

# ***Friendswood ISD Student Code of Conduct***

2023-24 School Year



*If you have difficulty accessing the information in this document because of disability, please contact.  
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Contents

*Friendswood ISD Student Code of Conduct*..... 1

**Student Code of Conduct**..... **3**

    Accessibility..... 3

    Purpose..... 3

**School District Authority and Jurisdiction** ..... **4**

    Campus Behavior Coordinator..... 4

    Threat Assessment and Safe and Supportive School Team..... 4

    Searches ..... 4

    Reporting Crimes ..... 5

    Security Personnel ..... 5

    “Parent” Defined ..... 5

    Participating in Graduation Activities..... 5

    Unauthorized Persons ..... 6

**Standards for Student Conduct**..... **7**

**General Conduct Violations** ..... **8**

    Disregard for Authority..... 8

    Mistreatment of Others ..... 8

    Property Offenses..... 9

    Possession of Prohibited Items..... 9

    Possession of Telecommunications or Other Electronic Devices ..... 10

    Illegal, Prescription, and Over-the-Counter Drugs..... 10

    Misuse of Technology Resources and the Internet..... 10

    Safety Transgressions ..... 11

    Miscellaneous Offenses..... 11

**Discipline Management Techniques**..... **12**

    Students with Disabilities ..... 12

    Techniques ..... 12

    Prohibited Aversive Techniques ..... 13

    Notification ..... 14

    Appeals ..... 14

**Removal from the School Bus** ..... **16**

**Removal from the Regular Educational Setting** ..... **17**

    Routine Referral ..... 17

    Formal Removal ..... 17

    Returning a Student to the Classroom..... 17

<b>Out-of-School Suspension.....</b>	<b>18</b>
Misconduct .....	18
Process .....	18
Coursework During Suspension .....	19
<b>Disciplinary Alternative Education Program (DAEP) Placement.....</b>	<b>20</b>
Discretionary Placement: Misconduct That May Result in DAEP Placement .....	20
Mandatory Placement: Misconduct That Requires DAEP Placement.....	21
Sexual Assault and Campus Assignments.....	22
Process .....	22
Length of Placement.....	23
Restrictions During Placement.....	24
Placement Review.....	24
Additional Misconduct.....	25
Notice of Criminal Proceedings.....	25
Withdrawal During Process .....	25
Newly Enrolled Students.....	26
Emergency Placement Procedure .....	26
Transition Services .....	26
<b>Placement and/or Expulsion for Certain Offenses .....</b>	<b>27</b>
Registered Sex Offenders .....	27
Certain Felonies .....	27
<b>Expulsion .....</b>	<b>30</b>
Discretionary Expulsion: Misconduct That May Result in Expulsion.....	30
Mandatory Expulsion: Misconduct That Requires Expulsion.....	32
Under Age Ten.....	33
Process .....	33
Length of Expulsion.....	35
Withdrawal During Process .....	35
Additional Misconduct.....	35
Restrictions During Expulsion.....	35
Newly Enrolled Students.....	35
Emergency Expulsion Procedures.....	36
DAEP Placement of Expelled Students .....	36
Transition Services .....	36
<b>Glossary.....</b>	<b>37</b>

## **Student Code of Conduct**

### **Accessibility**

If you have difficulty accessing the information in this document because of disability, please contact Dr. Stacy Guzzetta, Executive Director of Student Operations ([sguzzetta@fisd12.net](mailto:sguzzetta@fisd12.net) 281-482-1267).

### **Purpose**

The Student Code of Conduct ("Code of Conduct"), as required by Chapter 37 of the Texas Education Code, provides methods and options for managing student behavior, preventing and intervening in student discipline problems, and imposing discipline.

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), placement in a juvenile justice alternative education program (JJAEP), or expulsion from school.

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

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

Because the Code of Conduct is adopted by the district's board of trustees, it has the force of policy. In the event of a conflict between the Code of Conduct and the Student Handbook, the Code of Conduct 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**

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

## **Campus Behavior Coordinator**

As required by law, a person at each campus must be designated to serve as the campus behavior coordinator (CBC). The designated person may be the principal or any other campus administrator selected by the principal. The CBC is primarily responsible for maintaining student discipline. The district shall post on its website and in the Student Handbook, for each campus, the email address and telephone number of the person serving as CBC. Contact information may be found at <https://www.myfisd.com/schools> and at <https://www.myfisd.com/explore-fisd/district-handbooks-and-policies>.

## **Threat Assessment and Safe and Supportive School Team**

The CBC or other appropriate administrator will work closely with the campus threat assessment and 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 vehicles 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.

## *School District Authority and Jurisdiction*

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

Desks, lockers, district-provided technology, and similar items are the property of the district and are provided for student use as a matter of convenience. District property is subject to search or inspection at any time without notice.

### **Reporting Crimes**

The principal 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**

The board utilizes school resource officers (SROs), through a memorandum of understanding with the Friendswood Policy Department and campus security monitors to ensure the security and protection of students, staff, and property. In accordance with law, the board has coordinated with the CBC and other district employees to ensure appropriate law enforcement duties are assigned to these persons. Provisions addressing the various types of security personnel can be found in the CKE policy series.

The SRO's primary responsibility is to enforce the law. This may include responding to calls for assistance, preventative patrol, making arrests and conducting follow-up investigations on campus. The SROs should be contacted for all on campus responses; however, in the event of an emergency that requires additional officers in the absence of the SRO, the 9-1-1 reporting system should be utilized.

SROs should maintain close liaison with campus personnel and be familiar with potential problems. SROs have discretion in matters relating to offenses at the Class C Misdemeanor level. They may, however, take the school's wishes into consideration, as the officer deems appropriate. The ultimate goal of the SRO Program is to maintain a peaceful environment that allows the learning process to continue uninterrupted.

The SRO shall not act as a school disciplinarian, as disciplining students is a school responsibility. It is agreed and understood that the principal and appropriate school staff shall be responsible for investigating and determining, in their discretion, whether a student has violated school disciplinary codes or standards and the appropriate administrative action to take. However, this shall not be construed to prevent the SRO from sharing information with school administration/staff, which may aid in the determination of whether a disciplinary offense occurred.

District security personnel do not have any law enforcement duties.

### **“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 of Conduct.

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 eligible, a student shall not have engaged in any misconduct that resulted 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 that resulted 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, SRO, or district police officer shall have the authority to refuse entry to 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 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 policies FNG(LOCAL) or GF(LOCAL), as appropriate. However, the timelines for the district's grievance procedures shall be adjusted as necessary to permit the person to address the board in person within 90 calendar days, unless the complaint is resolved before a board hearing.

See **DAEP—Restrictions During Placement** on page 24 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.
- Exercise self-discipline.
- Attend all classes regularly and on time.
- Bring appropriate materials and assignments to class.
- Meet district and campus standards of grooming and dress.
- 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.



## **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** on page 18, **DAEP Placement** on page 19, **Placement and/or Expulsion for Certain Offenses** on page 27, and **Expulsion** on page 30, those 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 on page 17.

### **Disregard for Authority**

Students shall not:

- Fail to comply with directives given by school personnel.
- Leave school grounds or school-sponsored events without permission.
- Disobey rules for conduct in district vehicles.
- Refuse to accept discipline or consequence 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/or Expulsion for Certain Offenses** on page 27.)
- 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 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**.)
- Coerce an individual to act through the use or threat of force.
- Commit extortion or blackmail.
- 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 individual 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 and/or Expulsion for Certain Offenses** on page 27.)
- 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 Penal Code. (For felony robbery, aggravated robbery, and theft, see **DAEP— Placement and/or Expulsion for Certain Offenses** on page 27.)
- Enter, without authorization, district facilities that are not open for operations.

## **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;
- A hand instrument designed to cut or stab another by being thrown;
- A firearm silencer or suppressor;
- \*A location-restricted knife;
- \*A club;
- \*A firearm;
- A stun gun;
- Knuckles;
- A pocketknife or any other small knife;
- Mace or pepper spray;
- Pornographic material;
- Tobacco products, cigarettes, e-cigarettes, and any component, part, or accessory for an e-cigarette device;
- Matches or a lighter;
- A laser pointer, unless it is for 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/or Expulsion for Certain Offenses** on page 27. In many circumstances, possession of these items is punishable by mandatory expulsion under federal or state law.

### **Possession of Telecommunications or Other Electronic Devices**

Students shall not:

- During classroom instruction use a telecommunications device, including a cell phone, smart watch, or other electronic device in violation of district and campus rules.

### **Illegal, Prescription, and Over-the-Counter Drugs**

Students shall not:

- Possess, use, give, or sell alcohol or an illegal drug. (Also see **DAEP Placement** on page 19 and **Expulsion** on page 30 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 to body or mind. (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 or harass 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.

## *General Conduct Violations*

- 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.

### **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.
- Engage in academic dishonesty, which includes cheating or copying the work of another student, plagiarism, and unauthorized communication between students during an examination.
- 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.

The district may impose campus or classroom rules in addition to those found in the Code of Conduct. These rules may be posted in classrooms or given to the student and may or may not constitute violations of the Code of Conduct.

### **Discipline Management Techniques**

Discipline shall be designed to improve conduct and encourage students to be responsible 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 Code of Conduct. In the event of any conflict, 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 Admission, Review, and Dismissal (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, in combination, or as part of progressive interventions for behavior prohibited by the 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 items that disrupt the educational process.
- 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.
- Sending the student to the office, another assigned area, or to in-school suspension (ISS).
- Assignment of school duties, such as cleaning or picking up litter.
- Withdrawal of privileges, such as participation in extracurricular activities, eligibility for seeking and holding honorary offices, or membership in school-sponsored clubs and organizations.
- Penalties identified in student organizations' extracurricular standards of behavior.
- Restriction or revocation of district transportation privileges.
- School-assessed and school-administered probation.
- Out-of-school suspension, as specified in **Out-of-School Suspension** on page 18.
- Placement in a DAEP, as specified in **DAEP** on page 19.
- Expulsion and/or placement in an alternative educational setting, as specified in **Placement and/or Expulsion for Certain Offenses** on page 27.
- Expulsion, as specified in **Expulsion** on page 30.
- 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. [See policy FO(LOCAL).]
- 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 comfort, 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 using 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 CBC 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 CBC 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 to provide written notice of the disciplinary action to the student, on the day the action was taken, for delivery to the student's parent. 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 CBC shall send written notification by U.S. Mail. If the CBC is not able to provide notice to the parent, the principal or designee shall provide the notice.

Before the principal or appropriate administrator assigns a student under age 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.

When the district proposes to expel a student, the district shall comply with FOD(LEGAL). The student may appeal the expulsion decision to the district's board of trustees in accordance with FOD(LEGAL).

Except to the extent required by law or board policy, no other discipline or sanctions described in this handbook may be appealed to the district's board of trustees. The district will comply with FO(LOCAL) including general discipline guidelines, FOA(LEGAL) classroom and bus removals, FOB(LEGAL) out-of-school suspensions, and FOC(LEGAL) DAEP placements as appropriate. Copies of these policies may be obtained from the principal's office, the central administration office, or at the following address: <https://pol.tasb.org/PolicyOnline?key=506>.

In cases involving disciplinary decisions other than expulsion, the student may appeal a campus-level authority's disciplinary decision to the campus principal. If the campus principal affirms the campus-level authority's disciplinary decision, the student may appeal to the superintendent or designee. The superintendent's or designee's decision will be final and cannot be appealed.

Except with respect to expulsions covered by FOD(LEGAL), the district shall not delay disciplinary consequences pending the outcome of an appeal. In the instance of a student who is accused of conduct that meets the definition of sexual harassment as defined by Title IX, the

## *Discipline Management Techniques*

district will comply with applicable federal law, including the Title IX formal complaint process. See policies FFH(LEGAL) and (LOCAL).



## **Removal from the School Bus**

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

To transport students safely, the vehicle operator must focus on driving and not be distracted by student misbehavior. Therefore, when appropriate disciplinary management techniques fail to improve student behavior or when specific misconduct warrants immediate removal, the principal or the CBC 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 CBC's office as a discipline management technique. The CBC shall employ alternative discipline management techniques, including progressive interventions. A teacher or administrator may remove a student from class for behavior that violates this Code of Conduct to maintain effective discipline in the classroom.

#### **Formal Removal**

A teacher may initiate a formal removal from class if:

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

Within three school days of the formal removal, the CBC 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 CBC 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 CBC or other administrator may place the student in:

- Another appropriate classroom.
- ISS.
- 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 shall be followed.

#### **Returning a Student to the Classroom**

A student who 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.

A student who has been formally removed by a teacher for any other conduct 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 behavior listed in the Code of Conduct 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 in 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 sections 46.02 or 46.05;
- Conduct that contains the elements of assault, sexual assault, aggravated assault, or 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 three school days per behavior violation, with no limit on the number of times a student may be suspended in a semester or school year.

Before being suspended a student shall have an informal conference with the CBC or appropriate administrator, who shall inform the student of the alleged misconduct and give the student an opportunity to respond to the allegation before the administrator makes a decision.

The CBC shall determine the number of days of a student's suspension, not to exceed three school days.

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

1. Self-defense (see **glossary**),
2. Intent or lack of intent at the time the student engaged in the conduct,
3. The student's disciplinary history,
4. A 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 cocurricular 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 ISS or another setting, other than a DAEP, will have an opportunity before the beginning of the next school year to complete each course the student was enrolled in at the time of removal. 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*

### **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 5 and secondary classification shall be grades 6–12.

Summer programs provided by the district shall serve students assigned to a DAEP in conjunction with other students.

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 CBC shall take into consideration:

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

#### **Misconduct Identified in State Law**

In accordance with state law, a student **may** be placed in a DAEP for any 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 of 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, or gang 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**.)
- Criminal mischief, not punishable as a felony.
- Assault (no bodily injury) with threat of imminent bodily injury.
- Assault by offensive or provocative physical contact.

## *Disciplinary Alternative Education Program (DAEP) Placement*

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 engaged in conduct punishable as a felony, other than aggravated robbery or those listed as offenses in Title 5 (see **glossary**) of the 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 CBC **may** 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 offenses on school property, 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 Penal Code 22.01(a)(1).
  - Sells, gives, or delivers to another person or possesses, uses, or is under the influence of a controlled substance or dangerous drug in an amount not constituting a felony offense. (School-related felony drug offenses are addressed in **Expulsion** on page 30.) (See **glossary** for "under the influence", "controlled substance," and "dangerous drug.")
  - Sells, gives, or delivers to another person or possesses, uses, or is under the influence of marijuana or THC. 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.
  - 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.
  - Behaves in a manner that contains the elements of an offense relating to abusable volatile chemicals.
  - Sells, gives, or delivers to another person or possesses or uses an e-cigarette.
  - Behaves in a manner that contains the elements of the offense of public lewdness or indecent exposure. (See **glossary**.)
  - Engages in conduct that contains the elements of an offense of harassment against an employee under Penal Code 42.07(a)(1), (2), (3), or (7).
- Engages in expellable conduct and is six to nine years of age.
- Commits a federal firearms violation and is younger than six 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 **Expulsion** on page 30.)

## *Disciplinary Alternative Education Program (DAEP) Placement*

- Engages in conduct punishable as aggravated robbery or a felony listed under Title 5 (see **glossary**) of the 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**

A student shall be transferred to another campus if:

- The 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
- 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.

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 CBC.

### **Conference**

When a student is removed from class for a DAEP offense, the CBC or appropriate administrator shall schedule a conference within three school days with the student's parent, the student, and, in the case of a teacher removal, the teacher.

At the conference, the CBC or appropriate administrator shall provide the student:

- Information, orally or in writing, of the reasons for the removal;
- An explanation of the basis for the removal; and
- An opportunity to respond to the reasons for the removal.

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 CBC shall take into consideration:

1. Self-defense (see **glossary**),
2. Intent or lack of intent at the time the student engaged in the conduct,
3. The student's disciplinary history,
4. A disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct,

## *Disciplinary Alternative Education Program (DAEP) Placement*

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 a DAEP, the CBC shall write a placement order. A copy of the DAEP placement order and information for the parent or person standing in parental relation to the student regarding the process for requesting a full individual and initial evaluation of the student for purposes of special education services 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 a DAEP and the length of placement is inconsistent with the guidelines included in this Code of Conduct, the placement order shall give notice of the inconsistency.

### **DAEP at Capacity**

If a DAEP is at capacity at the time the CBC is deciding placement for conduct related to marijuana, THC, an e-cigarette, alcohol, or an abusable volatile chemical, the student shall be placed in ISS then transferred to a DAEP for the remainder of the period if space becomes available before the expiration of the period of the placement.

If a DAEP is at capacity at the time the CBC is deciding placement for a student who engaged in violent conduct, a student placed in a DAEP for conduct related to marijuana, THC, an e-cigarette, alcohol, or an abusable volatile chemical may be placed in ISS to make a position in the DAEP available for the student who engaged in violent conduct. If a position becomes available in a DAEP before the expiration of the period of the placement for the student removed, the student shall be returned to a DAEP for the remainder of the period.

### **Coursework Notice**

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

### **Length of Placement**

The CBC shall determine the duration of a student's placement in a DAEP.

The duration of a student's placement shall be determined case by case based on the seriousness of the offense, the student's age and grade level, the frequency of misconduct, the student's attitude, and statutory requirements.

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

Unless otherwise specified in the placement order, days absent from a DAEP shall not count toward fulfilling the total number of days required in a student's DAEP placement order.



## *Disciplinary Alternative Education Program (DAEP) Placement*

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 one 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 are in a DAEP placement at the end of one school year may be required to continue that placement at the start of the next school year to complete the assigned term of placement.

For placement in a DAEP to extend beyond the end of the school year, the CBC 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 of Conduct.

### **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 proceeding before the board or the board's designee.

### **Restrictions During Placement**

State law prohibits a student placed in a DAEP for reasons specified in state law from attending or participating in school-sponsored or school-related extracurricular activities. The student will also be prohibited from coming on school district grounds at any FSD campus or facility unless scheduled through the principal's office.

The district shall provide transportation to students in a DAEP.

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

### **Placement Review**

A student placed in a DAEP shall be provided a review of his or her status, including academic status, by the CBC 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.

## *Disciplinary Alternative Education Program (DAEP) Placement*

### **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 CBC 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 third day after the superintendent or designee receives notice from the prosecutor. The student may not be returned to the regular classroom pending the review.

After reviewing the notice and 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 of Conduct in a way that requires or permits the student to be placed in a DAEP and the student withdraws from the district before a placement order is completed, the CBC may complete the proceedings and issue a placement order. If the student then re-enrolls 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 CBC 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.

## *Disciplinary Alternative Education Program (DAEP) Placement*

### **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 including a district in another state.

When a student enrolls in the district with a DAEP placement from a district in another state, the district has the right to place the student in DAEP to the same extent as any other newly enrolled student if the behavior committed is a reason for DAEP placement in the receiving district.

State law requires the district to reduce a placement imposed by a district in another state that exceeds one year so that the total placement does not exceed one year. After a review, however, the placement may be extended beyond a year if the district determines that the student is a threat to the safety of other students or employees or the extended placement is in the best interest of the student.

### **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 tenth 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 two 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 student shall be placed in either DAEP or JJAEP for at least one semester.

If the student is not under any form of court supervision, the student may be placed in DAEP or JJAEP for one semester or placed in a regular classroom. The student may not be placed 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 interests 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 Students**

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

## *Placement and/or Expulsion for Certain Offenses*

- Received deferred prosecution for conduct defined as aggravated robbery or a Title 5 felony offense;
- 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;
- Been charged with engaging in conduct defined as aggravated robbery or a Title 5 felony offense;
- 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
- 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 this section is entitled to a review of his or her status, including academic status, by the CBC 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.

## *Placement and/or Expulsion for Certain Offenses*

### **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 CBC shall take into consideration:

1. Self-defense (see **glossary**),
2. Intent or lack of intent at the time the student engaged in the conduct,
3. The student's disciplinary history,
4. A 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** on page 19.)

#### **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 of 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 one 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 any amount of marijuana, a controlled substance, or a dangerous drug. 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 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.
- 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 Penal Code 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.
- Aggravated robbery.
- Continuous sexual abuse of a young child or disabled individual.
- Felony controlled substance or dangerous drug offenses, not including THC.
- Unlawfully carrying on or about the student's person a handgun or a location-restricted knife, 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 a DAEP

A student may be expelled for engaging in documented serious misbehavior that violates the district's Code of Conduct, 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 Penal Code 1.07; or
4. Conduct that constitutes the offense of:
  - a. Public lewdness under Penal Code 21.07;
  - b. Indecent exposure under Penal Code 21.08;
  - c. Criminal mischief under Penal Code 28.03;
  - d. Hazing under Education Code 37.152; or
  - e. Harassment under Penal Code 42.07(a)(1) of a student or district employee.

### 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 Penal Code

- Unlawfully carrying on or about the student's person the following, in the manner prohibited by Penal Code 46.02:
  - 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 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 disabled individual.
  - Behavior punishable as a felony that involves selling, giving, or delivering to another person or possessing, using, or being under the influence of a controlled substance or a dangerous drug.
- 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 ten engages in behavior that is expellable behavior, the student shall not be expelled, but shall be placed in a DAEP. A student under age six 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 CBC 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 CBC or other administrator may place the student in:

- Another appropriate classroom.
- ISS.
- 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 superintendent or superintendent's 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 seven days after receipt of the written decision. The superintendent must provide the student or parent written notice of the date, time, and place of the meeting at which the board will review the decision.

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

The board shall consider and 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 CBC shall take into consideration:

1. Self-defense (see **glossary**),
2. Intent or lack of intent at the time the student engaged in the conduct,
3. The student's disciplinary history,
4. A 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 superintendent or superintendent's designee 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 Code of Conduct, the expulsion order shall give notice of the inconsistency.

### **Length of Expulsion**

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

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

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

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

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

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

### **Withdrawal During Process**

When a student's conduct 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 CBC 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 CBC 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 one 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 one year, unless after a review it is determined that:

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

### **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 ten 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 ten years of age.

### **Transition Services**

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

## Glossary

**Abuse** is improper or excessive use.

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

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

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

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

1. 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. Recklessly starting a fire or causing an explosion while manufacturing or attempting to manufacture a controlled substance if the fire or explosion damages any building, habitation, or vehicle; or
3. Intentionally starting a fire or causing an explosion and in so doing:
  - a. Recklessly damaging or destroying a building belonging to another, or
  - b. Recklessly causing another person to suffer bodily injury or death.

**Assault** is defined in part by Penal Code 22.01 as intentionally, knowingly, or recklessly causing bodily injury to another; intentionally or knowingly threatening another with imminent bodily injury; or 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 Penal Code 33.02, if the conduct involves accessing a computer, computer network, or computer system owned by or operated on behalf of a school district and the student knowingly alters, damages, or deletes

school district property or information or commits a breach of any other computer, computer network, or computer system.

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

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 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Harassment** includes:

1. Conduct that meets the definition established in district policies DIA(LOCAL) and FFH(LOCAL);
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 Education Code 37.001(b)(2); or
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. Causing the telephone of another to ring repeatedly or making repeated telephone communications anonymously or in a manner reasonably likely to harass, annoy, alarm, abuse, torment, embarrass, or offend another;
  - e. Making a telephone call and intentionally failing to hang up or disengage the connection;
  - f. Knowingly permitting a telephone under the person's control to be used by another to commit an offense under this section;
  - g. Sending repeated electronic communications in a manner reasonably likely to harass, annoy, alarm, abuse, torment, embarrass, or offend another;

- h. 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; or
- i. Making obscene, intimidating, or threatening telephone calls or other electronic communications from a temporary or disposable telephone number provided by an internet application or other technological means.

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

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

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

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

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

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

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

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

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

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

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

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

1. Clothing, purse, or backpack;
2. 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;
3. Telecommunications or electronic devices; or
4. Any school property used by the student, including, but not limited to, a locker or desk.

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

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: An explosive weapon;
  - a. A machine gun;
  - b. A short-barrel firearm;
2. Armor-piercing ammunition;
3. A chemical dispensing device;
4. A zip gun;
5. A tire deflation device; or
6. An improvised explosive device.

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

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

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

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

**Serious misbehavior** means:

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 Penal Code 21.07;
  - b. Indecent exposure under Penal Code 21.08;
  - c. Criminal mischief under Penal Code 28.03;
  - d. Hazing under Education Code 37.152; or
  - e. Harassment under Penal Code 42.07(a)(1) of a student or district employee.

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

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

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

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

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

- Murder, manslaughter, or homicide under Sections 19.02–.05;
- Kidnapping under Section 20.03;
- Trafficking of persons under Section 20A.02;
- Smuggling or continuous smuggling of persons under Sections 20.05–.06;
- Assault under Section 22.01;
- Aggravated assault under Section 22.02;
- Sexual assault under Section 22.011;
- Aggravated sexual assault under Section 22.021;
- Unlawful restraint under Section 20.02;
- Continuous sexual abuse of a young child or disabled individual under Section 21.02;
- Bestiality under Section 21.09;
- Improper relationship between educator and student under Section 21.12;
- Voyeurism under Section 21.17;
- Indecency with a child under Section 21.11;
- Invasive visual recording under Section 21.15;
- Disclosure or promotion of intimate visual material under Section 21.16;
- Sexual coercion under Section 21.18;
- Injury to a child, an elderly person, or a disabled person of any age under Section 22.04;
- Abandoning or endangering a child under Section 22.041;
- Deadly conduct under Section 22.05;
- Terroristic threat under Section 22.07;
- Aiding a person to commit suicide under Section 22.08; and
- Tampering with a consumer product under Section 22.09.

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

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

**Zip gun** is defined by Penal Code 46.01 as a device or combination of devices that was not originally a firearm and is adapted to expel a projectile through a smooth-bore or rifled-bore barrel by using the energy generated by an explosion or burning substance.

# FISD Administrative Procedures

## **Table of Contents**

<b><i>ATTENDANCE AND PUNCTUALITY</i></b>	<b><i>47</i></b>
<b><i>GENERAL GUIDELINES FOR ASSIGNING DISCIPLINARY CONSEQUENCES</i></b>	<b><i>50</i></b>
<b><i>RESPONSIBLE USE POLICY STUDENT GUIDELINES</i></b>	<b><i>55</i></b>
<b><i>SCHOOL BUS SAFETY REGULATIONS</i></b>	<b><i>60</i></b>
<b><i>FRIENDSWOOD HIGH SCHOOL PROCEDURES</i></b>	<b><i>65</i></b>
<b><i>STUDENTS' RIGHTS AND RESPONSIBILITIES</i></b>	<b><i>65</i></b>
<b><i>DISCIPLINARY PROCEDURES</i></b>	<b><i>66</i></b>
<b><i>MANDATORY POLICY</i></b>	<b><i>72</i></b>
<b><i>EXCESSIVE ABSENCES/PETITIONING FOR CREDIT/MAKING UP HOURS</i></b>	<b><i>74</i></b>
<b><i>PROCEDURES FOR REPORTING ALLEGATIONS OF BULLYING</i></b>	<b><i>75</i></b>
<b><i>PROCEDURES FOR REPORTING SUSPICIOUS OR UNUSUAL ACTIVITY</i></b>	<b><i>75</i></b>

## ATTENDANCE AND PUNCTUALITY

Texas law requires regular attendance, and necessary if satisfactory schoolwork is to be done. Pupils should not stay out of school for trivial reasons. The education of youth is far too important to be put in second place. The school is held accountable for students residing within its district boundaries and must submit reports of attendance regularly to the Texas Education Agency.

Parents should only contact the school to inform the attendance office when his/her child is absent if the child is going to miss, or has missed, 3 or more days consecutively.

Following any absence from school, the student must bring a written statement from the parent, medical professional, or court explaining the absence. The written statement from the parent/guardian, medical professional, or court must be presented to the attendance office within three (3) days of the students return to school. If the written statement is not brought by the third day, the absence will be considered unexcused. Notes turned in after the three (3) day time limit will be dated and kept on file, but the absence will remain unexcused unless the principal excuses the absence because of extenuating circumstances.

### COMPULSORY SCHOOL ATTENDANCE/FAILURE TO ATTEND SCHOOL

*Unless specifically exempted by the Texas Education Code Section 25.086, a child who is at least 6 years of age and who has not yet reached the child's 18<sup>th</sup> birthday shall attend school each school day for the entire period the program of instruction is offered. See Texas Education Code Section 25.094.*

*Truancy is the unlawful absence from school. A child who is required to attend school commits an offense, if the child fails to attend school for ten (10) or more days or parts of days in a six-month period or three (3) or more days or parts of days in a four-week period of time without medical documentation, court documentation and/or an excuse from a parent or person standing in parental relation to the child having been timely turned in to the school. See Texas Education Code Section 25.094.*

*A person who voluntarily enrolls in school or voluntarily attends school after the person's 18<sup>th</sup> birthday shall attend school each school day for the entire period that the program of instruction is offered and must attend school until the end of the school year. Such students may be prosecuted for failing to attend school under the Texas Education*

*Code Section 25.094. Additionally, the school district may revoke for the remainder of the school year the enrollment of a person who has more than five (5) absences in a semester that are not excused absences. See Texas Education Code Section 25.085.*

*Under §25.085(d), compulsory attendance applies to certain extended-year programs, tutorial classes, accelerated reading instruction programs, accelerated instruction programs, basic skills programs, and summer programs for students' subject to certain disciplinary removals. Under §25.085(c). It also applies to students below the age for compulsory attendance during any period that the student is voluntarily enrolled in pre-kindergarten or kindergarten.*



## THWARTING COMPULSORY ATTENDANCE OF A CHILD

*It is the parent or legal guardian's duty to monitor the student's school attendance and require the student to attend school. A parent or person standing in parental relation to a child commits an offense, if the parent fails to require a child of compulsory school age to attend school, i.e., the child misses ten (10) or more days or parts of days within a six-month period in the same school year or the child misses three (3) or more days or parts of days within a four-week period. See Texas Education Code Sections 25.093 and 25.95. This offense may be prosecuted in the justice court for the precinct in which the child resides or in which the school is located.*

## EXCUSED ABSENCES

A person required to attend school, may be excused for temporary absence resulting from any cause acceptable to the principal, teacher, or superintendent of the school in which the person is enrolled. A school district shall excuse a student from attending school for the following purposes, including travel for those purposes: Observing religious holidays; or attending a required court appearance or a temporary absence resulting from health care professionals if that student commences classes or returns to school on the same day of the appointment. *Texas Education Code Section 25.087(b).*

The following are recognized by the school administration as proper reasons for an excused absence:

1. Sickness of pupil
2. Sickness or death in the immediate family
3. Quarantine
4. Weather or road conditions making traveling dangerous
5. Religious holidays (make-up work in advance)
6. Assignment to other duties by principal
7. Days of suspension
8. Imperative necessity as determined by principal. This must be approved in advance of absence.
9. Court appearances

## PROCEDURE FOR DOCUMENTING MEDICAL/ILLNESS ABSENCES

Each time a student is absent for any part of a day, one, two or three days for illness/medical reasons, the student must bring a note signed by a parent or guardian (or a medical professional) and turn the note in to the attendance office on the day he/she returns. **If a note is not provided within three (3) days of the student's return to school, the absence will remain unexcused.** If a student is absent for more than three consecutive days, the student must provide medical documentation from a health care professional stating the date and time of appointment as well as a statement from the health care professional requesting that the student refrain from attending school for X days. This documentation must also be presented to the attendance office within three (3) days of the student's return to school.

Notes turned in after the three (3) day time limit will be dated and kept on file, but the absence will remain unexcused unless the principal gives his/her approval to accept the late note as an excused absence because of extenuating circumstances.

A student absent from school for any portion of a school day shall provide a note that describes the reason for the absence. The student's parent, legal guardian, or a student who is legally emancipated shall sign the note. The emancipation order must be filed with the school.

### **ATTENDANCE FOR CREDIT**

Except as provided below, a student shall not be given credit for a class unless the student is in attendance 90 percent of the days the class is offered. This restriction does not affect a student's right to excused absences to observe religious holy days. (FEB LEGAL). A student who is in attendance for at least 75 percent but less than 90 percent of the days a class is offered may be given credit if the student completes a plan approved by the school's principal that provides for the student to meet the instructional requirements of the class. An attendance committee at each campus may grant credit to a student based on the existence of extenuating circumstances. Credit may also be awarded based on successfully meeting specific conditions as determined by the attendance committee. (See FEC LOCAL and FEC LEGAL)

# GENERAL GUIDELINES FOR ASSIGNING DISCIPLINARY CONSEQUENCES

When imposing disciplinary consequences, including assignment to and length of suspension, DAEP and expulsion, administrators may consider the following factors:

- Seriousness of the offense
- Age of the student
- Whether state law requires a particular consequence
- Intent or lack of intent at the time the student engaged in the conduct
- Attitude of the student
- Student's previous disciplinary record
- Whether the length or availability of the placement is mandated by an agreement with the DAEP/ JJAEP.
- Whether the offense is one in which a required length has been established by the district and contained in the code of conduct.
- The date of the offense in relation to the end of the grading period.
- The effect of the misconduct on the school environment.
- Self-defense, only when appropriate. Self-defense may be considered as a mitigating circumstance only when the student has a reasonable belief that the force is immediately necessary to protect himself/herself against the other's use or attempted use of force that could result in serious bodily injury. *Verbal threats or verbal assault is never enough to justify self-defense.* Reasonable belief in the school setting means a belief that would be held by the principal or other appropriate administrator in the same circumstances as the student. Each student is responsible for making every effort to avoid the use of any force and is advised to remove himself or herself from the situation if at all possible. *The district does not condone or authorize students to use force against another individual, even if that individual provokes or instigates a fight or altercation.*

## ACTS OF MISCONDUCT: GROUP I

Group I Acts of Misconduct include those student behaviors, which disrupt the orderly educational process in the classroom. These include, but are not limited to, such behaviors as:

- Running and/or making unnecessary noise.
- Tardies
- Leaving the classroom without permission.
- Being improperly dressed.
- Exhibiting any unacceptable physical contact.
- Bringing unauthorized visitors to the classroom.
- Displaying any behavior which is disruptive to the orderly process of classroom instruction such as: excessive/unnecessary talking, laziness/not working, not having required supplies/assignments, name calling, etc.
- Violating posted classroom rules of conduct.
- Violating any safety measures.
- Failure to sign in or out in the attendance office when coming or leaving school during school hours.
- Littering (cafeteria, halls, grounds, library, etc.).
- Unauthorized parking or use of vehicle during school hours.
- Failure to attend detention hall after signing a warning (see Mandatory Policy).

## DISCIPLINARY ACTIONS

Discipline management techniques are always available when assessing penalties or violations of the Standards of Conduct, regardless of the offense. Discipline management techniques may include:

- Counseling by teachers or administrative personnel.
- Teacher/student conference.
- In-class disciplinary action.
- Detention halls.
- Saturday Detention Halls
- Counselor/student conference.
- Administrator/teacher/student conference.
- Parent contact. (Written report, telephone call and/or personal conference).
- Behavioral contracts.
- Assignment of school duties other than class tasks.
- Verbal correction.
- Withdrawal of privileges, including participation in extracurricular activities.
- Loss of privilege to drive vehicle on campus.
- Assignment to a specific area.
- Probation or demerits.
- Community Service work.
- Monetary fine.

## **ACTS OF MISCONDUCT: GROUP II**

Group II Acts of Misconduct include those student behaviors, which disrupt the orderly educational process in the school. These include, but are not limited to, such behaviors as:

- Posting or distributing unauthorized communicative materials on school grounds.
- Interfering with school authorities and programs through boycotts, sit-ins, or trespassing.
- Skipping class (class meeting, homeroom meeting, or assembly) (see Mandatory Policy).
- Smoking and/or possession of tobacco products on school campus and at school activities (Mandatory Policy).
- Use, sale, distribution, and possession of electronic inhalers, such as but not limited to: hookah device, e-cigarette, etc. And use, sale, distribution, possession of any paraphernalia used with these types of devices, such as but not limited to: liquid nicotine, etc.
- Exhibiting any unacceptable physical contact, which could, but does not; result in injury, or agitating to start a fight.
- Failing to abide by rules and regulations at extracurricular and/or co-curricular functions.
- Failing to abide by rules and regulations regarding field trips.
- Using/displaying/communicating profane, obscene, indecent, immoral, or offensive language, acts and/or gestures towards teachers, other employees, or other students; (including through an electronic device such as but not limited to: a smart phone, iPod, iPad, kindle, computer, etc.)
- Displaying disrespect toward school personnel.
- Membership in illegal organizations (fraternities, sororities, or secret societies).
- Misrepresenting, in writing, or verbally, any school record, official document, or other document intending to deceive or misrepresent any fact.
- Leaving campus at lunch without permission.
- Use or possession of any type of fireworks.
- Loitering (in halls during class time, in academic areas during lunch, in parking lot during the school day, during lunch or between classes).
- Displaying disruptive behavior on the bus.
- Defying the authority of school personnel and/or insubordination.
- Unexcused absences.

- Unexcused tardies (Mandatory Policy).
- Displaying any acts of disobedience or disorderly behavior, which may prove detrimental to the school, harmful to health and safety, and inhibiting the rights of others.
- Hazing, which includes any willful act done by a student, whether individually or with others, to another student for the purpose of subjecting the other student to indignity, humiliation, intimidation, physical abuse or threats of abuse, social or other ostracism, shame or disgrace.
- Bringing on the school grounds any unauthorized, disrupting, or distracting item such as: water guns, radios, tape decks, toys, pets, etc.
- Cheating and/or unauthorized distribution of tests or any other teacher's materials (academic sanctions may be administered in addition to disciplinary sanctions).
- Failure to follow administrative directives.
- Running from a school official or school representative.
- Displaying the danger of physical harm to him/herself or to other individuals.
- Unlawful or mischievous destruction of school or personal property.
- Misuse of Internet/violation of FISD Acceptable Use Policy.
- Violation of district or campus computer procedures.

### **DISCIPLINARY ACTION**

In addition to the Discipline Management Techniques that were listed earlier, these actions may also be appropriate for the above offenses:

- Confiscation of distracting items.
- Restitution or restoration, as applicable.
- Disciplinary reassignment. This might include removal of the student from the classroom, placement in another classroom, assignment to the Alternate Study Center or reassignment to a Disciplinary Alternative Education Placement.
- Summary suspension for up to three school days per offense.  
Placement in DAEP will be for a minimum of 30 school days. The principal may adjust DAEP placements in order to coincide with the end of a grading period or semester. Additional DAEP assignments during a student's high school career may result in longer DAEP placements.

### **ACTS OF MISCONDUCT: Group III**

Group III Acts of Misconduct include those student behaviors, which most seriously disrupt the orderly educational process in the classroom and/or the school. These include, but are not limited to, such behaviors as:

- Gambling which is defined as participating in games of chance for money and/or things of value.
- Vandalism, which is defined as the willful or malicious destruction of school property or the property of others.
- Arson, which is defined as the willful or malicious burning of a building or its contents and/or the personal property of others.
- Sex violations which are defined to include offenses against chastity, common decency, morals, and the like; indecent exposure is included here. Sexual harassment, defined in previous section, is a form of prohibited harassment.
- Bullying or cyber bullying.
- Harassment which is defined as any activity that intimidates or threatens the student with ostracism, that subjects the student to mental stress, shame, or humiliation or that adversely affects the mental health or dignity of the student, including acts motivated by race, color, religion, national origin, or disability and directed toward another student. The term harassment includes unwelcome and offensive slurs, jokes, or other oral, written, graphic, or physical conduct relating to an individual's race, color, religion, national origin, or

disability that creates an intimidating, hostile, or offensive educational environment. Sexual harassment, defined in a previous section, is a form of prohibited harassment.

- The making of "hit lists", which means a list of people targeted to be harmed using: A firearm, as defined by Section 46.01(3), Penal Code; a knife, as defined by Section 46.01(7), Penal Code; or any other object to be used with intent to cause bodily harm.
- Stealing which is defined as the act of taking and carrying away the personal property of another without the consent of the owner.
- Robbery, which is defined, as the felonious taking of personal property in the possession of another against his or her will, accomplished by means of force or fear.
- Extortion, which is defined as the obtaining of money or information from another by coercion or intimidation.
- Simple assault which is defined as an offer or attempt to do bodily harm to another without physical contact. This includes threats and verbal assaults.
- Fighting which is defined as a physical conflict between two or more individuals.
- Assault and battery, which is defined as an unlawful physical injury to another.
- Aggravated assault, which is defined as assault with a deadly weapon. Weapons are identified in two categories; (1) Articles commonly used or designed to inflict bodily harm and/or to intimidate.

Examples are: firearms, "knuckles", switchblades, stun guns, and look-alike guns, knives, chains, clubs, and explosives. Students with such weapons on the school site or at school activities will be disciplined in a manner, which may include suspension or expulsion. (2) Articles designed for other purposes, but which could easily be used to inflict bodily harm and/or intimidate. Examples are: belt and belt buckles, combs, pencils, files, compasses, or metal hair rakes. Students acting in an aggressive or belligerent manner with any article or object similar to those listed above may be administratively judged to be in possession of a weapon. That article or object may then be declared a weapon, and disciplinary action against the student may be taken.

- Possession and/or concealing a deadly weapon is defined as the act of possessing, hiding, or covering an instrument which may produce death or bodily harm.
- Use, sale, distribution, possession, or being under the influence of narcotics, dangerous drugs, controlled substance, alcoholic beverages, or any beverage with alcoholic content.
- Delivery of illegal drugs, which is defined as the act of distributing illegal drugs to others.
- Counterfeiting
- Displaying any other behavior, which is illegal.
- A conduct that disrupts the school environment or educational process.
- Threats against students, teachers, administrators, or any other school personnel.
- Engaging in serious or persistent misbehavior that violates the district's previously communicated standards or student conduct.
- Possession or use of drug paraphernalia.
- Graffiti- Section 28.03 (d) of the Texas Penal Code states that the punishment for graffiti is a state jail felony if the marking is made on a school and the amount of the loss to real property or to tangible personal property is less than \$20,000.

### **DISCIPLINARY ACTIONS FOR ACTS OF MISCONDUCT (Group III)**

In addition to the Discipline Management Techniques, and Disciplinary Action for Acts of Misconduct Group II that were listed earlier, these actions may also be appropriate for the above offenses:

- Please refer to Standards of Student Conduct for Senate Bill 1 required disciplinary assignments.
- Referral to an outside counseling agency.
- Expulsion.

Placement in DAEP will be for a minimum of 45 days. The principal may adjust DAEP placements in

order to coincide with the end of a grading period or semester. Additional DAEP assignments during a student's high school career may result in longer DAEP placements.

# RESPONSIBLE USE POLICY STUDENT GUIDELINES

Friendswood Independent School District provides a variety of electronic resources for educational purposes. District electronic resources are defined as the District's network (including the wireless network), servers, computer workstations, mobile technologies, peripherals, applications, databases, online resources, Internet access, email, and any other technology designated for use by students, including all new technologies as they become available. This also includes any access to Friendswood ISD electronic resources while on or near school property, in school vehicles and at school-sponsored activities, and includes the appropriate use of district technology resources via off-campus remote access. Please note the Internet is a network of many types of communication and is part of the district's electronic resources. These applications offer a variety of opportunities to communicate, collaborate, and create, which are essential to authentic learning.

In accordance with the Children's Internet Protection Act, Friendswood Independent School District educates staff and students regarding appropriate online behavior to insure Internet safety, including use of email and internet resources, and has deployed filtering technology and protection measures to restrict access to inappropriate content such as those that are illegal, harmful, or contain potentially offensive information. While every effort is made to provide the most secure and optimal learning environment, it is not possible to absolutely prevent access (accidental or otherwise) to inappropriate content. **It is each student's responsibility to follow the guidelines for appropriate and responsible use.**

## SOME GUIDELINES FOR RESPONSIBLE USE

- Students must only open, view, modify, and delete their own files.
- Internet use at school must be directly related to school assignments and projects.
- Students may be assigned individual email and network accounts and must use only those accounts and passwords that they have been granted permission by the district to use. All account activity should be for educational purposes only.
- Students must immediately report threatening messages or discomfiting Internet files/sites to a teacher.
- Students must at all times use the district's electronic resources, including email, wireless network access, and internet tools/resources to communicate only in ways that are kind, productive and respectful.
- Students are responsible at all times for their use of the district's electronic resources and must assume personal responsibility to behave ethically and responsibly, even when technology provides them freedom to do otherwise.

## SOME EXAMPLES OF INAPPROPRIATE USE

- Using any electronic resource for illegal purposes including, but not limited to, cyberbullying, gambling, pornography, and computer hacking.
- Disabling or attempting to bypass any system monitoring or filtering or security measures with a VPN or any other source.
- Sharing usernames and passwords with others; and/or borrowing someone else's username, password, or account access.
- Purposefully opening, viewing, using or deleting files belonging to another system user without permission.
- Electronically posting personal information about one's self or others that is inappropriate or damaging to character.
- Downloading or plagiarizing copyrighted information without permission from the copyright holder.



- Intentionally introducing a virus or other malicious programs onto the district's system.
- Electronically posting media or accessing materials that are abusive, obscene, sexually oriented, threatening, racist, harassing, illegal or damaging to another's reputation.
- Electronically lobbying for political purposes.
- Gaining unauthorized access to restricted information or network resources.
- Purposefully utilizing the district's electronic resources in any way that disrupts the use of any computers or networks by others.
- Using any device which permits recording the voice or image of another in any way that disrupts the educational environment, invades the privacy of others, or is made without the prior consent of the individual(s) being recorded or photographed.
- Purposely searching and/or viewing any content that is inappropriate.

## **EMAIL/ELECTRONIC STORAGE**

1. Friendswood ISD staff may arrange for electronic communications, and electronic storage accounts for students on a limited basis for instructional purposes only. As the district provides these accounts, they are considered to be district accounts not personal accounts, and therefore governed by applicable district policies. All communications and data accessible from these accounts are not considered to be private and shall be monitored by district staff.
2. Messages and data in violation of this or other district policies may be archived and/or deleted without notification.
3. All users of any electronic mail either provided by the District or transmitted through the District's technology resources are required to comply with this Responsible Use Policy.
4. Never assume electronic mail or storage is private. Messages relating to or in support of illegal activities must be reported to the authorities and the District will comply with state and federal laws, as well as court orders or subpoenas that will require disclosure.

## **SPECIAL NOTE: CYBERBULLYING**

Cyberbullying is defined as the use of any Internet-connected device for the purpose of bullying, harassing, or intimidating another student. This includes, but may not be limited to:

- Sending abusive text messages to cell phones, computers, or Internet-connected game consoles.
- Posting abusive comments on someone's social networking site.
- Creating a social networking site or web page that masquerades as the victim's personal site and using it to embarrass him or her.
- Making it appear that the victim is posting malicious comments about friends to isolate him or her from friends.
- Posting the victim's personal identifiable information on a site to put them at greater risk of contact by predators.
- Sending abusive comments while playing interactive games.
- Acquiring and/or sharing media, sometimes manipulating it to embarrass the target.

## **CONSEQUENCES FOR INAPPROPRIATE USE**

- Appropriate disciplinary or legal action in accordance with the Student Code of Conduct and applicable laws including monetary damages.
- Suspension of access to the district's electronic resources.
- Revocation of the district's electronic account(s); and/or

- Termination of System User Account: The district may deny, revoke, or suspend specific user's access to the district's system with or without cause or notice for lack of use, violation of policy or regulations regarding acceptable network use, or as a result of disciplinary actions against user.
- Possible criminal action.

## **ALL PERSONAL LAPTOPS SHOULD BE CLEARLY LABELED WITH STUDENT'S FULL NAME.**

**Students are responsible for personal property brought to school and should keep personal items with self or in a locked space.** Devices should be charged prior to bringing to school. Devices brought by students are not eligible for technical support and must adhere to these responsible use guidelines while on school grounds. The school is not responsible for students who bring their own Internet connectivity via air-cards or data-plan on a mobile device.

In the event the technology is used inappropriately, normal disciplinary consequences may occur.

## **DISCLAIMERS**

1. Friendswood ISD and its individual schools, administrators, faculty, and staff thereof, make no warranties of any kind for the service provided and will not be held responsible for any damage suffered by users. This includes the loss of data resulting from delays, non-deliveries, miss-deliveries, and intrusion by computer virus, or service interruption.
2. Use of any information obtained via network access is at the risk of the user, and Friendswood ISD specifically denies any responsibility for the accuracy or quality of the information obtained.
3. Friendswood ISD cannot guarantee complete protection from inappropriate material. Furthermore, it is impossible for the district or content filter to reflect each individual or family's opinions of what constitutes "inappropriate material." If a student mistakenly accesses inappropriate information, he/she should immediately notify a district staff member.
4. Friendswood ISD is not liable for an individual's inappropriate use of district's electronic resources or violations of copyright restrictions or other laws, or for costs incurred by users through use of Friendswood ISD's electronic resources.
5. Friendswood ISD is not liable for any individual's personal device lost, stolen or damaged while at school or on school property.
6. The District will cooperate fully with local, state, or federal officials in any investigation concerning or relating to misuse of the District's electronic resources.

## **Policy for Responsible Use of Computers and Networks - Student's Agreement**

By signing this form, I acknowledge receipt of, understand, and agree to abide by the rules and standards set forth in the Friendswood Independent School District Policy for Responsible Use of Computers and Networks. I understand that to gain access to the Friendswood ISD electronic resources, I must return this form signed by me and my parent or legal guardian. I further understand that any violation of the Policy for Responsible Use of Computers and Networks is unethical and may constitute a criminal offense. Should I commit any violation, my access privileges may be revoked, monetary liability may be incurred, school disciplinary and/or appropriate legal action may be taken. I understand that this agreement will be in effect for one school year and must be re-signed in subsequent years.

## **Policy for Responsible Use of Computers and Networks - Parent or Legal Guardian's Agreement**

I have read, understand, and agree with the Friendswood Independent School District Policy for Responsible Use of Computers and Networks. I understand that by signing this form I give permission for Friendswood ISD to grant access to district electronic resources, including the Internet. I understand that this access is designed for educational purposes. I understand that Friendswood ISD has taken reasonable precautions to eliminate access to inappropriate material and I will not hold the district or staff members responsible if inappropriate material is inadvertently accessed. I understand that this agreement will be in effect for one school year and must be re-signed in subsequent years.

### **Responsible Use of Technology - Elementary Student Contract**

Friendswood Independent School District provides access to many types of technology for students to use in school. The **Children's Internet Protection Act** states FISD must educate students on appropriate online behavior to insure Internet safety. It is each student's responsibility to follow the guidelines for appropriate and responsible use.

#### **I WILL BE RESPONSIBLE**

- I will only open, change, and delete my own files.
- I will use the Internet at school to work on school projects and assignments.
- I will only use email and network accounts that my teacher has given me permission to use.
- I will tell my teacher if I see anything on the Internet that makes me feel uncomfortable.
- I will use the technology at school in ways that are kind, respectful and productive.
- I will behave responsibly at all times when using the technology at school.
- I will not do anything illegal: including cyberbullying, posting inappropriate pictures, or trying to hack into somebody else's computer.
- I will not intentionally view or search for anything inappropriate.
- I will not share my username or password with anybody.
- I will not use anybody else's username or password.
- I will not open, look at, use, or delete anybody's files without their permission.
- I will not post my personal information. This includes my address, phone number, and pictures.
- I will not download or copy copyrighted information without permission from the copyright holder.
- I will not post messages or information that is mean or inappropriate.
- I will not play online games, download software or music, or watch videos, unless given permission by my teacher for schoolwork.
- I will not use the district's technology in any way that disrupts the use of any computers or networks.
- I will not intentionally search and/or view any content that is inappropriate.

#### **EMAIL/ELECTRONIC STORAGE**

1. My student email is to be used for school. It is not a personal email and will be monitored by my teacher.
2. Any messages that are not following the rules may be saved and or deleted at any time.
3. I must follow the guidelines of the Responsible Use Policy when using my email.

4. My messages will not be private and anything inappropriate will be reported to the principal.

#### **SPECIAL NOTE: CYBERBULLYING**

1. I will not send mean or ugly text message to cell phones, computers, or games.
2. I will not post mean or ugly comments on someone's social network.
3. I will not create a website pretending to be someone else.
4. I will not post another person's pictures or their personal information.
5. I will not take embarrassing photos with my cell phone or other digital device and post them.

#### **CONSEQUENCES FOR INAPPROPRIATE USE**

- I may be sent to the principal who will follow the Student Code of Conduct guidelines.
- I may not be able to log onto the network.
- I may lose my FISD accounts and their access.

#### **PERSONAL ELECTRONIC MOBILE DEVICES**

1. I may bring electronic devices to school to work on school projects when my teacher gives me permission.
2. I need to make sure that all of my devices have my first and last name on them.
3. I am responsible for my own device and I should put it in a safe place while it is at school.
4. I need to make sure that my device is already charged before I bring it to school.
5. I need to already know how to use my device that I bring. There will not be technical support for any personal devices.

I have read the Friendswood Independent School District Policy for Responsible Use of Computers and Networks. I understand that Friendswood ISD has taken reasonable precautions to eliminate access to inappropriate material and I will not hold the district or staff members responsible if inappropriate material is inadvertently accessed. I know that it is each student's responsibility to follow the guidelines for appropriate and responsible use. I recognize the district may deny, revoke, or suspend specific user's access to the district's system with or without cause or notice for lack of use, violation of policy or regulations regarding acceptable network use, or as a result of disciplinary actions against the user. I understand that this agreement will be in effect for one school year and must be re-signed in subsequent years.

# **SCHOOL BUS SAFETY REGULATIONS**

## **"Bus Rider Rules and Regulations Agreement"**

The Friendswood Independent School District has a legal responsibility to provide safe and efficient transportation to and from school. In order to provide for more effective bus safety, the superintendent or his designee is hereby directed to publish rules of conduct for pupils riding school buses and deliver this communication to parents advising of the policy and established rules of conduct for bus riders.

Students shall observe the following school bus rules of conduct in addition to appropriate behavioral expectations the schools require. Any violation of these rules, such as serious or continuing misconduct, can result in a student's suspension from the bus.

The Transportation Director manages bus safety and discipline issues. Any questions or concerns in reference to student safety or discipline should be addressed to the transportation center.

### **GENERAL RULES**

1. The driver is in full charge of the bus and its occupants. Pupils must obey the driver promptly. Disobedience and disrespect will not be tolerated.
2. The driver has the authority to seat students in assigned seats and to change their assignments, as needed.
3. The possession of a weapon/knife or any dangerous instrument is prohibited.
4. The possession of alcoholic beverages, tobacco products or illicit narcotics is not allowed.
5. The use of obscene, profane speech or gestures is prohibited.

### **RULES FOR LOADING THE BUS**

1. Be at the designated school bus stop 5 minutes before the scheduled bus arrival time. The driver is on a time schedule and cannot wait for students who are late.
2. Students should wait in view of the driver, but off of the roadway for the bus where possible.
3. Students are not to move toward the bus or attempt to enter the bus until the bus comes to a complete stop and the door is opened.

4. Students shall enter the bus only when the driver is present and has given permission. After entering the bus, the student must stay on the bus because of safety considerations for the other students who are boarding the bus. If the bus driver determines that it is necessary for the student to exit the bus, then the bus driver will give permission to the student to leave the bus.
5. Students may ride the school bus to and from their designated bus stop only. According to state law, students may only be picked up or dropped off at the scheduled bus stop closest to their residence or the residence of a grandparent. Parents should designate the scheduled bus stop. For the security, safety and protection of our students we will not accept requests to either pick up or drop off a student at a different bus stop. The only exception to this is that the parent may provide an advance written request to the Transportation Office (not the bus driver) to have a student either picked up and/or dropped off at a different location at a designated bus stop on the same bus route.
6. For the safety of our students, when the bus doors are closed at the schools, then the bus doors will not be reopened unless authorized by an FISD representative.

#### **RULES FOR STUDENTS WHILE ON THE BUS**

1. While on the bus, classroom conduct shall be followed except for conversation in ordinary tones.
2. Students must load and unload from the front door only. The use of the Emergency Exit Door shall only be used when directed by the driver.
3. Students must sit down in assigned seat as soon as they board the bus.
4. Students must sit in their assigned seat each day. The driver may change the seating arrangement at any time, as he/she deems necessary and reserves the right to sit students at the front of the bus for an indefinite amount of time.
5. The Transportation Department follows District guidelines regarding use of electronic devices. Uses of these devices are permitted on FISD buses. The devices may not be used in a manner, which creates a distraction or records audio, video, or still pictures while on the bus. [See **District Electronic Device Policy/Responsible Use Policy**].
6. Students must keep all parts of their body inside the bus and feet on the floor.
7. Students shall treat bus equipment appropriately. Damage to seats or other equipment must be paid for by the person(s) responsible.
8. Students must keep the aisle clear of books, packages, band instruments, etc.

9. Students will not throw anything onto or out of the bus.
10. Students are not allowed to eat or drink while on the bus. (Cans, bottles, and cups are not allowed on the bus unless part of a lunch container.)
11. Students are not allowed to have gum while on the bus. This will eliminate gum being stuck on the seats, on the floor and other places on the bus.
12. Students must remain seated while the bus is in motion.
13. Students shall not talk with the driver while the bus is in motion, except when necessary.
14. Students must be absolutely quiet while approaching and while stopped at a railroad crossing.
15. In the event of a road emergency, students must remain in the bus unless directed by the driver to leave the bus and then students shall follow the instructions of the driver.
16. The Transportation Department follows the District guidelines regarding the use of electronic devices.

#### **RULES AFTER UNLOADING THE BUS**

1. Cross the road in front of the bus only after checking traffic and after receiving a signal from the driver to proceed.
2. Do not attempt to re-board the bus after unloading.
3. Be alert for the danger signal from the driver.
4. For the safety of our students, the driver is not permitted to let students off the bus at any other place than their designated bus stops. If an emergency arises, then the parent must contact both the school and the Transportation Office in order to remove a student from the bus.

#### **RULES FOR EXTRA-CURRICULAR TRIPS**

1. The aforementioned rules and regulations apply to any school-sponsored trip.
2. The bus driver is charged with the full responsibility for the safe operation of the bus while on extra trips and is to follow the assigned route for the trip.
3. The driver will expect the full cooperation and assistance of assigned sponsors and students.

## **PROCEDURES FOR DEALING WITH MISBEHAVIOR**

By and large, the majority of our students will act within the established rules. There are, of course, some who will misbehave and require some type of response or action from the driver. When a student's behavior interferes with safe transportation (physical or emotional) and it is not a serious offense, then the driver will go by the following procedures:

1. Hold a conference with the student. Inform the student of the behavior that needs to be corrected. Give the student an opportunity to correct the behavior. If the conference with the student does not result in the expected behavior, then go to step 2.
2. Reassign the student's seat for a limited period of time. If possible, the first two seats at the front of the bus should be available for the reassignment. If the seat reassignment does not result in the expected behavior, then go to step 3.
3. Contact a parent and inform the parent of their student's behavior that is interfering with safe transportation. If the contact with the parent does not work, then go to step 4.
4. Hold a meeting with the Safety Coordinator at which both the lead driver and you are present. The Safety Coordinator will contact the parent, explain why the student's behavior is interfering with safe transportation, and inform the parent that the next step by the driver will be to complete a School Bus Safety Report. If the Safety Coordinator's contact with the parent does not result in the expected behavior, then go to step 5.
5. Complete and follow the procedures for a School Bus Safety Report.

## **SCHOOL BUS SAFETY REPORT**

The bus driver is hereby authorized to issue "Bus Safety Reports" for rider violations. The following are penalties that may be invoked for serious and/or continuing misconduct in violation of established rules. When a student receives a "Bus Safety Report", he/she must have the notice signed by the parent or legal guardian and return it to the bus driver on the next date the student rides the bus in order for bus rider privileges to be restored.

1<sup>st</sup> Offense – Warning and/or bus probation

2<sup>nd</sup> Offense – 3 day suspension of riding privileges

3<sup>rd</sup> Offense – 5 day suspension of riding privileges

4<sup>th</sup> Offense – 10 day suspension of riding privileges

5<sup>th</sup> Offense – Suspension of riding privileges for remainder of the school year



**SEVERE DISRUPTION** – If any student is involved in a severe disruption that jeopardizes or threatens the safety of others, any subsequent step may be ignored and immediate suspension of bus privileges may be initiated by either the Transportation Director or the Transportation Safety Coordinator.

#### **APPEAL PROCEDURES (SUSPENSIONS)**

Either the Transportation Director or the Transportation Safety Coordinator shall report each bus suspension to the parent(s) and the appropriate Assistant Principal. In the event a parent believes the punishment is unjust, the parent should use the following procedure:

1. Discuss the incident with the Transportation Safety Coordinator for a full account of the circumstances.
2. If the parent, after discussion with the Transportation Safety Coordinator, is not satisfied with the results then the parent can request a conference with the Transportation Director to resolve the matter.

# **FRIENDSWOOD HIGH SCHOOL PROCEDURES**

## **STUDENTS' RIGHTS AND RESPONSIBILITIES**

### **JURISDICTION**

The district has jurisdiction over its students during the regular school day and while going to and from school on district transportation. The district's jurisdiction includes any activity during the school day on school grounds, attendance at any school-related activity and any school-related misconduct, regardless of time or location. The district has jurisdiction to remove a student to a DAEP in accordance with Texas Education Code Section 37.006 if the student engages in certain conduct under certain circumstances regardless of time or location. Additionally, the district has jurisdiction to place a student in the DAEP for certain conduct that occurs within 300 feet of school property. A description of the misconduct that may or shall result in placement in the DAEP is described in other sections of this Code of Conduct.

### **PUBLICATIONS**

Students have the right to possess any forms of literature that do not disrupt or interfere with the educational process, including, but not limited to, newspapers, magazines, leaflets, and pamphlets. All written material over which the school does not exercise editorial control that is intended for distribution to students shall be submitted to the building principal for review, who may take up to one working day for the purpose of reviewing the publication, before it is posted or distributed on campus.

All publications edited, printed or distributed in the name of or within Friendswood High School shall be under the control of the school administration and the Board.

Students have the responsibility to use only those bulletin boards or wall areas designated for use by students and student organizations, and must also accept responsibility for the effect that the posting publication, or distribution of this literature might have on the normal activities of the school.

### **SCHOOL ORGANIZATIONS**

Students shall not be denied the privilege of participating in extra-curricular organizations as long as they meet U.I.L. requirements and requirements set by the administration and approved by the Board.

Students are expected to abide by the by-laws of these organizations as long as they do not conflict with the Standards.

### **SEARCHES AND INTERROGATIONS**

School officials may search a student or a student's property with reasonable suspicion or the student's free and voluntary consent. However, consent obtained through threat of contacting the police authorities is not considered to be freely and voluntarily given. Vehicles on school property are also subject to search.

Areas such as lockers and desks, which are owned and jointly controlled by the district, may be searched at any time. Students have no expectation of privacy in the lockers assigned to them.

Students shall not place, keep, or maintain any article or material in school-owned lockers or desks that is forbidden by district policy or that would lead school officials to reasonably believe that it would cause a substantial disruption on school property or at a school-sponsored function.

School officials may search a student's clothing and pockets if they have reasonable suspicion to believe that the student has violated a school rule or possesses contraband. Administrators and teachers have the right to question students regarding their conduct or the conduct of others.

### **SEXUAL HARASSMENT**

Sexual harassment is defined as offensive and unwelcome conduct of a sexual nature directed toward a student or other person or offensive and unwelcome conduct aimed at another solely because of his or her

gender. If a student believes he or she has been sexually harassed, the student or the student's parents should report the incident to any of the following: administrators, counselors, school nurse, or the District Title IX Coordinator. If a student's conduct is offensive and unwelcome, the conduct should be punished in accordance with the District's discipline management plan.

## **HARASSMENT**

See the glossary for a definition of harassment. Any allegations of harassment or sexual harassment of students shall be investigated and addressed promptly. Oral complaints shall be reduced to writing to assist in the district's investigation. To the greatest extent possible, complaints shall be treated as confidential. However, limited disclosure may be necessary to complete a thorough investigation. A parent or student may appeal the decision of the principal regarding the outcome of the investigation into the allegations in accordance with Board Policy FNG (local).

## **DISCIPLINARY PROCEDURES**

The Friendswood Independent School District has the responsibility to maintain a high-quality educational program for its students. To achieve this objective, District personnel must create an atmosphere for the development, exchange and application of ideas, an atmosphere free from disruptions and distractions that will materially interfere with or intrude upon the work of the school and its students. Many disciplinary options or alternatives are open to the principal, assistant principal and designated members of the staff for dealing with students whose behavior interferes with the school's objectives. The individual needs of students are assessed by the student care team; a group of school personnel who meet regularly to recommend guidance alternatives.

The following explanation of disciplinary procedures and alternatives indicates variety in the severity of both the offense and the disciplinary action taken. In some schools there are circumstances, which prevent the use of some of these alternatives. Different and equally acceptable alternatives may be used. Many of these alternatives are preventive and guidance oriented in nature, approaches which are certainly preferable but, understandably, not possible in all cases. Other alternatives are punitive in nature. When there is the need for clarification of the disciplinary or preventive measures being taken in any school, the principal of that school should be contacted.

## **PREVENTIVE OR GUIDANCE ALTERNATIVES**

### **CONTRACTS**

Many students respond positively by ceasing disruptive behavior as part of the "contract" negotiated with teachers or administrators.

### **COUNSELING METHODS**

Group and/or individual counseling of both a problem preventing and a problem-solving nature is available to students by professionally trained personnel. Counselors and psychologists are among the personnel available for these services.

### **PARENT CONFERENCES**

Conferences with parents of students who seem to be having unusual difficulties are beneficial. The parents, the principal, the teacher or the counselor may request these conferences.

### **REFERRAL FOR COMMUNITY PROFESSIONAL HELP**

Crisis Hotline-Bay Area, (281) 461-9992; Crisis Teenline, (713) 529-TEEN; Youth Crisis and Runaway Hotline, (800) 448-4663;

National Council on Child Abuse and Family Violence, (800) 422-4453; Galveston County Juvenile Department, (409) 770- 5900. A list of counseling referrals is also available upon request.

## **REFERRAL FOR IN-DISTRICT PROFESSIONAL HELP**

The District provides many professionals who may be called upon by principals and parents for help: visiting teachers, school psychologists, reading clinicians, specialists in learning disabilities, and other agencies as needed.

## **FORMAL REMOVAL**

Formal removal will result if 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 the behavior is so unruly, disruptive, or abusive that the teacher cannot teach. Any removal of a student by a teacher requires that the teacher make a Standard of Student Conduct violation report, if the student's conduct is a violation of this code. A teacher or administrator may also remove a student from a class for an offense for which a student may be suspended and/or placed in a Disciplinary Alternative Education Program.

If the violation results in formal removal, the principal will schedule a conference within three school days with the student's parent, the teacher, and the student. After the conference, the principal will notify the student of the consequences of the Standard of Student Conduct violation.

When a student is removed from the regular classroom and a hearing is pending, the principal, at his or her discretion, may place a student in:

- Another appropriate classroom. Counseling will also be provided to the student.
- In-school suspension
- A Disciplinary Alternative Education Program in which the student must be separated from other students for the entire school program day and will be provided instruction in the core subjects.
- Expulsion

When a student has been formally removed from class, the principal may not return the student to the teacher's class without the teacher's consent unless the placement review committee determines that the teacher's class is the best or only alternative available. Parental questions or complaints regarding disciplinary measures taken should be addressed to the teacher or campus administration, as appropriate and in accordance with the policy FNG (LOCAL).

Any decision of a placement review committee convened to consider the placement of a student, who has been removed from a classroom by a teacher in accordance with a formal teacher removal, is subject to the state and federal law and rules related to educating students with disabilities.

## **ALTERNATIVE CLASS PLACEMENT METHODS**

Students may be removed to an alternative educational program if the principal or campus disciplinary person determines either:

- That the student's presence in the regular classroom or home campus presents a danger of physical harm to the student or others; or
- That the student has engaged in serious or persistent misbehavior that violates the previously communicated standards of student conduct.

## **REMOVAL TO ALTERNATIVE EDUCATION PROGRAMS**

Prior to being assigned to an alternative program, a conference is conducted by an administrator. In most cases, the conference will be conducted on the same day or the day after the offense occurred. In talking with the students, they are told the conduct with which they are charged. They are then given the opportunity to explain their version of the incident. If the principal decides alternative placement is appropriate, the parent is then contacted by phone and told when the assignment will begin, how many days it will be, and the nature of the offense. Parents and students are also informed in writing of the rules and regulations of the program.

## **TERM OF REMOVAL**

The principal shall determine the length of removal to disciplinary alternative programs. The length of a DAEP placement or expulsion will not exceed one year unless, after a review, the district determines that the student is a threat to the safety of other students or to district employees, or extended placement is in the best interest of the student. If a student fails to satisfactorily complete the conditions of the assignment, the term of removal may be extended.

There is no limitation on the length of placement of a student in the DAEP if it is determined that the student engaged in sexual assault or aggravated sexual assault against another student.

### **VICTIM'S RIGHTS**

If a student has been convicted of or placed on deferred adjudication for sexual assault or aggravated sexual assault against another student on the same campus, and if the victim or the victim's parents request that the Board transfer the offending student to another campus, the offending student shall be transferred to another campus in the district. If there is no other campus in the district serving the grade level of the offending student, the offending student will be transferred to a DAEP or a JJAEP. If the student is transferred for this reason, there is no limit on the length of the placement.

### **ALTERNATIVE STUDY CENTER**

The Alternative Study Center is a program designed to give school administrators an alternative to out of school suspension. Students will be placed in the program for disciplinary reasons. The facility is located on the high school campus, but away from the main building.

Students may be removed to an alternative educational program if the principal or campus disciplinary person determines either:

- That the student's presence in the regular classroom or home campus presents a danger of physical harm to the students or others; or
- That the student has engaged in serious or persistent misbehavior that violates the previously communicated standards of student conduct.

The ASC director will inform each student, during his/her first day, of the rules and procedures of the program. Parents may request the rules and procedures of the program through the assistant principal's office.

Hours for the program are 8:45 am to 3:50pm.

Students will have a 25-minute lunch. They must stay in ASC until all work is completed unless otherwise directed by an administrator. Students assigned to ASC cannot go in the building except by the request or permission of an administrator.

Other guidelines:

- Parents of all students are responsible for transporting his/her child to and from ASC.
- On lengthy assignments (10-20 days) to ASC, it may be beneficial for the parent to have a personal or phone conference with the ASC Coordinator.
- Every student assigned to ASC will have access to private and group counseling.
- The ASC instructor will review all rules and procedures with students.
- Students are not allowed on any campus without permission, and may not attend any school activities, while serving an ASC assignment.
- Misconduct in ASC may result in one or more of the following: days added, (out of school) suspension, contacting the SRO, or DAEP placement

### **DANGEROUS DRUG LIST**

Mandatory expulsion is required if a student commits one of the drug or alcohol offenses that require removal to DAEP if the student's conduct is punishable as a felony.

Possession on campus of Adderall, Mandrax, Ritalin, Tylenol with codeine, Valium, Vicodin, and Xanax are examples, but not a complete listing of the types of substances that fall into this category.

## **COURSEWORK**

In accordance with state law, the district is not required to provide every course that a student might take on a regular campus in the DAEP or JJAEP. The district is also not required to provide a course necessary to fulfill a student's high school graduation requirements in the DAEP or JJAEP, provided however, that the district will offer a student removed to a DAEP or JJAEP an opportunity to complete coursework before the beginning of the next school year in accordance with state law.

## **DAEP GRADING POLICY**

Students at a DAEP will receive a number grade that will be used in the calculation of a semester or nine-week grade reported on transcripts and report cards. The grade will be calculated by establishing the grades and number of days spent at FHS and at DAEP. Grades will be inputted in the grade book for assignments, tests or quizzes for days spent at FHS. The grade average earned while at DAEP will be inputted for each assignment, test or quiz in the grade book for the specified date range spent at DAEP. These grades will be included in the calculation for class rank and for GPA.

The teacher at FHS who has agreed to provide assignments and assessments in a correspondence study format will give courses, which are not taught at DAEP but are continued, so a student will not lose credit at FHS. DAEP will be responsible for administering assessments and sending and receiving assignments to/from the FHS teacher. These courses will be figured in for class rank and/or GPA.

## **METHODS DEALING WITH MISCONDUCT**

### **INVESTIGATION OF MISCONDUCT**

The campus administrator will conduct an investigation to determine if a student has violated the student code of conduct. If during the investigation, the campus administrator discovers the student may have violated state law, the SRO will be notified. The SRO will conduct his own investigation to determine if the student is in violation of state law.

### **POLICE QUESTIONING OF STUDENTS**

Before the campus administrator permits the questioning of a student by law enforcement officers, other than the SRO, the officer must state the necessity of questioning the student while in school. If the campus administrator permits the questioning to occur, the campus administrator or designee will remain with the student during the conference if their presence is within the guidelines of the police investigation. The questioning officer's name and title shall be obtained and recorded by the SRO or district officials.

### **ARREST/CUSTODY**

Once the police investigation is completed and the law officer's decision is to remove the student from the campus, school officials will make every attempt to notify the parents as soon as possible of the reasons for removal.

Once the law officer(s) finds it necessary to take the student from the building, it becomes the officer's responsibility to notify the parents of information regarding police custody. The officer is liable for the student's welfare and safekeeping.

A student may be taken into custody when:

- He/she violates a law on campus and a law enforcement officer determines it is appropriate to take the student in to custody.
- An officer presents the administrator with a warrant or custody order.
- He/she is so disruptive or uncontrollable that it is necessary to remove him/her from a building to minimize disturbance.

### **PHYSICAL RESTRAINT**

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

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

## **TEACHER REMOVALS AND RECOMMENDATIONS**

A teacher may send a student to the principal's office in order to maintain effective discipline in the classroom. A teacher may remove from a class a student who has been documented by the teacher to repeatedly interfere with the teacher's ability to communicate effectively with the students in the class. Not later than the third class day after the day in which the student is removed from class, the principal shall schedule a conference among the principal or the principal's designee, the parent of the student, the teacher, and the student.

A teacher shall remove from class and send to the principal for investigation of placement in a disciplinary alternative education program or for expulsion, as appropriate, a student who engages in conduct described under DAEP and Expulsion sections of the Code/Standards of Student Conduct. The student may not be returned to that teacher's class without the teacher's consent unless the committee established under Section 37.003 determines that such placement is the best or only alternative available. If the teacher removed the student from class because the student has engaged in the elements of any offense listed in the Code/Standards of Student Conduct against the teacher, the student may not be returned to the teacher's class without the teacher's consent. The teacher may not be coerced to consent.

Following the conference, whether or not all requested parties are in attendance after valid attempts to require their attendance, the principal shall either: suspend the student for a period not to exceed three school days; remove the student to an alternative education setting; or place the student back in class.

If the teacher removes the student a second time within the same nine weeks, the student may be returned to that class only by action of the superintendent at the principal's request. If the student is removed by the teacher a third or subsequent time within the same semester, the student may be returned to that class only by action of the Board at the request of the Superintendent.

## **NOTIFICATION REQUIREMENTS**

### **Teacher Notification**

A principal or a principal's designee shall inform each educator who has responsibility for, or is under the direction and supervision of an educator who has responsibility for, the instruction of a student who has engaged in any violation listed in Section 37.003 of the student's misconduct. Each educator shall keep the information received under this subsection confidential from any person not entitled to the information under this subsection, except that the educator may share the information with the student's parent or guardian as provided for by state or federal law. The State Board for Educator Certification may revoke or suspend the certification of an educator who intentionally violates this subsection.

### **Other School District's Notification**

If a student placed in a disciplinary alternative education program enrolls in another school district before the expiration of the period of placement, the board of trustees of the district requiring the placement shall provide to the district in which the student enrolls, at the same time other records of the student are provided, a copy of the placement order. The district in which the student enrolls may continue the disciplinary alternative education program placement under the terms of the order.

## **TEMPORARY REMOVALS FOR OTHER REASONS**

Students may be removed from regular classes or district premises for non-disciplinary reasons when the principal determines there is a compelling reason such as, but not limited to:

- Being under the influence of alcohol or drugs.
- Being highly agitated.
- Suffering from any other condition that temporarily threatens the student's welfare, other individual's welfare, or the efficient operation of the school.

Any student removed from school for a reason shown above, who is in a condition that threatens his own welfare or the welfare of others, shall be released to the parent, the parent's representative, or other proper authority, including, but not limited to, law enforcement officers and medical personnel. Temporary removal may not exceed 3 days.

Students may be removed from regular classes or school premises pending any hearing required by law.

NOTICE: Before removing a student from school premises for any reason, the student shall be informed of the reason for the removal and have an opportunity to state any objections to such action.

## **WITHDRAWAL OF PRIVILEGES**

If a student displays unacceptable behavior on numerous occasions or severe misconduct on a single occasion, such behavior may result in his/her being denied participation in extracurricular activities by the principal for a designated period of time.

## **OTHER DISCIPLINARY PROCEDURES**

Other alternative disciplinary procedures may be used if, in the professional judgment of the principal, the infraction does not warrant those disciplinary actions cited above.

## **DISCIPLINARY ALTERNATIVES**

### **DETENTION HALL**

Detention halls may be assigned to students for disciplinary reasons. Students may also attend tutorials or Mustang APs (an after school tutorial program in the library from 3:45 p.m. to 4:30 p.m. Monday – Thursday) in lieu of detention halls.

Students must bring ID, books, pens and paper with them to study. Students without study material or with improper materials will be dismissed and not receive credit. If students are dismissed from d-hall they will not receive credit and further disciplinary consequences may be assigned. Time Frame for Completion of D-halls + Failure to Complete D-halls:

Students may be assigned d-halls in the amounts of 3 or 5. Students will have 5 school days to serve 3 d-halls and 7 days to serve 5 d-hall.

If a student fails to complete d-halls within the before mentioned time frame he/she will be assigned:

- First offense: Saturday d-hall
- Second offense: Saturday d-hall
- Third offense: Three days of ASC
- Fourth offense: Five days of ASC
- Fifth offense: Three days out-of-school suspension
- Sixth and subsequent offenses: Three days out-of-school suspension each time

Note: All disciplinary detention halls will be dropped once the next disciplinary consequence is served. No tardies to d-hall are allowed.



## **SATURDAY DETENTION HALL**

Saturday detention halls are held every Saturday. Principals for disciplinary reasons assign these. Once assigned, attendance is mandatory. Students will be given at least one day's notice before attending. Parents will be notified by phone when possible.

Hours will be from 9 a.m. to noon each Saturday. Students will report to the ASC room and must have schoolwork in order to attend. Tardies will not be allowed. Students dismissed from Saturday d-hall for any reason will be:

- First Offense: Reschedule for the next time. If dismissal is for serious misconduct, additional consequences may be assigned.
- Second Offense and all subsequent offenses: This step the student is on for failure to attend Saturday d-hall will be applied.

## **FAILURE TO ATTEND SATURDAY DETENTION HALL**

Will result in the following action:

- First offense: The Saturday detention hall will be rescheduled.
- Second offense: Three days of ASC
- Third offense: Five days of ASC
- Fourth offense: Three day out-of-school suspension
- Fifth and subsequent offenses: Three days out-of-school suspension each time

Note: Saturday Detention Halls will only be dropped after an assignment to ASC is served.

## **COMMUNITY SERVICE – alternative to short term ASC assignment**

Students may be given the option once each year of choosing community service work in place of short term assignments to the Alternative Study Center. Hours/days would be exchanged in the following manner:

- Three-day assignment to ASC = ten hours of community service work
- Five-day assignment to ASC = fifteen hours of community service work

Community service is defined as “work or service for a non-profit organization verified by other than a family member.” Students will have seven calendar days to complete community service work and bring back proof of said work. Failure to comply with these guidelines, within the designated time frame, will result in an assignment to ASC.

## **MANDATORY POLICY**

### **CHEATING POLICY**

Cheating shall be defined as academic dishonesty:

- Plagiarism
- Use of prohibited materials on quizzes, tests, exams
- Inappropriate use of cell phone or electronic device
- Activities as defined by individual teachers

Consequences/procedures

- A zero may be given on an assignment as result of cheating, and the student will also lose their standard and AP exemptions (if applicable) for the semester in which the cheating offense occurred.
- If a student is allowed to retake or redo an assignment for a grade, as a result of cheating, the student will also lose their standard and AP exemptions (if applicable) for the semester in

which the cheating offense occurred, and disciplinary consequences will be applied in accordance to the step for classroom misconduct-discipline referral the student is on at the time of the infraction (see MISCONDUCT IN CLASS-DISCIPLINE REFERRALS)

- The student who allows copying, cheating, etc. is to be punished in the same manner.
- Semester credit may be denied for repeat offenders
- Infractions are documented with the appropriate administrator and the parent will be notified

## **FIGHTING**

The following consequences will occur to students involved in fighting:

- First Offense: 10 days ASC and subject to referral to law enforcement agency
- Second Offense: DAEP Assignment and subject to referral to law enforcement agency

## **LEAVING CAMPUS AT LUNCH WITHOUT PERMISSION--CLOSED CAMPUS LUNCH**

Unauthorized students that leave campus at lunchtime will be subject to the following disciplinary action:

- First Offense: 3-day assignment to ASC
- Second Offense and subsequent offenses: 5-day assignment to ASC

## **MISCONDUCT IN CLASS-DISCIPLINE REFERRALS**

The following consequences will occur to students for inappropriate classroom behavior:

- 1st Discipline referral: 3 d-halls
- 2nd Discipline referral: 1 Sat d-hall
- 3rd Discipline referral: 5-day assignment to ASC
- 4th Discipline referral: 10-day assignment to ASC
- 5th Discipline referral: Suspension for 3 days

Severe Clause Serious misconduct may result in a penalty more severe than that stated above, if in the estimation of the administrator the offense warrants it.

Students, whose misconduct has occurred in only one class, may be assigned to ASC for just that class period and not for the entire day.

## **SMOKING/USE OF TOBACCO/VAPING/POSSESSION OF CONTRABAND**

The consequences for smoking and/or using any tobacco product, and/or possessing tobacco, matches, or lighter, on campus or at school sponsored activity by a student will result in the following disciplinary action:

- First Offense: 3 days ASC and subject to referral to law enforcement agency
- Second Offense: 5 days ASC and subject to referral to law enforcement agency
- Third Offense: 5 days ASC and subject to referral to law enforcement agency
- Fourth Offense: 10 days ASC and subject to referral to law enforcement agency

## **SKIPPING**

Skipping class is defined as missing a scheduled class meeting, homeroom meeting, required assembly, or school day. (This does not include school sponsored functions or extracurricular activities.)

One class (short term) and remains on campus:

First Offense: Saturday d-hall

Second Offense: Saturday d-hall

Third Offense: Saturday d-hall

Fourth Offense: 3 days ASC

Fifth Offense: 5 days ASC  
Sixth Offense: 10 days ASC  
Seventh Offense: DAEP assignment

One or more classes (long term) or 1 class but leaves campus:

First Offense: 3 days ASC  
Second Offense: 3 days ASC  
Third Offense: 3 days ASC  
Fourth Offense: 5 days ASC  
Fifth Offense: 10 days ASC  
Sixth Offense: DAEP assignment

## **EXCESSIVE ABSENCES/PETITIONING FOR CREDIT/MAKING UP HOURS**

According to guidelines set forth by the Legislature and the Board of Education, students are required to be in attendance ninety percent (90%) of the time each class is offered during a semester to receive credit for a class. Students who are not in attendance in each class for at least ninety percent (90%) of the total number of school days per semester will not receive credit in that class for that semester regardless of the grade earned unless certain procedures are followed.

A student will be denied credit after the 7th absence during the fall semester, and after the 9th absence in the spring.

**PLEASE NOTE THAT STUDENTS MUST ATTEND SCHOOL NINETY PERCENT (90%) OF THE SCHEDULED NUMBER OF SCHOOL DAYS EACH SEMESTER TO BE ELIGIBLE TO GET A DRIVER'S LICENSE OR TO HAVE A LICENSE RENEWED!**

Students will be notified in writing of their need to make up hours or to petition for credit. An attendance committee has been set up to hear petitions for class credit from students who have extenuating circumstances, and who wish to present documentation that may reduce or eliminate some of the makeup hours. The request will be arranged with the assistant principal. The student will be allowed only one appeal per semester.

It will be the student's responsibility to fulfill the requirements set forth by the assistant principal. If the student fails to fulfill these obligations, or if he/she subsequently fails to attend school, the student will be denied credit in every class in which he/she has excessive absences. If a student is

denied credit, the student's permanent record will show his/her actual grade with a notation that credit was denied due to attendance.

### **TARDIES**

When a student is tardy for an unexcused reason he/she reports to class. For the 1<sup>st</sup> three tardies to a class, no immediate consequence is given. For the 4<sup>th</sup> tardy to a class, teacher will notify the office. Consequences may be assigned at the 4<sup>th</sup> and any subsequent tardy. Time for these consequences must be done on campus.

Every 3 tardies a student accrues to a class will be recorded as an absence when determining final exemptions and denial of credit. Students who are more than 10 minutes late to any one class will be considered absent.

### **MAKE UP HOURS**

All make up hours must be done at Friendswood High School or under the supervision of a staff member. If attendance make up hours are not turned in before prom or senior field day, students will not be allowed to participate.

## **PROCEDURES FOR REPORTING ALLEGATIONS OF BULLYING**

Friendswood ISD prohibits bullying on school property, at school-sponsored or school-related activities, or in any vehicle operated by the district. Texas Education Code Section 37.0832 defines bullying as: A single significant act, or a pattern of acts, by one or more students directed at another student which exploits an imbalance of power and involves engaging in written or verbal expression, expression through electronic means, or physical conduct that satisfies the applicability requirements provided by subsection:

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

Cyberbullying means bullying which 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.

Texas Education Code 37 allows for expulsion or DAEP for a student who 1) engages in bullying that encourages suicide; 2) incites violence through group bullying; or 3) releases or threatens to release "intimate visual material" of a minor or an adult student without consent.

The district does not tolerate bullying, and any student or parent of a student who believes a student has engaged in bullying is highly encouraged to immediately report the incident. Retaliation against anyone involved in the complaint process is a violation of district policy and is prohibited. Reports of an alleged bullying incident may be submitted orally or in writing, to a teacher, counselor, principal or other district employee. Reports may also be submitted electronically, either anonymously or non-anonymously through the district website – Bullying – report it at [www.myfisd.com](http://www.myfisd.com) under Parents and Students.

This link can be found on the district website [myfisd.com](http://myfisd.com) under the Parents & Students tab.

**Friendswood ISD encourages you to communicate with your designated campus administrator on any alleged bullying.**

## **PROCEDURES FOR REPORTING SUSPICIOUS OR UNUSUAL ACTIVITY**

In FISD, the safety of our schools is paramount. Students and parents are our first line of defense for reporting unusual activity or safety concerns. FISD's *See Something, Say Something* is an anonymous reporting system immediately alerting administration when sent. The form asks you to specifically describe what you saw: What did you see? When did you see it? Where did it occur? Why was it suspicious? You are always encouraged to call 911 if you believe it is an emergency. The See Something, Say Something link can be found on the homepage of the FISD website, [www.myfisd.com](http://www.myfisd.com)