violations section of this Code.

MISCONDUCT IDENTIFIED IN STATE LAW

In accordance with state law, a student **may** be placed in a DAEP for any one of the following offenses:

- Engaging in bullying that encourages a student to commit or attempt to commit suicide.
- Inciting violence against a student through group bullying.
- Releasing or threatening to release intimate visual material of a minor or a student who is 18 years of age or older without the student's consent.
- Involvement in a public school fraternity, sorority, or secret society, including participating as a member or pledge, or soliciting another person to become a pledge or member of a public school fraternity, sorority, secret society, or gang. (See glossary.)
- Involvement in criminal street gang activity. (See glossary.)
- Any criminal mischief, including a felony.
- Assault (no bodily injury) with threat of imminent bodily injury.
- Assault by offensive or provocative physical contact.

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

The campus behavior coordinator **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 administrator does not have knowledge of the conduct before the first anniversary of the date the conduct occurred.

MANDATORY PLACEMENT: MISCONDUCT THAT REQUIRES DAEP PLACEMENT

A student **must** be placed in a DAEP if the student:

- Engages in conduct relating to a false alarm or report (including a bomb threat) or a terroristic threat involving a public school. (See glossary.)
- Commits the following on school property 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:

- Engages in conduct punishable as a felony.
- Commits an assault (see glossary) under Texas Penal Code 22.01(a)(1).
- Sells, 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. A student with a valid prescription for low-THC cannabis as authorized by Chapter 487 of the Health and Safety Code does not violate this provision. (School-related felony drug offenses are addressed in the Expulsion section.) (See glossary for “under the influence.”)
- Sells, gives, or delivers to another person an alcoholic beverage; commits a serious act or 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. (School-related felony alcohol offenses are addressed in the Expulsion section.)
- Behaves in a manner that contains the elements of an offense relating to abusable volatile chemicals.
- Behaves in a manner that contains the elements of the offense of public lewdness or indecent exposure.
- Engages in expellable conduct and is between 6 and 9 years of age.
- Commits a federal firearms violation and is younger than 6 years of age.
- Engages in conduct that contains the elements of the offense of retaliation against any school employee or volunteer on or off school property. (Committing retaliation in combination with another expellable offense is addressed in the Expulsions section of this Code.)
- Engages in conduct punishable as aggravated robbery or a felony listed under Title 5 (see glossary) of the Texas Penal Code when the conduct occurs off school property and not at a school-sponsored or school-related event and:
 1. The student receives deferred prosecution (see glossary),
 2. A court or jury finds that the student has engaged in delinquent conduct (see glossary), or
 3. The superintendent or designee has a reasonable belief (see glossary) that the student engaged in the conduct.

SEXUAL ASSAULT AND CAMPUS ASSIGNMENTS

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

PROCESS

Removals to a DAEP shall be made by the campus behavior coordinator.

CONFERENCE

When a student is removed from class for a DAEP offense, the campus behavior coordinator or appropriate administrator shall schedule a conference within 3 school days with the student’s parent, the student, and the teacher, in the case of a teacher removal.

At the conference, the campus behavior coordinator or appropriate administrator shall inform the student, orally or in writing, of the reasons for the removal and shall give the student an explanation of the basis for the removal and an opportunity to respond to the reasons for the removal.

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

Consideration of Mitigating Factors

In deciding whether to place a student in a DAEP, regardless of whether the action is mandatory or discretionary, the campus behavior coordinator shall take into consideration:

1. Self-defense (see glossary),
2. Intent or lack of intent at the time the student engaged in the conduct,
3. The student's disciplinary history, or
4. A disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct.
5. A student's status in the conservatorship of the Department of Family and Protective Services (foster care), or
6. A student's status as homeless.

PLACEMENT ORDER

After the conference, if the student is placed in the DAEP, the campus behavior coordinator shall write a placement order. A copy of the DAEP placement order shall be sent to the student and the student's parent.

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

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

COURSEWORK NOTICE

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

LENGTH OF PLACEMENT

A student's placement in a DAEP shall be determined by the campus behavior coordinator. An assignment to DAEP may be for as brief a time as 30 school days or up to 1 full year from the date of the order. The administrator issuing the removal order will use his or her best professional judgment, taking into account the factors considered in all disciplinary actions, in making a DAEP placement. The duration of a student's placement in DAEP shall be determined after a review of the student's successful completion of the behavioral components of the program. Students must be in attendance for a minimum of 15 days before the initial review is conducted.

The duration of a student's placement shall be determined on a case-by-case basis. DAEP placement shall be correlated to the seriousness of the offense, the student's age and grade level, the frequency of misconduct, the student's attitude, and statutory requirements. Absences (excused or unexcused) do not count toward days served.

The maximum period of DAEP placement shall be 1 calendar year except as provided below.

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

EXCEEDS ONE YEAR

Placement in a DAEP may exceed 1 year when a review by the district determines that the student is a threat to the safety of other students or to district employees.

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

Exceeds School Year

Students who commit offenses requiring placement in a DAEP at the end of 1 school year may be required to continue that placement at the start of the next school year to complete the assigned term of placement.

For placement in a DAEP to extend beyond the end of the school year, the campus behavior coordinator or the board's designee must determine that:

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

EXCEEDS 60 DAYS

For placement in a DAEP to extend beyond 60 days or the end of the next grading period, whichever is sooner, a student's parent shall be given notice and the opportunity to participate in a hearing with the appropriate home campus administration.

APPEALS

Questions from parents regarding disciplinary measures should be addressed to the campus administering the discipline.

Student or parent appeals regarding a student's placement in a DAEP should be addressed in accordance with FNG (LOCAL). A copy of this policy may be obtained from the principal's office or through *Policy On Line* at the following address: <http://www.clevelandisd.org>.

Appeals shall begin at Level 1 with the campus behavior coordinator.

Disciplinary consequences shall not be deferred pending the outcome of an appeal. The decision to place a student in a DAEP cannot be appealed beyond the board.

RESTRICTIONS DURING PLACEMENT

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.

A student placed in a DAEP shall NOT be provided transportation unless he or she is a student with a disability who has transportation designated as a related service in the student's IEP.

For seniors who are eligible to graduate and are assigned to a DAEP at the time of graduation, the placement in the program shall continue through graduation, and the student shall not be allowed to participate in the graduation ceremony and related graduation activities.

PLACEMENT REVIEW

A student placed in a DAEP shall be provided a review of his or her status, including behavioral components and academic status, by the campus behavior coordinator or the board's designee 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 shall also be reviewed. At the review, the student or the student's parent shall be given the opportunity to present arguments for the student's return to the regular classroom or campus. The student may not be returned to the classroom of a teacher who removed the student without that teacher's consent.

ADDITIONAL MISCONDUCT

If during the term of placement in a DAEP the student engages in additional misconduct for which placement in a DAEP or expulsion is required or permitted, additional proceedings may be conducted, and the campus behavior coordinator may enter an additional disciplinary order as a result of those proceedings.

NOTICE OF CRIMINAL PROCEEDINGS

When a student is placed in a DAEP for certain offenses, the office of the prosecuting attorney shall notify the district if:

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

If a student was placed in a DAEP for such conduct, on receiving the notice from the prosecutor, the superintendent or designee shall review the student's placement and schedule a review with the student's parent not later than the 3rd day after the superintendent or designee receives notice from the prosecutor. The student may not be returned to the regular classroom pending the review.

After reviewing the notice and receiving information from the student's parent, the superintendent or designee may continue the student's placement 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 superintendent's decision to the board. The student may not be returned to the regular classroom pending the appeal. In the case of an appeal, the board shall, at the next scheduled meeting, review the notice from the prosecutor and

receive information from the student, the student's parent, and the superintendent or designee, and confirm or reverse the decision of the superintendent or designee. The board shall make a record of the proceedings.

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

WITHDRAWAL DURING PROCESS

When a student violates the district's Code in a way that requires or permits the student to be placed in a DAEP and the student withdraws from the district before a placement order is completed, the campus behavior coordinator may complete the proceedings and issue a placement order. If the student then reenrolls in the district during the same or a subsequent school year, the district may enforce the order at that time, less any period of the placement that has been served by the student during enrollment in another district. If the campus behavior coordinator or the board fails to issue a placement order after the student withdraws, the next district in which the student enrolls may complete the proceedings and issue a placement order.

NEWLY ENROLLED STUDENTS

The district shall continue the DAEP placement of a student who enrolls in the district and was assigned to a DAEP in an open-enrollment charter school or another district.

A newly enrolled student with a DAEP placement from a district in another state shall be placed as any other newly enrolled student if the behavior committed is a reason for DAEP placement in the receiving district.

If the student was placed in a DAEP by a school district in another state for a period that exceeds 1 year, this district, by state law, shall reduce the period of the placement so that the total placement does not exceed 1 year. After a review, however, the placement may be extended beyond a year if the district determines that the student is a threat to the safety of other students or employees or the extended placement is in the best interest of the student.

EMERGENCY PLACEMENT PROCEDURE

When an emergency placement is necessary because the student's behavior is so unruly, disruptive, or abusive that it seriously interferes with classroom or school operations, the student shall be given oral notice of the reason for the action. Not later than the 10th day after the date of the placement, the student shall be given the appropriate conference required for assignment to a DAEP.

Transition Services

In accordance with law and district procedures, campus staff shall provide transition services to a student returning to the regular classroom from an alternative education program, including a DAEP. See policy FOCA(legal) for more information.

PLACEMENT AND/OR EXPULSION FOR CERTAIN OFFENSES

This section includes 2 categories of offenses for which the Education Code provides unique procedures and specific consequences.

REGISTERED SEX OFFENDERS

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

If the student is under any form of court supervision, including probation, community supervision, or parole, the placement shall be in either DAEP or JJAEP for at least 1 semester.

If the student is not under any form of court supervision, the placement may be in DAEP or JJAEP for 1 semester or the placement may be in a regular classroom. The placement may not be in the regular classroom if the board or its designee determines that the student's presence:

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

REVIEW COMMITTEE

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

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

NEWLY ENROLLED STUDENT

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

APPEAL

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

CERTAIN FELONIES

Regardless of whether placement or expulsion is required or permitted by one of the reasons in the DAEP Placement or Expulsion sections, in accordance with Education Code 37.0081, a student **may** be expelled and placed in either DAEP or JJAEP if the board or campus behavior

coordinator makes certain findings and the following circumstances exist in relation to aggravated robbery or a felony offense under Title 5 (see glossary) of the Texas Penal Code. The student must:

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

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

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

Hearing and Required Findings

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

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

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

LENGTH OF PLACEMENT

The student is subject to the placement until:

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

PLACEMENT REVIEW

A student placed in a DAEP or JJAEP under these circumstances is entitled to a review of his or her status, including academic status, by the campus behavior coordinator or board's designee 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 shall also be reviewed. At the review, the student or the student's parent shall have the opportunity to present arguments for the student's return to the regular classroom or campus.

NEWLY ENROLLED STUDENTS

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

EXPULSION

In deciding whether to order expulsion, regardless of whether the action is mandatory or discretionary, the campus behavior coordinator shall take into consideration:

1. Self-defense (see glossary),
2. Intent or lack of intent at the time the student engaged in the conduct,
3. The student's disciplinary history, or
4. A disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct.
5. A student's status in the conservatorship of the Department of Family and Protective Services (foster care), or
6. A student's status as homeless.

DISCRETIONARY EXPULSION: MISCONDUCT THAT MAY RESULT IN EXPULSION

Some of the following types of misconduct may result in mandatory placement in a DAEP, whether or not a student is expelled. (See DAEP Placement).

ANY LOCATION

A student **may** be expelled for:

- Engaging in bullying that encourages a student to commit or attempt to commit suicide.
- Inciting violence against a student through group bullying.
- Releasing or threatening to release intimate visual material of a minor or a student who is 18 years of age or older without the student's consent.
- Conduct that contains the elements of assault under Penal Code 22.01(a)(1) in retaliation against a school employee or volunteer.
- Criminal mischief, if punishable as a felony.
- Engaging in conduct that contains the elements of 1 of the following offenses against another student,
- Aggravated assault.

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

AT SCHOOL, WITHIN 300 FEET, OR AT A SCHOOL EVENT

A student **may** be expelled for committing any of the following offenses on or within 300 feet of school property, as measured from any point on the school's real property boundary line, or while attending a school-sponsored or school-related activity on or off school property:

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

WITHIN 300 FEET OF SCHOOL

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

- Aggravated assault, sexual assault, or aggravated sexual assault.
- Arson. (See glossary.)
- Murder, capital murder, or criminal attempt to commit murder or capital murder.
- Indecency with a child, aggravated kidnapping, manslaughter, criminally negligent homicide, or aggravated robbery.
- Continuous sexual abuse of a young child or disabled individual.
- Felony drug- or alcohol-related offense.
- Carrying on or about the student's person a handgun, a location-restricted knife, or a club, as these terms are defined by state law. (See glossary.)
- Possessing, manufacturing, transporting, repairing, or selling a prohibited weapon, as defined by state law. (See glossary.)
- Possession of a firearm, as defined by federal law. (See glossary.)

PROPERTY OF ANOTHER DISTRICT

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

WHILE IN DAEP

A student **may** be expelled for engaging in documented serious misbehavior that violates the district's Code, despite documented behavioral interventions while placed in a DAEP. For purposes of discretionary expulsion from a DAEP, serious misbehavior means:

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

MANDATORY EXPULSION: MISCONDUCT THAT REQUIRES EXPULSION

A student must be expelled under federal or state law 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:

Under Federal Law

- Bringing to school or possessing at school, including any setting that is under the district's control or supervision for the purpose of a school activity, a firearm, as defined by federal law. (See glossary.)

Note: Mandatory expulsion under the federal Gun Free Schools Act does not apply to a firearm that is lawfully stored inside a locked vehicle, or to firearms used in activities approved and authorized by the district when the district has adopted appropriate safeguards to ensure student safety.

UNDER THE TEXAS PENAL CODE

- Carrying on or about the student's person the following, as defined by the Texas Penal Code:
 - A handgun, defined by state law as any firearm designed, made, or adapted to be used with one hand. (See glossary.) *Note:* A student may not be expelled solely on the basis of the student's use, exhibition, or possession of a firearm that occurs at an approved target range facility that is not located on a school campus, while participating in or preparing for a school-sponsored, shooting

- sports competition or a shooting sports educational activity that is sponsored or supported by the Parks and Wildlife Department, or a shooting sports sanctioning organization working with the department. [See policy FNCG (LEGAL).]
 - A location-restricted knife, as defined by state law. (See glossary.)
 - Possessing, manufacturing, transporting, repairing, or selling a prohibited weapon, as defined in state law. (See glossary.)
- Behaving in a manner that contains elements of the following offenses under the Texas Penal Code:
 - Aggravated assault, sexual assault, or aggravated sexual assault.
 - Arson. (See glossary.)
 - Murder, capital murder, or criminal attempt to commit murder or capital murder.
 - Indecency with a child.
 - Aggravated kidnapping.
 - Aggravated robbery.
 - Manslaughter.
 - Criminally negligent homicide.
 - Continuous sexual abuse of a young child or children.
 - Behavior punishable as a felony that involves selling, giving, or delivering to another person, or possessing, using, or being under the influence of marijuana, a controlled substance, a dangerous drug, or alcohol; or committing a serious act or offense while under the influence of alcohol.
- Engaging in retaliation against a school employee or volunteer combined with one of the above-listed mandatory expulsion offenses.

UNDER AGE TEN

When a student under the age of 10 engages in behavior that is expellable behavior, the student shall not be expelled, but shall be placed in a DAEP. A student under age 6 shall not be placed in a DAEP unless the student commits a federal firearm offense.

PROCESS

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

Until a hearing can be held, the campus behavior coordinator or other appropriate administrator may place the student in:

- Another appropriate classroom.
- In-school suspension.
- Out-of-school suspension.
- DAEP.

HEARING

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

1. Representation by the student's parent or another adult who can provide guidance to the student and who is not an employee of the district,

2. An opportunity to testify and to present evidence and witnesses in the student's defense, and
3. An opportunity to question the witnesses called by the district at the hearing.

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

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

BOARD REVIEW OF EXPULSION

After the due process hearing, the expelled student may request that the board review the expulsion decisions. The student or parent must submit a written request to the superintendent within 7 days after receipt of the written decision. The superintendent must provide the student or parent written notice of the date, time, and place of the meeting at which the board will review the decision.

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

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

EXPULSION ORDER

Before ordering the expulsion, the board or campus behavior coordinator shall take into consideration:

1. Self-defense (see glossary),
2. Intent or lack of intent at the time the student engaged in the conduct,
3. The student's disciplinary history, or
4. A disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct.
5. A student's status in the conservatorship of the Department of Family and Protective Services (foster care), or
6. A student's status as homeless.

If the student is expelled, the board or its designee shall deliver to the student and the student's parent, a copy of the order expelling the student.

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

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

LENGTH OF EXPULSION

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

The duration of a student's expulsion shall be determined on a case-by-case basis. The maximum period of expulsion is 1 calendar year except as provided below:

An expulsion may not exceed 1 year unless, after review, the district determines that:

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

State and federal law require a student to be expelled from the regular classroom for a period of at least 1 calendar year for bringing a firearm, as defined by federal law, to school. However, the superintendent may modify the length of the expulsion on a case-by-case basis.

Students who commit offenses that require expulsion at the end of 1 school year may be expelled into the next school year to complete the term of expulsion.

WITHDRAWAL DURING 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 re-enrolls 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 campus behavior coordinator 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.

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 campus behavior coordinator or other appropriate administrator or the board may issue an additional disciplinary order as a result of those proceedings.

RESTRICTIONS DURING EXPULSION

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

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

NEWLY ENROLLED STUDENTS

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

If a student expelled in another state enrolls in the district, the district may continue the expulsion under the terms of the expulsion order, may place the student in a 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 1 year and the district continues the expulsion or places the student in a DAEP, the district shall reduce the period of the expulsion or DAEP placement so that the entire period does not exceed 1 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.

EMERGENCY EXPULSION PROCEDURES

When an emergency expulsion is necessary to protect persons or property from imminent harm, the student shall be given verbal notice of the reason for the action. Within 10 days after the date of the emergency expulsion, the student shall be given appropriate due process required for a student facing expulsion.

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 10 years of age.

Transition Services

In accordance with law and district procedures, campus staff shall provide a transition service for a student returning to the regular classroom from placement in an alternative education program, including a DAEP or JJAEP.

APPENDICES

The following appendices delineate specific Code of Conduct and Program Policies and Regulations.

Appendix A

STUDENT ABSENCE

The District must also comply with state laws regarding minimum attendance standards. The standards are found in the Texas Education Code and the Texas Administrative Code, and the application in board policy.

It is the position of the Board of Trustees that student attendance is a key factor in student achievement and that any absence from school represents an educational loss to the student. The District recognizes that some absences are unavoidable, and procedures have been designed to provide students an opportunity to make up work missed during an unavoidable absence.

A. COMPULSORY SCHOOL ATTENDANCE

Students are required by law to complete the school year in which they turn 19 years of age. On enrollment in pre-kindergarten or kindergarten, a child shall attend school. A child who is at least 6 years of age, or who is younger than 7 years of age and has previously been enrolled in first grade, shall attend school.

Any student more than 15 minutes late for class without a proper excuse may receive an unexcused absence.

B. ABSENCE LIMIT/LOSS OF CREDIT

A student in Grades 1-8 may not be promoted to the next grade unless he/she is in attendance at least 90 percent of the days during the school year, has an overall grade average of 70 or above, and meets other promotional requirements.

A student in Grades 9-12 may not be given credit for a class unless he/she is in attendance at least 90 percent of the days during a semester and has a grade of 70 or above.

C. REGAINING CREDIT

A student may regain credit/promotion if they complete the Principal's Plan for their home campus provided they have not been absent for more than 25% of the time the class has been offered. If a student has been absent more than 25% of the time a class has been offered and there are extenuating circumstances, the parent of the student and/or the student may request the campus Attendance/Credit Review Committee to review the absences. If it is found that the absences were due to extenuating circumstances, the Attendance/Credit Review Committee may take one of the following actions:

1. Reinstate credit/promotion for any one or all courses for which credit/promotion was denied.
2. Assign alternative learning activities, which the student must successfully complete in a timely manner. After the student completes the alternative learning activities, a determination will be made to reinstate credit/promotion or to uphold the denial of credit/promotion for any course or courses for which alternative learning activities were assigned.

3. Uphold the denial of credit/promotion for any course or courses for which credit/promotion was denied.

D. EXCUSED ABSENCES

A child required to attend school may be excused for temporary absence resulting from any cause acceptable to the teacher, principal, or superintendent or the school in which the child is enrolled. The reason for an excused absence must be stated in writing and signed by the parent or other person standing in parental relation to the student. The District may investigate any case in which an excused absence is requested.

1. Participation in a Board-approved and appropriately supervised extracurricular activity or performance;
2. Participation in an approved mentorship fulfilling the student's Distinguished Achievement Program;
3. Screening, diagnosis, or treatment of a Medicaid-eligible student (if the student is absent no more than a day at a time for this purpose);
4. Religious holy days (including 1 day of travel to and 1 day from an observance site); and
5. An appointment with a health care professional (Doctor or Dentist) if the student misses only a portion of the school day and the professional provides written confirmation of the appointment.

E. MAKE-UP WORK AND ALTERNATIVE LEARNING ACTIVITIES

Teachers will provide make-up work to students for excused absences. It is the student's responsibility to complete make-up work within a reasonable time (determined in conference with the teacher). A minimum of 1 day of make-up time is allowed for each absence.

The student returning from a suspension will have a grade adjustment on make-up work. The student can score no higher than a 75 on this work.

Alternative Learning Activities (ALA) may be assigned only to students who do not comply with the 90 percent attendance requirement. The Attendance/Credit Review Committee may assign ALA.

F. APPEAL PROCEDURE

A parent, legal guardian, or adult student may appeal a credit/promotion denial decision of the campus Attendance/Credit Review Committee. The credit/promotion denial decision of the Committee may be appealed to the Board of Trustees.

Appendix B

USE OF HAND-HELD METAL DETECTORS/USE OR TRAINED DOGS FOR SECURITY PURPOSES

The Board authorizes the use of hand-held metal detectors by school administrators when there is reasonable cause to believe that weapons or dangerous metal objects are in the possession of a student. Searches shall be systematic, shall not discriminate on the basis of race, gender, or ethnicity and shall be done in compliance with the following procedures:

A. HAND-HELD METAL DETECTORS

1. The principal or assistant principal, in the presence of another adult witness, shall conduct the hand-held metal detector search, preferably in a private location.
2. If the detector used on a student registers the presence of a metal object, the student shall be asked to remove all metal objects from his/her possession and shall be checked again.
3. If after removal of all other metal objects, the detector continues to register the presence of metal, the student shall be taken to an area out of view from other students for a more thorough search.
4. This search shall be conducted by school personnel of the same gender as the student and shall be limited to the student's clothing, bags, parcels, and/or other containers capable of containing a weapon.
5. If the school personnel conducting a search feel an object which may have activated the metal detecting device, the student will be asked to remove the object. If the student declines to remove the object, it may then be removed by school personnel.
6. If the object removed from the student could have activated the metal detector, the school personnel will cease performing the search. In such an event, the student will again be scanned with a hand-held metal detector and the search will continue only if the device again yields a positive reading.
7. All property removed from the student as a result of the above procedure, which may legitimately be brought onto school premises, must be returned to the student.
8. Property removed from the student, possession of which is a violation of the policy on discipline and student rights shall be confiscated and the student shall be disciplined in accordance with the Student Code of Conduct.
9. Students who fail to cooperate with school personnel performing their duties under these procedures may be subject to disciplinary action.

B. USE OF TRAINED DOGS

1. Trained dogs may sniff lockers at any time.
2. Trained dogs may sniff vehicles parked on school property at any time.
3. Classrooms and other common areas may be sniffed by trained dogs at any time students are not present.
4. If contraband of any kind is found, the student shall be subject to appropriate disciplinary action.
5. The student's parent or legal guardian shall be notified if any prohibited articles or materials are found in a student's locker or vehicle parked on school property or on the student's person as a result of a search conducted in accordance with board policy.
6. If, as a result of the sniffing, the dog becomes alerted so that there is reason to believe that illegal and/or dangerous items are present in any location, the following procedures will be followed:
 - a. The person owning or having temporary custody of the area under question will be contacted and informed that there is reason to suspect illegal substance in the area because the dog was alerted. He/she will be asked to allow a voluntary search of the area under suspicion.
 - b. If the person refuses permission, the parent or legal guardian of the person will be contacted if that individual is a minor. If the parent or legal guardian refuses a voluntary search of the area, the appropriate law enforcement agency will be contacted.
7. If any illegal substance or item is found after the search is completed, it will be removed and reported to the proper authorities. All Code of Conduct procedures regarding possession of illegal substance or items will be followed.

Appendix C

DRESS AND GROOMING (All grade levels)

The district's dress code is established to teach grooming and hygiene, prevent disruption, and minimize safety hazards. Students and parents may determine a student's personal dress and grooming standards provided they comply with the dress code. Students should learn that the context of the situation may dictate the appropriateness of dress and personal appearance. School is a business environment designed to prepare students to excel in the world of work and future educational endeavors. Requiring students to follow campus dress and grooming standards contributes toward their future success.

Section I: General (Statement of Board Policy)

Any dress or grooming that interferes with or disrupts the school environment may be excluded from school; **the campus principal will be empowered to make such judgments.**

Students shall be clean, well groomed, and neatly dressed in a way that will not be a health hazard to themselves or to others.

OVERSIZED CLOTHING SHALL NOT BE PERMITTED

Bizarre dress or clothing that makes even casual reference to drugs or drug paraphernalia, alcohol, tobacco, gangs, weapons, violence, sexual innuendoes, satanic implications, profanity, organizations or groups which promote any of the above, or other statement, reference, or depiction deemed inappropriate by the administration shall not be worn. Any dress determined by the principal to be related to gangs will not be permitted on school property, including but not limited to colors, emblems, or style of clothing. Shirt sleeves may not be worn so as to cover the student's hands. All clothing should be free from any holes, rips or tears above the top of the knee cap. Any garments with straps, buckles, buttons or snaps must be fastened at all times. Chains on clothing or as ornamentation will not be allowed.

Section 2: Apparel

Pants:

Oversized pants are not allowed. **Pants are to be worn snug at the waist.** Pants must fit at the waist and in the seat. **Underwear and/or skin shall not be visible at any time. Pajamas are not acceptable attire for school wear.** Shoes must be visible from all lines of sight. Pants must be hemmed at the cuff. Unraveled hems/cuffs are not allowed. No holes of any type are allowed in jeans/pants above the top of the knee cap. Spandex/biker pants/leggings/tights/jeggings or similar garments are only permitted when appropriately covered by a garment that meets the fingertip policy (must be no shorter than fingertip length when student's arms are relaxed at student's side. Undergarments must not be visible, including bra straps and shorts worn under pants or other shorts. Shorts can be worn by all students from Early Childhood through 12th Grade (read guidelines for shorts below). **Capri pants are permissible to wear.**

Shorts:

Grade 6-12 Guidelines for Shorts:

Shorts may be worn; however, they must meet the fingertip policy (must be no shorter than fingertip length when students arms are relaxed at students side.) This applies to

skirts as well. Both shorts and skirts must have a finished hem. Jogging shorts, gym shorts, cut-offs, nylon shorts, biker shorts, wind shorts and boxer shorts are not acceptable. The current Grades PK-5 Shorts' Dress Code will be enforced.

Shirts or T-shirts:

No shirts/tops should be oversized. **Shirts are not required to be tucked in. Shirts cannot be oversized and hang lower than the buttocks.** Shirts are not to contain any drug, alcohol, tobacco, or gang related graffiti. No death, violence, or satanic references will be allowed. Undergarments must not be visible, including bra and camisole straps. Garment must cover entire back, cleavage and chest. Shirt length must cover midriff when arms are raised above the head. Halter tops, tank tops, spaghetti-strap type blouses, shirts with sleeves cut off, torn or "holey" apparel, fishnet, or other dress deemed inappropriate by school officials shall not be worn. Sheer or other see-through type shirts will be allowed only if there is an appropriate shirt worn underneath; however, no bra straps or camisole straps can be visible. Sleeveless, which fit closely enough not to reveal any undergarments or bare skin, are allowed.

Dresses

Halter tops, tank tops, spaghetti-strap type dresses, dresses with sleeves cut off, torn or "holey" apparel, fishnet, or other dress deemed inappropriate by school officials shall not be worn. Undergarments must not be visible, including bra straps or camisole straps. Garment must cover entire back, cleavage and chest. Jumpers, skirts, and dresses must obviously be no shorter than fingertip length when student's arms are relaxed at student's side. Slits in skirts must also not be shorter than fingertip length when students' arms are relaxed at student's side. Spandex and tights are permitted when appropriately covered by a dress or skirt that meets the fingertip policy (must be no shorter than fingertip length when students' arms are relaxed at student's side.) The covering garment must not be a T-Shirt. The standard enforcement will be that the garment is obviously in compliance with the stated standard while the student is participating in normal school activities. Dresses must be hemmed. No cut-offs will be allowed.

Accessories:

Hats, caps, visors, bandannas, or headgear of any kind shall not be worn, and will not be allowed on campus, including on school buses. Sunglasses (unless prescribed by a doctor) shall not be worn in the school building. Designer or strange colored contact lens (unless prescribed by a doctor), are not allowed. No blankets are allowed. No chains, including billfold chains, will be allowed. Any gang related paraphernalia will not be permitted.

Footwear:

Proper footwear must be worn at all times. Caution should be exercised regarding height of heel, or thickness of sole to prevent injury. **Flip-flops, Shower thongs, sliders, house shoes and shoes with hidden compartments or skate devices will not be allowed.**

Jackets/Coats, Sweaters and Sweatshirts:

Jackets and/or coats, sweaters and sweatshirts cannot hang below the buttocks. Lightweight jackets will be allowed in the building. Oversized jackets, sweaters and sweatshirts will not be permitted. Sweatshirts with hoods and/or "hoodies" are allowed; however, the hoods may not be worn on the head during the school day or at any school-related activity. All jackets and/or coats worn in the building must fit at the waist.

Section 3: Body Piercing

Ear adornments and/or earrings for female students are only allowed to be worn on the earlobes and only one (1) ear adornment per earlobe shall be allowed. Ear adornments for male students are permitted; however, only one (1) stud earring can be worn on each earlobe. NO GAUGES ALLOWED for male or female students. Earlobes cannot be covered with band aids to hide ear piercings. Body piercing of the nose, eyebrow, tongue, or any other visible area other than the earlobe will not be allowed.

Section 4: Tattoos and Body Art

No visible tattoos or body art of any kind will be permitted. This includes the drawing or marking on hands and arms or other body parts with pens, pencils, or any other devices that leave designs or marks, temporary or permanent. Tattoos which are not visible in normal clothing, but which are visible in athletic clothing shall not be permitted. Those existing tattoos shall be covered at all times during any school activity.

Section 5: Hair and Facial Hair

Hair and facial hair should be kept neat and clean. Styles that call attention to the wearer, or that cause disruption such as intense colors, shapes, and designs will not be permitted. Hair color must be of a naturally occurring color. For information regarding head lice, please see “**Head Lice**” in the **2021-2022** Student Handbook.

Section 6: Scope of Dress and Grooming Code

This Code is applicable to students during any school activity on or off school property, and before, during, and after normal school hours, including nights and weekend activities, unless the activity is specifically exempted by the principal, or unless a stricter Code is applied consistent with the Section 7 of this Code.

Section 7: Adjustments in the Dress and Grooming Code for Activities

The principal shall have the authority to designate a stricter Code for certain activities, such as but not limited to the Senior Prom, Graduation, school dances, special assemblies, etc. Students attending such activities shall be expected to comply with the Code established by the principal.

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 that activity.

Nothing in the dress code shall interfere with the normal operation of such classes as physical education or other such activities. The teacher, with consent of the principal, shall have the ability to set reasonable dress and grooming guidelines for such activities.

Section 8: Enforcement

Students may be required to return home if they are dressed inappropriately for school. Also, students may be asked to change clothes, turn clothes "inside-out", or otherwise reasonably comply with the classroom teacher's and/or administrator's attempts to bring the student's dress or grooming into compliance with this code.

Note: The building administrators shall use their discretion in questions concerning the dress and grooming code. Where there is a question regarding dress or grooming, the administration's decision will be final.

If the principal determines that a student's grooming or clothing violates the school's dress code, the student will be given an opportunity to correct the problem at school. If not

corrected, the student may be assigned to in-school suspension for the remainder of the day, until the problem is corrected, or until a parent or designee brings an acceptable change of clothing to the school. Repeated offenses may result in more serious disciplinary action in accordance with the Student Code of Conduct.

Classroom teachers shall be responsible for classroom enforcement. In addition, the administration has the authority to rule on situations not addressed above.

Repeated violation of the dress and grooming code by a student will be considered to be insubordination and will subject the student to escalating disciplinary consequences, including but not limited to a restricted dress and grooming code for the student, suspension, or placement in a disciplinary alternative education program.

Section 9: Responsibility for Compliance

Each student is responsible for his/her compliance with this code on a daily basis, and parents are responsible on a daily basis for ensuring that their children are in compliance before their students enter school property.

Note Regarding Cleveland Independent School District 2021-2022 Dress and Grooming Code

Parents and students are encouraged to carefully review the dress and grooming code. Students will be expected to be in compliance with this code on the first day, and every day of school. DRESS CODE WILL BE ENFORCED AT ALL SCHOOL ACTIVITIES, INCLUDING ACTIVITIES BEFORE AND AFTER REGULAR SCHOOL HOURS. Questions regarding this code should be directed to the campus principal.

- A. The District prohibits pictures, emblems, or writings on clothing that
 - 1. are lewd, offensive, vulgar, or obscene.
 - 2. advertise or depict tobacco products, alcoholic beverages, drugs, or any other substance prohibited by district policy.
 - 3. are evidence of membership or affiliation in any unauthorized club or organization.
- B. The student and parent may determine the student's personal dress and grooming standards, provided that they comply with the general guidelines set forth above and the District's dress code for students in this handbook and/or discipline management plan.
- C. 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 in-school suspension for the remainder of the day or until the problem is corrected.
- D. A student whose clothing violates the dress code shall be assigned to in-school suspension 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 actions. Appropriate discipline procedures shall be followed in all cases.
- E. 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 those 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.

Students in grades Early Childhood to fourth grade will be allowed to wear shorts. However, students will be responsible for complying with all the rules and regulations regarding dress and grooming code. CISD expects parents to exercise good judgment when selecting apparel for younger children. Basic guidelines concerning appropriateness of apparel and safety will be enforced at the elementary campuses. Campus principals have the right to exercise their discretion for what is appropriate apparel, and their decision is final.

Código de Vestido. (todos los grados)

En preparación para la vida después de la educación secundaria, los estudiantes deberán aprender que el contexto de una situación puede dictar un vestuario y una apariencia personal que deberá apropiada. La escuela tiene un ambiente designado a preparar los estudiantes para que lleguen a ser exitosos en el mundo del trabajo y en sus futuras instituciones educativas. La norma de vestuario y apariencia personal está establecida de acuerdo con este propósito. El requisito de que nuestros estudiantes sigan las reglas de vestuario y apariencia personal, es lo que les beneficiara con su preparación para el futuro.

Sección I: General (Política de la Junta Directiva del Distrito)

Cualquier vestuario o apariencia personal que se interponga o interrumpa el ambiente escolar será excluida de la escuela. El/la director/a de la escuela tendrá la potestad de tomar dicha decisión. Los estudiantes deben presentarse a la escuela con buena apariencia y vestidos de tal manera que no sean un peligro a la salud a sí mismo o de las otras personas.

NO SE PERMITIRÁ VESTUARIO DEMASIADO FLOJO O GRANDE

Vestuario extraño o vestimenta con mínima referencia a las drogas o parafernalia de drogas, tabaco, pandillas, armas, violencia, insinuaciones sexuales, las implicaciones satánicas, malas palabras, organizaciones o grupos que promuevan cualquiera de los anteriores, u otra declaración, referencia o representación consideradas inapropiadas por la administración no se usará. Cualquier vestuario determinado por el director que esté relacionado con las pandillas no serán permitidos en la propiedad escolar, incluyendo pero no limitado a los colores, emblemas o estilo de ropa. Camisas o blusas de mangas cortas no se pueden usar con el fin de cubrir las manos del estudiante. Toda vestimenta de vestir debe estar libre de agujeros, rasgaduras o roturas encima de la parte superior de la rótula. Cualquier prenda de vestir con hebillas, botones o broches de presión deben ser asegurados correctamente en todo momento. No se permitirá cadenas en la ropa o como adorno.

Sección 2. Apariencia

Pantalones:

Pantalones de tallas excesivas no serán permitidos. **Los pantalones deberán usarse ajustados a la cintura.** Los pantalones deben quedar cómodamente en la cintura y las

caderas. Ropa interior, ni partes del cuerpo o piel deben ser visibles en ningún momento. **Pijamas no es vestuario aceptable en la escuela.** Los zapatos deben ser vistos por todos lados. Los pantalones deben estar bastillados. Agujeros de cualquier tipo no se permitirán en los pantalones o pantalones de mezclilla (jeans) encima de la parte superior de la rótula. Los pantalones spandex o pantalones de ciclista; licras, medias y pantalón de licra o de este tipo de material más son permitidos siempre y cuando estén cubiertos por un vestido o falda que supere de largo de la regla de “las puntas de los dedos.” La ropa interior no podrá ser visible incluyendo las correas del sujetador, pantalones spandex o pantalones cortos debajo de otros pantalones cortos (shorts). Los pantalones cortos (shorts) son permitidos para todos los estudiantes de PK hasta 12 grado (leer la guía debajo sobre los pantalones cortos). **Los pantalones capri son permitidos.**

Pantalones Cortos:

Grados 6-12 Guía para los Pantalones Cortos:

Los pantalones cortos pueden ser usados, con un largo que supere la punta de los dedos, cuando los brazos se tengan extendidos a lo largo del cuerpo. Esto aplica a las falsas también. Los pantalones cortos y las faldas deben tener una vastilla terminada. Pantalones cortos de correr, para el gimnasio, pantalones cortos de nilón, de ciclista y pantalones tipo boxer no son aceptables. El Código de Vestuario de pantalones cortos para Grados PK-5 será enforcado; sin embargo, será extendido para incluir los grados 6-12.

Camisas y camisetas

Las camisas no podrán ser de tallas excesivas. No se requiere que las camisas sean metidas dentro los pantalones. Las camisas no deben ser demasiado grandes y ni colgar más bajo de las caderas. La camisa no podrá contener ninguna alusión al uso de drogas, tabaco, alcohol, tabaco o distintivo de pandillas. Tampoco deberá hacer referencia a la muerte, la violencia, ritos satánicos. La ropa interior no podrá ser visible. Escarpado u otro material transparente de camisas será permitido solamente si hay una camisa apropiada usada debajo; sin embargo, ningunas correas del sujetador o las correas del camisola pueden ser visibles. Deberá cubrir la espalda y el estómago completamente. El estómago deberá quedar cubierto, aún cuando se levante los brazos por encima de la cabeza. Camisas llamadas comúnmente haltera, camisas sin mangas, camisas con mangas rotas o con hoyos, camisas llamadas espagueti, camisas en género de red, y otras camisas juzgadas inapropiadas por los administradores y maestros no podrán ser usadas. Cualquier hueco en las mangas que pretenda mostrar un tatuaje o diseño en el brazo no podrá ser usada.

Vestidos

Los vestidos tipo haltera, vestidos sin mangas, vestidos con amarres de espagueti, vestidos que tengan las mangas rotas, vestidos con hoyos, o fabricados en género red, vestidos transparentes, o aquéllos que sean juzgados inapropiados por los administradores y maestros no podrán ser usados. La ropa interior no podrá ser visible, incluyendo correas del sujetador o correas de la camisola. También tendrán que cubrir completamente la espalda y el pecho. Los vestidos llamados jumperes, faldas y vestidos deberán obviamente cubrir las piernas, con un largo que supere la punta de los dedos, cuando los brazos se tengan extendidos a lo largo del cuerpo. Las aberturas en las faldas no deben ser más cortos que la punta de los dedos, cuando los brazos se tengan extendidos a lo largo del cuerpo. Se permiten Spandex y los tights cuando es cubierto apropiadamente por un vestido o la falda que resuelve la política de la yema del dedo

(debe ser no más corto que echa a un lado la longitud de la yema del dedo cuando los brazos de los estudiantes se relajan en los estudiantes.) la ropa de la cubierta no debe ser una camiseta. Estas normas de vestuario serán de carácter obligatorio, mientras el estudiante este desarrollando actividades escolares dentro de la escuela. Los vestidos deberán ser adecuadamente vastillados, y no se podrán usar pantalones cortos.

Accesorios

Cachuchas, viseras, sombreros, o cualquier clase de accesorio para cubrir la cabeza no será permitido dentro de las instalaciones de la escuela, incluyendo los buses escolares. Lentes para el sol (sin prescripción médica) no podrán ser usados dentro de los edificios escolares. Lentes de contacto con colores y diseños extraños, tampoco podrán ser usados si no tienen la prescripción de un doctor. No se permiten las covijas. No se permite ninguna clase de cadena será permitida. Ninguna clase de distintivo alusivo a las pandillas será permitido.

Nota: Las capas deberán ser usadas de forma apropiada durante eventos atléticos.

Zapatos

Zapatos apropiados deberán ser usados a todo momento. Deberá tenerse precaución con relación a tacones y zapatos de plataforma, para evitar lesiones. Chanclas o pantuflas. Los zapatos de casa y zapatos con compartimentos escondidos o con ruedas de patín no serán permitidos.

Sacos, Chamarras, Suéteres y Sudaderas

Chamarras y sacos, suéteres, y sudaderas no deben de ser demasiados largos que cubran la parte baja de las caderas. Chamarras o sacos ligeros serán permitidos en la escuela. Chamarras de tallas excesivas no serán permitidas en los salones de clase. Sudaderas con capuchas y/o cualquier tipo de capuchas serán permitidas, sin embargo, las capuchas no se pueden usar en la cabeza durante el día escolar o en cualquier actividad relacionada con la escuela. Todo saco, chamarra, o suéter utilizado dentro de las escuelas deben de quedar a la cintura.

Sección 3. Agujeros en el cuerpo

Adornos de oído y/o aretes para las niñas estarán permitidos solo si se usan en los lóbulos de las orejas y solo un (1) adorno de oído por lóbulo de la oreja se permitirán. Adornos del oído para los niños se les permite, sin embargo, solo un (1) adorno de oído se puede usar en cada lóbulo de la oreja. EXPANSORES DE OIDOS NO SE PERMITIRAN para niños o niñas. Lobulos de las orejas no pueden ser cubiertos con curitas para ocultar perforaciones del oído. Agujeros en la lengua, las cejas, la nariz, u otra parte visible del cuerpo no serán permitidos, solo en las orejas de las niñas.

Sección 4. Tatuajes y Arte Corporal

No se permitirán tatuajes, o el llamado arte corporal en ninguna parte visible del cuerpo. Esto incluye el realizarse dibujos o marcas en las manos y los brazos con plumas, marcadores o con otros artefactos que hagan figuras en el cuerpo, temporalmente o permanentemente no serán permitidos. Tatuajes que no sean vistos con la ropa de uso diario pero que quede a la vista con la ropa deportiva tampoco serán permitidos. Los tatuajes que ya existieren, deberán ser cubiertos permanentemente durante las actividades escolares.

Sección 5. Cabello y bello facial

El cabello debe mantenerse peinado y aseado. Estilos que llamen la atención por su apariencia, o que causen distracción como colores intensos, figuras, y diseños no se permitirán. el color del cabello debe ser de color natural.

Para más información sobre piojos de la cabeza, por favor ver “los piojos” en el manual de estudiante de **2021-2022** CISD.

Sección 6. Alcance de las normas de vestuario y Apariencia

Este código se aplica a todos los estudiantes durante todas las actividades escolares dentro o fuera de los predios de la escuela, antes, durante o después de las actividades escolares, incluidas noches y fines de semana, a menos que el/la director(a) así le permitiera, o que una norma más estricta se aplicara, en concordancia con la sección 7 de este reglamento.

Sección 7 Ajustes a las Reglas de Vestuario y Apariencia según la Actividad

El/la director(a) tendrá la autoridad para designar un código estricto para ciertas actividades, tales como y sin limitarse solo al Baile de Graduación, Graduación, bailes escolares, asambleas especiales, etc. Los estudiantes que desean participar de estas actividades deberán estar de acuerdo con el código establecido por las directivas de la escuela. El/la director(a), en cooperación con patrocinadores, entrenadores u otras personas a cargo de las actividades extracurriculares podrán regular el uso del vestuario y la apariencia a seguir dentro de dichas actividades.

Nada dentro del código de vestuario podrá interferir el normal desarrollo de las clases como educación física u otras actividades. El maestro podrá, con el consentimiento de la dirección de la escuela permitir algún tipo razonable de vestuario para actividades específicas.

Sección 8. Cumplimiento de las Regulaciones

A los estudiantes se les podrá enviar de vuelta a sus casas si su vestuario y apariencia no son apropiados para la escuela. También, a los estudiantes se les podrá pedir que cambien su ropa de posición, tan como meterse la camisa, voltear la ropa. Los maestros y administradores, podrán requerir a los estudiantes usar su vestuario y apariencia de acuerdo con el código de vestuario.

El administrador del edificio tendrá el derecho de realizar preguntas con relación al código de vestuario y a la apariencia con relación a cualquier duda. Con relación al código de vestuario y apariencia, será el administrador del edificio el que tenga la última palabra. Los maestros serán los responsables de hacer cumplir el código de vestuario y apariencia. En adición a esto, el administrador tendrá la autoridad de reglamentar cualquier tipo de situación con relación al código descrito anteriormente.

Si el director determina que ropa o la preparación de un estudiante viola el código de vestuario de la escuela, el estudiante recibirá una oportunidad para corregir el problema en la escuela. Si no se corrige, el estudiante puede asignarse a la suspensión en la escuela para el resto del día, hasta que se solucione el problema, o hasta que un padre o persona designada traiga un cambio aceptable de ropa para la escuela. Ofensas repetidas pueden resultar en acción disciplinaria más grave según el código de conducta estudiantil.

Maestros serán responsables de la aplicación de la clase. Además, la administración tiene la autoridad para gobernar en casos no tratados por encima de. En adición a esto, el administrador tendrá la autoridad de reglamentar cualquier tipo de situación con relación al código descrito anteriormente.

Repetidas violaciones del código de vestido y apariencia será tomado como una insubordinación y el estudiante deberá sujetarse a las consecuencias que esto acarree,

incluido pero no limitado al uso de un limitado y restringido código de vestuario y apariencia para ese estudiante, suspensión o traslado a un programa alternativo de educación.

Sección 9. Responsabilidad por el Cumplimiento

Cada estudiante será responsable por el cumplimiento diario de estas normas y los padres serán los directores responsables de que sus hijos estén cumpliendo estas reglas antes de que los estudiantes entren a predios de la escuela.

Nota con relación al Código de Vestuario y Apariencia para El Distrito Educativo Independiente de Cleveland Durante el Año 2021-2022

Invitamos a padres y estudiantes a revisar cuidadosamente el código de vestuario y apariencia. Los estudiantes deberán estar de acuerdo con el código desde el primer día, y cada día durante el periodo escolar. EL CÓDIGO DE VESTUARIO SERA Estricto DURANTE TODAS LAS ACTIVIDADES ESCOLARES, INCLUIDAS ACTIVIDADES ANTES Y DESPUÉS DE HORAS DE ESCUELA. Cualquier pregunta con relación a este, será resuelta directamente por el principal de la escuela.

- A. El Distrito prohíbe dibujos, emblemas, o escritos en la ropa que:
 - 1. Sean lascivos, ofensivos, vulgares, u obscenos.
 - 2. Anuncie o promueva el uso de productos derivados del tabaco, bebidas alcohólicas, drogas y otras sustancias que estén prohibidas por la política de la escuela.
 - 3. Muestren evidencia de pertenecer o estar afiliado a organizaciones o clubes no autorizados.
- B. El estudiante y sus padres pueden determinar el vestuario particular del estudiante y sus estándares de apariencia, teniendo en cuenta que este cumpla con los reglamentos generales descritas anteriormente en el código de vestuario, en este manual de disciplina y plan de ejecución.
- C. Si el director(a) determinare que la apariencia del estudiante viola el código de vestuario, el estudiante podrá corregir el problema en la escuela. Si no fuese corregido, el estudiante será asignado a Suspensión dentro de la Escuela (In School Suspensión), por el resto del día, o mientras el problema se siguiese presentando.
- D. Un estudiante cuyo vestuario violare las normas establecidas en el código de vestuario, será asignado a suspensión dentro de la escuela por el resto del día, o hasta que sus padres le proporcionen un cambio de ropas aceptable por el código de vestuario de la escuela. Repetidas ofensas podrán dar como resultado, acciones disciplinarias serias. Conducta de acuerdo a los procedimientos de disciplina se espera dentro de todas las clases.
- E. El/la director/a en cooperación con el patrocinador, el entrenador, u otra persona a cargo de una actividad extracurricular, podrán regular el vestuario y apariencia de los estudiantes que participaren de dicha actividad. Estudiantes que violaren las regulaciones podrán ser excluidos de la actividad por un periodo determinado por el principal, el patrocinador y podrán ser sujetos a otras acciones disciplinarias.

Los grados desde el preescolar hasta el cuatro grado podrán usar pantalones cortos (shorts). Los estudiantes serán responsables de obedecer todas las reglas y

regulaciones del código de vestuario y apariencia. CISD espera que los padres ejerzan su buen juicio cuando seleccionen el vestuario y apariencia para sus niños más jóvenes. Reglas básicas concernientes al vestuario y apariencia apropiadas serán contempladas dentro de las escuelas elementales. El/la director/a de la escuela tendrá facultades para ejercer su juicio sobre que es apropiado o no y dar una decisión final.

Appendix D

Placement of Student with Disabilities Texas Education Code, Chapter 37.004

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 not be placed in disciplinary alternative education programs solely for educational purposes if the student does not also meet the criteria for alternative placement in Section 37.006(a) or 37.007(a).

Removal from Classes and/or School

In some cases, inappropriate behavior may cause your child to be removed from classes and/or school for a few days or to be sent to a disciplinary alternative education program, such as a supervised setting separate from regular classes. In either case, your child will be given the opportunity to complete assignments and earn course credit.

A student with a disability may not be suspended from school for more than 3 consecutive school days per offense. When a series of suspensions create a pattern of exclusions that constitute a significant change in placement, the ARD/504 Committee must convene to determine if the misconduct bears a relationship to his/her condition of disability. (Manifestation Determination).

The determination of whether a series of suspensions is a significant change of placement will be made on a case-by-case basis by the ARD/504 Committee. The factors to be considered will be the length of each suspension, the proximity of the suspension to one another, and the total amount of time the disabled student is suspended from school.

When it is determined that the misconduct of the student with a disability is related to his/her condition of disability, the student may not be suspended from school. The ARD/504 Committee will then determine whether the student's current educational placement or accommodation plan is appropriate.

MANIFESTATION DETERMINATION

If a student commits a serious offense outlined in the Texas Education Code, Chapter 37 (Section 37.007. Expulsion for Serious Offenses; and Section 37.008. Disciplinary Alternative Education Programs) that violates Texas State law and the district's Code of Conduct, he/she shall be expelled or placed in an Alternative Education setting.

Before an expulsion or other exclusion that constitutes a significant change in placement, the ARD/504 Committee must conduct a "manifestation determination" to determine whether the student's misconduct was related to his/her condition of disability.

The determination will be based on current/relevant information and re-evaluation data. The evaluation data considered in a manifestation determination meeting must be based on the kind of information necessary to make a competent professional decision and must be recent enough to afford an understanding of the student's current behavior. In making a proper determination, it is critical that the ARD/504 Committee consider the relationship between the behavior and the disability.

The student may be expelled only if the ARD/504 committee determines, based on adequate and current evaluation data, that the student's misbehavior was not a result of either (1) an inappropriate placement, or (2) the student's disability.

If it is determined by the ARD/504 Committee that the misconduct is not related by the student's disabling condition, the student may be excluded from school in the same manner as similarly situated non-disabled students are excluded. However, the district may not totally cease educational services to a student with a disability during the action period.

Appendix E

TRANSPORTATION

Violations of the Student Code of Conduct apply to students riding on the CISD school buses. The bus driver is in full charge of the bus. Students must obey the driver promptly. Disobedience and impudence will not be tolerated. Bus drivers can discipline when necessary as long as it is in an appropriate manner. When administering discipline, students will be treated fairly and equitably. When a student commits offenses of a serious nature or demonstrates persistent misbehavior, it will be necessary to document the infraction on a discipline referral form. The discipline form should be filled out immediately after the bus run and then delivered to the appropriate campus. The administrator at the campus will make the determination of the disciplinary consequences. Discipline options to be used by bus drivers include, but are not limited to:

- Change or assign seating.
- Verbal reprimand.
- Take student's personal items away until the student gets off at their destination.
- Parent contact.
- Bus suspension for student.
- In severe cases, contact law enforcement authorities.

When riding in District vehicles, students are held to behavioral standards established in the Student Code of Conduct. Students must:

- Follow the driver's directions at all times.
- Students need to be waiting at the designated pick-up points.
- Enter and leave the bus or van in an orderly manner at the designated stop nearest home.
- Keep feet, books, band instrument cases, and other objects out of the aisle.
- Not deface the bus, van, or its equipment.
- Not put head, hands, arms, or legs out of the window, hold any object out of the window, or throw objects within or out of the bus or van.
- Be seated while the vehicle is moving.

Note: A bus driver may assign seating at any time when attempting to maintain appropriate conduct and/or bus safety. Seat assignments can be for any length of time, including up to an entire school year if necessary.

Appendix F

DAEP Electives

Students that are assigned to the DAEP from Cleveland Middle School and Cleveland High School who have elective classes such as Band, Agriculture, Dance, Technology Applications, etc., will forfeit a state credit to be replaced with a local credit while at the DAEP.

Appendix G

FREEDOM FROM BULLYING POLICY

Below is the text of Cleveland ISD's policy FFI (LOCAL) as of the date that this Student Code of Conduct Handbook was finalized for this school year. Note that school board policies may be revised at any time. For legal context and the most current copy of the local policy, visit <http://www.clevelandisd.org>.

The District prohibits bullying as defined by this policy. Retaliation against anyone involved in the complaint process is a violation of District policy and is prohibited.

Bullying occurs when a student or group of students engages in written or verbal expression, expression through electronic means, or physical conduct that occurs on school property, at a school-sponsored or school-related activity, or in a vehicle operated by the District and that:

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

This conduct is considered bullying if it:

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

Bullying of a student may include hazing, threats, taunting, teasing, confinement, assault, demands for money, destruction of property, theft of valued possessions, name calling, rumor spreading, or ostracism.

The District prohibits retaliation by a student or District employee against any person who in good faith makes a report of bullying, serves as a witness, or participates in an investigation.

Examples of retaliation may include threats, rumor spreading, ostracism, assault, destruction of property, unjustified punishments, or unwarranted grade reductions. Unlawful retaliation does not include petty slights or annoyances.

A student who intentionally makes a false claim, offers false statements, or refuses to cooperate with a District investigation regarding bullying shall be subject to appropriate disciplinary action.

Reports of bullying shall be made as soon as possible after the alleged act or knowledge of the alleged act. A failure to immediately report may impair the District's ability to investigate and address the prohibited conduct.

To obtain assistance and intervention, any student who believes that he or she has experienced bullying or believes that another student has experienced bullying should immediately report the alleged acts to a teacher, counselor, principal, or other District employee.

Any District employee who suspects or receives notice that a student or group of students has or may have experienced bullying shall immediately notify the principal or designee.

A report may be made orally or in writing. The principal or designee shall reduce any oral reports to written form.

The principal or designee shall determine whether the allegations in the report, if proven, would constitute prohibited conduct as defined by policy FFH, including dating violence and harassment or discrimination on the basis of race, color, religion, gender, national origin, or disability. If so, the District shall proceed under policy FFH. If the allegations could constitute both prohibited conduct and bullying, the investigation under FFH shall include a determination on each type of conduct.

The principal or designee shall conduct an appropriate investigation based on the allegations in the report. The principal or designee shall promptly take interim action calculated to prevent bullying during the course of an investigation, if appropriate.

Absent extenuating circumstances, the investigation should be completed within ten District business days from the date of the initial report alleging bullying; however, the principal or designee shall take additional time if necessary to complete a thorough investigation.

The principal or designee shall prepare a final, written report of the investigation. The report shall include a determination of whether bullying occurred, and if so, whether the victim used reasonable self-defense. A copy of the report shall be sent to the Superintendent or designee.

If an incident of bullying is confirmed, the principal or designee shall promptly notify the parents of the victim and of the student who engaged in bullying.

If the results of an investigation indicate that bullying occurred, the District shall promptly respond by taking appropriate disciplinary action in accordance with the District's Student Code of Conduct and may take corrective action reasonably calculated to address the conduct.

A student who is a victim of bullying and who used reasonable self-defense in response to the bullying shall not be subject to disciplinary action.

The discipline of a student with a disability is subject to applicable state and federal law in addition to the Student Code of Conduct.

Examples of corrective action may include a training program for the individuals involved in the complaint, a comprehensive education program for the school community, follow-up inquiries to determine if any new incidents or any instances of retaliation have occurred, involving parents and students in efforts to identify problems and improve the school climate, increasing staff monitoring of areas where bullying has occurred, and reaffirming the District's policy against bullying.

The principal or designee shall refer to FDB for transfer provisions.

The principal or designee shall notify the victim, the student who engaged in bullying, and any students who witnessed the bullying of available counseling options.

If the investigation reveals improper conduct that did not rise to the level of prohibited conduct or bullying, the District may take action in accordance with the Student Code of Conduct or any other appropriate corrective action.

To the greatest extent possible, the District shall respect the privacy of the complainant, persons against whom a report is filed, and witnesses. Limited disclosures may be necessary in order to conduct a thorough investigation.

A student who is dissatisfied with the outcome of the investigation may appeal through FNG (LOCAL), beginning at the appropriate level.

Retention of records shall be in accordance with CPC (LOCAL).

This policy and any accompanying procedures shall be distributed annually in the employee and student handbooks. Copies of the policy and procedures shall be posted on the District's Web site, to the extent practicable, and shall be readily available at each campus and the District's administrative offices. Contact **Stephen McCanless**, Executive Director of Operations at smccanless@clevelandisd.org, for additional information.

Appendix H

Asbestos Management Plan

Notification Plan:

Cleveland I.S.D. provides electronic notification to each staff member and the parents of children whom attend the district at least once each school year by publishing required notice on the District's Website located online at <http://www.clevelandisd.org> in the CISD Student Handbook, CISD Student Code of Conduct and the CISD Employee Handbook.

Notification Letter:

To: CLEVELAND I.S.D. Staff and Parents of Attending Students
From: GERALD LEE, Cleveland I.S.D. Asbestos Designated Person

Re: Federal regulations concerning the inspection, re-inspection, periodic surveillance, response activities and management planning for our school district.

I am pleased to inform you that CLEVELAND I.S.D. works diligently to maintain compliance with federal and state law governing asbestos in school buildings. A copy of the district's Asbestos Management Plan is available on each campus in the office of the principal, as well as in the superintendent's office. If you have any questions or would like to examine the district's plan in more detail, please contact Gerald Lee, the district's designated asbestos coordinator, at 281-592-2618 opt. 2

Sincerely,

GERALD LEE
Asbestos Designated Person

APPENDIX I

Pest Management Plan

Notification Plan:

Cleveland I.S.D. provides electronic notification to each staff member and the parents of children whom attend the district at least once each school year by publishing required notice on the District's Website located online at <http://www.clevelandisd.org> in the CISD Student Handbook, CISD Student Code of Conduct and the CISD Employee Handbook.

Notification Letter:

To: CLEVELAND I.S.D. Staff and Parents of Attending Students
From: GERALD LEE, Cleveland I.S.D., Integrated Pest Management Coordinator

Re: Federal regulations concerning integrated pest management procedures to control pests on school grounds.

I am pleased to inform you that CLEVELAND I.S.D. works diligently to maintain compliance with federal and state law governing integrated pest management (IPM) procedures to control pests on school grounds.

Although the district strives to use the safest and most effective methods to manage pests, including a variety of non-chemical control measures, pesticide use is sometimes necessary to maintain adequate pest control and ensure a safe, pest-free school environment.

All pesticides used are registered for their intended use by the United States Environmental Protection Agency and are applied only by certified pesticide applicators. Except in an emergency, signs will be posted 48 hours before indoor application. All outdoor applications will be posted at the time of treatment, and signs will remain until it is safe to enter the area. Parents who have further questions or who want to be notified prior to pesticide application inside their child's school assignment area may contact Gerald Lee, the district's IPM coordinator, at 281-592-2618 opt. 2

Sincerely,

GERALD LEE
Integrated Pest Management Coordinator

GLOSSARY

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

Abuse is improper or excessive use.

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

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

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

Arson is defined in part by Texas Penal code 28.02 as:

1. A crime that involves starting a fire or causing an explosion with intent to destroy or damage:
 - a. Any vegetation, fence, or structure on open-space land; or
 - b. Any building, habitation, or vehicle:
 1. Knowing that it is within the limits of an incorporated city or town,
 2. Knowing that it is insured against damage or destruction,
 3. Knowing that it is subject to a mortgage or other security interest,
 4. Knowing that it is located on property belonging to another,
 5. Knowing that it has located within it property belonging to another, or
 6. When the person starting the fire is reckless about whether the burning or explosion will endanger the life of some individual or the safety of the property of another.
2. A crime that involves recklessly starting a fire or causing an explosion while manufacturing or attempting to manufacture a controlled substance and the fire or explosion damages any building, habitation, or vehicle; or
3. A crime that involves intentionally starting a fire or causing an explosion and in so doing:
 - a. Recklessly damages or destroys a building belonging to another, or
 - b. Recklessly causes another person to suffer bodily injury or death.

Assault is defined in part by Texas Penal Code 22.01(a)(1) as intentionally, knowingly, or recklessly causing bodily injury to another; §22.01(a)(2) as intentionally or knowingly

threatening another with imminent bodily injury; and §22.01(a)(3) as intentionally or knowingly causing physical contact with another that can reasonably be regarded as offensive or provocative.

Breach of computer security includes knowingly accessing a computer, computer network, or computer system without the effective consent of the owner as defined in Texas Penal Code 33.02, if the conduct involves accessing computer, computer network, or computer system owned by or operated on behalf of a school district; and the student knowingly alters, damages, or deletes school district property or information; or commits a breach of any other computer, computer network, or computer system.

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

1. Has the effect or will have the effect of physically harming a student, damaging a student's property, or placing a student in reasonable fear of harm to the student's person or of damage to the student's property;
2. Is sufficiently severe, persistent, or pervasive enough that the action or threat creates an intimidating, threatening, or abusive educational environment for a student.
3. Materially and substantially disrupts the educational process or the orderly operation of a classroom or school; or
4. Infringes on the rights of the victim at school.

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

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

Please see APPENDIX J for a copy of the district's bullying policy. A copy is also available in the principal's office, superintendent's office, and on the district's Web site at <http://www.clevelandisd.org>. Then click on Administration and scroll down the page to Board Policy to FFI (LOCAL) – STUDENT WELFARE: FREEDOM FROM BULLYING, adopted by Board on 2/29/2013. Note that school board policies may be revised at any time.

Chemical dispensing device is defined by Texas Penal Code 46.01 as a device designed, made, or adapted for the purpose of dispensing a substance capable of causing

an adverse psychological or physiological effect on a human being. A small chemical dispenser sold commercially for personal protection is not in this category.

Club is defined by Texas Penal Code 46.01 as an instrument specially designed, made, or adapted for the purpose of inflicting serious bodily injury or death. A blackjack, nightstick, mace, and tomahawk are in the same category.

Controlled Substance means a substance, including a drug, an adulterant, and a dilutant, listed in Scheduled I through V or penalty group 1, 1-A, 2, 2-A, 3, or 4 of the Texas Controlled Substances Act. The term includes the aggregate weight of any mixture, solution, or other substance containing a controlled substance. The term does not include hemp, as defined by Agriculture Code 121.001, or the tetrahydrocannabinols (THC) in hemp.

Criminal street gang is 3 or more persons having a common identifying sign or symbol or an identifiable leadership who continuously or regularly associate in the commission of criminal activities.

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

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

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

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

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

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

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

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

E-cigarette means an electronic cigarette or any other device that simulates smoking by using a mechanical heating element, battery, or electronic circuit to deliver nicotine or other substances to the individual inhaling from the device, or a consumable liquid solution or other material aerosolized or vaporized during the use of an electronic cigarette or other device described by this provision. The term includes any device that is manufactured, distributed, or sold as an e-cigarette, e-cigar, or e-pipe or under another product name or description and a component, part, or accessory for the device, regardless of whether the component, part, or accessory is sold separately from the device.

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

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

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

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

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 silencer, defined as any device for silencing, muffling, or diminishing the report of a portable firearm; or
4. Any destructive device, such as any explosive, incendiary or poison gas bomb, or grenade.

Such term does not include an antique firearm.

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

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

Harassment is:

1. Conduct that meets the definition established in district policies DIA (LOCAL) and FFH (LOCAL); or
2. Conduct that threatens to cause harm or bodily injury to another person, including a district student, employee, board member, or volunteer; is sexually intimidating; causes physical damage to the property of another student; subjects another student to physical confinement or restraint; or maliciously and substantially harms another student's physical or emotional health or safety, as defined in section 37.001(b) (2) of the Education Code.

3. Conduct that is punishable as a crime under Penal Code 42.07, including the following types of conduct if carried out with the intent to harass, annoy, alarm, abuse, torment, or embarrass another:
 - a. Initiating communication and, in the course of the communication, making a comment, request, suggestion, or proposal that is obscene, as defined by law;
 - b. Threatening, in a manner reasonably likely to alarm the person receiving the threat, to inflict bodily injury on the person or to commit a felony against the person, a member of the person's family or household, or the person's property;
 - c. Conveying, in a manner reasonably likely to alarm the person receiving the report, a false report, which is known by the conveyor to be false, that another person has suffered death or serious bodily injury;
 - d. sending repeated electronic communications in a manner reasonably likely to harass, annoy, alarm, abuse, torment, embarrass, or offend another; and
 - e. Publishing on an internet website, including a social media platform, repeated electronic communications in a manner reasonably likely to cause emotional distress, abuse, or torment to another person, unless the communications are made in connection with a matter of public concern, as defined by law.

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

1. Any type of physical brutality;
2. An activity that subjects the student to an unreasonable risk of harm or that adversely affects the student's mental or physical health, such as sleep deprivation, exposure to the elements, confinement to small spaces, calisthenics, or consumption of food, liquids, drugs, or other substances;
3. An activity that induces, causes, or requires the student to perform a duty or task that violates the Penal Code; and
4. Coercing a student to consume a drug or alcoholic beverage in an amount that would lead a reasonable person to believe the student is intoxicated.

Hit list is defined in section 37.001(b) (3) of the Education Code as a list of people targeted to be harmed, using a firearm, a knife, or any other object to be used with intent to cause bodily harm.

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

Indecent Exposure is defined by Penal Code 21.08 as an offense that occurs when a person exposes the person's anus or any part of the person's genitals with intent to arouse or gratify the sexual desire of any person, and is reckless about whether another person is present who will be offended or alarmed by the act.

Intimate visual material is defined by Civil Practices and Remedies Code 98B.001 and Penal Code 21.16 as visual material that depicts a person with the person's intimate parts exposed or engaged in sexual conduct. "Visual material" means any film, photograph, video tape, negative, or slide of any photographic reproduction or any other physical medium that allows an image to be displayed on a computer or other video screen and any image transmitted to a computer or other video screen.

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

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

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

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

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

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

Possession means to have an item on one's person or in one's personal property, including but not limited to clothing, purse, or backpack; a private vehicle used for transportation to or from school or school-related activities, including but not limited to an automobile, truck, motorcycle, or bicycle; telecommunications or electronic devices; or any school property used by the student, including but not limited to a locker or desk.

Prohibited weapon under Texas Penal Code 46.05(a) means:

1. The following items unless registered with the U.S. Bureau of Alcohol, Tobacco, Firearms, and Explosives or otherwise not subject to that registration requirement or unless the item is classified as a curio or relic by the U.S. Department of Justice:
 - a. An explosive weapon;
 - b. A machine gun;
 - c. A short-barrel firearm;
2. Armor-piercing ammunition;
3. A chemical dispensing device;
4. A zip gun;
5. A tire deflation device;
6. An improvised explosive device; or

Public Lewdness is defined by Texas Penal Code 21.07 as an offense that occurs when a person knowingly engages in an act of sexual intercourse, deviate sexual intercourse, or sexual contact in a public place or, if not in a public place, is reckless about whether another is present who will be offended or alarmed by the act.

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

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

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

Serious misbehavior means:

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

Serious or persistent misbehavior includes but is not limited to:

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

- Leaving school grounds without permission.
- Falsification of records, passes, or other school-related documents.
- Refusal to accept discipline assigned by the teacher or principal.

Short-barrel firearm is defined by Texas Penal Code 46.01 as a rifle with a barrel length of less than 16 inches or a shotgun with a barrel length of less than 18 inches, or any weapon made from a rifle or shotgun that, as altered, has an overall length of less than 26 inches.

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

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

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

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

- Murder, manslaughter, or homicide under Sections 19.02, - .05, Texas Penal Code;
- Kidnapping under section 20.03, Texas Penal Code;
- Trafficking of persons under Section 20A.02, Texas Penal Code;
- Smuggling or continuous smuggling of persons under Section 20.05-.06, Texas Penal Code;
- Assault under Section 22.01, Texas Penal Code;
- Aggravated assault under Section 22.02, Texas Penal Code;
- Sexual assault under Section 22.011, Texas Penal Code;
- Aggravated sexual assault under Section 22.021, Texas Penal Code;
- Unlawful restraint under Section 20.02, Texas Penal Code;

- Continuous sexual abuse of a young child or disabled individual under Section 21.02, Texas Penal Code;
- Bestiality under Section 21.09, Texas Penal Code;
- Improper relationship between educator and student under Section 21.12, Texas Penal Code;
- Voyeurism under Section 21.17, Texas Penal Code;
- Indecency with a child under Section 21.11, Texas Penal Code;
- Invasive visual recording under Section 21.15, Texas Penal Code;
- Disclosure or promotion of intimate visual material under Section 21.16, Texas Penal Code;
- Sexual Coercion under Section 21.18, Texas Penal Code;
- Injury to a child, an elderly person, or a disabled person of any age under Section 22.04, Texas Penal Code ;
- Abandoning or endangering a child under Section 22.041, Texas Penal Code ;
- Deadly conduct under Section 22.05, Texas Penal Code ;
- Terroristic threat under Section 22.07, Texas Penal Code;
- Aiding a person to commit suicide under Section 22.08, Texas Penal Code ; and
- Tampering with a consumer product under Section 22.09, Texas Penal Code .
- [See FOC (EXHIBIT)]

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

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

Zip gun is defined by Texas Penal Code 46.01 as 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.