

FORT WORTH ISD

STUDENT CODE OF CONDUCT

2021-2022 | WWW.FWISD.ORG/CONDUCT

The FWISD Student Code of Conduct, approved by the Board of Education, provides information and direction to students and parents regarding expectations of behavior and consequences for code violations. Parents and students are encouraged to read and regularly review the Code to ensure a safe and productive school year.



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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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Overview

The FWISD student code of conduct (SCOC), approved by the FWISD Board of Education, outlines student, family, and school district expectations. The expectations promote a safe and productive learning environment. Stakeholders are encouraged to read the SCOC throughout the school year.

Student, School Personnel, and Parent Responsibilities

Students are expected to:

- ❖ Attend school the entire instructional day, except when excused and be on time to all classes. (reference attendance review committee)
- ❖ Follow the rules and regulations established by the teacher and the school as stated in the Student Code of Conduct (SCOC), Campus Discipline Management Plan, and the procedures concerning appropriate behavior.
- ❖ Cooperate with all 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.
- ❖ Demonstrate respectful and courteous behavior.
- ❖ 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.
- ❖ Explore restorative consequences when possible to address behaviors of concern.
- ❖ 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 (SCOC) 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.

FWISD continues to expand our positive, restorative, and equitable behavior management program for all grade levels. FWISD expectations are to reduce Out of School Suspensions and placements in District Alternative Education Programs for all grade levels

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 addressing behavioral concerns and maintaining student discipline.

Considerations in Decision

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

- 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,
 - 5) a student's status in the conservatorship of the Department of Family and Protective Services,
 - 6) a student's status as a student who is homeless, regardless of whether the decision of the campus behavior coordinator concerns a mandatory or discretionary action.
- TEC Section 37.001 (a)(4)

The CBC must consider restorative options to address the social and emotional needs of students that may contribute to behavior violating the Student code of Conduct, while keeping students engaged with their academic responsibilities at their home campus. including:

- A. Parent/teacher conference
- B. Conflict resolution
- C. Restorative circles (circles can be used to establish a respect agreement, building school community, repairing harm, decision making strategies and/or teaching content.)
- D. Behavior coaching
- E. Behavior improvement plan
- F. Referral to the school's student support team
- G. Referral to social services in the community
- H. Option to pay for damages to personal and/or school property
- I. Option to perform school assigned duties
- J. Transfer student to another classroom
- K. 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 extracurricular 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.

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August 16, 2021

Dear Parent/Guardian:

It is my distinct pleasure to welcome you to the 2021-22 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 2020-21 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.

Your child's digital enrollment packet includes an acknowledgement of option for electronic distribution of the student code of conduct. You must accept responsibility to access the student code of conduct by visiting FWISD website www.fwisd.org or obtain a paper copy by visiting the administrative office of your child's school.

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.

Commitment to Equity

District students deserve a safe and respectful learning environment in which all students shall receive an education that maximizes their potential for success in college, a career, and community leadership. The District shall focus on improving its practices in order to ensure equity in education. The District recognizes that major historical and societal factors in our nation impact the inequity that exists within public schools. Purposeful action can be taken to identify, acknowledge, and overcome racial and ethnic disparities between students. The responsibility for addressing these disparities among students rests with the adults, not with the students. Board Policy AE (Local).

Student and Parent Concerns: Student or parent concerns related to the Student Code of Conduct should be directed to the local campus administrator first. 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. The District has adopted a standard complaint Policy, FNG (LOCAL). 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>.

The Purpose of the Student Code of Conduct

Our community's commitment to education is a high priority that deserves and requires a significant commitment of financial and human resources. The benefits a student derives from this investment depend on the student's approach toward learning and the student's commitment to high standards of behavior. The FWISD 2021-2022 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 SCOC contains a general statement of the standards of behavior for students. This includes while students are at school, attending school-sponsored events, attending school-related activities on or off school property. Standards for behavior apply to school bus stops. Provisions of the SCOC may be revised only by action of the Board of Education or a change in law. District administrators use the Student Code of Conduct to promote a safer school environment. District administrators must consider mitigating factors (refer to pg. 4) before ordering in school suspension, out of school suspension, removal to DAEP, or expulsion to JJAEP. Changes in Student Code of Conduct 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.

Accessibility

The Student Code of Conduct is available in its entirety on the Fort Worth ISD District Web site at <https://www.fwisd.org/SCOC>. If you have difficulty accessing the information in this document because of a disability, please contact *Patricia Sutton, Director of Special Programs, 100 North University Drive NW 250, Fort Worth, Texas 76107 Telephone: (817) 814-2878*

Standards for Student Behavior

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 behavior management is designed to promote a safe learning environment and prepare *all* students for success in college, career, and community leadership.

Determining Consequences

As required by law, TEC 37.0012, a 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. Student Discipline and Placement supports campuses in interpreting and applying the FWISD Student Code of Conduct. District Hearing Officers help determine the least restrictive options for students requiring alternative placement. In addition, they offer a Diversionary Referral Program that some students may be eligible to participate in, in lieu of a level II DAEP. The hearing officer will determine eligibility for the Diversionary Referral Program. The department

provides regular data reports to campuses on their disciplinary practices in the interest of decreasing suspensions and expulsions and improving the instructional continuity for students facing disciplinary action. 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 coordinators and hearing officers will consider mitigating factors prior to determining student consequences for mandatory and discretionary incidents. 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.

Threat Assessment and Safe and Supportive School Team

The campus behavior coordinator or other appropriate administrator will work closely with the campus threat assessment safe and supportive school team to implement the district's threat assessment policy and procedures, as required by law, and shall take appropriate disciplinary action in accordance with the Code of Conduct. The team will conduct threat assessments for individuals who make threats of violence or exhibit harmful, threatening, or violent behavior as defined in Board Policy FFB (LEGAL). "Harmful, threatening, or violent behavior" includes behaviors, such as verbal threats, threats of self-harm, bullying, cyberbullying, fighting, the use or possession of a weapon, sexual assault, sexual harassment, dating violence, stalking, or assault, by a student that could result in specific interventions, including mental health or behavioral supports or exclusionary school discipline.

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 principal or campus behavior coordinator and other school administrators as appropriate shall report crimes and/or the suspicion of any crimes committed on campus or any school/sponsored related activity as required by law, and shall call local law enforcement.

Security Personnel/School Resource Officers (SRO)

To ensure sufficient security and protection of students, staff, and property, the district contracts with the Fort Worth Police Department/Benbrook Police Department/Forest Hill Police Department. School Resource Officers (SRO) promote a safer school environment through offense prevention, interventions with students, and application of the law. The law enforcement duties of district peace officers are listed in policy CKE(LOCAL).

Student misconduct may violate school rules and local/state law. When applicable, the campus behavior coordinator will take appropriate school level actions as well as consult with SROs/ 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 must 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.

Unauthorized Persons

In accordance with Education Code 37.105, a school administrator, school resource officer (SRO), or district police officer shall have the authority to refuse entry or remove a person from district property if:

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

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

Student Responsibilities and Standards See FNF searches

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 all items found on his/her person or in the student's personal belongings. Students must carefully inspect items in their possession or control. Students are responsible for all items inside a vehicle they drive or park on school property. Items that might be considered to pose a reasonable threat, be disruptive, be destructive, or potentially harmful will be seized and secured by school officials or authorities.

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, undergarments of the student, or the chest of a 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).

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 a student engages in cyberbullying, as provided by Education Code 37.0832.
- 8) 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.
- 9) When felony criminal mischief is committed on or off school property or at a school-related event.
- 10) During lunch periods, including those in which a student leaves the campus.
- 11) 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.
- 12) When the student is required to register as a sex offender.
- 13) The District has the right to consider 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.
- 14) 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.
- 15) When students post threatening messages on social media towards other students, staff, or district property regardless of time or location

District Responsibility

Transportation

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

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, cyberbullying, 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 district 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, 504, or related services and who has engaged in behavior that violated a code of student conduct may assert any of the protections provided for in 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 needed 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), the student may face 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

Student misconduct may or may not result in the formal removal of the student from the classroom. The school may apply campus level interventions in addition to those found in the SCOC.

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 SCOC.

Students are prohibited from:

- 1) Cheating or copying the work of another.
- 2) Being disrespectful to adults and/or other students.
- 3) Engaging in bullying, cyberbullying, harassment, or making hit lists.
- 4) Release or threaten to release intimate visual material of a minor or a student who is 18 years of age or older without the student's consent.
- 5) Violating the SCOC.
- 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:

- ❖ Teacher-parent telephone conferences
- ❖ Restorative Practices such as restorative chats, restorative circles, and circles of support can be used to establish a respect agreement, building school community, repairing harm, decision making strategies and/or teaching content
- ❖ Tier I Positive Behavior Intervention Strategies
- ❖ Student-parent-teacher conferences
- ❖ Counseling by teacher, counselor or administrative personnel
- ❖ Multi-Tiered System of Supports
- ❖ Bullying Contract
- ❖ Behavior coaching
- ❖ Conflict Resolution/INOK Program
- ❖ Cease and Desist Contract
- ❖ Digital citizenship lesson
- ❖ Referral to student support team, outside agency or Family Resource Center
- ❖ Administrator-teacher-parent telephone conference call
- ❖ Verbal correction
- ❖ Cooling-off time or “time-out”
- ❖ Seating changes in the classroom
- ❖ Confiscation of items that disrupt the educational process
- ❖ Grade reductions as permitted by policy
- ❖ Detention
- ❖ Mediation
- ❖ Restorative Practices such as restorative chats, restorative circles, and circles of support can be used to establish a respect agreement, building school community, repairing harm, decision making strategies and/or teaching content
- ❖ Anger management
- ❖ Diversionary Action Plans developed at the department of Student Discipline and Placement (The campus behavior coordinator must accompany the student and parent for this option)
- ❖ Restitution/Restoration
- ❖ Lowered conduct grade
- ❖ Behavioral contracts
- ❖ Prohibited attendance at or participation in extracurricular activities
- ❖ Withdraw or restriction of bus privileges
- ❖ 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
- ❖ Out of School Suspension (not to exceed three (3) consecutive school days, per incident)
- ❖ Placement in the On-Campus Intervention Program, as specified in the LEVEL I section of the Student Code of Conduct
- ❖ 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
- ❖ Apply behavior management strategies identified in individual student organizations or extracurriculars.
- ❖ Other strategies and consequences as specified by the Student Code of Conduct
- ❖ Referral to law enforcement when inappropriate behavior violates local and/or state law

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.

Prohibited Aversive Techniques

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

- Using techniques designed or likely to cause physical pain, other than corporal punishment as permitted by district policy. [See policy FO(LOCAL).]
- Using techniques designed or likely to cause physical pain by electric shock or any procedure involving pressure points or joint locks.
- Directed release of noxious, toxic, or unpleasant spray, mist, or substance near a student's face.
- Denying adequate sleep, air, food, water, shelter, bedding, physical comfort, supervision, or access to a restroom facility.
- Ridiculing or demeaning a student in a manner that adversely affects or endangers the learning or mental health of the student or constitutes verbal abuse.
- Employing a device, material, or object that immobilizes all four of a student's extremities, including prone or supine floor restraint.
- Impairing the student's breathing, including applying pressure to the student's torso or neck or placing something in, on, or over the student's mouth or nose or covering the student's face.
- Restricting the student's circulation.
- Securing the student to a stationary object while the student is standing or sitting.
- Inhibiting, reducing, or hindering the student's ability to communicate.
- Using chemical restraints.
- Using time-out in a manner that prevents the student from being able to be involved in and progress appropriately in the required curriculum or any applicable individualized education program (IEP) goals, including isolating the student using physical barriers.
- Depriving the student of one or more of the student's senses, unless the technique does not cause the student discomfort or complies with the student's IEP or behavior intervention plan (BIP).

Note: A student may be disciplined when necessary to address 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 mitigating factors (refer to pg. 4) regardless of whether the decision of the campus behavior coordinator concerns a mandatory or discretionary action.

Informal Removal from the Classroom by the Teacher

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 student will not be returned to the same class, during the same period, before the campus behavior coordinator has employed appropriate discipline management techniques consistent with the Student Code of Conduct. If the student's behavior does not improve, the campus behavior coordinator shall employ alternative disciplinary management

techniques.

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 campus behavior coordinator may place the student into another appropriate location separate from the original classroom. The campus behavior coordinator 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 campus behavior coordinator for placement in a DAEP or for expulsion to JJAEP, when appropriate, such as if a student 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.
- Members of the PRC will reflect the diversity of the school's student population.

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.

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 suspension

- Out of school suspension
- DAEP placement
- JJAEP placement
- Expulsion
- The student is taken into custody by law enforcement

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 to the parent of the disciplinary action applied to the student the same day the action is applied. 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 be placed in an in-school suspension program at the discretion of the campus behavior coordinator. The parent and/or guardian must be notified by the school administrator before the in-school suspension placement becomes official.

Parents/guardians shall be notified prior to a student serving detention that is scheduled before/after school hours. Transportation arrangements must be made with the parent/guardian prior to the scheduled detention.

Out-of-School Suspension OSS

State law allows a regular education student to be suspended for as many as three (3) school days per behavior violation. Out of school suspensions will not exceed 3 consecutive school days for each separate behavior violation. There is not a limit to the number of times a student may be suspended in a semester or school year. If a student receives OSS for a partial school day, that partial day is considered one of three total allowable OSS days. An OSS may not exceed 3 consecutive school days TEC 37.005.

An ARD must be held for special education students who have been assigned to 10 out of school suspension days in a single school year prior to any further out of school suspension days are assigned.

Students in grades PK through 3rd or homeless students are not assigned to OSS unless the student engages in:

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

while on school property, while attending a school-sponsored event on/off school property, or while attending a school-related activity on/off school property.

The district shall use a positive/restorative behavior management program as a disciplinary alternative for students in grades PK through 3rd.

The district continues to expand our positive, restorative, and equitable behavior management program for all grade levels. FWISD expectations are to reduce Out of School Suspensions and placements in District Alternative Education Programs for all grade levels.

Coursework During Suspension

The district shall ensure a student receives access to coursework for curriculum courses while the student is assigned in-school or out-of-school suspension. At least one method of receiving this coursework that

doesn't require the use of the internet will be offered.

A student removed from the regular classroom with the exception of placement at DAEP, will have an opportunity to complete each current course before the beginning of the next school. The district may provide educational opportunities through but not limited to providing a correspondence course, a distance learning option, or summer school. The district will not charge a fee to the student for any method of course completion provided by the district.

Any student assigned to out-of-school suspension is prohibited from being on any other school campus or from attending any school-sponsored or school related activities during the suspension period.

On Campus Intervention Program (OCI)- The OCI Program will include equitable and restorative practices to motivate students, support students, and to provide healing to students.

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

Students placed in OCI are:

- *prohibited from any other school campus
 - *prohibited from attending school sponsored events/extracurriculars
- 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 **Mitigating Factors** (refer to pg. 4)

Notification

The campus behavior coordinator and or the hearing officer 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. A home visit may be attempted by a campus representative.

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 FFI)

Bullying means a single significant act or a pattern of acts by one or more students directed at another student that exploits an imbalance of power and involves engaging in written or verbal expression, expression through electronic means, or physical conduct 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 or pervasive enough that the action or threat creates an intimidating, threatening, or abusive environment for a student.
- 3) Materially and substantially disrupts the educational process or the orderly operation of a classroom or school; *or*
- 4) Infringes on the rights of the victim at school and includes cyberbullying.

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.

Bullying Examples include but are not limited to:

*hazing	*confinement	*theft of valued possessions
*threats	*assault	*name calling
*taunting	*demands for money	*rumor spreading
*teasing	*destruction of property	*ostracism

Cyberbullying- bullying that is done through the use of any electronic communication device including but not limited to phones / computers

Cyberbullying (bullying with a communication device) occurs when but is not limited to

- *cyberbullying while on campus
- *cyberbullying delivered to school property
- *cyberbullying delivered to a school sponsored event (on or off campus)
- *cyberbullying while on a school bus/vehicle
- *cyberbullying off campus which interferes with a student's educational opportunities
- *cyberbullying which substantially disrupts a school environment

Students are prohibited from sending/posting electronic messages that are (but not limited to)

- *abusive
- *harassing
- *obscene
- *damaging to a person's reputation
- *sexually oriented
- *illegal messages
- *threatening

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 illegal images or photographs will be disciplined according to the *Student Code of Conduct*. Law enforcement and/or Child Protective Services may be notified in certain circumstances.

It is a crime to impersonate someone in creating a website or sending a message on a social networking site without that person's permission. The penalty for this offense is increased if the message threatens, harms, or intimidates someone.

District (Campus Behavior Coordinator) Action and Investigation Procedures for Bullying

The CBC is advised to follow the FWISD Bullying Investigation Flow Chart

- *collect report(s)/statement(s) (transcribe oral reports/statements)
- *investigate allegations
- *determine if allegations are proven
- *notify parents of the alleged victim and alleged offender
- *if allegations are proven determine if the conduct is prohibited as defined by policy FFH

If the CBC determines some or all of the bullying conduct is prohibited by policy FFH the CBC shall proceed under policy FFH. The CBC will determine which bullying behavior constitutes prohibited conduct by policy FFH and or bullying without conduct prohibited by policy FFH. The CBC will take prompt actions to prevent continued bullying. FWISD recommends for the CBC to complete the bullying investigation in 10 school days or less after the bullying is first reported to school officials. The CBC may extend the investigation if necessary.

The campus behavior coordinator shall prepare a written report of the completed investigation. The report shall include a determination if bullying occurred. The completed report shall include if the victim or offender used reasonable self-defense.

If an incident of bullying is confirmed, the campus behavior coordinator shall promptly notify the parents of the victim on or before the third business day after the incident is reported. The alleged bully's parent is to be notified within a reasonable time. 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.

Corrective actions to address bullying may include but are not limited to-

- *restorative practices
- *training and education programs for school/individuals involved
- *counseling
- *continued inquiries to determine if new bullying or retaliation incidents are occurring
- *continued communication with parents
- *continued communication with staff
- *disciplinary consequences outlined in the FWISD SCOC
- *placement in a DAEP

The District and the CBC shall respect the privacy of those involved in a bullying incident to the greatest extent possible. Limited disclosure could 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.

Harassment (Board Policy FFH)

Harassment, in general terms, is conduct so severe, persistent, or pervasive that it 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; or substantially interferes with the student's academic performance.

Examples of harassment may include, but are not limited to:

- Offensive or derogatory language directed at a person's religious beliefs or practices, accent, skin color, or need for accommodation.

- Threatening, intimidating, or humiliating conduct.
- Offensive jokes, name-calling, slurs, or rumors.
- Physical aggression or assault.
- Graffiti or printed material promoting racial, ethnic, or other negative stereotypes; or
- Other kinds of aggressive conduct such as theft or damage to property.

Sexual Harassment and Gender-Based Harassment (Board Policy FFH)

The Fort Worth Independent School District prohibits sexual harassment. Sexual harassment conduct includes:

- 1) A District employee using educational benefits, aids, or services to obtain participation in unwelcome sexual conduct (quid pro quo), or
- 2) Unwelcome conduct that a reasonable person would determine to be severe, pervasive and objectively offensive that would effectively deny a person access to the District's educational program (hostile environment).
- 3) Sexual assault, dating violence, domestic violence or stalking as defined by the Clergy Act or Violence Against Women Act.

Examples of sexual harassment may include, but are not limited to:

- Touching private body parts or coercing physical contact that is sexual in nature.
- Sexual advances.
- Jokes or conversations of a sexual nature; and
- Other sexually motivated conduct, communications, or contact.
- Gender-based harassment includes physical, verbal, or nonverbal conduct based on a student's gender, the student's expression of characteristics perceived as stereotypical for the student's gender, or the student's failure to conform to stereotypical notions of masculinity or femininity.
- Gender-based harassment can occur regardless of the student's or the harasser's actual or perceived sexual orientation or gender identity. Examples of gender-based harassment directed against a student may include, but are not limited to:
 - 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.

The following people have been designated to handle inquiries regarding sexual harassment: Kevin Greene, Director of Title IX Compliance (Phone: 817.814.1830, E-mail: Kevin.Greene@fwisd.org) or Lisa Langston, Director of UIL Compliance (Phone: 817.815.7300, Email: Lisa.Langston@fwisd.org), 100 N. University Dr., Fort Worth, TX 76107.

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 48).

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

FWISD administrators must consider mitigating factors before ordering in school suspension, out of school suspension, removal to DAEP, or expulsion to JJAEP.

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

- ❖ Dress Code
- ❖ Harassment (Board Policy FFH)
- ❖ Gender-Based Harassment (Board Policy FFH)
- ❖ Sexual Harassment (Board Policy FFH)
- ❖ Abuse of School Property (Board Policy FNCF)
- ❖ Alcohol/Drugs: (Board Policy FNCF)
- ❖ Serious or Persistent Offenses (Board Policy FO)

Level I Discipline Management Techniques

Include, but are not limited to the following:

- ❖ Restorative Practices such as restorative chats, restorative circles, and circles of support can be used to establish a respect agreement, building school community, repairing harm, decision making strategies and/or teaching content
- ❖ Parent/Guardian conference with teacher or administrator
- ❖ Counseling by teachers, counselors or administrative personnel
- ❖ Tier I Positive Behavior Intervention Strategies

- ❖ MTSS Multi-Tiered Systems of Support
- ❖ Bullying Contract
- ❖ Behavior Contract
- ❖ Conflict Resolution/INOK Program
- ❖ Cease and Desist Contract
- ❖ Anger management
- ❖ Restitution
- ❖ Verbal correction
- ❖ Cooling-off time or “time-out”
- ❖ Seating changes in the classroom
- ❖ Parent/Guardian observation in student’s classes
- ❖ Referral to student support team, outside agency or Family Resource Center
- ❖ Diversionary Action Plans developed at the department of Student Discipline and Placement (The campus behavior coordinator must accompany the student and parent for this option)
- ❖ 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 cleaning removable graffiti except gang related graffiti (the duty assignment must be related to the conduct violation).
- ❖ Withdrawal or restriction of bus privileges
- ❖ Out of School suspension or In School Suspension (3-day suspensions are NOT mandatory for violations that warrant an out-of-school- suspension), principal or designee must consider mitigating factors before ordering in school suspension, or out of school suspension
- ❖ Placement in the On-Campus Intervention program (OCI)

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 managed at the school level. Strategies to manage dress code violations include but are not limited to: The student may be given an opportunity to correct the problem at school.

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

Harassment (Board Policy FFH) refer to pg. 26

Gender-Based Harassment (Board Policy FFH)

Gender-based harassment of a student is defined as physical, verbal, on 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) refer to pg. 26

Abuse of School Property (Board Policy FNCB)

- 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, box cutters
- 2) Replicas of weapons (toy guns) intended to be used as a weapon or could reasonably be perceived as a weapon
- 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, knuckles or clubs
- 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.

A consequence can be issued to a student who violates the code of conduct or when a student is

determined to be an accomplice. 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 an accomplice activity, he/she may be charged with the same offense that the primary actor committed. The accomplice could receive the same consequence with a notation the student committed the offense as an accomplice.

Note: A student's behavior shall be managed when necessary to improve the student's behavior, to maintain order, to protect other students, to protect school employees, or to protect school property. All students shall be treated. The campus behavior coordinator must consider mitigating factors (refer to pg. 4), 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

FWISD administrators must consider mitigating factors before applying in school suspension, out of school suspension, removal to DAEP, or expulsion to JJAEP.

A student may be suspended pending a conference in a Level II Disciplinary Alternative Education Program (DAEP)

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

- ❖ Bullying (Board Policy FFI)
- ❖ Sexual Harassment (Board Policy FFH)
- ❖ Dating Violence (Board Policy FFH)
- ❖ Gender-Based Harassment: (Board Policy FFH)
- ❖ Harassment: (Board Policy FFH)
- ❖ Abuse of School Property (Board Policy FNCF)
- ❖ Organizations and Clubs (Board Policy FNCC)
- ❖ Hazing (Board Policy FNCC)
- ❖ Prohibited Items (Board Policy FNCG)
- ❖ Assault (Board Policy FO)
- ❖ Persistent or Serious Offenses (Board Policy FO)
- ❖ Conduct Punishable as a Felony (Board Policy FOC-LEGAL)
- ❖ Alcohol/Drugs (Board Policy FNCF-LEGAL) with citation
- ❖ Weapons (Board Policy FNCG)
- ❖ School Related Felony Misconduct (Board Policy FOD LEGAL)
- ❖ Misconduct Identified in State Law (Board Policy FOC- LEGAL)

Level II Discipline Management Techniques

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
- ❖ MTSS Multi-Tiered Systems of Support
- ❖ Cease and Desist Contract (written agreement signed by involved parties to end harassing, bullying, or similar behaviors)
- ❖ Peer mediation

- ❖ Restorative circles (circles can be used to establish a respect agreement, building school community, repairing harm, decision making strategies and/or teaching content.)
- ❖ Digital citizenship lesson
- ❖ Restorative Practices
- ❖ 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 (the duty assignment must be related to the conduct violation).
- ❖ Withdrawal or restriction of bus privileges
- ❖ Tier I Positive Behavior Intervention Strategies
- ❖ Anger management
- ❖ Bullying Contract
- ❖ Behavior Contract
- ❖ Diversionary Action Plans developed at the department of Student Discipline and Placement (campus behavior coordinator must accompany the student and parent for this option).
- ❖ 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

Bullying (Board Policy FFI) refer to pg. 23

Inappropriate Use of Technology (Cyber bullying) refer to pg. 23

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 or 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 nonverbal 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.

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. Hazing includes the coercion of a student to consume a drug or alcoholic beverage or liquor in an amount that would lead a reasonable person to believe the student is intoxicated.

Prohibited Items (Board Policy FNCG)

- ❖ Using or repeated possession of 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 possession of a pocket knife, knuckles, clubs, box cutter, or razor blade for protection or threat of violence.
- ❖ Repeated possession of 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 FO)

- ❖ 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 Not following the directives 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.
- ❖ Causing a student or school 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.
- ❖ Persistent incidents of fighting.
- ❖ Repeated acts of possessing and/or distributing any pornographic or obscene materials.
- ❖ Possessing electronic messages 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, including off school property if the conduct causes a substantial disruption to the educational environment or infringes on the rights of another student at school.
- ❖ 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 or infringes on the rights of another student at school.
- ❖ 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, distributing, accepting and/or abusing over-the-counter medications, selling look-alike or items attempted to be passed off as drugs and/or contraband.
- ❖ 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 the incident to school officials or the proper authorities. The reporting student could be subject to a disciplinary consequence if the reporting student was involved in the incident.

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 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.)
- ❖ Possession, use or delivery of synthetic compounds or substances known as K2, spice, and bath salts.

Assault (Board Policy FO)

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)

Harassment: (Board Policy FFH) with citation

- ❖ Engages in conduct that contains the elements of an offense of harassment against an employee under Texas Penal Code 42.07 (a)(1), (2), (3), or (7)

Weapons (Board Policy FNCG)

- ❖ Possessing a location-restricted knife, as defined by Texas Penal Code 46.01(6), a knife with a blade over five and one-half inches.

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.

Diversionary Referral Program

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

Merit Program

Students' DAEP placements may be reduced by meeting the expectations of a merit program.

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. The hearing officer shall not be bound by the findings or conclusions of any prior hearings, procedures or decisions.

Conference/Hearing Rules and Procedures

The hearing officer shall conduct an in-person conference, virtual, and/or teleconference for a student who is being recommended for a placement in a Level II or III DAEP. The hearing officer must consider mitigating factors (refer to pg.4). These are considerations for both mandatory and discretionary conferences. 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 remain impartial. The hearing officer shall assist the parties in presenting all the facts in order to present a full account of the incident. The 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) The student must enroll in the disciplinary alternative education program when the hearing officer informs the family a decision has been made to place the student in the DAEP regardless if the family decides to appeal the decision.
- 8) The Student Discipline and Placement Department reserves the right to adjust 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 return 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 presenting 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 90 school days, 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)
- ❖ Bullying or cyberbullying behavior that encourages a student to commit or attempt to commit suicide, incites violence against a student through group bullying, or releases or threatens to release intimate visual material of a minor or a student who is 18 years of age or older without the student's consent

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.

Students will be allowed to return to their home campus following placement in DAEP or JJAEP.

Mandatory Expulsion to Juvenile Justice Alternative Education Program

A student must be suspended pending a Central Office Hearing and expelled to the JJAEP for 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 or 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 FO /FOD-LEGAL)

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

Felony Assaults (Board Policy FO /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

Felony Assaults (Board Policy FO /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 handgun, including any setting that is under the district's control or supervision for the purpose of a school activity. A handgun 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:

- ❖ location-restricted knife, such as knife with a blade over 5 1/2 inches;
- ❖ A prohibited weapon, such as an explosive weapon; a machine gun; a short-barrel firearm; a firearm silencer; or armor-piercing ammunition; a chemical dispensing device; an improvised explosive 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)**

This policy shall not be interpreted to require proof that is 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 hearing officer shall not be bound by the findings or conclusions of any prior hearings, procedures or decisions.

Hearing Rules and Procedures refer to pg. 33

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 the student engages in additional conduct for which expulsion to JJAEP is required or permitted.
- 3) The scheduled return 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/removal unless the student is enrolled in a Juvenile Justice Education Program (JJAEP) or other district-approved program.

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 removed students are prohibited from being on school grounds or attending school-sponsored or school-related activities during the period of expulsion/ removal. Students who commit offenses that require removal /expulsion to DAEP or JJAEP at the end of the school year will be removed / expelled into the next school year to complete the term of removal/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.

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

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:

Students that have transportation designated in their IEP are entitled to that service when assigned to JJAEP

- 1) Elementary students assigned to Insights (DAEP).
- 2) Students assigned to Middle Level Learning Center (DAEP) and Metro Opportunity (DAEP).

Placement in JJAEP

When students engage in mandatory/discretionary Level III code of conduct expulsion offenses, they are assigned to the Tarrant County Juvenile Justice Alternative Education Program (JJAEP), 3131 Sanguinet, located in Fort Worth, Texas 76107. The program is operated by Tarrant County Juvenile Service Department. Only four core academic courses are offered: English, social studies, math and science. Electives and advanced-placement courses are not offered. Students are assigned to 90 school days, however, students whose offenses involve firearms must be assigned to 180 school days. Students assigned to JJAEP shall not be on any public-school campus or attend any school activities until the student successfully completes the expulsion assignment.

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/Expulsion Placement Procedure

In an emergency removal than the tenth day after the date of the placement, the student will be given appropriate due process required for a student facing removal/expulsion-placement. If emergency removal/expulsion placement involves a student with disabilities who receives special education services, the term of the student's emergency removal is subject to the requirements of federal law.

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 – The OCI Program will include equitable and restorative practices to motivate students, support students, and to provide healing to students. 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 who are 6 years old or older and younger than 19 years of age, or who are younger than the age of 6 and in a pre-kindergarten or kindergarten, or individuals over the age of 19 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*. Truancy occurs when a student misses 10 or more days or parts of days within a 6-month period in a single school year without a valid excuse. *Tex. Fam. Code § 65.003(a)*. Civil action may be taken against the student for truant conduct, if he/she is 12 years old or older and 19 years old or younger. *Tex. Educ. Code § 25.0951; Tex. Fam. Code § 65.003*. Legal action may also be taken against the parent/guardian of a student who is 6 years old or older and younger than 19 years old, for failing to require their child to attend school as required by law. *Tex. Educ. Code § 25.085(b), 25.093*. As such, a parent/guardian must take the necessary measures to ensure that their 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 about the truant conduct and may be requested to attend future meetings.

Parents and students are responsible for submitting written excuses for absences to the student's school attendance office within five (5) school days of the absence to ensure an absence is marked as excused and not counted towards truant conduct. *See FWISD Student Code of Conduct (page 36. Truancy paragraph 2)*. 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.

Finally, to receive credit or a final grade for a class a student must be in attendance ninety (90%) percent of the school year, unless the attendance review committee gives the student credit because there were extenuating circumstances for the absences. *Tex. Educ. Code § 25.092*; see also *FWISD Board Policy FEC (Local)*. Further a student 19 or older, who has more than five (5) unexcused

absences in a semester, may have their enrollment revoked. See *FWISD Board Policy FEA (Legal)*. After enrollment is revoked, the student's presence on school property would be unauthorized and may be considered trespassing. *Tex. Educ. Code § 2537.107; id.*

FWISD wants your student to be successful. You may help by making sure your student is regularly attending school. Best wishes for a successful school year. If you have any questions, you may contact the attendance office at the campus that your child attends.

Searches, Board Policy FNF Legal

The Fort Worth ISD School officials may search a student's outer clothing, pockets, or property by establishing reasonable suspicion 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 wellbeing 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

District 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.

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. (section 26.009 of the Texas Education Code applies).

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, including Career and Technical Education (CTE) programs. The district provides equal access to the Boy Scouts and other designated youth groups.

In accordance with Title IX, the district does not and is required not to discriminate on the basis of sex in its educational programs or activities. The requirement not to discriminate extends to admission and employment. Inquiries about the application of Title IX may be referred to the district's Title IX Coordinator (see below), to the Assistant Secretary for Civil Rights of the Department of Education, or both. Other federal laws that prohibit discrimination include Title VI, Section 504, the Age Discrimination Act, the Boy Scouts Act, and Title II.

The district has designated and authorized the following employee as the Title IX Coordinator to address concerns or inquiries regarding discrimination on the basis of sex, including sexual harassment, sexual assault, dating violence, domestic violence, stalking, or gender-based harassment: *Kevin Greene, Director, Office of Legal Services*
100 North University Drive Fort Worth, Texas 76107 Telephone: (817) 814-2115, E-mail: Kevin.Green@fwisd.org.

Reports can be made at any time and by any person, including during non-business hours, by mail, phone, or email. During district business hours, reports may also be made in person. Upon the district receiving notice or an allegation of sex-based harassment, the Title IX Coordinator will promptly respond in accordance with the process described at FFH(LOCAL).

For concerns regarding discrimination on the basis of disability, see ADA/Section 504 Coordinator/Foster Care Liaison
Patricia Sutton, Director of Special Programs
100 North University Drive NE 240, Fort Worth, Texas 76107 Telephone: (817) 814-2458, E-mail: Patricia.Sutton@fwisd.org.

FOR OTHER 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 its 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 a single significant act or a pattern of acts by one or more students directed at another student that exploits an imbalance of power and involves engaging in written or verbal expression, expression through electronic means, or physical conduct that 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.

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

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

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

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

Dating Violence 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 or a consumable liquid solution or other aerosolized or vaporized during the use of an electronic cigarette or other device described by this provision. The term includes any device that is manufactured, distributed, or sold as an e-cigarette, e-cigar, or e-pipe or under another product name or description and a component, part, or accessory is sold separately from the device.

Electronic Device is a portable music player, such as iPod, MP3 players, Walkman's, 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.

Fighting: Fighting is defined as two or more students that mutually engage in physical combat using blows or force to strive to overcome the other student(s) or person(s)

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 silencer, defined as any device for silencing, muffling, or diminishing the report of a portable firearm; 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:

- 1) Conduct that meets the definition established in district policy FFH (LEGAL);
- 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 or restraint, or maliciously and substantially harms another student's physical or emotional health or safety as defined in section 37.001(b)(2) of the Education code;
- 3) Conduct that is punishable as a crime under Penal Code 42.07, including the following types of conduct if carried out with the intent to harass, annoy, alarm, abuse, torment, or embarrass another:
 - a. Initiating communication and, in the course of the communication, making a comment, request, suggestion, or proposal that is obscene, as defined by law;
 - b. Threatening, in a manner reasonably likely to alarm the person receiving the threat, to inflict bodily injury on the person or to commit a felony against the person, a member of the person's family or household, or the person's property;
 - c. Conveying, in a manner reasonably likely to alarm the person receiving the report, a false report, which is known by the conveyor to be false, that another person has suffered death or serious bodily injury; and
 - d. Sending repeated electronic communications in a manner reasonably likely to harass, annoy, alarm, abuse, torment, embarrass, or offend another.
 - e. Publishing on an internet website, including social media platform, repeated electronic communications in a manner reasonably likely to cause emotional distress, abuse, or torment to another person, unless the communications are made in connection with a matter of public concern, as defined by law.

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, for the purposes of pledging, initiation into, affiliation with,

holding office in or maintaining membership in a student organization if the act meets the elements in Education Code 37.151, including:

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

Hit List is 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.

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

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.

Indecent Exposure when a person exposes his or her anus or any part of his or her genitals with intent to arouse or gratify the sexual desire of any person, and is reckless about whether another is present who will be offended or alarmed by the act.

Lewd Conduct includes lewd, voyeurism, lascivious or indecent acts including indecent sexual propositions, indecent exposure or obscene gestures.

Location-restricted Knife is defined by Texas Penal Code 46.06(6), as a knife with a blade of over five and one-half inches

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, knuckles, 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, 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; an improvised explosive device; a chemical dispensing device; a zip gun; a tire deflation device; an improvised explosive device.

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

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

Reasonable Belief 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 may include murder, manslaughter or homicide (Sections 19.02-.05); kidnapping (Section 20.03); trafficking of persons (Section 20A.02), smuggling or continuous smuggling of persons (Sections 20.05-.06); assault (Section 22.01); aggravated assault (Section 22.02); sexual assault (Section 22.011); aggravated sexual assault (Section 22.021); unlawful restraint (20.02); continuous sexual abuse of a young child or disabled individual (Section 21.02); bestiality (Section 21.09); Improper relationship between educator and student

(Section 21.12); voyeurism (Section 21.17); indecency with a child (Section 21.11); invasive visual recording (Section 21.15); disclosure or promotion of intimate visual material (Section 21.16); sexual coercion (Section 21.18); injury to a child, an elderly person, or a disabled person (Section 22.04); abandoning or endangering a child (Section 22.041); ; deadly conduct (Section 22.05); terroristic threat (Section 22.07); aiding a person to commit suicide (Section 22.08); and tampering with a consumer product (Section 22.09).

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, and 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
FO	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 Code of Conduct Violation
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.

Your child's digital enrollment packet includes an acknowledgement of option for electronic distribution of the student code of conduct. You must accept responsibility to access the student code of conduct by visiting FWISD website www.fwisd.org or obtain a paper copy by visiting the administrative office of your child's school. In the event you are unable to sign the digital form, the student, parent and/or guardian may sign the acknowledgment form on the next page and return it to your campus main office. Please note that failure to sign and submit the acknowledgement form may prevent the student from attending and/or participating in any school activities.

Thank you.



Kent P. Scribner, Ph.D.
Superintendent

NOTICE

Please read the following and sign:

**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 foldable quick reference 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 request and obtain the most recent full paper copy of the Student Code of Conduct or a foldable quick reference paper copy.

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

August 03, 2021

Dear Parent/Guardian and Student:

Welcome to the 2021-2022 school year. Fort Worth Independent School District (FWISD) hopes that everyone had an enjoyable summer. There are some important issues that you need to be aware of regarding truancy.

What is Truancy and how will FWISD handle truancy issues?

Individuals who are 6 years old or older and younger than 19 years of age, or individuals who are 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. A civil action may be taken against the student, if he/she is 12 years old or older and 18 years old or younger, for truant conduct. Action may also be taken against the parent/guardian of a student who is 6 years old or older and 18 years old or younger, 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 review 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. *Id.*

FWISD wants your student to be successful. You may help by making sure that your student is regularly attending school. Best wishes for a successful school year. If you have any questions you may contact the attendance office at the campus that your child attends. Thank you for your support.

Sincerely,

Christopher Riddick
Director