



STUDENT CODE OF CONDUCT

2016 RESPECT THE CODE 2017



Fort Worth
INDEPENDENT SCHOOL DISTRICT
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Mission

Preparing *all* students for success in college, career and community leadership

Fort Worth Independent School District
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Fort Worth, Texas 76107
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This student code of conduct, approved by the FWISD Board of Education, provides information and direction to students and parents regarding expectations of behavior, as well as consequences for code of conduct violations. Parents and students are encouraged to read and regularly review the district's student code of conduct to ensure a successful and productive school year for all.

Student responsibilities:

- Follow the district's dress code and grooming guidelines.
- Attend and be on time to all classes every school day.
- Follow classroom rules and/or respect agreements in all classes and all school sponsored activities.
- Be prepared for each class with the appropriate classroom materials.
- Respect and be polite to staff, students and school visitors.
- Do not use profanity or threatening statements towards anyone.
- Do not post threatening messages on social-media outlets, directed at students, parents, staff or school property.
- Students are responsible for all items they bring on campus and are encouraged to inspect items in their personal belongings before arriving at school.
- Drugs, alcohol, firearms and other illegal weapons are prohibited on campus, on district vehicles and at school sponsored activities.
- Help keep your campus safe, report any verbal threats or incidents of violence towards other students, staff or district property.
- Comply with campus administrator's authority to determine appropriate possession and use of electronic devices (mobile phones included) on campus and at school sponsored activities.
- The use of school computers and internet services is a privilege; respect the district's electronic communications system.
- Students participating in sports or other extra-curricular activities may have to follow higher standards of behavior than the district's student code of conduct.
- Be prepared to learn something new every day; prepare yourself to be successful in college, career and community leadership.

Campus administrator and teacher responsibilities:

- Demonstrate positive attitude toward parents and students.
- Promote a positive learning environment for all.
- Value parents as partners to assist their children with academic success.
- Assist students develop good study habits.
- Work with students and parents to solve problems at the classroom level.
- Promptly work with parents/guardians and other district professionals to address behaviors of concern.
- Promptly notify parents/guardians when students are suspended due to serious or persistent misconduct.
- When the student's inappropriate behavior breaks local and state laws, the campus administrator is required by law to notify law enforcement.
- Follow local and state guidelines to maintain discipline and keep all students safe.

The district has the authority to handle discipline and give consequences when:

- Students violate the code of conduct during the school day, while students walk to and from school, at a bus stop, while attending or participating in school sponsored activities and while riding on a school bus or any vehicle owed by the district.

- When students post threatening messages on social-media towards other students, staff or district property, regardless of time or location.
- When students engaged in specific criminal activity, determined by law enforcement, regardless of time or location.

Determining consequences:

- As required by law, the principal or the assistant principal will serve as the Campus Behavior Coordinator (CBC). The CBC is primarily responsible for maintaining student discipline.
- Before the CBC recommends a suspension or the student's removal to an alternative school setting they must consider:
 - A. If the student acted in self-defense
 - B. The student's intent or lack of intent at the time the student engaged in the conduct
 - C. The student's disciplinary history
 - D. Whether the student has a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct, regardless of whether the decision involves a mandatory or discretionary action
- The CBC can offer students the following options, to restore order, help students with their social and emotional development, and keep students engaged with their academic progress at their home campus;
 - A. Parent/teacher conference
 - B. Conflict resolution
 - C. Behavior improvement plan
 - D. Referral to the school's student support team
 - E. Referral to social services in the community
 - F. Option to pay for damages to personal and/or school property
 - G. Option to performed school assigned duties
 - H. Transfer student to another classroom
 - I. In school or out of school suspensions

The District has the right to remove a student to an alternative school setting, for serious or persistent misconduct or when the student breaks local or state law:

- Students have the right to participate in a due-process conference before they are removed from their regular school setting.
- Students can be removed to a district alternative education program for up to 60 school days.
- If a student engages in a serious criminal act, the student can be expelled to the Tarrant County juvenile alternative education program for up to one school-calendar year.
- Students placed in alternative educational programs are not allowed to attend nor participate in any extra curriculum activities.
- Students are not allowed to visit their home campus during the time of removal.
- Students have the right to appeal a removal to an alternative education program.

Note:
The student, parent and/or guardian must each sign the acknowledgement form on page 44, and then return the page to the principal's office. Please note that failure to sign and return the acknowledgement form may prevent the student from attending and/or participating in any school activities.

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Letter to Parents

June 13, 2016

Dear Parent/Guardian:

It is my distinct pleasure to welcome you to the 2016-17 school year! I hope you and your child are looking forward to a successful year in the Fort Worth Independent School District.

I am pleased to provide you with this year's **Student Code of Conduct**. It details the high standards of behavior expected of all Fort Worth ISD students. The Board of Education established the standards to ensure our schools will continue to be safe places for teaching and learning.

The 2016-17 Student Code of Conduct provides important information about required conduct and consequences for misconduct. Individual schools may develop campus-level student handbooks, but each one will reinforce this Student Code of Conduct and support both district policy and state law. Please contact your child's campus administrator if you have any questions regarding required student conduct and/or disciplinary consequences.

You and your child must sign and date the Parent/Student Acknowledgment Form, and return the form to your child's school immediately. Please keep the booklet so you may refer to it throughout the school year.

I hope you find the information in the Student Code of Conduct helpful. Please read it carefully, and discuss the information with your child.

Thank you for your support of the Fort Worth ISD and its high academic and behavioral standards for students. Best wishes for a positive and productive school year.

Sincerely,

Kent P. Scribner, Ph.D.

The Purpose of the Student Code of Conduct

Education in this community is a very high priority and deserves and requires a significant commitment of financial and human resources. The benefits a student derives from this investment depend on the student's attitude toward learning and the student's adherence to high standards of behavior. FWISD 2016-2017 Student Code of Conduct has been revised to comply with state law as defined in Chapter 37 of the Texas Education Code. The law requires the District to define misconduct that may or must result in a range of specific disciplinary consequences. This Code, adopted by the FWISD Board of Education, provides information and direction to students and parents regarding standards of behavior as well as consequences of misconduct. It remains in effect during summer school and at all school-related events and activities outside of the school year until an updated version adopted by the FWISD Board of Education becomes effective for the next school year.

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

Disclaimer

The Student Code of Conduct contains a general statement of the standards of behavior for students while at school or attending school-sponsored or school-related activities on or off school property, including conduct at a school bus stop off campus. Provisions of the Student Code of Conduct may be expanded, modified or revoked only by action of the Board of Education or a change in law; however, district administrators may interpret the Student Code of Conduct as may be needed to carry out its intended purpose and to maintain discipline in the school environment. Any changes will be effective upon adoption by the Board of Education. If any of the provisions of this Student Code of Conduct conflict with federal or state laws, rules, and regulations, or Board policy, the provision is superseded by applicable law or Board policy, then the most recently adopted provision shall control. The provisions of the Student Code of Conduct are severable and the invalidity, illegality or unenforceability of any provision will not affect the validity, legality or enforceability of the other provisions.

The Student Code of Conduct is available in its entirety on the Fort Worth ISD District Web site at www.fwisd.org.

Process and Standards for Student Behavior

Discipline Philosophy

These standards of student behavior are issued under the authority of the Fort Worth ISD to administer discipline whenever the interest of the District is involved, regardless of whether the misconduct occurs at school or off school grounds, including, but not limited to, school-sponsored or school-related activities away from the District, District sponsored transportation, at a bus stop or in conjunction with independent classes. Student discipline is designed to correct misconduct and encourage students to behave responsibly. It is also designed to graduate well prepared students for post-secondary education and gainful employment; and motivate all students to become productive citizens in their communities, the city of Fort Worth and the nation.

Determining Consequences

As required by law, TEC 37.0012, a person at each campus must be designated to serve as the Campus Behavior Coordinator (CBC). The designated person may be the principal of the campus or any other campus administrator selected by the principal. The Campus Behavior Coordinator is primarily responsible for maintaining student discipline. FWISD, Board Policy FOC local, delegates to the campus principal or designee the authority to administer discipline at the campus level, and delegates the authority to remove students to a District Alternative Education Program (DAEP) or expulsion to the Juvenile Alternative Education Program (JJAEP), to the office of Student Discipline and Placement. The campus behavior coordinator has the discretion to apply school-based discipline for specific violations or refer the matter to the Student Discipline and Placement department for review. The sequence of disciplinary action begins with the minimum disciplinary action and may progress to the more serious disciplinary consequences established in this code. The campus behavior coordinator must consider whether the student acted in self-defense, the intent or lack of intent at the time the student engaged in the conduct, the student's disciplinary history, and whether the student has a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct, regardless of whether the decision of the campus behavior coordinator concerns a mandatory or discretionary action. The disciplinary action will draw on the professional judgment of teachers, principals or designee and on a range of disciplinary management techniques, including restorative discipline practices. The consequence decision will be based on these factors, as well as the specific circumstances unique to the situation and the individual student involved.

All examples of misconduct and disciplinary consequences shown are guidelines on which the campus behavior coordinator will rely to assist in making a disciplinary decision. These guidelines are not intended to be determinative of length of placement, infractions or consequences.

A resolution of inappropriate behavior may require application of more than one consequence. A student, who violates classroom or campus rules, but not Student Code of Conduct rules, may be disciplined by one or more of the discipline management techniques. For non-Student Code of Conduct violations, the teacher is not required to make a Student Code of Conduct violation report, and the principal is not required to notify the parents or guardians. Behavior management techniques will be administered in such a manner as to preserve the dignity and self-esteem of the student, without demeaning or humiliating the student.

Reporting Crimes

The campus behavior coordinator shall report crimes and/or the suspicion of any crimes committed on campus as required by law.

There are major problem categories that not only violate school rules but state and local laws as well. When inappropriate behavior violates laws, a school campus behavior coordinator will take appropriate disciplinary action as well as make a report to local law enforcement. Any action law enforcement authorities might take would be in addition to action taken by the school. A student may be cited or arrested. If the student is arrested, the parent/guardian entitled to notice should be notified in a timely manner, by phone or in person. Law enforcement may transport the student to the Tarrant County Juvenile Detention Center and/or Mansfield City Jail. Disciplinary consequences for students with disabilities will follow the student's Behavior Intervention Plan, if one exists, and applicable federal and state law and guidelines except as provided by Section 37.007(e), in the Texas Education Code, the Student Code of Conduct is not required to specify a minimum term of removal under Section 37.006 or an expulsion under Section 37.007.

Student Responsibilities and Standards

Students are responsible for all items (e.g., backpacks, purses and vehicles and the contents of such items) brought on school property or to school-related or sponsored events. The student must protect and secure all items. The student is responsible for any contraband found on his/her person or in the student's personal belongings. Students must carefully inspect items in their possession or control, including a family and/or multi-person owned/used vehicle, before bringing it on school property or to school-related events. Items such as tobacco products, illegal drugs, firearms, other weapons, firecrackers, destructive devices or anything else that might reasonably be a threat to safety or security, or disruptive to the educational process will be seized and removed from a student's possession or control.

For the protection of all blanket inspections and searches of school property, including lockers and desks, for prohibited items may be conducted. In general, searches of students' persons (other than strip searches) may be conducted when there is a reasonable ground for suspecting that the search will uncover evidence of a rule violation or a criminal violation.

District personnel are prohibited from having a student remove or arrange some or all of his or her clothing so as to permit an inspection of the genitals, body cavities, or undergarments of the student or the chest of a female student.

Students are required to respect the rights and privileges of other students, teachers, staff, volunteers and visitors to the campus. All students are expected to conduct themselves in accordance with the expectations set out in this code and common courtesies.

Students shall exercise their rights responsibly in compliance with the Student Code of Conduct and Board Policy. Students are required to report in good faith any misconduct by employees and other students. Students who violate the rights of others or who violate district, campus or classroom rules shall be subject to disciplinary action. School rules, and the authority of the District to administer discipline, apply whenever the interest of the school is involved on or off school grounds (including activities in conjunction with or independent of classes and school-sponsored activities).

Personnel, Parents and Students Responsibilities

Students are expected to:

- ❖ Attend school the entire instructional day, except when ill or otherwise lawfully excused and be on time to all classes.
- ❖ Follow the rules and regulations established by the teacher and the school as stated in the Student Code of Conduct, Campus Discipline Management Plan, and the procedures concerning appropriate behavior.
- ❖ Cooperate with all lawful and reasonable directives issued by school personnel.
- ❖ Be prepared for each class with assigned work and appropriate materials.
- ❖ Pursue mastery of the essential knowledge and skills of the curriculum as prescribed by the District and the State.
- ❖ Establish an effective working relationship with parents, peers and school personnel.
- ❖ Show respect for others and their property.
- ❖ Abstain from making profane, insulting, threatening or inflammatory remarks.
- ❖ Stay away from other Fort Worth ISD campuses during the school day, except with permission from school personnel.

- ❖ Express opinions and ideas in a respectful and courteous manner.
- ❖ Strive toward self-discipline, setting individual goals and utilizing good work habits.
- ❖ Leave campus immediately after the dismissal bell unless involved in a school activity.
- ❖ Assume responsibility for making choices and accept the consequences of those behaviors.
- ❖ Adhere to dress code standards.
- ❖ Follow all FWISD bus rider safety guidelines.

District personnel are expected to:

- ❖ Follow state laws as well as District policies and regulations.
- ❖ Abide by the Code of Ethics as approved by the Texas Education Agency.
- ❖ Value parents as partners in the educational process.
- ❖ Attempt to promptly contact parents when there is a change in the student's performance or when an improvement is not sustained.
- ❖ Respond promptly and appropriately to parents inquiries about their children.
- ❖ Participate in campus activities that promote parent involvement.
- ❖ Work with parents, students and other district professionals to solve problems at the classroom level.
- ❖ Disseminate grading procedures to students and parents at the beginning of each semester.
- ❖ Demonstrate a positive attitude toward parents and students.
- ❖ Encourage and assist students to develop effective study habits.
- ❖ Strive to prepare the child emotionally and socially to be receptive to learning and discipline.
- ❖ Establish a healthy tolerance level through setting limits.
- ❖ Follow the rules and regulations established by the school, the District and dress code standards.
- ❖ Review and become familiar with the bus rider safety guidelines.

Parents or legal guardians are expected to:

- ❖ Establish and maintain a positive attitude toward education and school personnel.
- ❖ Take an active interest in the overall school program.
- ❖ Strive to prepare their child emotionally and socially to be receptive to learning and discipline.
- ❖ Require and lead their child to develop proper study habits at home.
- ❖ Assist their child in being properly attired for school according to the standards of the dress code.
- ❖ Send their child daily to school as required by law and promptly notify the school to explain absences and tardiness.
- ❖ Maintain current addresses and phone numbers in the school office for home, work and emergencies.
- ❖ Bring to the attention of school authorities any learning problem or condition that may relate to their child's education.
- ❖ Sign the Student and Parent Acknowledgement Statement indicating that a copy of the Student Code of Conduct has been received and read.
- ❖ Encourage their child to adhere to the Student Code of Conduct and school discipline policies.
- ❖ Attend school conferences; respond to the teacher's initial contact.
- ❖ Initiate conferences to discuss academic progress.
- ❖ Discuss work assignments and report cards with the student; request a conference with the teacher if their child receives a failing grade for the reporting period.
- ❖ Promote their child's attendance at school tutorials as the need arises.
- ❖ Cooperate with school personnel when their child is involved in a discipline problem.
- ❖ Cooperate with school administrators and teachers in their efforts to achieve and maintain a quality school system.
- ❖ Ensure student safety by adhering to appropriate drop-off and pick-up times.
- ❖ Review with school age child all FWISD bus rider safety guidelines and consequences.
- ❖ Provide appropriate identification when requested by school personnel.
- ❖ Cooperate with the school nurse to obtain state-required immunizations, to follow procedures for administration of medications at school and to take/keep the student home when ill.
- ❖ Demonstrate a positive attitude toward school personnel and students.

District Authority

Jurisdiction

The Texas Legislature has delegated authority to manage independent school districts and discipline students to the Board of Trustees and its employees. The school has the authority to administer discipline whenever the interest of the school is involved, on or off school property, in conjunction with or independent of classes and school-sponsored activities.

The District disciplinary authority applies:

- 1) During the regular school day and while the student travels to and from school, including conduct at a school bus stop off campus.
- 2) While students are participating in any activity during the school day on school grounds.
- 3) Within 300 feet of school property.
- 4) While students attend any school-related activity, regardless of time or location.
- 5) For any school-related misconduct, regardless of time or location.
- 6) When retaliation occurs including, but not limited to, making false reports against school employees, volunteers and/or students, either on or off school property, regardless of time or location.
- 7) When the student engages in conduct punishable as a felony, as provided by Texas Education Code 37.006 or 37.0081, regardless of time or location.
- 8) When felony criminal mischief is committed on or off school property or at a school-related event.
- 9) During lunch periods, including those in which a student leaves the campus.
- 10) For certain mandatory Disciplinary Alternative Education Program (DAEP) and discretionary expulsion offenses committed, within 300 feet of school property as measured from any point on the school's real property boundary line.
- 11) When the student is required to register as a sex offender.
- 12) The District has the right to take into account a student's conduct during the current year when approving interdistrict and/or intradistrict transfers. Please review Board Policy FDA or FDB, for details regarding transfers and/or school assignments.
- 13) Administrators, teachers and other professional personnel may question a student regarding the student's own conduct or the conduct of other students. In the context of school discipline, students have no claim to the right not to incriminate themselves.

District Responsibility

Transportation

The driver of a school bus transporting students to or from school or a school-sponsored or school-related activity may send a student to the principal's office to maintain effective discipline on the school bus. The campus behavior coordinator shall respond by employing appropriate discipline management techniques consistent with the student code of conduct.

Students must understand that school buses and all vehicles owned or operated by the District are an extension of the school campus. The privilege of riding a school bus or any vehicle owned or operated by the District can be temporarily or permanently denied.

Students are expected to:

- 1) Follow all instructions from the driver and comply with all safety guidelines
- 2) Students must remain seated at all times
- 3) Enter and leave the bus through the front door
- 4) Do not open windows without permission from the driver
- 5) Vulgar or abusive language is prohibited
- 6) Do not shout at passing persons or vehicles
- 7) Spitting or throwing anything in or out of the bus is prohibited
- 8) Eating, drinking, smoking or possession of any illegal substances is prohibited on the bus
- 9) Weapons and/or the use of any unsafe items is prohibited on the bus
- 10) Fighting, pushing and or shoving is prohibited on the bus

Students with Disabilities

(Board Policy FOF)

The placement of a student with a disability who receives special education services may be made only by a duly constituted admission, review, and dismissal (ARD) committee. Any disciplinary action regarding the student shall be determined in accordance with federal law and regulations. *Education Code 37.004*. The methods adopted in the Student Code of Conduct for discipline management and for preventing and intervening in student discipline problems must provide that a student who receives special education services may not be disciplined for bullying, harassment, or making hit lists until an ARD committee meeting has been held to review the conduct. *Education Code 37.001(b-1)*

Notice of Procedural Safeguards

Not later than the date on which the decision to take the disciplinary action is made, the District shall notify the student's parents of the decision and of all procedural safeguards.

Manifestation Determination

Within ten school days of any decision to change the placement of a student because of a violation of a code of student conduct, the District, parents, and relevant members of the ARD committee (as determined by the parent and the District) shall review all relevant information in the student's file, including the student's IEP, any teacher observations, and any relevant information provided by the parents to determine whether the conduct in question was:

- 1) Caused by, or had a direct and substantial relationship to, the student's disability; or
- 2) The direct result of the District's failure to implement the IEP.

If the District, the parent, and relevant members of the ARD committee determine that either of the above is applicable, the conduct shall be determined to be a manifestation of the student's disability.

Not a Manifestation

If the determination is that the student's behavior was not a manifestation of the student's disability, school personnel may apply the relevant disciplinary procedures to the student in the same manner and for the same duration as for students without disabilities. The ARD committee shall determine the interim alternative educational setting.

Special Circumstances

School personnel may remove a student to an interim alternative educational setting for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the student's disability, if the student:

- 1) Carries or possesses a weapon to or at school, on school premises, or to or at a school function under the jurisdiction of TEA or the District; or
- 2) Knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school, on school premises, or at a school function under the jurisdiction of TEA or the District;
- 3) Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of TEA or the District.

Student Not Yet Identified

A student who has not been determined to be eligible for special education and related services and who has engaged in behavior that violated a code of student conduct may assert any of the protections provided for in the IDEA if the District had knowledge that the student had a disability before the behavior that precipitated that disciplinary action occurred.

District Knowledge

The District shall be deemed to have knowledge that a student has a disability if, before the behavior that precipitated the disciplinary action occurred:

- 1) The parent of the student expressed concern in writing to supervisory or administrative personnel of the District, or to the teacher of the student, that the student was in need of special education and related services;
- 2) The parent requested an evaluation of the student for special education and related services; or
- 3) The student's teacher, or other District personnel, expressed specific concerns about a pattern of behavior demonstrated by the student directly to the special education director or to other supervisory personnel of the District.

Exception

The District shall not be deemed to have knowledge that the student had a disability if:

- 1) The parent has not allowed an evaluation of the student;
- 2) The parent has refused services; or
- 3) The student has been evaluated and it was determined that the student did not have a disability.

If the District does not have knowledge (as described above), before taking disciplinary measures, that a student has a disability, the student may be subjected to the same disciplinary measures applied to students without disabilities who engaged in comparable behaviors.

However, if a request is made for an evaluation during the time period in which the student is subjected to disciplinary measures, the evaluation shall be conducted in an expedited manner. Until the evaluation is completed, the student shall remain in the educational placement determined by school authorities.

General Misconduct Violations

General misconduct violations will not necessarily result in the formal removal of the student from class or another placement, but may result in a routine referral to the office where the student may receive other discipline management techniques. The schools may impose campus and classroom rules that will govern a student's conduct, in addition to those found in the Student Code of Conduct.

These local and classroom rules may be listed in the school student handbook or posted in classrooms. Violations may or may not constitute violations of the Student Code of Conduct.

Students are prohibited from:

- 1) Cheating or copying the work of another.
- 2) Being disrespectful to adults and/or other students.
- 3) Engaging in any conduct that constitutes harassment of any type.
- 4) Bullying others.
- 5) Violating the Student Code of Conduct.
- 6) Violating the campus student handbook.
- 7) Violating the behavioral standards set by teachers, coaches, administrators and/or sponsors.
- 8) Leaving school grounds or school-sponsored events without permission.
- 9) Scuffling or fighting.
- 10) Disobeying school rules regarding conduct on school buses.
- 11) Failing to comply with directives given by school personnel.
- 12) Possessing matches or a lighter.
- 13) Behaving in any manner disruptive to the school environment or educational process.
- 14) Violating safety rules.
- 15) Violating the dress code and grooming standards as communicated in the student handbook.
- 16) Violating extracurricular standards of behavior.
- 17) Unauthorized use of a telecommunication or an electronic device.
- 18) Possessing, smoking or using tobacco products, cigarettes, cigars, e-cigarettes, and any component, part or accessory for an e-cigarette device.
- 19) Possessing a hazardous item or storing a prohibited item in his/her vehicle if the vehicle is unoccupied.

Consequences

The general misconduct identified above will result in the application of one or more discipline management techniques. Violations will be reported to the campus behavior coordinator who will promptly notify the parent or guardian entitled to receive notice as recorded on school records.

Discipline Management Techniques

The following discipline management techniques may be used alone or in combination or as part of progressive interventions for Student Code of Conduct violations:

- ❖ Verbal correction
- ❖ Cooling-off time or "time-out"
- ❖ Seating changes in the classroom
- ❖ Student-parent-teacher conferences
- ❖ Confiscation of items that disrupt the educational process
- ❖ Grade reductions as permitted by policy
- ❖ Counseling by teacher, counselor or administrative personnel
- ❖ Detention
- ❖ Suspension conference held at the Student Discipline and Placement Department
- ❖ Diversionary Action Plans developed at the Student Discipline and Placement Department
- ❖ Restitution/Restoration
- ❖ Lowered conduct grade
- ❖ Behavioral contracts
- ❖ Prohibited attendance at or participation in extracurricular activities
- ❖ Withdraw or restriction of bus privileges
- ❖ Review 360
- ❖ Bullying Contract
- ❖ Behavior Contract
- ❖ Conflict Resolution/INOK Program
- ❖ Cease and Desist Contract

- ❖ Digital citizenship lesson
- ❖ Referral to student support team, outside agency or Family Resource Center
- ❖ Response To Intervention (RTI) process
- ❖ Teacher-parent telephone conferences
- ❖ Removal of student to the office, other assigned areas or in- school suspension
- ❖ School-assessed and school administered counseling and/or group socialization skills training
- ❖ Suspension (not to exceed three (3) school days, per incident)
- ❖ Placement in the On-Campus Intervention Program, as specified in the LEVEL I section of the Student Code of Conduct
- ❖ Referral to law enforcement when inappropriate behavior violates local and/or state law
- ❖ Placement in a Disciplinary Alternative Education Program (DAEP), as specified in the DAEP section of the Student Code of Conduct
- ❖ Expulsion, as specified in the expulsion section of the Student Code of Conduct
- ❖ Techniques or penalties identified in individual student organizations' extracurricular standards of behavior.
- ❖ Administrator-teacher-parent telephone conference call
- ❖ Other strategies and consequences as specified by the Student Code of Conduct

Note: A student shall be disciplined when necessary to improve the student's behavior, to maintain order, or to protect other students, school employees, or property. A student shall be treated fairly and equitably. The campus behavior coordinator must consider whether the student acted in self-defense, the intent or lack of intent at the time the student engaged in the conduct, the student's disciplinary history, and whether the student has a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct, regardless of whether the decision of the campus behavior coordinator concerns a mandatory or discretionary action.

Physical Restraint

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

- 1) Protect a person, including the person using physical restraint, from physical injury.
- 2) Gain control of a weapon or other dangerous object.
- 3) Prevent a student from fleeing when fleeing would put the student or others in danger.
- 4) Protect property from serious damage.
- 5) Remove from a specific location a student refusing a directive or command of a school employee, including from a classroom or other school property, in order to restore order or impose disciplinary measures. (However, an employee is not allowed to use physical restraint as a disciplinary measure; corporal punishment is prohibited.)
- 6) Restrain an irrational student. Irrational is defined for these purposes as the inability to think and reason clearly or logically.

Informal Teacher Removal

Chapter 37.002-Texas Education Code

A teacher may send a student to the campus behavior coordinator's office to maintain effective discipline in the classroom. Any removal of a student by a teacher for misbehavior requires that the teacher report the offense to the campus behavior coordinator. The campus behavior coordinator shall respond by employing appropriate discipline management techniques consistent with the Student Code of Conduct that can reasonably be expected to improve the student's behavior before returning the student to the classroom. If the student's behavior does not improve, the campus behavior coordinator shall employ alternative disciplinary management techniques, including any progressive interventions designated as the responsibility of the campus behavior coordinator in the student code of conduct. The student will not be returned to the same class, during the same period, from which he/she was removed for disciplinary reasons.

Of course, misconduct deemed sufficiently serious, including criminal misconduct, may result in more serious consequences.

Formal Removal from the Classroom by the Teacher

Chapter 37.002-Texas Education Code

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

1. The student's behavior has been documented by the teacher to repeatedly interfere with the teacher's ability to communicate effectively with the students in the class or with the ability of the student's classmates to learn; or
2. The student's behavior is so unruly, disruptive, or abusive that it seriously interferes with the teacher's ability to communicate effectively with the students in the class or with the ability of the student's classmates to learn.

If the teacher formally removes a student from class, the principal may place the student into another appropriate classroom, into in-school suspension, or into a DAEP. The principal may not return the student 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. The terms of the removal may prohibit the student from attending or participating in school-sponsored or school related activities.

A teacher shall remove from class and send to the principal for placement in a DAEP or for expulsion to JJAEP, as appropriate, a student who engages in conduct described under section 37.006 or 37.007. 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. The terms of the removal may prohibit the student from attending or participating in school-sponsored or school related activities. If the teacher removed the student from class because the student has engaged in the elements of any offense listed in section 37.006(a)(2)(B), assault or section 37.007(a)(2)(A) or (b)(2)(C), aggravated assault, sexual assault, aggravated sexual assault 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.

Placement Review Committee TEC 37.003

Each school shall establish a three-member committee to determine placement of a student when a teacher refuses the return of a student to the teacher's class. Members shall be appointed as follows:

- The campus faculty shall choose two teachers to serve as members and one teacher to serve as an alternate member, the teacher refusing to readmit the student may not serve on the committee.
- The principal shall choose one member from the professional staff of a campus.

The purpose of this committee is to determine placement of a student when a teacher refuses the return of a student to the teacher's classroom and to make recommendations to the district regarding re-admission of expelled students.

Parent(s) and/or Guardian(s) Concerns

Parent(s) and/or guardian(s) questions or complaints regarding disciplinary measures should be addressed to the teacher or campus administration, as appropriate and in accordance with policy FNG (Local). District policies are available for public inspection at each campus or through Board Policy Online at www.fwisd.org. Consequences will not be deferred pending the outcome of a complaint.

Suspensions

Considerations in Decision

Before ordering an in-school or out-of-school suspension, the campus behavior coordinator must consider:

- 1) whether the student acted in self-defense,
 - 2) the intent or lack of intent at the time the student engaged in the conduct, ~~and~~
 - 3) the student's disciplinary history or
 - 4) a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct, regardless of whether the decision of the campus behavior coordinator concerns a mandatory or discretionary action.
- TEC Section 37.001 (a)(4)

Notification

The campus behavior coordinator shall promptly notify the student's parent or guardian by phone or in person of any violation that may result in in-school or out-of-school suspension, placement in a DAEP, placement in a JJAEP, or expulsion. The campus behavior coordinator shall also notify a student's parent if the student is taken into custody by a law enforcement officer under the disciplinary provisions of the Education Code. A good faith effort must be made to provide written notice of the disciplinary action to the student, on the day the action is taken, for delivery to the student's parent or guardian. If a parent or guardian has not been reached by phone or in person by 5pm of the first business day after the day the disciplinary action is taken, the campus behavior coordinator shall mail a written notice of the action to the parent or guardian at the parent's or guardian's last known address by U.S. Mail.

In-School Suspension

A student may, at the discretion of the principal or other appropriate administrator, be placed in an in-school suspension program. If such placement is determined to be appropriate, the parent and/or guardian will be notified by the school administrator before the student placement becomes official. Before a student under 18 is assigned to detention out-side regular school hours, notice shall be given to the student's parent and or guardian to inform him or her of the reason for the detention and permit arrangements for necessary transportation.

Out-of-School Suspension

State law allows a regular education student to be suspended for as many as three (3) school days per behavior violation, with no limit on the number of times a student may be suspended in a semester or school year. If a student receives OSS suspension for a partial school day, that partial day is considered one of three total allowable OSS days. A suspension may not exceed 3 school days. TEC 37.005. For

students who are served in special education with an Individualized Education Program (IEP), once the student has been suspended for 10 full or partial days during the school year, an Admission, Review, and Dismissal (ARD) meeting must be conducted prior to further suspension in order to determine if the proposed suspension is an allowable disciplinary action.

On Campus Intervention Program

A student may be placed in the On-Campus Intervention program for six (6) successive school days for any offenses listed under Level I and/or Level II discretionary offenses, whether committed on or within 300 feet of school property or while attending a school sponsored or school related activity on or off school property.

Students placed in OCI are prohibited from being on any other school campus or from attending any school-sponsored or school-related activities during their OCI placement. Disobeying this directive could result in further disciplinary action.

Student Removals

In some cases, the offense may also meet the definition of conduct which warrants a suspension pending a Conference or hearing to determine placement in a Level II Disciplinary Alternative Education Program (DAEP) or Level III expulsion to the Juvenile Justice Alternative Education Program (JJAEP).

Considerations in Decision

Before ordering a suspension pending a recommendation for removal to DAEP and/or expulsion to JJAEP, the campus behavior coordinator must consider:

- 1) whether the student acted in self-defense,
- 2) the intent or lack of intent at the time the student engaged in the conduct,
- 3) the student's disciplinary history or
- 4) a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct, regardless of whether the decision of the campus behavior coordinator concerns a mandatory or discretionary action.

Notification

The campus behavior coordinator shall promptly notify the student's parent or guardian by phone or in person of any violation that may result in in-school or out-of-school suspension, placement in a DAEP, placement in a JJAEP, or expulsion. The campus behavior coordinator shall also notify a student's parent if the student is taken into custody by a law enforcement officer under the disciplinary provisions of the Education Code. A good faith effort must be made to provide written notice of the disciplinary action to the student, on the day the action is taken, for delivery to the student's parent or guardian. If a parent or guardian has not been reached by phone or in person by 5pm of the first business day after the day the disciplinary action is taken, the campus behavior coordinator shall mail a written notice of the action to the parent or guardian at the parent's or guardian's last known address by U.S. Mail.

Following notice of an incident that potentially violates the Student Code of Conduct and/or state law, and may require the student's removal to a DAEP or JJAEP, the campus behavior coordinator shall within three days following knowledge of the alleged incident:

- 1) Conduct a thorough investigation, by permitting the accused student the opportunity to explain his or her version of the incident.
- 2) Collect witness statements from faculty and students, for and against the accused student.
- 3) Assign the student back to class, to in-house suspension or unsupervised home-based instruction.
- 4) Contact the Student Discipline and Placement Department if the incident warrants a Central Office Conference or Hearing.
- 5) If a removal from the regular school setting is warranted, promptly notify the student and student's parents or guardians of the time, date and location for the conference or hearing.

Bullying, Dating Violence, Discrimination, Gender-Based Harassment, Sexual Harassment and Retaliation

The purpose of the Board-established policies and procedures is to prohibit and promptly identify any offensive behavior directed toward a person because of that person's race, color, religion, gender, sexual orientation, gender identity and expression, national origin, disability or any other basis prohibited by law.

Bullying (Board Policy FF)

Bullying is defined as engaging in written or verbal expression, expression through electronic means, or physical conduct that occurs on school property, at a school-sponsored or school-related activity, or in a vehicle operated by the district and that the behavior:

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

This conduct is considered bullying if it:

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

Examples:

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

Cyber Bullying

Students are prohibited from sending or posting electronic messages that are abusive, obscene, sexually oriented, threatening, harassing, damaging to another's reputation, or illegal. This prohibition applies to conduct off school property if it results in a substantial disruption to the educational environment. Any person taking, disseminating, transferring, or sharing obscene, sexually oriented, lewd, or otherwise illegal images or photographs will be disciplined according to the *Student Code of Conduct* and may, in certain circumstances, be reported to law enforcement.

Students and parents should also know it is a crime to, without permission, impersonate someone in creating a website or sending a message on a social networking site. The penalty for this offense is increased if the message threatens harms or intimidates someone.

District Action and Investigation Procedures for Bullying

A report may be made orally or in writing. The campus behavior coordinator shall reduce any oral reports to written form. The campus behavior coordinator shall determine whether the allegations in the report if proven, would constitute prohibited conduct as defined by policy FFH, including dating violence and harassment or discrimination on the basis of race, color, religion, gender sexual orientation, gender identity and expression, national origin, or disability. If so, the District shall proceed under policy FFH. If the allegation could constitute both prohibited conduct and bullying, the investigation under policy FFH shall include a determination on each type of conduct. The campus behavior coordinator shall conduct an appropriate investigation based on the allegations in the report. The campus behavior coordinator shall promptly take interim action calculated to prevent bullying during the course of an investigation, if appropriate. Absent extenuating circumstances, the investigation should be completed within ten District business days from the date of the incident report alleging bullying; however, the campus behavior coordinator shall take additional time if necessary to complete a thorough investigation.

The campus behavior coordinator shall prepare a final, written report of the investigation. The report shall include a determination of whether bullying occurred, and if so, whether the victim used reasonable self-defense.

If an incident of bullying is confirmed, the campus behavior coordinator shall promptly notify the parents of the victim and of the student who engaged in bullying. If the results of an investigation indicate that bullying occurred, the District shall promptly respond by taking appropriate disciplinary action in accordance with the District's Student Code of Conduct and may take corrective action reasonably calculated to address the conduct. A student who is a victim of bullying and who used reasonable self-defense in response to the bullying shall not be subject to disciplinary action.

Examples of corrective action may include, but are not limited to, a training program for the individuals involved in the complaint, a comprehensive education program for the school community, follow-up inquiries to determine if any new incidents or any instances of retaliation have occurred, involving parents and students in efforts to identify problems and improve the school climate, increasing staff monitoring of areas where bullying has occurred, and reaffirming the District's policy against bullying. The campus behavior coordinator shall notify the victim, the student who engaged in bullying, and any students who witnessed the bullying of available counseling options. To the greatest extent possible, the District shall respect the privacy of the complainant, persons against whom a report is filed, and witnesses. Limited disclosure may be necessary in order to conduct a thorough investigation. If the investigation reveals improper conduct that did not rise to the level of prohibited conduct or bullying, the District may take disciplinary action in accordance with the Student Code of Conduct or other corrective action reasonably calculated to address the conduct.

The District may transfer the student who engaged in bullying to:

- 1) Another classroom on the same campus, other than the class to which the victim was assigned at the time the bullying occurred.
- 2) A campus in the District other than the campus to which the victim was assigned at the time the bullying occurred, in consultation with parent or guardian of the student who engaged in bullying.

The District is not required to provide transportation to the student transferred under this section.

A student enrolled in a special education program cannot be disciplined for bullying harassment or making a hit list until an Admission, Review and Dismissal (ARD) committee convenes to review the student's conduct. The discipline of a student with disability is subject to applicable state and federal law in addition to the Student Code of Conduct.

Dating Violence (Board Policy FFH)

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 the other 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. Dating violence is considered prohibited harassment if the conduct is so severe, persistent, or pervasive that the conduct affects a student's ability to participate in or benefit from an educational program or activity; creates an intimidating, threatening, hostile, or offensive educational environment; has the purpose or effect of substantially or unreasonably interfering with the student's academic performance; or otherwise adversely affects the student's educational opportunities.

Examples:

Dating violence against a student may include physical or sexual assaults; name-calling, slurs or rumors; or threats directed at the student, the student's family members, or members of the student's household. Additional examples may include destroying property belonging to the student; threatening injury and/or death if the student ends the relationship; attempting to isolate the student from friends and family; stalking; threatening a student's spouse or current dating partner; or encouraging others to engage in these behaviors.

Discrimination (Board Policy FFH)

Discrimination against a student is defined as conduct directed at a student on the basis of race, color, religion, gender, sexual orientation, gender identity and expression, national origin, disability or on any other basis prohibited by law that adversely affects the student.

Gender-Based Harassment (Board Policy FFH)

Gender-based harassment of a student is defined as physical, verbal, or non-verbal conduct based on the student's gender or the student's gender expression that is so severe, persistent, or pervasive that the conduct affects a student's ability to participate in or benefit from an educational program or activity or a school-sponsored or school-related activity, or creates an intimidating, threatening, hostile, or offensive educational environment; has the purpose or effect of substantially or unreasonably interfering with the student's academic performance; or otherwise adversely affects the student's educational opportunities.

Examples:

Gender-based harassment directed against a student, regardless of the student's or the harasser's actual or perceived sexual orientation or gender identity and expressions, may include offensive jokes, name-calling, slurs, or rumors; physical aggression or assault; threatening or intimidating conduct; or other kinds of aggressive conduct such as theft or damage to property.

Sexual Harassment (Board Policy FFH)

Sexual harassment of a student, including harassment committed by another student, includes unwelcome sexual advances; request for sexual favors; or sexually motivated physical, verbal, or nonverbal conduct when the conduct is so severe, persistent, or pervasive that it:

- 1) Affects a student's ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening, hostile, or offensive educational environment;
- 2) Has the purpose or effect of substantially or unreasonably interfering with the student's academic performance; or
- 3) Otherwise adversely affects the student's educational opportunities.

Examples:

Sexual harassment of a student may include sexual advances; touching intimate body parts or coercing physical contact that is sexual in nature; jokes or conversations of sexual nature; and other sexually motivated conduct, communications, or contact.

Retaliation (Board Policy FFH)

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

Examples:

Retaliation may include threats, rumor spreading, ostracism, and assault, destruction of property, unjustified punishments, or unwarranted grade reductions.

District Action and Investigation Procedures for Harassment/Dating Violence

Any student who believes that he or she has experienced prohibited conduct or believes that another student has experienced prohibited conduct should immediately report the alleged acts to a teacher, counselor, principal, or other District employee (see page 38).

The investigation may consist of personal interviews with the person making the report, the person against whom the report is filed, and others with knowledge of the circumstances surrounding the allegations. The investigation may also include analysis of other information or documents related to the allegations.

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

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

Timely Reporting

Reports of bullying, dating violence, discrimination, gender-based harassment shall be made immediately after the alleged act or knowledge of the alleged act. Failure to make a report may impair the District's ability to investigate and address the prohibited conduct. To obtain assistance and intervention, any student who believes that he or she has experienced bullying, dating violence, discrimination, gender-based harassment or believes that another student has experienced bullying, dating violence, discrimination, gender-based harassment should immediately report the alleged acts to a teacher, counselor, principal, or District employee.

False Claim

A student who intentionally makes a false claim, offers false statements, or refuses to cooperate with a District investigation regarding bullying; dating violence, discrimination, gender-based harassment and retaliation shall be subject to appropriate disciplinary action.

Level I Offenses

Level I violations include, but are not limited to, the following:

Dress Code

Students are expected to be dressed in accordance with the dress code beginning on the first day of school. Violations of the dress code shall be handled at the school level. Methods of discipline may include, but are not limited to, the following:

- 1) The student may be given an opportunity to correct the problem at school.
- 2) Appropriate clothing may be provided for the student to wear during the school day.
- 3) A parent conference may be held.
- 4) Detention during lunch, after school, or on Saturday may be required.
- 5) Other means of discipline, including suspension, may be used as necessary.

Harassment (Board Policy FFH)

Harassment of a student is defined as physical, verbal, or nonverbal conduct based on the student's race, color, religion, gender identity and expression, sexual orientation, national origin, disability, or any other basis prohibited by law that is so severe, persistent, or pervasive that the conduct:

- 1) Affects a student's ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening, hostile, or offensive educational environment;
- 2) Has the purpose or effect of substantially or unreasonably interfering with the student's academic performance; or
- 3) Otherwise adversely affects the student's educational opportunities.

Gender-Based Harassment (Board Policy FFH)

Gender-based harassment of a student is defined as physical, verbal, or non-verbal conduct based on the student's gender or the student's gender expression that is so severe, persistent, or pervasive that the conduct:

- 1) Affects a student's ability to participate in or benefit from an educational program or activity or a school-sponsored or school-related activity, or creates an intimidating, threatening, hostile, or offensive educational environment;
- 2) Has the purpose or effect of substantially or unreasonably interfering with the student's academic performance; or
- 3) Otherwise adversely affects the student's educational opportunities.

Sexual Harassment (Board Policy FFH)

Sexual harassment of student to student includes any unwelcome sexual advances, request for sexual favors, sexually motivated physical, verbal or nonverbal conduct.

Abuse of School Property (Board Policy FNCF)

- 1) Defacing and/or damaging school property including textbooks, lockers furniture, and other equipment or damaging/vandalizing property owned by others (under \$250 and/or non-felony offenses).
- 2) Theft from students, staff or the school.

Alcohol/Drugs: (Board Policy FNCF)

Illegal Substances in Unoccupied Vehicles

Minuscule amount of an illegal substance found in an unoccupied vehicle, a parent conference is warranted in addition to other campus-based consequences.

Alcohol/Illegal Substances

Using or being under the influence of marijuana, a controlled substance, a dangerous drug or alcohol. A student with a valid prescription for low-THC (non-intoxicating) cannabis as authorized by chapter 487 of the Health & safety Code does not violate this provision.

Over the Counter Medication

- 1) Possess, use or be under the influence of over-the-counter drugs.
- 2) Possess or sell look-alike drugs or attempt to pass items off as drugs or contraband.

Serious or Persistent Offenses (Board Policy FO)

- 1) Failing to follow the directives of school personnel.
- 2) Intervening in staff attempts to discipline student.
- 3) Theft against students.
- 4) Using profanity directed at a student.
- 5) First time profanity directed at school personnel
- 6) Gambling of any kind.
- 7) Any school-related conduct that disrupts the educational process on or within 300 feet of school property or while attending a school-sponsored or school-related activity.
- 8) Students may not use any type of recording device to film and/or photograph a fight(s) or group incident(s) while on school property, during school hours or at school related events.
- 9) Possessing any pornographic or obscene materials.
- 10) Falsifying passes or other school-related documents.
- 11) Possess or use a mechanical, electronic device designed to simulate cigarettes or cigars regardless of substance content.

Hazardous and/or Prohibited Items: (Board Policy FNCG)

Possession of hazardous items, prohibited items or any item that in the manner of its use, actual use, or intended use is capable of causing bodily injury, including but are not limited to, the following:

- 1) Live ammunition *Mace/Pepper Spray *Stink bombs *Firecrackers *Razors
- 2) Box cutters *Replicas of weapons (toy guns)
- 3) An air gun or BB gun, stun gun
- 4) Knives of any kind, less than 5 1/2 inches not otherwise prohibited by law, i.e., pen knives, Swiss army knives and/or pocket knives
- 5) Possessing a hazardous item in student's vehicle if the vehicle is unoccupied while under school district jurisdiction
- 6) Possessing a prohibited or hazardous item on the student's person, in the student's locker, or in his or her vehicle if occupied. (This may be a Level II offense pending an evaluation based on the circumstances of each incident.)
- 7) Any items not generally considered to be weapons, including school supplies, when the campus behavior coordinator determines that a danger exists.

Level I Disciplinary Consequences

Include, but are not limited to the following:

- ❖ Verbal correction
- ❖ Restitution
- ❖ Demerits
- ❖ Cooling-off time or "time-out"
- ❖ Seating changes in the classroom
- ❖ Counseling by teachers, counselors or administrative personnel
- ❖ Parent/Guardian conference with teacher or administrator
- ❖ Parent/Guardian observation in student's classes
- ❖ Referral to student support team, outside agency or Family Resource Center
- ❖ Response To Intervention (RTI) process
- ❖ Peer mediation
- ❖ Digital citizenship lesson
- ❖ Withdrawal of privileges, such as participation in extracurricular activities and eligibility for seeking membership in school sponsored clubs or organizations
- ❖ School assigned duties such as picking up litter, scrubbing desk or cleaning removable graffiti (except gang related graffiti)
- ❖ Withdrawal or restriction of bus privileges
- ❖ School suspension (automatic 3-day suspensions are NOT mandatory for violations that warrant an out-of-school-suspension), principal or designee must exercise professional judgment when imposing out-of-school suspensions
- ❖ Review 360- Classroom self-management techniques
- ❖ Bullying Contract
- ❖ Behavior Contract
- ❖ Conflict Resolution/INOK Program
- ❖ Cease and Desist Contract
- ❖ Placement in the On-Campus Intervention program (OCI)

A student violates this conduct code and discipline can be imposed, if a student is an accomplice to another person in the commission of an offense. A student is an accomplice to another person if, with knowledge that it will promote or facilitate the misbehavior, he/she:

- 1) Solicits, commands, encourages, or requests such person engage in the misbehavior, or
- 2) Aids or agrees to aid such other person in planning or committing the misbehavior.

A student is not an accomplice if he/she is the victim or participation is terminated prior to the misbehavior and timely warning is given to school officials that the misbehavior may occur. If a student engages in accomplice activity, he/she may be charged with the same offense that the principal actor committed and receive the same consequence, with a notation the student committed the offense as an accomplice.

Note: A student shall be disciplined when necessary to improve the student's behavior, to maintain order, or to protect other students, school employees, or property. A student shall be treated fairly and equitably. The campus behavior coordinator must consider whether the student acted in self-defense, the intent or lack of intent at the time the student engaged in the conduct, the student's disciplinary history, and whether the student has a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct, regardless of whether the decision of the campus behavior coordinator concerns a mandatory or discretionary action.

Level II Discretionary Removal from Regular Education Setting to DAEP

A student may be suspended pending a conference and placed in a Level II Disciplinary Alternative Education Program (DAEP) for up to 60 school days, for any of the following offenses committed on or within 300 feet of school property or while attending a school-sponsored or school-related activity on or off school property. If the offense occurs in the last six weeks of the school year, the placement may extend into the first semester of the next school year. The placement duration will be determined by the hearing officer.

Level II violations include, but are not limited to, the following:

Bullying (Board Policy FFI)

Bullying is defined as engaging in written or verbal expression, expression through electronic means, or physical conduct that occurs on school property, at a school-sponsored or school-related activity, or in a vehicle operated by the district and that the behavior:

- 1) Has the effect or will have the effect of physically harming a student, damaging a student's property, or placing a student in reasonable fear of harm to the student's person or of damage to the student's property; or
- 2) To be sufficiently severe, persistent and pervasive enough that the action or threat creates an intimidating, threatening, or abusive environment for a student.
- 3) Exploits an imbalance of power between the student perpetrator and the student victim through written or verbal expression or physical conduct.
- 4) Interferes with a student's education or substantially disrupts the operation of a school or school-sponsored or school related activity.

Inappropriate Use of Technology (Cyber bullying)

Students are prohibited from sending or posting electronic messages that are abusive, obscene, sexually oriented, threatening, harassing, damaging to another's reputation, or illegal. This prohibition applies to conduct off school property if it results in a substantial disruption to the educational environment. Any person taking, disseminating, transferring, or sharing obscene, sexually oriented, lewd, or otherwise illegal images or photographs will be disciplined according to the *Student Code of Conduct* and may, in certain circumstances, be reported to law enforcement.

The District shall prohibit the bullying of a student; prohibit retaliation against any person, including a victim, a witness, or another person, who in good faith provides information concerning an incident of bullying.

The District may transfer the student who engaged in bullying to:

- 1) Another classroom at the campus to which the victim was assigned at the time the bullying occurred.
- 2) A campus in the District other than the campus to which the victim was assigned at the time the bullying occurred, in consultation with parent or guardian of the student who engaged in bullying.

Sexual Harassment (Board Policy FFH)

Engaging in conduct that constitutes sexual harassment or sexual abuse of a student, district employee or volunteer whether the conduct is by word, gesture or any other sexual conduct, including request for sexual favors.

Dating Violence (Board Policy FFH)

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 the other 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. Dating violence is considered prohibited harassment if the conduct is so severe, persistent, or pervasive that the conduct affects a student's ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening, hostile, or offensive educational environment; has the purpose of effect of substantially or unreasonably interfering with the student's academic performance; or otherwise adversely affects the student's educational opportunities.

Gender-Based Harassment: (Board Policy FFH)

Gender-based harassment of a student is defined as physical, verbal, or non-verbal conduct based on the student's gender or the student's gender expression that is so severe, persistent, or pervasive that the conduct:

- 1) Affects a student's ability to participate in or benefit from an educational program or activity or a school-sponsored or school-related activity, or creates an intimidating, threatening, hostile, or offensive educational environment;
- 2) Has the purpose of effect of substantially or unreasonably interfering with the student's academic performance; or
- 3) Otherwise adversely affects the student's educational opportunities.

Harassment: (Board Policy FFH)

Harassment of a student is defined as physical, verbal, or nonverbal conduct based on the student's race, color, religion, gender, sexual orientation, gender identity and expression, national origin, disability, or any other basis prohibited by law that is so severe, persistent, or pervasive that the conduct:

- 1) Affects a student's ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening, hostile, or offensive educational environment;
- 2) Has the purpose or effect of substantially or unreasonably interfering with the student's academic performance; or otherwise adversely
- 3) Affects the student's educational opportunities.

Abuse of School Property (Board Policy FNCB)

- 1) Graffiti, defacing, vandalizing or damaging school property (more than \$250, but less than \$1,500)
- 2) Theft of school property (more than \$200, but less than 1,500)

Organizations and Clubs (Board Policy FNCC)

- ❖ Soliciting another person to pledge, join or become a member of a public school fraternity, sorority, secret society or gang.
- ❖ Engaging in gang related activity, e.g., gang fights demonstrations, harassment and/or intimidation.
- ❖ Involvement in gang activity, a public school fraternity, sorority or secret society. Including participating as a member or pledge or soliciting another person to become a pledge or member.

Hazing (Board Policy FNCC)

Involves any knowing, intentional or reckless act, occurring on or off the campus, by one person alone or acting with others, directed against a student, that endangers the mental or physical health or safety of a student for the purposes of pledging, initiation into, affiliation with, holding office in or maintaining membership in an organization.

Weapons (Board Policy FNCG)

- ❖ Using or repeated possessing a pellet gun, air-powered rifle, or any other instrument that may be perceived by a third party as a firearm.
- ❖ Using or repeated possession of a stun gun
- ❖ Repeated Possessing or using martial arts objects, unless the conduct amounts to an assault resulting in bodily injury.
- ❖ Igniting or discharging chemical dispensing device/hazardous items.
- ❖ Repeated possessing a knife, box cutter, or razor blade for protection or threat of violence.
- ❖ Repeated possessing a weapon on the student's person or in his/her vehicle, occupied or unoccupied while under school district jurisdiction, if such conduct is not punishable as a juvenile or criminal offense.
- ❖ Acting in a manner intended to cause alarm or personal injury to another person, or to damage school property, by intentionally exhibiting, using or threatening to exhibit or use a firearm:
 - 1) On any property, including a parking garage or other parking area, that is owned by a private or public school; or
 - 2) On a school bus being used to transport children to or from school-sponsored activities of a private or public school.

Assault (Board Policy FNCH)

- ❖ Assault by Contact (with citation) is defined by Texas Penal Code 22.01(a)(3) as intentionally or knowingly causing physical contact with another when the person knows or should reasonably believe that the other will regard the contact as offensive or provocative.
- ❖ Assaulting or threatening to strike a school employee or volunteer.
- ❖ Engaging in retaliation without reference to the Penal Code, including but not limited to, the reporting of allegations of misconduct against a school employee, volunteer or student that is known to be false at the time the report is made or a report of alleged misconduct made without regard for the truth of the report.
- ❖ Using the Internet and/or telecommunication device to threaten students, or employees, or to cause disruption to the educational program while on school property or while attending school-sponsored events.
- ❖ Making a verbal or written statement to kill, shoot, bomb, burn, wield knife or use other weapons, while on school property or while attending a school-related or school-sponsored activity.
- ❖ Harassment of a public servant, including but not limited to i.e. interfering or attempting to interfere with the discharge of the official duties of district personnel, causing an employee to be in contact with the blood, bodily fluids, saliva, urine or feces of any person or animal with the intent to assault, harass or alarm.

- ❖ By using direct, deliberate, or focused threats, force or violence such that the staff person believes his or her safety or the well-being of his or her property is in danger;
- ❖ Using force or violence that is non-deliberate and not focused on the staff person, such attempting to continue fight when a staff person is trying to stop the fight and inadvertently striking that person

Level II Persistent or Serious Offenses (Board Policy FO)

Include, but are not limited to, the following:

- ❖ Retaliation against any person, including a victim, a witness, or another person, who in good faith provides information concerning bullying, serves as a witness, or participates in an investigation.
- ❖ Retaliation against a school employee, regardless of where the conduct takes place.
- ❖ Repeated incidents of profanity, lewd, offensive or vulgar language or obscene gestures directed at staff, Student or volunteer.
- ❖ Disobeying the orders of school officials to leave school property or disperse as instructed;
- ❖ Heckling or harassing school authorities engaged in any lawful task, function, process, or procedure of the school district such that it interferes with their ability to maintain order or complete their lawful duties, including the use of abusive or foul language directed at school district employee;
- ❖ The use of any electronic means during the school day while at school that has the purpose of embarrassing, denigrating, or demeaning school staff, student and/or volunteer
- ❖ Hindering the investigation of an incident by school staff by deliberately lying about, or encouraging others to deliberately lie about the facts of the incident.
- ❖ Making false accusations about district employees.
- ❖ State administered testing violation.
- ❖ Committing or assisting in a robbery or theft or burglary that does not constitute a felony according to the Texas Penal Code.
- ❖ Inappropriate or indecent exposure of a student's body parts, including exposure of any portions of the body that are ordinarily covered by clothing or required to be covered by the standards of dress.
- ❖ Repeated incidents of any kind gambling.
- ❖ Repeatedly violating other previously communicated campus or classroom standards of behavior, thereby, interfering with the delivery of instruction or by hindering the ability of other students to learn.
- ❖ Assault by contact (no citation). The District defines "assault by contact" as deliberate, purposely or recklessly making physical contact with another; with the knowledge, that such contact would be perceived as unpleasant or provoking.
- ❖ Persistent incidents of fighting.
- ❖ Repeated acts of possessing and/or distributing any pornographic or obscene materials.
- ❖ Possessing electronic or published materials while on school property or school-sponsored events that are designed to promote or encourage illegal behavior or could threaten school safety.
- ❖ Use of the internet or other electronic communications to threaten district students, employees, board members, or volunteers, including off school property if the conduct causes a substantial disruption to the educational environment.
- ❖ Violating computer use, policies, rules and agreements signed by students and/or agreements signed by students' parents or guardians.
- ❖ Engaging in criminal mischief that does not constitute a felony.
- ❖ Repeated incidents of being under the influence of any substance represented to be an illegal drug, a dangerous drug, a controlled substance or alcohol.
- ❖ Repeated incidents of any contraband found in an unoccupied vehicle parked on school grounds.

Based on law-enforcement-action, removal may also be a consequence for the following actions:

- ❖ Pulling a fire alarm or discharging a fire extinguisher in a building owned/operated by the District when there is no smoke, fire or danger that requires evacuation;
- ❖ Calling 9-1-1 when no emergency exists
- ❖ Making a false report of bombing or other emergency
- ❖ Terroristic threat involving a public school

Conduct Punishable as a Felony (Board Policy FOC-LEGAL)

A student may also be removed from class and placed in an alternative education program for conduct punishable as a felony, other than those listed as offenses involving injury to a person in Title 5 of the Texas Penal Code, that occurs off campus and while the student is not in attendance at a school sponsored or school-related activity if:

- a) The superintendent or the superintendent's designee has reasonable belief that the student has engaged in conduct defined as a felony offense other than those defined in Title 5, Penal Code; and

- b) The continued presence of the student in the regular classrooms threatens the safety of others or will be detrimental to the educational process.

A student who has knowledge that another student(s) has committed a serious offense is expected to report this information to the school. Failure to report will be subject to a lesser disciplinary consequence, either one step lower than that required for the offense of which the student had knowledge or a shorter term of discipline.

Level II Mandatory Removal from Regular Education Setting to DAEP

A student must be removed pending a conference or hearing and placed in a Level II Disciplinary Alternative Education Program (DAEP) for up to 60 school days, for any of the following offenses committed on or within 300 feet of school property or while attending a school-sponsored or school-related activity on or off school property. If the offense occurs in the last six (6) weeks of the school year, the placement may extend into the first semester of the next school year. The placement duration will be determined by the hearing officer.

Level II violations include, but are not limited to, the following:

Alcohol/Drugs (Board Policy FNCF-LEGAL) with citation

- ❖ Selling, giving or delivering to another person, or possesses, uses, or is under the influence of an alcoholic beverage, marijuana, a controlled substance or dangerous drug in any amount not constituting a felony. A student with a valid prescription for low-THC (non-intoxicating) cannabis as authorized by chapter 487 of the Health & safety Code does not violate this provision.
- ❖ Possession or using any substance represented to be an illegal drug, a dangerous drug, a controlled substance or alcohol.
- ❖ Selling look-alike drugs or items attempted to be passed off as drugs and contraband.
- ❖ Selling seeds, pieces of marijuana or paraphernalia related to any prohibited substances.
- ❖ Behaving in a manner that contains the elements of the offense relating to volatile chemicals. (e.g., sniffing carburetor fluid, aerosols, glue, paint thinner, etc.)
- ❖ Distributing, accepting and/or abusing over-the-counter medications.
- ❖ Possession, use or delivery of synthetic compounds or substances known as K2, spice, and bath salts.

Assault (Board Policy FNCH)

Assault with bodily injury is defined by Texas Penal Code 22.1 (a)(1). A person commits an assault if the person intentionally, knowingly or recklessly causes bodily injury to another.

Terroristic threat (with citation)

School Related Felony Misconduct (Board Policy FOD LEGAL)

- ❖ Behaving in a manner that contains the elements of public lewdness (under Section 21.07 of the Penal Code) or indecent exposure (under Section 21.08 of the Penal Code).
- ❖ Engaging in conduct punishable as a felony.
- ❖ Engaging in expellable conduct if the student is between 6 and 9 years of age.
- ❖ A student younger than six (6) may not be sent to a DAEP unless the student commits a firearm offense under TEC 37.007(e) (2). [TEC 37.006(1)]
- ❖ Engaging in conduct involving a public school that contains the elements of the offense of false alarm or report (under Section 42.06, Penal Code) or terroristic threat (under Section 22.07, Penal Code) anywhere the offense is committed.

Misconduct Identified in State Law (Board Policy FOC- LEGAL)

A student must also be removed from class and placed in an alternative education program based on conduct occurring off campus and while the student is not in attendance at a school sponsored or school related activity as described below.

- ❖ Engaging in conduct that contains the elements of retaliation against any school employee or volunteer on or off school property.
- ❖ Engaging in conduct punishable as a felony that occurs off school property, but not at a school-sponsored or school related event, injuring a person in a manner listed as Title 5 offense in the Texas Penal Code, and resulting in one of the following:
 - 1) The student receives deferred adjudication for conduct defined as title 5 felony or the felony offense of aggravated robbery
 - 2) A court or jury finds that the student has engaged in delinquent conduct for conduct defined as title 5 felony, or
 - 3) The superintendent or designee determines there is reasonable belief that the student has engaged in a conduct defined as title 5 felony or the felony offense of aggravated robbery.

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 the victim or victim's parents request that Fort Worth ISD transfer the offending student to another campus (following completion of the recommended DAEP placement), the offending student shall be transferred to another campus in the district. School districts are not required to provide transportation to students transferred under this section.

Level II Disciplinary Consequences

Include, but are not limited to the following:

- ❖ Parent/Guardian conference with teacher or administrator
- ❖ Referral to student support team, outside agency or Family Resource Center
- ❖ Response To Intervention(RTI) process
- ❖ Cease and Desist Contract (written agreement signed by involved parties to end harassing, bullying , or similar behaviors)
- ❖ Peer mediation
- ❖ Digital citizenship lesson
- ❖ Withdrawal of privileges, such as participation in extracurricular activities and eligibility for seeking membership in school sponsored clubs or organizations
- ❖ School assigned duties such as picking up litter, scrubbing desk or cleaning removable graffiti (except gang related graffiti)
- ❖ Withdrawal or restriction of bus privileges
- ❖ Review 360- Classroom self-management techniques
- ❖ Bullying Contract
- ❖ Behavior Contract
- ❖ Conflict Resolution/INOK Program
- ❖ School suspension (automatic 3-day suspensions are NOT mandatory for violations that warrant an out-of-school- suspension), campus behavior coordinator must exercise professional judgment when imposing out-of-school suspensions
- ❖ Referral to law enforcement when inappropriate behavior violates local and/or state law
- ❖ Placement in the On-Campus Intervention program (OCI)
- ❖ Referral to a Central Office Conference (DAEP)
- ❖ Discretionary placement in DAEP
- ❖ Mandatory placement in DAEP
- ❖ Discretionary expulsion to JJAEP

Second Opportunity for Success (SOS) Program

Some students may be eligible to participate in SOS in lieu of a Level II DAEP placement, the hearing officer will determine eligibility for the SOS program.

Merit Program

Students' DAEP placements may be reduced by one day for every full week of enrollment (Monday-Friday), if they have had perfect attendance and no behavior referrals. This applies to all DAEPs except the JJAEP.

Note: A student shall be disciplined when necessary to improve the student's behavior, to maintain order, or to protect other students, school employees, or property. A student shall be treated fairly and equitably. The campus behavior coordinator must consider whether the student acted in self-defense, the intent or lack of intent at the time the student engaged in the conduct, the student's disciplinary history, and whether the student has a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct, regardless of whether the decision of the campus behavior coordinator concerns a mandatory or discretionary action.

Level II Central Rules and Procedures for Removals to DAEP (Board Policy FOC LOCAL)

Nothing in this policy shall be construed to require proof beyond a reasonable doubt at the conference or hearing panel level. The actions contemplated herein are not penal in nature and are merely administrative determinations. This process is separate from any additional proceedings required by law, by juvenile or adult court. Any student being recommended for DAEP placement from the violations of Level II must complete the following procedures.

Central Office Conference

The Board delegates to the Student Discipline and Placement Department and its administrators the authority to remove a student to a Disciplinary Alternative Education Program (DAEP). The conference shall be held “de novo,” and the hearing officer shall not be bound by the findings or conclusions of any prior hearings, procedures or decisions.

Conference Rules and Procedures

The hearing officer shall conduct a conference for a student who is being recommended for placement in a Level II DAEP. The hearing officer must consider whether the student acted in self-defense, the intent or lack of intent at the time the student engaged in the conduct, the student’s disciplinary history or a disability that substantially impairs the student’s capacity to appreciate the wrongfulness of the student’s conduct, regardless of whether the decision of the hearing officer concerns a mandatory or discretionary action. When possible, this conference shall be held within three days of the time of the offense. If after notice is provided to the student and the parent/guardian regarding the time and location of the conference, the hearing officer may hold the conference regardless of whether the student or student’s parent/guardian attends. During the conference, the following procedures may be followed:

- 1) Advise the student of the conduct or offense with which he/she is charged.
- 2) Permit the student the opportunity to explain his/her version of the incident.
- 3) Permit the student to have adult or legal representation. The District may be represented by an employee or legal counsel.
- 4) Written statements from witnesses or parties may be introduced.
- 5) No formal rules of evidence will be observed. Each party in turn, beginning with the District, shall be permitted to develop or defend the charge, present evidence and request appropriate action of the central hearing officer.
- 6) The hearing officer shall be and remain impartial and assist the parties in developing all the facts and evidence in order to present a full account of the incident. The central hearing officer’s decision will be based upon a consideration of the credible evidence offered and the discipline philosophy of the District. If the student is expelled to JJAEP, not later than the second business day after the hearing, the Board’s designee will deliver to the Juvenile Court a copy of the order placing a student in at JJAEP and information required by Section 52.04 of the Family Code.
- 7) From the time of the decision of the central hearing officer to place a student in a disciplinary alternative education program, the student must enroll in the disciplinary alternative education program. Even if an appeal is made by the student, parent(s), or guardian(s), the student must remain in the disciplinary alternative education program until a final decision is made.
- 8) The Student Discipline and Placement Department reserves the right to modify or revise the length of placements and determine the level of offense, as deemed appropriate under the circumstances present in each case.

Record

All proceedings shall be electronically recorded or a stenographic record made to preserve a verbatim transcript of the hearing for appeal purposes.

Special Note Regarding Placement Extensions

A student placed in a DAEP may be subject to a placement extension for any of the following reasons:

- 1) Failure to register and attend the DAEP immediately following placement notification;
- 2) Absences during placement at the DAEP or suspensions due to persistent and/or serious misbehavior; or the student engages in additional conduct for which placement in DAEP is required or permitted.
- 3) The scheduled returned date would fall during testing times creating a disruption to the educational process.

Level II – Student Right of Appeal

A student or a student’s parent(s) and/or guardian(s) may appeal, in writing a Level II DAEP to a Hearing Panel or designee appointed by the superintendent. This written appeal must be delivered to the Office of Legal Services within five working days after receiving notification of the alternative education placement. Parent(s) and/or guardian(s) may also submit any information they believe is relevant to the appeal.

The proceeding before the Hearing Panel will be closed to the public. Closed proceedings shall be attended only by the parties, representatives, parent(s) or guardian(s) of a student, proceeding personnel and a stenographer, if required.

Record

All proceedings shall be recorded by electronic or stenographic method to preserve a verbatim transcript of the hearing for appeal purposes.

Superintendent's Hearing Panel Procedures

The superintendent delegates all fact-finding authority to a Hearing Panel or designee. This panel is appointed by the superintendent for hearing an appeal of a DAEP placement for Level II only, and to establish a written record for review. The superintendent's Hearing Panel or designee shall conduct an informal proceeding no later than ten business days after receipt of the written request for an appeal. At this informal proceeding, the following procedures shall be followed:

- 1) The parent(s) and/or guardian(s) of the student shall be notified and requested to attend and participate in the proceeding.
- 2) The student shall be permitted the opportunity to explain his or her version of the incident.
- 3) The student shall be permitted to have adult or legal representation. An employee or legal counsel may also represent the District.
- 4) Written statements from witnesses and parties may be introduced as evidence.
- 5) No formal rules of evidence will be observed. Each party in turn, beginning with the student or parent(s) and/or guardian(s), shall be permitted to develop or rebut the evidence, present witness statements or other evidence, and recommend appropriate action to the Hearing Panel or designee.
- 6) The Hearing Panel or designee shall remain impartial and assist the parties in developing all of the facts and evidence in order to present a full account of the incident and shall render a decision in the matter.
- 7) The Hearing Panel or designee shall render a decision that determines whether the student violated the Student Code of Conduct and the appropriate duration of placement in a DAEP.
- 8) The decision of the panel or designee may be announced to the participants, but written notice of the decision shall be rendered to all parties within five working days following the proceeding.

Final Appeal

A student or a student's parent(s) or guardian(s) may request that the Superintendent, who is the Board's designee, review the record of the Hearing Panel proceedings. The written request must be delivered to the Superintendent's office within five working days after receiving notification of disciplinary alternative education placement. The Superintendent may also investigate and request additional information that was not presented at the original conference or hearing before the Hearing Panel. If after the review, the Superintendent determines that the reasons given in support of the disciplinary alternative education placement are sound and substantiated, the Superintendent shall issue a written notice informing the parent(s) or guardian(s) of his or her decision to sustain the placement within three working days from the conclusion of the review. The Superintendent may also take any action deemed appropriate to modify or overturn the placement and shall notify the parent(s) or guardian(s) promptly of the decision in this regard. Any decision by the Superintendent is final and may not be appealed. Noncustodial parents and/or guardians may request in writing a copy of any written notification relating to a student's placement in a DAEP or expulsion from school that is generally provided by the District to a student's parents.

Level III Expulsion or Placement in Alternative Setting

Discretionary Expulsion

A student may be suspended pending a hearing and expelled to the Juvenile Justice Alternative Education Program (JJAEP) for up to one calendar year for any of the following offenses committed on school property or within 300 feet of school property or while attending a school sponsored or school related activity on or off school property or against another student, without regard to where the conduct occurs. If the offense occurs in the last six weeks of the school year, the placement may extend into the first semester of the next school year. The placement duration will be determined by the hearing officer.

- ❖ Aggravated assault
- ❖ Sexual assault
- ❖ Aggravated sexual assault
- ❖ Murder
- ❖ Capital murder
- ❖ Criminal attempt to commit murder or capital murder
- ❖ Aggravated robbery
- ❖ Breach of computer security
- ❖ Carrying on or about the student's person a handgun, an illegal knife, or a club, as defined by Texas Penal Code 46.01(6)
- ❖ Possessing, manufacturing, transporting, repairing, or selling prohibited weapon as defined by Texas Penal Code 46.05(a)

A student may also be expelled for engaging in serious conduct that violates the Student Code of Conduct while in a DAEP:

- 1) Deliberate violent behavior that poses a direct threat to the health and 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.

- 4) Conduct that constitutes the offense of:
 - a) Public lewdness under Section 21.07, Penal Code
 - b) Indecent exposure under Section 21.08, Penal Code
 - c) Criminal mischief under Section 28.03, Penal Code
 - d) Personal hazing under Section 37.152, Penal Code
 - e) Harassment under Section 42.07(a)(1), Penal Code, of a student or district employee

A student who has knowledge that another student(s) has committed a serious offense is expected to report this information to school officials, failure to report will be subject to disciplinary consequences.

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 the victim or victim's parents request that Fort Worth ISD transfer the offending student to another campus (following completion of the recommended DAEP or JJAEP placement), the offending student shall be transferred to another campus in the district. School districts are not required to provide transportation to students transferred under this section.

Schools are authorized to expel and place in a DAEP or JJAEP, any student who is charged with or arrested for a felony under Title 5 of the Penal Code off campus, as well as those who receive deferred prosecution or found guilty of such conduct.

There must be a finding that the student's presence in the regular classroom would threaten the safety of others, be detrimental to the educational process or not be in the best interests of the students. Such students must be placed in a JJAEP, and otherwise the DAEP. This action can be taken regardless of when or where the conduct occurred, whether or not the student has completed any court disposition requirements.

Mandatory Expulsion to Juvenile Justice Alternative Education Program

A student must be suspended pending a Central Office Hearing and expelled to the JJAEP for a minimum of 90 school days, for any of the following felony offenses committed on school property or within 300 feet of school property or while attending a school-sponsored or school-related activity on or off school property. Students whose offense involves a firearm must be assigned to JJAEP for one school-calendar year. If the offense occurs in the last six weeks of the school year, the placement may extend/begin into the first semester of the next school year. The placement duration will be determined by the hearing officer. The period of placement may not exceed one year unless, after review, it is determined that the student is a threat to the safety of other students or to District's employee.

Level III violations include, but are not limited to, the following:

Felony Assaults (Board Policy FNCH/FOD-LEGAL) Behavior containing the elements of the following under the Texas Penal Code:

- ❖ Aggravated assault, sexual assault or aggravated sexual assault
- ❖ Arson
- ❖ Murder, capital murder or criminal attempt to commit murder or capital murder
- ❖ Indecency with a child
- ❖ Aggravated kidnapping
- ❖ Retaliation against a school employee or volunteer combined with one of the above-listed offenses on or off school property or at a school-related activity, committed on or off school property or at school-related event.
- ❖ Aggravated robbery
- ❖ Manslaughter
- ❖ Criminally negligent homicide

Drug/Alcohol Felony Offenses (Board Policy FNCF/FOD-LEGAL)

Behavior punishable as a felony that involves the following:

- ❖ Selling, giving or delivering marijuana, a controlled substance, alcohol or a dangerous drug to another person.
- ❖ Possessing, using or being under the influence of marijuana, a controlled substance, a dangerous drug or alcohol.
- ❖ Committing a serious act or offense while under the influence of alcohol.

Weapons/Felony Arrest (Board Policy FNCG/FOD- LEGAL)

Bringing to school or possessing at school a hand gun, including any setting that is under the district's control or supervision for the purpose of a school activity. A hand gun is defined by state law as any firearm designed, made, or adapted to be used with one hand. 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 sport 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.

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.

Use, exhibition or possession of the following, as defined by the Texas Penal Code:

- ❖ An illegal knife, such as knife with a blade over 5 1/2 inches;
- ❖ A club
- ❖ A prohibited weapon, such as an explosive weapon; a machine gun; a short-barrel firearm; a firearm silencer; knuckles, or armor-piercing ammunition; a chemical dispensing device; or a zip gun.
- ❖ Use, exhibition or possession of a tire deflation device, as defined in part by section 46.01 of the Texas Penal Code.

Level III Hearings Rules and Procedures for Expulsions to DAEP or JJAEP (Board Policy FOC LOCAL)

Nothing in this policy shall be construed to require proof beyond a reasonable doubt at the hearing or hearing panel level. The actions contemplated herein are not penal in nature and are merely administrative determinations. This process is separate from any additional proceedings required by law, by juvenile or adult court. Any student being recommended for JJAEP expulsion from the violations of Level III must complete the following procedures.

Central Office Hearing

The Board delegates to the Student Discipline and Placement Department and its administrators the authority to expel a student to JJAEP. The hearings shall be held “de novo,” and the hearing officer shall not be bound by the findings or conclusions of any prior hearings, procedures or decisions.

Hearing Rules and Procedures

The hearing officer shall conduct a hearing for a student who is being recommended for expulsion to JJAEP. The hearing officer must consider whether the student acted in self-defense, the intent or lack of intent at the time the student engaged in the conduct, the student’s disciplinary history or a disability that substantially impairs the student’s capacity to appreciate the wrongfulness of the student’s conduct regardless of whether the decision of the hearing officer concerns a mandatory or discretionary action. When possible this hearing shall be held within three days of the time of the offense. After notice is provided to the student and the parent/guardian regarding the time and location of the hearing, the hearing officer may hold the hearing regardless of whether the student or student’s parent/guardian attends. During the hearing, the following procedures shall be followed:

- 1) Advise the student of the conduct or offense with which he/she is charged.
- 2) Permit the student the opportunity to explain his/her version of the incident.
- 3) Permit the student to have adult or legal representation. The District may be represented by an employee or legal counsel.
- 4) Written statements from witnesses or parties may be introduced.
- 5) No formal rules of evidence will be observed. Each party in turn, beginning with the District, shall be permitted to develop or defend the charge, present evidence, and request appropriate action of the hearing officer.
- 6) The hearing officer shall be and remain impartial and assist the parties in developing all the facts and evidence in order to present a full account of the incident. The hearing officer shall render a decision based upon a consideration of the preponderance of the credible evidence offered. If appropriate, not later than the second business day after the hearing, the Board’s designee will deliver to the juvenile court a copy of the order placing a student at JJAEP and information required by Section 52.04 of the Family Code.
- 7) From the time of the decision of the central hearing officer to place a student in a Juvenile Justice alternative education program, the student must enroll in the Juvenile Justice disciplinary alternative education program. Even if an appeal is made by the student, parent(s), or guardian(s), the student must remain in the disciplinary alternative education program until a final decision is made.
- 8) The Student Discipline and Placement Department reserves the right to modify or revise the length of placements and determine the level of offense, as deemed appropriate under the circumstances present in each case.

Record

All proceedings shall be electronically recorded or a stenographic record made to preserve a verbatim transcript of the hearing for appeal purposes.

Special Note Regarding Placement Extensions

A student expelled to JJAEP may be subject to a placement extension for any of the following reasons:

- 1) Failure to register and attend the JJAEP immediately following placement notification.
- 2) Absences during placement at the JJAEP or suspensions due to persistent and/or serious misbehavior or or the student engages in additional conduct for which expulsion to JJAEP is required or permitted.
- 3) The scheduled returned date would fall during testing times creating a disruption to the educational process.

Level III – Student Right of Appeal

A student or a student's parent(s) or guardian(s) may appeal in writing a Level III expulsion to the Juvenile Justice Education Program (JJAEP), to the superintendent or designee, both of which have been designated by the Board. This written appeal must be delivered to the Superintendent's office within five working days after receiving notification of the expulsion. Parent(s) and/or guardian(s) may also submit any information they believe is relevant to the appeal.

The superintendent or designee may also investigate and request additional information that was not presented at the original hearing. If after review, the superintendent or designee determines that the reasons given in support of the expulsion are sound and substantiated, he or she shall issue a written notice informing the parent(s) and/or guardian(s) of his or her decision to sustain the expulsion within three working days of the conclusion of the review. The superintendent or designee may also take any action he or she deems appropriate to modify or overturn the placement and will notify the parent(s) and/or guardian(s) promptly of his or her decision in this regard. If at the conclusion of the investigation, additional information is brought forth that might increase the consequence, the superintendent or designee will review (within three days) the new information with parent(s) and/or guardian(s). Following this review, the superintendent or designee will issue a final ruling.

Noncustodial parent(s) and/or guardian(s) may request in writing a copy of any written notification relating to a student's expulsion from school that is generally provided by the District to a student's parents.

Expulsion or Placement of Certain Students in Alternative Setting

When the school receives notice that a student is required to register as a sex offender, the school "shall remove the student from the regular classroom and determine the appropriate placement." Sex offenders who are under any form of court supervision must be placed in a Juvenile Justice Alternative Education Program (JJAEP) or Disciplinary Alternative Education Program (DAEP) for at least one semester.

Sex offenders who are not under any form of court supervision may be placed in the JJAEP or DAEP for one semester. The District may place the student in the regular classroom unless the Board of Trustees determines that the student's presence in the regular classroom threatens the safety of others, is detrimental to the educational process or is not in the best interest of the students.

At the end of one semester placement, the Board must convene a committee to review the placement. The committee will be comprised of 1) a teacher from the regular campus; 2) the parole or probation officer, or a representative of juvenile probation; 3) an instructor from the alternative program to which the student was assigned; 4) a designee selected by the Board; 5) a counselor employed by the school. By majority vote, the committee may recommend further placement to the board. The Board must follow the committee's recommendation unless it makes findings to the contrary. If the committee recommends regular classroom placement, the Board must follow that recommendation unless it determines it would threaten the safety, be detrimental or otherwise not in the best interests of students. Likewise, if the committee recommends continued alternative placement, the Board must follow that unless it concludes that the regular classroom placement would not be threatening, detrimental or not in the best interests of students. If the student remains in the alternative setting, a committee must conduct another review and make another recommendation before each school year, as long as the student is in the alternative setting.

In the case of a special education student, this review must be done by the Admission, Review and Dismissal Committee (ARDC) rather than the five-member committee outlined above, but the ARDC may request the Board to convene a committee to assist them. The placement decision about a special education student must be done in compliance with the Individuals with Disabilities Education Act (IDEA).

Sex offenders who are required to register and are under court supervision and who transfer to another school district during the one-semester mandatory placement may be extended for an additional semester without the necessity of a committee review. The new district may count the time spent towards the mandatory placement requirement. Otherwise, the placement of transfer students is subject to the committee review process.

The alternative placement must be the DAEP unless the Memorandum of Understanding (MOU) for the JJAEP calls for placement of such students in the JJAEP, or the court orders JJAEP placement. JJAEPs are entitled to funding for a student placed pursuant to these provisions to the same extent as for students who are expelled for discretionary expellable offenses.

The student or the student's parents may appeal the Board's decision by requesting a conference with the Board, but the conference "is limited to the factual question of whether the student is required to register as a sex offender under Chapter 62, Code of Criminal Procedure." The Board's decision is final and not appealable.

Upon receipt of a "15.27" notice from law enforcement, if the superintendent determines that the employee needs the information for educational purposes or for the protection of the person informed or others; the superintendent may send to a school district employee having direct supervisory responsibilities over the student the information contained in the confidential notice. This notice will not indicate whether or not a student is required to register as a sex offender.

Upon conviction, deferred prosecution, deferred adjudication or adjudication of delinquent conduct, the superintendent is to be informed within 24 hours and the notice is to include "whether the student is required to register as a sex offender." The superintendent is required to pass this along within 24 hours to "all instructional and support personnel who have regular contact with the student." Similar notice must be given by law enforcement officials to school officials within 24 hours of when they learn of the student's transfer or re-enrollment in a new district or school.

Placement Details

Credit

No district academic credit will be earned for work missed during the period of expulsion unless the student is enrolled in a Juvenile Justice Education Program (JJAEP) or other district-approved program. The District defers a Disciplinary Alternative Education Placement (DAEP) assignment to the Student Discipline and Placement Department for any student expelled from another district during the period of the expulsion order.

Coursework Notice

The parent or guardian of a student placed in DAEP shall be given written notice of the student's opportunity to complete a foundation curriculum course in which the student was enrolled at the time of removal and which is required for graduation, at no cost to the student. The notice shall include information regarding all methods available for completing the coursework. The home-school is responsible for providing AP and elective coursework not taught at the DAEP/JJAEP.

Parent(s) and/or Guardian(s) Responsibility for Students assigned to a DAEP or the JJAEP

If, as a result of a Central Office Conference or Hearing, a student is assigned a DAEP or to the JJAEP it is the responsibility of the parent(s) and/or guardian(s) to register the student at the placement location immediately. Failure to do so may result in court action through the School Truancy Court.

Duration of Placement for Students assigned to a DAEP or the JJAEP

The duration of placement for a DAEP and/or the JJAEP will be determined by the Student Discipline and Placement Department with approval by the director or the director's designee. Expelled or suspended students are prohibited from being on school grounds or attending school-sponsored or school-related activities during the period of expulsion/suspension. Students who commit offenses that require suspension /expulsion to DAEP or the JJAEP at the end of the school year will be suspended / expelled into the next school year to complete the term of suspension/expulsion. Placement in DAEP/JJAEP 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 or extended placement is in the best interest of the student.

Students Under 10 Years of Age

When a student under the age of 10 engages in behavior that is an expellable behavior, the student will not be expelled but will be placed in a Disciplinary Alternative Education Program (DAEP). The District must provide educational services in the DAEP if the student is younger than 10 years of age. Students under age 6 will not be removed from class or placed in a DAEP. Pending the outcome of the hearing, unless the student is removed under the Emergency Placement or Expulsion provisions, the student may be suspended for up to three days, placed in in-house suspension or provided an alternative arrangement.

Transportation

Additional transportation services:

- 1) Students placed in a DAEP with disabilities who have transportation designated as a related service in the student's Individualized Education Program
- 2) Elementary students assigned to Insights (DAEP).
- 3) Students assigned to Middle Level Learning Center (DAEP) and Metro Opportunity (DAEP).

Placement in JJAEP

The Board of Education has entered into an agreement with the Tarrant County Juvenile Board outlining the Juvenile Board's responsibilities concerning the establishment and operation of the JJAEP and conditions on payments from the District to the Juvenile Board. Details of this relationship are defined in agreements available for public inspection upon request to the superintendent.

Students Entering and Exiting the District While On a DAEP/JJAEP Placement

When a student violates the District's Student Code of Conduct in a way that requires or permits the student to be placed in a DAEP/JJAEP and the student withdraws from the District before a DAEP/JJAEP placement order is completed, the District may complete the proceedings and issue a DAEP/JJAEP placement order. If the student then re-enrolls in the District during the same or a subsequent 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 principal, or other appropriate administrator, or the Board fails to issue a DAEP/JJAEP placement order after the student withdraws, the next district in which the student enrolls may complete the proceedings and issue a DAEP/JJAEP placement order.

The District will decide on a case-by-case basis the placement of a student who enrolls in the District and was assigned to a DAEP/JJAEP in another district, including a district in another state (if the behavior committed is a reason for a DAEP/JJAEP placement in the receiving district), or an open-enrollment charter school. The District may place the student in the District's DAEP/JJAEP or a regular classroom setting. 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/JJAEP for the period specified in the order, or may allow the student to attend regular classroom setting.

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/JJAEP, the District will reduce the period of the expulsion or DAEP/JJAEP placement so that the entire period does not exceed one year, unless after a review it is determined that the student is a threat to the safety of other students or district employees.

Any student entering the District, under supervision by the Texas Juvenile Justice Department, must complete a review meeting with the department of Student Discipline and Placement prior to enrollment.

Emergency Removal

In an emergency, the principal or the principal's designee may order the immediate expulsion of a student when people or property is in imminent danger of harm. When an emergency removal occurs, the student will be given oral notice of the reason for the action. Within a reasonable amount of time after the emergency removal, the student will be given appropriate due process required for a student facing expulsion. If emergency removal involves a student with disabilities who receives special education services, the term of the student's emergency removal is subject to the requirements of federal law.

Students Referred to Juvenile Court

The juvenile court will notify the Student Discipline and Placement Department if:

- 1) Prosecution of the student's case was refused for lack of prosecutorial merit or insufficient evidence and no formal proceedings, deferred adjudication or deferred prosecution will be initiated; or
- 2) The court or jury found the student not guilty or made a finding that the child did not engage in delinquent conduct or conduct indicating a need for supervision resulting in the case being dismissed with prejudice. The superintendent or designee will review the student's placement in the Disciplinary Alternative Education Program (DAEP). The student may not be returned to the regular classroom pending the review. The superintendent or designee will schedule a review of the student's placement with the student and the student's parent(s) and/or guardian(s) no later than the third day after the superintendent or designee receives a notice from the juvenile court. After reviewing the notice and receiving information from the student's parent(s) and/or guardian(s), the superintendent or designee may continue the student's placement in the DAEP if there is reason to believe that the presence of the student in the regular classroom threatens the safety of other students or teachers. The student may not return to the regular classroom pending the appeal. The student or the student's parent or guardian may appeal the decision regarding continued placement in a DAEP to the Board.

Suspension/Placement Restrictions

Any student required to attend a DAEP, expelled to JJAEP or suspended from a regular school setting is prohibited from being on school grounds or attending school-sponsored or school-related activities during the period of removal and/or expulsion.

Extra-Curricular Activities

The decision of the central hearing officer is limited to whether a student violated the Student Code of Conduct and, if applicable, when the student may return to his/her home school. All other matters, including a student's eligibility for school-sponsored or school related extracurricular or non-curricular activities are not within the scope of this decision. See Fort Worth ISD's Athletic Activity Handbook and Board Policy FM (Local). State law prohibits students placed in a Disciplinary Alternative Education Placement (DAEP) for disciplinary reasons from attending or participating in school-sponsored or school-related extracurricular activities or non-curricular activities during the period of placement including seeking or holding honorary positions and/or membership in school-sponsored clubs and organizations. With the approval of the Principal and Superintendent, a sponsor or a coach of an extracurricular activity may develop and enforce standards of behavior that are higher than the District-developed Student Code of Conduct and may condition membership or participation in the activity on adherence to those standards. See Fort Worth ISD's Athletic Activity Handbook and Board Policy (FNC- LOCAL).

A student assigned to a DAEP for any violation of school board policy or the Student Code of Conduct shall also be ineligible to participate in any extracurricular activities during the DAEP placement and following the return to his/her home school or to hold any position of honor or trust, elected or appointed, at his/her home school.

According to the severity of the policy or code of conduct violation, the period of ineligibility is as follows:

Level I On Campus Intervention Program – Students placed in OCI are prohibited from being on any other school campus or from attending any school-sponsored or school related activities during their OCI placement. Not adhering to this directive could result in further disciplinary action.

Level II Violations — Any student returning to his/her home school from a Level II DAEP shall regain eligibility for participation when he/she has attended the home school, subsequent to release from DAEP, for a period of time equal to the original DAEP placement.

If an appeal of the original DAEP placement is reviewed by a Level II Hearing Panel [see FOA (LOCAL)] and the student is returned to his/her home school after only serving a reduced number of days in a DAEP, the number of days a student is ineligible at his/her home school shall equal the number of days served in DAEP.

Level III Violations — Any student returning to his/her home school from a Level III DAEP shall regain eligibility for participation when he/she has attended the home school for a period of one year. Upon repetition of a Level II or III violation (including a second or subsequent DAEP placement), a student shall be declared permanently ineligible to participate in extracurricular activities or hold any position of trust or honor within his/her home school upon return to the campus. Upon request of a student or his/her parent or legal guardian and upon the recommendation of the principal, the superintendent may adjust or waive any of the above penalties/sanctions in light of the circumstances that warrant such change, in the superintendent's sole discretion.

Firearms

State and federal law require a student to be expelled from the regular classroom for a period of at least one calendar year for bringing a firearm, as defined by federal law, to school. However, the superintendent or designee may modify the length of the expulsion on a case-by-case basis and/or the district may provide educational services to the expelled student in a Disciplinary Alternative Education Program. The Board delegates to the superintendent the authority to expel students.

Graduation Activities

The District has the right to limit a student's participation in graduation activities for violating the District's student code of conduct.

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

Graduating seniors who have met all criteria for graduation and are assigned to a DAEP and/or expelled to JJAEP at the end of the school year, will not be allowed to participate in the graduation ceremony or in other related graduation activities, except graduation activities at the alternative placement site.

Re-Entry Consultation

The campus behavior coordinator from DAEP or JJAEP must schedule a meeting with the student's campus behavior coordinator from the student's home-school, to assess and devise a transition plan before the student's scheduled return date to his or her home school. The following topics must be addressed during the meeting:

- Overall progress during the assignment to DAEP or JJAEP
- Behaviors of concern and/or safety concerns that led to the assignment to DAEP or JJAEP
- Notifying staff/student victims
- Outline interventions upon arrival, to continue support that includes a reasonable timeframe to monitor and measure progress.

Truancy

Individuals between the ages of 6 and 18 or individuals younger than the age of 6 enrolled in a pre-kindergarten or kindergarten, and individuals over the age of 18 who voluntarily enroll as a student within FWISD must attend school for the entire period the program of instruction is provided. *See* Tex. Educ. Code § 25.085. If a student misses 10 or more days or parts of days within a 6 month period without a valid excuse, the student is truant. Tex. Fam. Code § 65.003. Civil action may be taken against the student, if he/she is between the age of 12 and 18, for truant conduct. Action may also be taken against the parent/guardian of a student between the age of 6 and 18 for failing to require their child to attend school as required by law and is issued a warning. Tex. Educ. Code § 25.093. As such, a parent/guardian must take the necessary measures to ensure that the student is regularly attending school by contacting your child's school attendance office to confirm attendance. If a student becomes truant, the parent/guardian will be notified in writing about the truancy and may be requested to attend future meetings.

Parents and students are responsible for making sure that written excuses for absences are submitted to the student's school attendance office within 7 days of the absence to ensure that an absence is not marked as unexcused. Further, students must have a legitimate reason for arriving late or leaving early from school. Reasons for arriving late or leaving early from school must be in writing and submitted to the school attendance office.

Additionally, students must be in attendance 90 percent of the school year, unless the attendance committee gives the student credit because there were extenuating circumstances for the absences. Tex. Educ. Code § 25.092; *see also* FEC (Local). A student 18 or older, who has more than five unexcused absences in a semester, may have their enrollment revoked. *See* FEA (Legal). Further, the student's presence on school property thereafter would be unauthorized and may be considered trespassing.

FWISD wants your student to be successful. You may help by making sure that your student is regularly attending school.

Searches, Board Policy FNF Legal

The Fort Worth ISD School officials may search a student's outer clothing, pockets, or property by establishing reasonable cause or securing the student's voluntary consent.

A search is reasonable if it meets both of the following criteria:

- 1) The action is justified at the inception; i.e., the school official has reasonable grounds for suspecting that the search will uncover evidence of a rule violation or a criminal violation.
- 2) The scope of the search is reasonably related to the circumstances that justified the search in the first place; i.e., the measures adopted are reasonably related to the objectives of the search and are not excessively intrusive in light of the age and sex of the student and the nature of the infraction.

Desks and Lockers

Desk, lockers and similar items are the property of the District and are provided for student use as a matter of convenience. Lockers and desks are subject to blanket/random searches or inspections by District administrators. Searches or inspections may be conducted at any time and without notice.

Students shall be fully responsible for the security and contents of desks or lockers assigned to them. Students shall make certain that lockers are locked and that keys or combinations are not given to others. Students shall not place or keep in a desk or locker any article or

material prohibited by law, District policy, or the Student Code of Conduct. Students shall be held responsible for any prohibited items found in their desks or lockers.

Vehicles

Students shall be fully responsible for the security and contents of vehicles parked on school property. Students shall make certain that their parked vehicles are locked and that the keys are not given to others. Students shall not place or keep in a vehicle on school property any article or material prohibited by law, District policy, or the Student Code of Conduct. If there is reasonable cause to believe that a vehicle on school property contains contraband, it may be searched by school officials or by personnel whose services have been engaged by the District to conduct such searches. Students shall be held responsible for any prohibited items found in their vehicles on school property.

If a vehicle subject to search is locked, the student shall be asked to unlock the vehicle. If the student refuses, the District shall contact the student's parent. If the parents also refuse the search, the District may contact local law enforcement officials and turn the matter over to them, or the District may conduct the search.

The District shall use specially trained non-aggressive dogs to sniff out and alert to the current presence of concealed prohibited items and illicit substances as defined in FNCF (LOCAL) and alcohol; visits to the school shall be unannounced. The dogs shall be used to sniff the air in vacant classrooms, in vacant common areas, around student lockers and around vehicles parked on school property. The dogs shall not be used with students. If a dog alerts to a locker, a vehicle or an item in a classroom, the area may be searched by school officials. Searches of vehicles shall be conducted as described above.

Electronic Storage

A peace officer may not search a person's cellular telephone or other wireless communications device, pursuant to a lawful arrest of the person, without obtaining a warrant under Code of Criminal Procedure 18.0215.

A peace officer MAY search a cellular telephone or other wireless communications device without a warrant if:

- 1) The owner or possessor of the telephone or device consents to the search;
- 2) The telephone or device is reported stolen by the owner or possessor; or
- 3) The officer reasonably believes that:
 - a) The telephone or device is in the possession of a fugitive from justice for whom an arrest warrant has been issued for committing a felony offense; or
 - b) There exists an immediate life-threatening situation, as defined by Code of Criminal Procedure 18.20.
Code of Crim. Proc. 18.0215

Specifically:

- 1) Lockers may be sniffed by trained dogs at any time.
- 2) Vehicles parked on school property may be sniffed by trained dogs at any time.
- 3) Classrooms and other common areas may be sniffed by trained dogs at any time students are not present.
- 4) If contraband of any kind is found, the student shall be subject to appropriate disciplinary action. The student's parent or guardian shall be notified if any prohibited articles or materials are found in a student's locker, a student's vehicle parked on school property or on the student's person as a result of a search conducted in accordance with the policy.

General Information

Metal Detectors

The District shall not tolerate actions that endanger the well-being of students or faculty or disrupt the educational process. Accordingly, upright or hand-held metal detectors may be randomly used any time by the administration to safeguard students and maintain a safe environment.

Students shall be notified at the beginning of each school year that they will be subject to search by a metal detector on a random basis. All prohibited weapons and/or illegal contraband revealed shall be confiscated and turned over to applicable law enforcement agencies, which shall determine whether or not to initiate criminal prosecution. (See Board Policy FNCF or FNCG) Contraband found to be in violation of school board policy shall be confiscated by school personnel. School administrators will determine what, if any, disciplinary action is taken.

If a student refuses to comply with a metal detector search, the parent(s) and/or guardian(s) will be contacted. If the parent(s) and/or guardian(s) support their child's decision to refuse, the school liaison officer shall determine if a search is now mandatory for the

safety of all. If not, the student shall be removed from the campus immediately and will be subject to appropriate disciplinary action. The second time a student refuses to comply with a metal detector search will result in immediate removal from school pending a central office conference.

Photographic/Video/Audio

Video/Audio equipment shall be used for safety purposes in monitoring student behavior on buses and in common areas on the district's campuses. Students may not photograph, videotape, or otherwise record students or staff during the instructional school day.

A District employee may, without the consent of a child's parent, make a videotape or recording of the child if the videotape or recording is to be used only for purposes of safety, including the maintenance of order and discipline in common areas of the school or on school buses.

No photograph, video recordings or audio recordings may be taken or made on Fort Worth ISD premises unless authorized by the Superintendent, her/his designee or principal for educational or school-related purposes.

Electronic Media

The superintendent or designee shall design, implement, monitor and evaluate electronic media resources for instructional and administrative purposes.

Availability of Access

Availability to the District's electronic communications system(s), including the Internet or intranet shall be available to students, employees and volunteers expressly for instructional and administrative purposes and in accordance with policy regulations.

Access to the District's electronic communications system(s) is a privilege, not a guaranteed right. All users shall be required to acknowledge receipt and understanding of all policy and administrative regulations governing use of the system(s) and shall agree in writing to comply with such policies and administrative regulations. Policies and administrative regulations are available online at www.fwisd.org. Noncompliance will result in disciplinary action consistent with District policies and regulations. Violations of law may result in criminal prosecutions as well as disciplinary action by the Fort Worth ISD.

Acceptable Use

The superintendent or designee shall develop and implement regulations, policies, and use agreements, consistent with the instructional and administrative purposes of the District and the law and policy governing copyright.

Monitored Use

Electronic mail transmissions and other use of the electronic communication system(s) by students, employees or volunteers shall NOT be considered confidential and may be monitored at any time by designated staff to ensure appropriate use for educational and administrative purposes.

Disclaimer of Liability

The District shall not be liable for the user's inappropriate use of the District's electronic communication resources or violations of copyright restrictions, user's mistakes or negligence or costs incurred by user. The District shall not be responsible for ensuring the accuracy or usability of any information found on the Internet or through any other electronic means.

Training

Training for employees and students in the proper use of the system(s) is available. Internet safety training is required for all users. Users will be provided copies of the District's acceptable use guidelines. The District will emphasize ethical use of the system(s) resources.

Copyright

Copyrighted software or data may not be placed on any system connected to the Fort Worth ISD's system(s) without permission from the holder of the copyright.

System Access

Access to the District's electronic communication system(s) will be governed with the approval of the campus principal or designated supervisor; users will be granted access to the District's system(s).

Telecommunication Devices

(Board Policy FNCE)

An Authorized District employee may confiscate telecommunication devices, including mobile telephones, used in violation of District rules. Campus instructors and administrators may, in the exercise of reasonable discretion, allow students to use devices for instructional purposes during the instructional day, so long as the use does not disrupt the classroom instruction. The District is not responsible for the loss or theft of any personal telecommunication devices following confiscation.

The District may allow students to use personal telecommunication devices for instructional purposes only. This includes but is not limited to mobile phones, pagers and/or beepers, videophones or any other device that allows two-way communication by means of radio waves. All equipment should be stored in a locker, backpack, purse, or other place where it is not visible during the instructional day when not being used for authorized instructional purposes.

Administrative Regulations

Campus administrators shall have the discretion to determine the appropriate use of mobile phones, pagers/beepers, and any other devices for students participating in extracurricular activities while on school property or while attending school-sponsored or school-related activities on or off school property.

Confiscation, Notice and Disposal

An Authorized District employee shall confiscate personal telecommunication devices, including mobile telephones, used in violation of District policy and the Student Code of Conduct. The parent(s) and/or guardian(s) shall be notified within two school days after the device is confiscated. All confiscated personal telecommunication devices will be held by the campus administrator. A campus administrator must complete the appropriate District form giving notice of a telecommunication device confiscation.

The administrator will maintain records of all confiscations and the subsequent release or disposal of the devices. A device held longer than 30 days will be disposed of by the District. A campus administrator must simultaneously notify the parent that the personal telecommunication device has been confiscated within two days and explain how the device can be reclaimed. The administrator will be responsible for notifying, in writing, the company whose name and address appear on the confiscated device.

To reclaim a telecommunication device, a high school student, parent or guardian must:

- 1) Present written proof of ownership and a photo ID, in person, at the campus, during posted school hours.
- 2) Complete the District's form requesting the return of the personal telecommunication device and signing an agreement stating that subsequent offenses of using any unauthorized personal telecommunication device on District property during the school day will not occur.

Only confiscated personal telecommunication devices (i.e. wireless, mobile or portable telephones, pagers and/or any device that displays a message) will be subject to an administrative fee of \$15.00 for the release of each device confiscated, as allowed by Education Code 37.082. The \$15.00 fee will be accepted by the local campus administrator to cover administrative cost of processing the confiscated device. The fee may be paid either in cash or with a money order. After 30 days, unclaimed devices will be disposed by the District.

Student's Personal Property

Students are encouraged to refrain from bringing personal items of value (such as telephones, iPods, cameras, electronic games, radios, CD players and computers) to school since loss, theft or damages is possible. Also, if such items are used to distract from the educational process, they will be confiscated by school personnel. The District is not responsible for lost or stolen items (including those in lockers). Guidelines regarding other electronic devices shall be addressed in the student handbook.

Notice of Non-Discrimination

The Fort Worth Independent School District does not discriminate on the basis of race, color, religion, national origin, sex, disability sexual orientation, age, gender identity and expression, and military/veteran status in its programs and activities. The following persons have been designated to handle inquiries regarding the non- discrimination policies:

Title IX Coordinator

Rufino Mendoza, Director, Employee Relations

100 North University Drive NW 130-I, Fort Worth, Texas 76107 Telephone: (817) 814-2790

ADA/Section 504 Coordinator/Foster Care Liaison

June Davis, Director of Special Programs

100 North University Drive NW 250, Fort Worth, Texas 76107 Telephone: (817) 814-2878

Title VII Coordinator

Sammy Monge, Chief, Human Capital Management

100 North University Drive NW 130-I, Fort Worth, Texas 76107 Telephone: (817) 814-2724

COMPLAINTS AND CONCERNS

Usually, student or parent complaints or concerns can be addressed by a phone call or a conference with the teacher or principal. For those complaints that cannot be handled so easily, the District has adopted a standard complaint policy at FNG (LOCAL) in the district's policy manual. A copy of the policy can be obtained from the principal's office or on the district's Web site at <http://pol.tasb.org/Policy/Code/1101?filter=FNG>.

In general, the student or parent should submit a written complaint and request a conference with the campus principal. If the concern is not resolved, a request for a conference should be sent to the Superintendent's designee. If still unresolved, the District provides for the complaint to be presented to the Board.

Definitions/Glossary

The District's administrators will rely on their professional judgment, the definitions from the glossary at the back of the Student Code of Conduct, Chapter 37 of the Texas Education Code, the Texas Penal Code and Board Policies in reviewing misconduct and making disciplinary decisions. The glossary list is not all-inclusive and the District reserves the right to interpret the definitions as may be needed to address unanticipated misconduct. The glossary list is intended only to provide a guideline and easy reference for parents and administrators. **Abuse of Property** is defacing and/or damaging school property or damaging/vandalizing property owned by others or the District; unauthorized taking of property that belongs to another or the District.

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

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

Arson:

- 1) A crime that involves starting a fire or causing an explosion with intent to destroy or damage: a. Any vegetation, fence, or structure on open-space land; or b. Any building, habitation, or vehicle: 1) Knowing that it is within the limits of an incorporated city or town, 2) Knowing that it is insured against damage or destruction, 3) Knowing that it is subject to a mortgage or other security interest, 4) Knowing that it is located on property belonging to another, 5) Knowing that it has located within it property belonging to another, or 6) When the person starting the fire is reckless about whether the burning or explosion will endanger the life of some individual or the safety of the property of another;
- 2) A crime that involves recklessly starting a fire or causing an explosion while manufacturing or attempting to manufacture a controlled substance and the fire or explosion damages any building, habitation, or vehicle; or 3. A crime that involves intentionally starting a fire or causing an explosion and in so doing: a. Recklessly damages or destroys a building belonging to another, or b. Recklessly causes another person to suffer bodily injury or death.
- 3) Careless Burning is igniting matches, lighters, or a portion of a single sheet of paper momentarily in a classroom, restroom, hallway, or other school location and immediately extinguishing the flame, whether in play or through carelessness, including lighting matches or flicking a lighter in play even if nothing else is set afire.

Assault by Contact (no citation): The District defines "assault by contact" as deliberate, purposely or recklessly making physical contact with another, with the knowledge, that such contact would be perceived as unpleasant or provoking

Assault by Contact (with citation): is defined by Texas Penal Code 22.01(a)(3) as intentionally or knowingly causes physical contact with another when the person knows or should reasonably believe that the other will regard the contact as offensive or provocative.

Assault with Bodily Injury: is defined by Texas Penal Code 22.01 (a)(1). A person commits an assault if the person intentionally, knowingly or recklessly causes bodily injury to another.

Assault by Threat (no citation): The District defines "assault by threat" as intentionally or knowingly threatening another with imminent bodily injury.

Assault by Threat (with citation): is defined by Texas Penal Code 22.01(a)(2) as intentionally or knowingly threatening another with imminent bodily injury.

Behavior: is the way a person acts.

Bullying: Bullying is defined as engaging in written or verbal expression, expression through electronic means, or physical conduct that occurs on school property, at a school-sponsored or school-related activity, or in a vehicle operated by the district and that the behavior:

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

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

Copying: means to reproduce the schoolwork of another student with intent to represent it as one's own.

Dating Violence: is the intentional use of physical, sexual, verbal or emotional abuse by a person to harm, threaten, intimidate, or control another person in a dating relationship, as defined by Section 71.0021, Family Code.

Defacing School Property: is destroying or damaging school property, including buses, whether during school hours, after school hours, or during vacation time.

Deferred Adjudication: may be offered to a student who is 17 or older, as an alternative to seeking a conviction in court.

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. Delinquent conduct also includes conduct that violates certain juvenile court order, including probation orders. However, delinquent conduct does not include violations of traffic laws.

Detention: means a student may be detained by a teacher or administrator after school hours for disciplinary action according to Board Policy FO (Local). The period of time for which a student is assigned to detention shall be used for educational purposes. For all minor students, detention shall not begin until notice has been given to the parents. The parents may be required to provide transportation when the student has been assigned detention.

Disruptive Conduct: is flagrantly and substantially interfering with teacher or learning in the classroom, school activities, or extracurricular activities, including but is not limited to: (1) Engaging in behavior that passes beyond the limits of mutual teasing or normal age or developmentally appropriate "horse playing", including name-calling. (2) Blocking building entrances, hallways, or stairways by individual action or the congregation of individuals for the purpose of intimidating or deliberately disrupting normal passage of others. (3) Deliberately using any electronic device, including cellular telephones, in a disruptive manner in classrooms, on school grounds, or at school events.

Due Process: is applicable only when expulsion is proposed. Each student must be provided a "due process" conference/hearing that includes prior notice of charges and proposed sanctions, right to an adult representative or legal counsel, opportunity to testify and present evidence and opportunity to examine the evidence.

E-cigarette: 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. 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 is sold separately from the device.

Electronic Device: is a portable music player, such as iPods, MP3 players, Walkmans, Handheld gaming devices, such as Gameboys and PSPs; and other similar devices that may be used to store, record, or play auditory and/or visual information.

Electronic Storage: Any temporary, intermediate storage of a wire or electronic communication incidental to the electronic transmission thereof, and any storage of such communication by an electronic communication service for purposes of backup protection of such communication.

Emergency Removal: the principal or the principal's designee may immediately place a student into a campus based Disciplinary Alternative Education Program when a student is so unruly, disruptive or abusive that the student's presence seriously interferes with a teacher's ability to communicate effectively with the students in a class, with the ability of the student's classmates to learn or with the operation of school or a school-sponsored activity.

Expulsion: is the most severe consequence of a student's misbehavior at a school, on school property or at a school-related event on or off school property. Except for discretionary Level III alternative education placement, the student will be subject to adjudication by district court and placed in Tarrant County Juvenile Justice Alternative Education Program.

False Alarm: occurs when a person knowingly initiates, communicates or circulates a report of a present, past or future bombing, fire, offense or other emergency he/she knows is false or baseless or that would ordinarily cause action by an official or volunteer agency organized to deal with emergencies; place a person in fear or imminent serious bodily injury; or prevent or disrupt the occupation of a building, room, place of assembly, place to which the public has access, or aircraft, automobile or other mode of conveyance.

Firearm: is defined by federal law (18 U.S.C. 921(a)) as 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; the frame or receiver of any such weapon; any firearm muffler or firearm weapon; or any destructive device, such as any explosive, incendiary or poison gas bomb, or grenade. Such term does not include an antique firearm.

Forgery/Forging: is imitating an original piece of writing with the intent to deceive.

Graffiti: is knowingly writing, painting, drawing, scratching, or otherwise marking any inscription, figure, slogan or mark of any type with aerosol paint or indelible pen or marker on any District-owned or staff property **without** the express permission of a school official or the owner

Handgun is defined by Texas Penal Code 46.01(5) as any firearm that is designed, made, or adapted to be fired with one hand.

Harassment: is defined as physical, verbal, or nonverbal conduct based on the student's race, color, religion, gender, sexual orientation, gender identity and expression, national origin, disability, or any other basis prohibited by law.

- 1) Conduct that meets the definition established in district policy FFH (LEGAL); or
- 2) Conduct that threatens to cause harm or bodily harm 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 and restraint or maliciously and substantially harms another student's physical or emotional health or safety.

Harassment: (sexual) is verbal, written, physical, psychological (both climate and contact) electronic and any other demonstrative actions with regard to race, creed, ethnic origin, religious preference, gender identity and expression, sexual orientation that is done for the purpose of embarrassing or denigrating another person and there is no requirement the other person actually possess the characteristic that is the basis for the harassment.

Hazardous Items: shall be defined as nuisance or dangerous items including, but not limited to: BB guns, pellet guns, replicas of firearms or weapons, fireworks, "poppers," smoke or stink bombs or any other pyrotechnic device that may be used to disrupt the educational process.

Hazing: involves any knowing, intentional or reckless act, occurring on or off the campus, by one person alone or acting with others, directed against a student, that endangers the mental or physical health or safety of a student for the

purposes of pledging, initiation into, affiliation with, holding office in or maintaining membership in an organization.

Hit List: is a list of people targeted to be harmed, using:

- 1) A firearm, as defined by Penal Code Section 46.01(3);
- 2) Knife, as defined by Penal Code Section 46.01(7); or
- 3) Any other object to be used with the intent to cause bodily harm.

Illegal knife is defined by Texas Penal Code 46.06(6), as a knife with a blade of over five and one-half inches; hand instrument designed to cut or stab another by being thrown; dagger, including, but not limited to, a dirk, stiletto, or poniard; bowie knife; sword; or spear.

Inappropriate Use of Technology (cyber bullying): Students are prohibited from sending or posting electronic messages that are abusive, obscene, sexually oriented, threatening, harassing, damaging to another's reputation, or illegal. This prohibition applies to conduct off school property if it results in a substantial disruption to the educational environment. Any person taking, disseminating, transferring, or sharing obscene, sexually oriented, lewd, or otherwise illegal images or photographs will be disciplined according to the *Student Code of Conduct* and may, in certain circumstances, be reported to law enforcement.

Insubordination: in serious acts of disobedience, defying authority of school personnel, or an unprovoked display of disrespect toward school personnel.

Lewd Conduct: includes lewd, voyeurism, lascivious or indecent acts including indecent sexual propositions, indecent exposure or obscene gestures. Indecent Exposure occurs when a person exposes his/her genitals, and he/she is reckless about whether another person is present who will be offended or alarmed by his/her act

Misbehavior: is behavior which is contrary to expectations stated in the Student Code of Conduct, or behavior which prevents the teacher from carrying out the teaching process.

Offense: is an act of misbehavior, which is stated in the Student Code of Conduct or may be implied from the examples in the Code.

Offensive Language: is using language which is outside the standards of acceptable language of the majority of persons in the community.

Paging Device: is a telecommunications device that emits an audible signal, vibrates, displays a message, or otherwise summons or delivers a communication to the possessor.

Paraphernalia: is any device that can be used to inhale, ingest, inject or otherwise introduce a controlled substance into a human body.

Persistent Misbehavior: is misbehavior that, on more than one occasion, violates specific, published standards of student conduct and may be the same or different types of misconduct.

Possession: is defined as the actual care, custody, control, or management of an object or substance. A student shall be considered in possession of any substance or object prohibited or regulated by this code if the substance or object is: (1) on the student's person or in the student's personal property, including but not limited to the student's clothing, purse, book bag or briefcase; (2) in any private vehicle used by the student for transportation to or from school or school-related activities, including but not limited to an automobile, truck, motorcycle or bicycle; or (3) in any school property used by the student, including but not limited to a locker or a desk.

Prohibited Items: are defined as any items that may be considered dangerous, or a distraction, to the learning environment, including, but not limited to: razors, knives of any kind less than five and one-half inches in length not otherwise prohibited by law, martial arts equipment not otherwise prohibited by law, laser pointers, chains, stun guns or ammunition of any kind.

Prohibited weapon under Texas Penal Code 45.05(a) means: an explosive weapon; a machine gun; a short barrel firearm or firearm silencer, unless registered with the U.S. Bureau of Alcohol, Tobacco, Firearms, and Explosives or classified as a curio or relic by the U.S. Department of Justice; knuckles; armor-piercing ammunition; a chemical dispensing device; a zip gun; or a tire deflation device.

Public Lewdness: is defined as knowingly engaging in any act of sexual content in a public place, or if not in a public place, he/she is reckless about whether who will be offended or alarmed by his/her act.

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

Reasonable Belief: determination can be made by the superintendent or designee using all available information, including the information furnished under Article 15.27 of the Code of Criminal Procedure. Administrators may place a student in a Disciplinary Alternative Education Program (DAEP) if they have a reasonable belief that the student engaged in felony conduct under Title 5. Administrators also may place a student in a DAEP if they have a reasonable belief that the student committed felony conduct that is not a Title 5 offense, and the superintendent believes the student's continued presence in the regular classroom threatens the safety of other students or teachers or will be detrimental to the educational process.

Retaliation: may include threats, rumors spreading, ostracism, assault, destruction of property, unjustified punishments, or unwarranted grade reduction, by a District employee or a student against any person who in good faith makes a report, serves as a witness, or participates in an investigation.

School Property: is any property owned by the school district, or over which the school district or its personnel exert lawful authority, including property visited by students in connection with a school sponsored activity, such as a field trip or extracurricular activity.

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

Serious Misbehavior means: Deliberate violent behavior that poses a direct threat to the health and safety of others.

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

Severity: is the seriousness or gravity of a situation.

Sexual Harassment: is making persistent or repeated sexual advances to another or otherwise engaging in any actions of a sexual connotation causing embarrassment, humiliation, or intimidation.

Teacher-Initiated Removal: means a teacher may remove a student from class who has been documented by the teacher as repeatedly interfering with the teacher's ability to communicate effectively with the students in the class or with the ability of the student's classmate to learn. A teacher may remove a student from class and recommend him/her for mandatory Disciplinary

Alternative Education Program or expulsion if the student engages in conduct described in the Texas Education Code in sections 37.006 and/or 37.007.

Terroristic Threat: shall be defined as threatening to commit any offense involving violence to any person or property with intent to place any person in fear of imminent, serious bodily injury, prevent or interrupt the occupation or use of a building, room, place of assembly or other public place.

Tire deflation device: is defined 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 vehicles tires.

Title 5 Offenses: involve injury to a person and include murder; kidnapping; sexual assault; indecency with a child; injury to a child, an elderly person, or a disabled person; abandoning or endangering a child; deadly conduct; terroristic threat; aiding a person to commit suicide; and tampering with a consumer product.

Truancy: is staying away from school without permission of parent or guardian or in violation of State Attendance Law.

Use of a prohibited substance: may include a student who has smoked, ingested, injected, imbibed, inhaled, drunk or otherwise taken internally, on or off campus, a prohibited substance recently enough that it is detectable by the student's appearance, actions, breath or speech.

Under the influence: means a student's faculties are noticeably impaired by alcohol and/or drugs, but the student need not be legally intoxicated. Impairment of a person's physical and/or mental faculties may be evidenced by a pattern of abnormal or erratic behavior and/or the presence of physical symptoms of drug or alcohol use.

Vandalism: is willful action which results in destruction, damage, or defacement of property belonging to or rented by the District.

Violations: occur when a student fails to keep or observe the correct forms of behavior as stated in the Student Code of Conduct.

Weapons: are prohibited on campus or at a school-sponsored activity, including, but not limited to: firearms, illegal knives, explosives (including fireworks), knuckles, nightsticks, chains, clubs, razors, look-alike guns, laser pointers or any other object used to threaten or inflict bodily injury on another person. The possession, manner of its use, actual use, intended use or threatened use, etc. of articles capable of causing bodily injury not generally considered to be weapons (including any action or remark that indicates a concealed weapon is or may be in the student's possession) may be prohibited when the principal or designee determines that a danger exists or is threatened to exist for any person or school property by virtue of possession, use or threatened use.

District Policy

Parent/Guardian who wishes to review the district local or legal policies as stated in this handbook may visit the districts' web site at <http://www.fwisd.org> select the *Board of Education* tab listed under Useful Links select *Board Policy Online*.

Policy Code	Description
FNC	STUDENT RIGHTS AND RESPONSIBILITIES - STUDENT CONDUCT
FNCA	STUDENT CONDUCT - DRESS CODE
FNCB	STUDENT CONDUCT - CARE OF SCHOOL PROPERTY
FNCC	STUDENT CONDUCT - PROHIBITED ORGANIZATIONS AND HAZING
FNCD	STUDENT CONDUCT - TOBACCO USE AND POSSESSION
FNCE	STUDENT CONDUCT - PERSONAL TELECOMMUNICATIONS/ELECTRONIC DEVICES
FNCF	STUDENT CONDUCT - ALCOHOL AND DRUG USE
FNCG	STUDENT CONDUCT - WEAPONS
FNCH	STUDENT CONDUCT - ASSAULTS
FNCI	STUDENT CONDUCT - DISRUPTIONS
FNF	STUDENT RIGHTS AND RESPONSIBILITIES - INTERROGATIONS AND SEARCHES
FNG	STUDENT RIGHTS AND RESPONSIBILITIES - STUDENT AND PARENT COMPLAINTS/GRIEVANCES
FO	STUDENT DISCIPLINE
FOA	STUDENT DISCIPLINE - REMOVAL BY TEACHER
FOB	STUDENT DISCIPLINE - OUT-OF-SCHOOL SUSPENSION
FOC	STUDENT DISCIPLINE - PLACEMENT IN A DISCIPLINARY ALTERNATIVE EDUCATION SETTING
FOCA	PLACEMENT IN A DISCIPLINARY ALTERNATIVE EDUCATION SETTING - DISCIPLINARY ALTERNATIVE EDUCATION PROGRAM OPERATIONS
FOD	STUDENT DISCIPLINE - EXPULSION
FODA	EXPULSION - JUVENILE JUSTICE ALTERNATIVE EDUCATION PROGRAM
FOE	STUDENT DISCIPLINE - EMERGENCY AND ALTERNATIVE PLACEMENT
FOF	STUDENT DISCIPLINE - STUDENTS WITH DISABILITIES
FP	STUDENT FEES, FINES, AND CHARGES

Acknowledgement Form

Dear Student and Parent /Guardian:

As required by State Law, the Board of Trustees has officially adopted the Student Code of Conduct in order to promote a safe and orderly learning environment for every student.

We urge you to read this publication thoroughly and to discuss it with your family. If you have any questions about required conduct and consequences for misconduct, we encourage you to ask for an explanation from the student's teacher or campus administrator.

The student, parent and/or guardian should each sign the acknowledgement form on the next page, and then return the page to the principal's office. Please note that failure to sign and return the acknowledgement form, may prevent the student from attending and/or participating in any school activities.

Thank you.

A handwritten signature in black ink, appearing to read 'KPS', with a stylized flourish extending from the end.

Kent P. Scribner, Ph.D.
Superintendent

NOTICE



Fort Worth
INDEPENDENT SCHOOL DISTRICT

Please Read The Following

And Sign Below:

Acknowledgment of Option for Electronic Distribution of the Student Code of Conduct

In our continued efforts to be as efficient as possible, the Fort Worth ISD Website will now be the primary source for access to the **Student Code of Conduct**. Families who do not have Internet access or prefer a hard copy for any reason can receive one at their campus on request at any time during the school year. To ensure that every FWISD student has had an opportunity to understand this new process, we are requiring that a parent or guardian of every student complete the requested information below and return it to your child's teacher and/or the school's administrative team. This form will remain in your child's cumulative folder; however, you are free to change your election at any time.

My child and I have been offered the option to receive a paper copy of the Fort Worth ISD Student Code of Conduct or to electronically access it at www.fwisd.org.

I have chosen to: *(please select one option below)*

_____ **Accept** responsibility for accessing the Student Code of Conduct, by **visiting FWISD web address** www.fwisd.org.

_____ **Obtain a paper copy** by visiting the administrative office of my child's school. The FWISD Student Code of Conduct will be annually available in the administrative office of my child's school.

You and your child are responsible for reading the rules, expectations, and other information contained herein and signing and returning the attached acknowledgment forms. All students will be held accountable for their behavior and will be subject to the disciplinary consequences outlined in the Student Code of Conduct. Failure to read the Student Code of Conduct, does not excuse the student from any consequences if they are in violation of the Student Code of Conduct.

Each school year, a paper copy of the Code will be available to you in the administrative office of your child's school. Please visit your child's school to obtain the most recent paper copy of the Student Code of Conduct.

Student: _____ ID#: _____ Grade: _____ DOB: ____/____/____

Parent/Guardian: _____ Address: _____

Home Phone: _____ Work Phone: _____ Cell Phone: _____

Student Signature: _____ Date: _____

Parent Signature: _____ Date: _____

PLEASE COMPLETE AND RETURN THIS PAGE TO YOUR CHILD'S SCHOOL. This form and the choice you have made above will remain in your child's cumulative permanent educational folder until your child graduates/withdraws from Fort Worth ISD.