

**Iola  
Independent School District  
Discipline Management Plan  
And  
Student Code of Conduct**

**P r e a m b l e**

The Student Code of Conduct for the Iola Independent School District is based on the premise that one's education begins with discipline and ends in self-discipline. Basic to this premise is the belief that effective learning situations can best be provided and positive behavioral patterns enforced when unacceptable behavioral patterns and their consequences are outlined, communicated, and understood by students, parents, and school personnel. When discord does arise, adherence to this code will assure that all parties are treated with courtesy, respect, and fairness, yet with a firmness that will direct students to conduct themselves in an acceptable manner.

**I. IMPLEMENTATION OF THE STUDENT CODE OF CONDUCT**

**A. Responsibility and Authority for Administration and Enforcement of the Student Code of Conduct**

- The building Principal and/or other appropriate administrator shall have the responsibility of implementing the Student Code of Conduct
- Assignment of a student to an Alternative Education Program, in accordance with the code, may be made by the Principal or other appropriate administrator
- Suspension of a student from school, not to exceed three days, who engages in conduct for which one may be placed in the Alternative Education Program, may be imposed by the Principal or other appropriate administrator
- The Superintendent or designee shall have the authority to expel a student for disciplinary infractions and/or violations of the law in accordance with this code and state and federal law
- The Superintendent, Principal, or appropriate administrator may order the immediate suspension, expulsion, or placement in an Alternative Education Program of a student whose behavior is so unruly, disruptive, or abusive, that it seriously interferes with school operations or activities, and/or the administrator reasonably believes that such action is necessary to protect persons or property from imminent harm
- The school administration shall provide each certified employee a copy of subchapter A of Chapter 37 on alternative settings for behavior management, and a copy of the local discipline policies

The school administration shall inform each Teacher of a student who has committed an expellable offense

**B. Role and Responsibilities of Certified Personnel in Maintaining Acceptable Conduct**

1. Administrators have the responsibility to:
  - Assure a safe and orderly climate for teaching and learning
  - Enforce the Student Code of Conduct
  - Provide appropriate support for Teachers who seek help in discipline management
  - Notify parents within 24 hours of receipt of a report of violation of the Student Code of Conduct
  - Provide campus in-service related to the Student Code of Conduct
  - Communicate with parents when their child becomes a discipline problem

- Secure a signed statement from parents acknowledging receipt of a copy of the Student Code of Conduct, and knowledge of the Code
  - Report firearm offenses to TEA in accordance with 37.001(e)
  - Schedule hearings within 3 days after a formal Teacher removal of a student
  - Provide parents with notice of and an opportunity to participate in a proceeding before the board or board designee when student placement in an Alternative Education Program (AEP) extends beyond the end of the next grading period
  - Provide minimal due process for suspensions and AEP placements
  - Provide 120 day reviews of a student placed in an AEP
  - Make appropriate reports to law enforcement
2. Teachers and other certified personnel have the responsibility to:
- Be knowledgeable of the Student Code of Conduct and sign a statement to that effect
  - Develop, maintain, and communicate classroom rules and discipline management procedures
  - Remove from class a student who commits certain offenses
  - Maintain an orderly classroom and atmosphere
  - Establish rapport and an effective working relationship with parents
  - Report in writing, up to one page, to the Principal or other appropriate administrator, any known violation of the Student Code of Conduct
  - Maintain confidentiality upon receipt of information that a student has committed an expellable offense

### **C. Responsibility of Parents**

Parents, which include single parent, legal guardian, or person(s) having lawful control of the student, have the responsibility to:

- Make every effort to provide for the physical needs of the student
- Teach the child to pay attention and obey rules
- Assure their child attends school regularly and report and explain absences and tardiness to school personnel
- Be sure the child is appropriately dressed at school and school-related activities
- Support school personnel in the enforcement of discipline imposed in accordance with school policy and the Student Code of Conduct
- Participate in meaningful conferences with school personnel regarding the child's progress, behavior or general welfare
- Discuss report cards and school assignments with the child
- Bring to the attention of school personnel any problem or condition that may relate to the child's education or well being

- Supply all records required for enrollment
- Submit a signed statement that they have received and reviewed the Student Code of Conduct and that they are knowledgeable of the responsibilities outlined in the code
- Control their child

#### **D. Placement Review Committee**

Each school shall establish a 3 member Committee. The campus faculty shall select two Teachers to serve as members of the Committee, and one additional Teacher shall serve as alternate. The Principal shall serve or select one member from the professional staff. The Committee shall have the responsibility to:

- Determine, in accordance with law and policy, the placement of a student, when a Teacher refuses to re-admit a student whom the Teacher has removed from class
- Make recommendations regarding re-admission of expelled students prior to completion of a court imposed disposition

#### **E. Parent Teacher Conferences**

It is recognized that a close and cordial relationship between parents and school personnel will enhance student achievement. District personnel will communicate and work closely with parents in an effort to improve academic performance and/or establish workable solutions to student behavior problems.

All schools will schedule at least one general conference for parents to provide an overview of district and classroom behavior expectations. This conference may be accomplished through open house, meeting of the parent Teacher organization, or through a general meeting of parents and district or campus personnel.

Other conferences may be held at the request of the parent or school personnel when:

- Problems arise relating to a student's academic achievement
- The student behavior results in assignment to in-school suspension or an Alternative Education Program
- There are excessive absences or tardiness

#### **F. Student Records**

Certain information about District students is considered directory information and will be released to anyone who follows procedures for requesting it, unless the parent objects to the release of any or all directory information about the child. This objection must be made in writing to the Principal within ten school days after the issuance of this handbook. Directory information includes: a student's name, address, telephone number, date and place of birth, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, awards received in school, and most recent previous school attended.

By law, both parents, whether married, separated, or divorced, have access to the records of a student who is under 18 or a dependent for tax purposes. A parent whose rights have been legally terminated will be denied access to the records if the school is given a copy of the court order terminating these rights.

The District's complete policy regarding student records is available from the Principal's or Superintendent's office.

## **G. Textbooks**

State-approved textbooks are provided free of charge for each subject or class; a student is required to use these books carefully. Books must be covered by the student, as directed by the Teacher; a student who is issued a damaged book should report that fact to the Teacher. Any student failing to return a book issued by the school shall lose the right to have free textbooks assigned until the book is returned or paid for by the parent or guardian. However, a student shall be provided textbooks for use at school during the school day.

## **H. Visitors**

Parents and other visitors are welcome to visit the school. All visitors must first report to the Principal's office. Adult visits to individual classrooms during instructional time are permitted only with the Principal's approval, and such visits are not permitted if their duration or frequency interferes with the delivery of instruction or disrupts the normal school environment.

# **II. STUDENT CODE OF CONDUCT**

## **A. Philosophy**

The mission of the **Iola Independent School District** is to provide a quality education for all students. The District and its personnel shall help each student to become a well-rounded individual by developing their habits, manners, and attitudes so that they may cope with and realize more out of life, make a worthwhile contribution to society, and live acceptably with others.

These objectives may be met only when there is a school climate free from disruptions that interfere with the learning process. The purpose of this Code is to communicate the expectations for responsible student behavior, and the consequences of irresponsible and disruptive behavior. It is expected that individual students will assume responsibility for self-discipline in accordance with stated expectations. However, when violations of the Student Code of Conduct do occur, discipline will be administered in order to correct disruptive behavior, to protect other students, school employees, or property, and/or to maintain a positive learning environment.

Student discipline shall be administered fairly and equitably, and based on a careful assessment of the circumstances of each case. Factors to be considered shall include:

- The seriousness of the offense
- The student's age
- The frequency of misconduct
- The student's attitude
- The effect of the misconduct on the school environment

## **B. Jurisdiction**

The Iola Independent School District has disciplinary authority over a student:

- During the regular school day and while the student is going to and from school on IISD transportation
- While the student is participating in any activity during the school day on school grounds
- Within 300 feet of school property
- While the student is in attendance at any school-related activity, regardless of time or location

- For any school-related misconduct, regardless of time or location
- When retaliation against a school employee occurs or is threatened, regardless of time or location
- When the student commits a felony, as provided by Texas Education Code 37.006
- When criminal mischief is committed on or off school property or at a school-related event

**C. Abiding by the Law**

Every student is expected to abide by Federal laws and the laws of the State of Texas. Violation of certain Federal and State laws shall constitute a violation of the Student Code of Conduct and appropriate discretionary or mandatory disciplinary measures will be imposed.

**D. End of Semester/Year Offenses**

Certain student offenses may result in long term assignment to an Alternative Education Program for the remainder of the semester or year. Such placement may extend beyond the school year in accordance with TEC 37.009(c).

**E. Rights, Responsibilities, and Expectations of Iola ISD Students**

All students are entitled to enjoy the basic rights of citizenship recognized and protected by law for persons of their age and maturity. The school will foster a climate of mutual respect for the rights of others. Students are expected to respect the rights and privileges of other students, Teachers, and District staff. The District's rules of conduct and discipline are established to achieve and maintain order in the school. Students who violate the rights of others or who violate District or school rules will be subject to disciplinary measures designed to correct the misconduct and to promote adherence by all students to their responsibilities as citizens in the school community.

**Each Student is expected to:**

- Demonstrate courtesy even when others do not
- Behave in a responsible manner, always exercising self-discipline
- Attend all classes, regularly and on time
- Prepare for each class; take appropriate materials and assignments to class
- Obey all campus and classroom rules
- Respect the rights and privileges of other students and of Teachers and other Iola ISD staff
- Cooperate with or assist the school staff in maintaining safety, order, and discipline
- Meet District or campus standards of grooming and dress
- Avoid violations of the Iola Student Code of Conduct

**Students are prohibited from:**

- Cheating or copying the work of another or allowing copying to occur
- Throwing objects that can cause bodily injury or damage to property
- Leaving school grounds or school-sponsored events without permission
- Directing profanity, vulgar language, or obscene gestures toward other students or Iola ISD employees

- Scuffling or fighting
- Stealing from students, staff, or the school
- Damaging or vandalizing property owned by others
- Defacing or damaging school property-including textbooks, furniture, and other equipment-with graffiti or by other means
- Possessing fireworks of any kind, smoke or stink bombs, or any other means
- Discharging a fire extinguisher
- Pulling a fire alarm
- Possessing razors, switchblades, box cutters, chains, or any other object used in a way that threatens or inflicts bodily injury to another person
- Possessing or selling “look alike” weapons
- Possessing air guns or BB guns
- Possessing mace or pepper spray
- Possessing or using articles not generally considered to be weapons, including school supplies, when the Principal or designee determines that a danger exists
- Gambling
- Making bomb threats
- Making false threats, hoaxes, or accusations regarding school safety
- Violating safety rules as communicated in the Student Handbook or campus or classroom rules
- Disobeying school rules about conduct on school buses
- Hazing
- Failing to comply with directives given by school personnel
- Committing extortion, coercion, or blackmail (obtaining money or another object of value from an unwilling person)
- Forcing an individual to act through the use of force or threat of force
- Committing or assisting in a robbery or theft that does not constitute a felony according to the Texas Penal Code. (Felony robbery or theft offenses are addressed later in the Student Code of Conduct)
- Name-calling, ethnic or racial slurs or derogatory statements that school officials have reason to believe will substantially disrupt the school program or incite violence
- Engaging in any misbehavior that gives school officials reasonable cause to believe that such conduct will substantially disrupt the school program or incite violence
- Engaging in inappropriate physical or sexual contact
- Engaging in conduct that constitutes sexual harassment or sexual abuse whether the conduct is by word, gesture, or any other sexual conduct, including requests for sexual favors

- Inappropriate or indecent exposure of a student's private body parts
- Possessing or using matches or a lighter
- Possessing, accepting, smoking, or using tobacco products
- Possessing or selling look-alike drugs or items attempted to be passed off as drugs and contraband
- Possessing, accepting, or selling seeds or pieces of marijuana related to any prohibited substance
- Possessing or using a laser pointer for other than an approved use
- Violating computer use policies, rules, agreements signed by the student, and/or agreements signed by the student's parent or guardian
- Using the internet to threaten students, employees, or cause disruption to the educational program
- Sending or posting messages that are abusive, obscene, sexually oriented, threatening, harassing, damaging to another's reputation, or illegal
- Engaging in verbal or written exchanges that threaten the safety of another student, a school employee, or school property
- Possessing published or electronic material that is designed to promote or encourage illegal behavior or could threaten school safety
- Possessing material that is pornographic
- Violating dress and grooming standards as communicated in the Student Handbook or by sponsors of extracurricular activities
- Repeatedly violating other communicated campus or classroom standards of behavior
- Bringing animals on school grounds or school-sponsored events unless the animal is leashed to be judged or groomed

## F. Dress Code

The District's dress code is established to encourage modesty, instill discipline, prevent disruption, avoid safety hazards, and teach respect for authority. This dress code shall apply to all students registered in the Iola Independent School District (Iola ISD) whenever they are at school or are attending or participating in school related activities.

- **BOYS:** All shirts should be buttoned appropriately. Tailored shirts must be tucked in. No tank tops or sleeveless shirts. Clothing will be appropriately sized and may not be worn in any way that reflects gang affiliation or conceals contraband. Mesh or see-through shirts are **unacceptable**, unless worn over an acceptable garment. T-shirts may be worn outside of the pants, but not longer than the student's wrists.

Oversized baggy clothing such as pants, shorts, or tops is prohibited.

- **GIRLS:** Shirts –No sleeveless garments, tight or stretch tops, low necklines, tank tops, spaghetti straps, halter tops, or tube tops shall be worn. Tops must be long enough to stay tucked in; or, if worn over pants, must be long enough so that at no time will the midriff be exposed.
- Proper undergarments shall be worn under all clothing.
- No advertisement for alcoholic beverages, tobacco or tobacco-related products, drugs or drug related products, suggestive or obscene writing, gang affiliation or pictures on clothing or **bandannas** are allowed as part of the dress code. Any item of clothing or accessories, with inappropriate decorations

or advertisements, is **prohibited**. This includes, but is not limited to, any item that depicts the occult, gang membership, death, suicide, violence, sexual connotations, tobacco, drugs, or alcohol. This includes hats, shirts, jackets, pants, bandannas, buttons, or trademark emblems generally associated with the above. Symbols and/or styles which are associated with gang membership or representation shall **NOT** be allowed.

- Dresses, skirts, or shorts for students in grades 4-12 must reach the fingertips to be worn in school or to school-related activities. Dresses, skirts, or shorts for students in PK-3 must extend to mid-thigh or below.
- Stretch or tight pants, hostess or lounge type suits, clinging see-through material, clinging sweater knits, body suits, and over-sized baggy clothing are not acceptable. Pants are to be worn at the waistline, not on the hips. Pants, skirts, or jumpers shall be appropriately sized. Pants and shorts **MUST** fit at the waist, fit at the crotch, and be properly hemmed or cuffed. Shorts may be worn, but **MUST** meet the following standards:
  - **Must be** appropriately sized; no tight fitting or extremely baggy shorts are allowed.
  - **Must be** hemmed or cuffed (not frayed). Rolling of the cuff to circumvent the dress code is NOT allowed.
  - **Must** reach the fingertips.
- Shoes shall be worn at all times. No house shoes or roller shoes (i.e. Heelys) are permitted.
- Students must wear tennis shoes during their participation in physical education unless otherwise instructed by the Teacher.
- Hats are not allowed to be worn at school during the school day. This includes hoodies. Hoodies are not to be pulled onto the head inside the building during school hours.
- Hair is to be neatly trimmed and combed and kept out of the eyes. No extreme hairstyles are accepted. No rollers or hair picks are allowed in the hair. Afro hairstyles are to be worn no longer than four (4) inches. **Boy's hair must not touch the collar (neck band) of a T-shirt.**
- Hair must be of a natural color. (No neon or extreme colors, this includes, but not limited to, blue, pink, maroon, etc.) These colors are also excluded from highlights in the hair.
- Sideburns must be neatly trimmed and no lower than the bottom of the ear lobe.
- Students should have a clean-shaven face at all times.
- Sunglasses or non-prescription glasses of any type will not be worn without approval inside any building.
- Sleepwear, such as pajama pants, is not allowed.
- Oversized, baggy clothing such as pants, shorts, and tops is prohibited.
- Students will be prohibited from wearing bottoms which have lettering/logos across the back of the seat.
- Holes, rips, tears, or frays (adjustments) to clothes above the knee and excessive adjustments below the knee may not be allowed.
- No earrings may be worn by male students.
- No gauge style piercings may be worn by male or female students.
- Wallet chains or any type of chains are not permitted to be worn or possessed.
- Any fad or dress type that may be disruptive or immodest may be corrected at the discretion of the school administrator, including ornaments that are a result of body piercing, such as the piercing of the tongue, midriff, lip, eyebrow, nose, etc. Tattoos or body markings must be covered at all times.



- Students who are in violation of the dress code will be provided an alternative garment to wear for the rest of the school day or until appropriate dress is acquired.

The campus administrator will identify any exceptions to this dress code.

## **G. Attendance**

To receive credit in a class, a student must be in attendance for at least 90% of the days the class is offered. The actual number of days a student must attend in order to receive credit will depend on whether the class is for a full semester or for a full year. A student who attends fewer than 90% of the days the class (each class period attendance stands alone) is offered cannot receive credit for the class unless the Attendance Review Committee finds that the absences are the result of extenuating circumstances, such as:

- A temporary absence resulting from any cause acceptable to the teacher, principal, or superintendent, including personal illness, or illness or death in the immediate family.
- A family emergency or unforeseen or unavoidable instance requiring immediate attention.

An Attendance Review Committee will be appointed by each campus to hear appeals from students who are in attendance less than 90% of the days the class is offered. The Attendance Review Committee will have the authority to:

- Grant excessive absences.
- Offer alternative ways for students to make up time and schoolwork missed.
- Deny credit.

If a student has accumulated unexcused absences ten or more days or parts of days within a six-month period, the school attendance officer may file a referral in the appropriate court (Justice of the Peace or County Juvenile Probation Department) - Texas Family Code 51.03(b)(2). TEC 25.095

## **H. Compulsory Attendance**

Students will be required to attend school if they are 6 years old on or before September 1, and until the student has completed the school year in which their 17th birthday occurs.

Upon enrollment in school, pre-kindergarten and kindergarten students will be required to attend school.

- I. Saturday Detention will be assigned to students as an alternative to ISS in cases of minor discipline reports filed in the office. These actions included, but are not limited to, misbehavior in class, excessive tardies, dress code violations, and missed D-Hall. Saturday Detention will be held 2 Saturdays per month and will begin at 8:00 am and end at 12:00 noon. It is the student's responsibility to relay the assignment to his/her parent/guardian of Saturday Detention and to be present on the assigned Saturday Detention. If a student does not attend Saturday Detention, the student will be assigned 5 days of ISS.

## **J. Saturday School**

When more than nine unexcused absences occur during a semester, students will be required to make up hour for hour each day or portion of days missed that exceed nine. Students will have the opportunity to make up those hours by attending school during times when school is not in session (i.e. before 8:00 am or after 3:30 pm). Saturday School will also be available at the end of each semester. Students in grades 1-4 shall complete alternative options in lieu of Saturday School for excessive absences. Saturday School may be required for students who are truant from school or to give students an opportunity to complete make-up work. Students must adhere to the student dress code policy while attending Saturday School.

**K. Vandalism/Damage to School Property**

Students shall not vandalize or otherwise damage or deface any property, including furniture and other equipment, belonging to or used by the District or District schools. Parents or guardians of students guilty of damaging school property shall be liable for damages in accordance with law. Students shall be responsible for the care and return of state-owned textbooks and may be charged for replacement of lost textbooks.

**L. Sexual Harassment**

The District believes that every student has the right to attend school and school-related activities free from all forms of discrimination on the basis of sex, including sexual harassment. The District considers sexual harassment of students to be serious and will consider the full range of disciplinary options, up to and including expulsion, according to the nature of the offense.

All students are expected to treat one another courteously, with respect for the other person's feelings; to avoid any behaviors known to be offensive; and to stop these behaviors when asked or told to stop. All students are prohibited from engaging in offensive verbal or physical conduct of a sexual nature directed toward another student. This prohibition applies whether the conduct is by word, gesture, or any other intimidating sexual conduct, including requests for sexual favors that the other student regards as offensive or provocative.

Students and/or parents are encouraged to discuss their questions or concerns about the expectations in this area with the Teacher, the Principal, or the Superintendent, who serves as the District's Title IX coordinator for students.

A complaint alleging sexual harassment by another student or sexual harassment or sexual abuse by a staff member may be presented by a student and/or parent in a conference with the Principal or designee or with the Title IX coordinator. The first conference with the student ordinarily will be held by a person who is the same gender as the student. The conference will be scheduled and held as soon as possible within 7 days of the request. The Principal or Title IX coordinator will coordinate an appropriate investigation, which ordinarily will be completed within 10 days. The student or parent will be informed if extenuating circumstances delay completion of the investigation.

The student will not be required to present a complaint to a person who is the subject of the complaint.

If the resolution of the complaint is not satisfactory to the student or parent, the student or parent within 7 days may request a conference with the Superintendent or designee by following the procedure set out in Board Policy FNCJ (LOCAL). If the resolution by the Superintendent or designee is not satisfactory, the student or parent may present the complaint to the Board as provided by policy.

**M. Hazing**

Hazing includes any willful act done by a student, either individually or with others, to another student for the purpose of subjecting the other student to indignity, humiliation, intimidation, physical abuse or threats of abuse, social or other ostracism, shame, or disgrace.

Students shall have prior approval from the Principal or designee for any type of "initiation rites" of a school club or organization. No student shall engage in any form of hazing, nor shall any student encourage or assist any other person in hazing.

**N. Tobacco Use**

The use or possession of tobacco products by students is prohibited on all campuses.

Students shall not possess, accept, or use tobacco products, including but not limited to cigarettes, cigars, pipes, snuff, or chewing tobacco, on school premises or at school-related activities. Local law enforcement will be notified and a citation may be issued for the use, acceptance, or possession of tobacco products.

**O. Personal Communication Devices**

Students may possess on their person, but may not use (including text messaging), Personal Communication Devices during the day, except in the office with approval. A student may use their phone with permission from the office during break, lunch, and before and after school. If a student is using their phone without permission, the phone will be taken from the student and turned in to the office. The student may pick up their phone at the end of the day for a \$10.00 fee

**P. Drug-Alcohol Use**

No student shall possess, use, transmit, or attempt to possess, use, or transmit any of the following substances on school premises during any school term or off school premises at a school-related activity, function, or event:

- Any controlled substance or dangerous drug as defined by law, without regard to amount, including but not limited to marijuana, any narcotic drug, hallucinogen, stimulant, depressant, amphetamine, or barbiturate
- Alcohol or any alcoholic beverage
- Any abusable glue, aerosol paint, or any other chemical substance for inhalation
- Any other intoxicant, or mood-changing, mind-altering, or behavior-altering drugs prohibited under the Texas Controlled Substance Act or Federal Drug Abuse Prevention Control Act

The transmittal, sale, or attempted sale of what is represented to be any of the above-listed substances is also prohibited under this rule

**Q. Weapons**

A student shall not be in possession of any prohibited weapon at school, on school premises, or at any school-related activity, unless pursuant to written regulations or written authorization of the District. A student shall not possess or use articles not generally considered to be weapons when the Principal or designee determines that a danger exists for any student, school employee, or school property by virtue of possession or use.

Weapons include, but are not limited to:

- Firearms of any kind
- Fireworks or concussion devices of any kind
- Knives of any size, including pocket knives
- Razors
- Clubs or night sticks
- Metallic or hard surfaced knuckles
- Chains (including wallet chains)
- Pellet guns, BB guns or slingshots
- Any other object used in a way that threatens to inflict harm to another person

Lockers and cars parked on school premises may be inspected by school personnel if there is a reasonable suspicion to believe they contain weapons.

## **R. Assaults**

Students are prohibited from assaulting anyone at school, on school property, or at any school-related event. An assault is defined as:

- Intentionally, knowingly, or recklessly causing bodily injury to another
- Intentionally or knowingly threatening another with imminent bodily injury
- Intentionally or knowingly causing physical contact with another when the student knows or reasonably believes that the other will regard the contact as offensive or provocative

## **S. Disturbing School or Classes**

For purpose of this rule, “school property” includes the public school campuses or school grounds upon which any public school is located, and any grounds or buildings used by District schools for assemblies or other school-related activities. “Public property” includes any street, highway, alley, public park, or sidewalk.

No student shall be permitted, on school property or on public property within 300 feet of school property, to willfully disrupt, alone or in concert with others, the instructional program or other school activities. Conduct that disrupts the educational activities of a school includes:

- Emitting noise of an intensity that prevents or hinders classroom instruction
- Enticement or attempted enticement of students away from classes or other school activities that students are required to attend
- Prevention or attempted prevention of students from attending classes or other school activities that students are required to attend
- Entrance into a classroom without consent of either the Principal or Teacher and either through acts of misconduct and/or use of loud or profane language causing disruption of class activities

## **T. Disruption of Lawful Assembly**

No student or group of students acting in concert may willfully engage in disruptive activity or disrupt a lawful assembly on the campus or property of any school in the District. Disruptive activity means:

- Obstructing or restraining the passage of persons in an exit, entrance, or hallway of any building without the authorization of the administration of the school
- Seizing control of any building or portion of a building for the purpose of interfering with any administrative, educational, research, or other authorized activity
- Preventing or attempting to prevent by force or violence, or the threat of violence any lawful assembly authorized by the school administration
- Disrupting by force or violence, or the threat of force or violence a lawful assembly in progress
- Obstructing or restraining the passage of any person at an exit or entrance to said campus or property, or preventing or attempting to prevent by force or violence or by threats thereof the entrance or exit of any person to or from said property or campus without the authorization of the administration of the school

A lawful assembly is disrupted when any person in attendance is rendered incapable of participating in the assembly due to the use of force or violence or due to a reasonable fear that force or violence is likely to occur.

Conduct by students, either in or out of class, that for any reason - whether because of time, place, or manner of behavior - materially disrupts class work or involves substantial disorder or invasion of the rights of other students or employees at school or school-related activities, is prohibited.

Student demonstrations and similar activities shall be prohibited when there is evidence that may reasonably lead school authorities to forecast substantial disruption of, or material interference with, normal school operations or approved school activities.

#### **U. Distribution of Materials**

Distribution of written materials may be restricted, subject to the following guidelines:

1. Distribution may be limited in order to prevent material and substantial interference with normal school operations in circumstances where there is evidence that reasonably supports forecast that disruption will likely result directly from the distribution.
2. Reasonable administrative regulations as to the time, place, and manner of distribution may be prescribed to promote orderly administration of school activities by preventing disruption, but shall not be designed to stifle expression.
3. Content of the materials to be distributed shall conform to the following standards:
  - Materials that are sexually inappropriate for the age and maturity of the audience or that endorse actions endangering the health and safety of students shall not be distributed
  - Material may not be forbidden if the portions or specific language objected to may also be found in material that is made available to students through school facilities, i.e., the school library or reading assigned by Teachers
  - Libelous material may be prohibited from distribution
  - Publications that criticize board members or school officials or advocate violation of school rules may be prohibited when there is evidence that reasonably supports a forecast that material and substantial disruption of normal school operations will result from the publication. Advocacy directed toward inciting or producing imminent lawless or disruptive action and that is likely to incite or produce such action shall be restricted
  - Hate literature that scrupulously attacks ethnic, religious, or racial groups, and similar irresponsible publications aimed at creating hostility and violence may be banned. Only material that could reasonably support a forecast of material and substantial disruption of normal school operations is affected by this restriction

#### **V. Prior Review**

All student publications and other written material intended for distribution to students shall be submitted for prior review according to the following procedures:

- Material shall be submitted to the building Principal or a designee for review
- The Principal or a Designee shall approve or disapprove submitted material within twenty-four hours of the time the material is received. Failure to act within the twenty-four hour period shall be interpreted as disapproval.
- The student may appeal disapproval to the Superintendent, who shall decide the appeal within three days of its receipt. Failure of the Superintendent to act within the three-day period shall be interpreted as disapproval.
- The student may appeal disapproval by the Superintendent to the Board. The student shall notify the Superintendent of the appeal and request the matter be placed on the agenda for the next Board meeting. At that Board meeting, the student shall be given a reasonable period of time to present his or her viewpoint.

## **W. Student Conduct on School Buses**

School buses shall be considered an extension of the classroom and students are expected to conduct themselves accordingly. Students being transported in school-owned vehicles shall comply with the Student Code of Conduct. A Student Code of Conduct will be distributed to each student to be signed by the parent/guardian at the beginning of each school year.

The bus driver has the responsibility of transporting students in a safe and orderly manner. Within this responsibility rests the authority of the driver to make every reasonable effort to maintain discipline and order on the bus including conferencing with parents, assigning seats and referring the matter to the Principal. Upon referral the following procedures shall be followed:

1. The driver will fill out a School Bus Incident Report and turn it into the Principal.
2. The Principal will investigate the incident and the following discipline measures will be implemented based upon the investigation:
  - First Office Referral—The Principal will contact the parent of the student and/or the student may be suspended from the bus for 3 to 5 days.
  - Second Office Referral—The Principal will contact the parent of the student and the student will be suspended from the bus for 5 to 10 days.
  - Third Office Referral—The Principal will contact the parent of the student and the student will be suspended from the bus for the remainder of the semester.
  - If the inappropriate student behavior occurs during the last six weeks of a semester, the suspension may be extended into the next semester.

Disciplinary sanctions and changes in transportation for a student with a disability will be made in accordance with the student's Individual Education Plan (IEP) or other individually designed program.

## **X. Closed Campuses**

Once students arrive on campus they are to remain until school is formally dismissed or they have checked out of school through the office with verbal confirmation by the parent/guardian.

All students, regardless of their age, must have verbal parental permission to check out of school. All student vehicles are to be parked on campus in designated parking areas, and students may not take their vehicles off campus during break or lunch.

### **Open-Campus for Lunch:** *Juniors and Seniors only*

11<sup>th</sup> and 12<sup>th</sup> grade students will be allowed to leave campus for lunch without requiring a parent to sign them out.

#### **Requirements:**

- Only 11<sup>th</sup> and 12<sup>th</sup> grade students are allowed to leave campus for lunch.
- 11<sup>th</sup> and 12<sup>th</sup> grade students are allowed to leave only during their scheduled lunch period.
- 11<sup>th</sup> and 12<sup>th</sup> grade students who are not currently in ISS, DAEP, or lunch detention will be allowed to leave campus for lunch.
- 11<sup>th</sup> and 12<sup>th</sup> grade students must return to campus in time for their 6th period class. The tardy policy will continue to be in effect.
- 11<sup>th</sup> and 12<sup>th</sup> grade students who do not return to campus from open lunch, will be considered skipping school, and those consequences will also continue to be in effect.
- 11<sup>th</sup> and 12<sup>th</sup> grade students will not be allowed to check out of school before or after lunch in order to extend their lunch period unless they are leaving for the remainder of the day, or if they have a medical appointment. If leaving for a medical appointment, a doctor's/dentist's excuse must be submitted to the HS office when the student returns to school.

Open-campus is a privilege extended to our juniors and seniors, and will be mainly based on students following the rules; that includes being respectful and responsible when visiting local eating establishments. Iola ISD can discontinue open-campus if problems arise.

**Y. Secret or Self Perpetuating Societies**

Students shall not become members or promise to become members of any organization composed wholly or in part of students in public schools which seeks to perpetuate itself by taking in additional members from the students enrolled in such school on the basis of the decision of its members, rather than upon the free choice of any student in the school, who is qualified under the rules of the school, to fill the special aims of the organization.

**III. GENERAL GUIDELINES FOR ASSESSING DISCIPLINE**

**A. Definitions**

The following words and terms, when used in this Code, shall have the stated meaning unless the context clearly indicates otherwise:

**Class Disruption:** Any behavior which violates the rules of a particular classroom and interferes with a Teacher's opportunity to present or other students' opportunity to concentrate on the presentation or assignment.

**Discipline Management:** Any action that is intended to promote proper behavior and/or discourage misconduct.

**In-School Suspension:** An on-campus setting, apart from the regular classroom, where the student continues to receive instruction in each course to the extent possible, for students who commit disciplinary infractions. Students serving in-school suspension will not be permitted to participate in or attend school-sponsored activities.

**Suspension:** Removal of a student from school and school activities for a period not to exceed three days at a time, for disciplinary infractions. Students serving an out-of-school suspension will not be permitted to participate in or attend school – sponsored activities.

**Alternative Education Program (AEP):** An instructional setting other than the regular classroom, completely apart from students who are not assigned to the program, located on or off the regular campus, with instruction that focuses on English language arts, mathematics, science, history, and self-discipline, and provides for behavioral needs through supervision and counseling. An AEP may be operated by the District in cooperation with other school districts, juvenile agencies, or other entities. The length of student placement in an AEP will be determined by the building Principal. Students serving an AEP assignment will not be permitted to participate in or attend school-sponsored activities. In case of an appeal, students will go to the AEP setting until the filed appeal has been resolved.

**Expulsion:** Suspension of a student from school for more than three consecutive days. Expulsion for periods up to one year is required by law for certain student offenses and may contain a provision that prohibits attendance to school activities.

**Parents:** Includes single parent, legal guardian, or person in lawful control.

**School Premises:** Any property owned by the school district or over which the school district or its personnel exert lawful control, including property visited by students in connection with a school-operated activity, such as a field trip or an extracurricular activity.

**Reassignment of Classes:** A student may be removed from the assigned classroom and placed in another class on the same campus. To the extent possible the student should continue to receive instruction in the course from which removed. The purpose of this type of removal is to remove the student from a potentially dangerous or explosive situation. Length of removal or stay shall be determined by the administrator.

## **B. Listing of Offenses and Consequences by Level**

### **Level I Offenses**

Level I acts of misconduct include repeated infractions of classroom management procedures or rules, or other misconduct that disrupts the educational process to the extent that the classroom Teacher needs administrative support to correct the problem. A Teacher may handle behaviors by implementing the appropriate discipline management techniques or by sending the student to the Principal's office. Parents may be requested to come for a conference with the Teacher to discuss the misbehavior and the disciplinary action. The following is a non-inclusive list of behavior infractions:

- Tardy
- Neglecting to bring required material or assigned work to class
- Failing to participate in classroom activities
- Eating, drinking, or gum chewing in an undesignated area
- Possessing and/or using nuisance items
- Throwing objects that can cause bodily injury or damage property
- Scuffling, pushing, shoving or running
- Being disruptive, rude, and making unnecessary noises
- Persistently disturbing other students
- Refusing to follow instructions or classroom rules
- Persistent offenses
- Minor offenses, violating campus standards of behavior
- Lying
- Sleeping in class
- Theft
- Parking in unauthorized parking areas or reckless driving on school property

### **Level I Administrative Guidelines:**

- The Teacher is not required to write a Student Code of Conduct violation report
- If the Teacher sends the student to the office, a report is required on the approved form
- If referred to the Principal, the Principal is not required to notify the student's parents

### **Level I Disciplinary Options:**

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

- Behavioral contracts
- Cooling off time or "time out"
- Detention outside of school hours or during school



- Oral correction or verbal reprimand
- Seating changes in the classroom
- Special assignments or duties
- Temporary or permanent confiscation of items that disrupt the educational process
- Withdrawal of privileges
- Corporal punishment

## **Level II Offenses**

When a student's behavior does not change as a result of action taken on Level I, and the student is being seen for a second time in the Principal's Office for repeated Level I infractions, the student is moved to Level II for discipline purposes.

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

Students are prohibited from the following non-inclusive list of behavior infractions:

- Persistent offenses from Level I (minor acts of misbehavior) or acts of misconduct for which the student has been warned
- Throwing objects that can cause bodily injury or property damage
- Directing profanity, vulgar language, or obscene gestures toward other students or staff
- Disobeying school rules about conduct on school buses
- Failing to comply with directives given by school personnel
- Possessing or using matches or a lighter
- Violating dress and grooming standards
- Misuse of food in the cafeteria
- Posting or distributing unauthorized publications on school property
- Participating in an unauthorized organization
- Cheating, copying the works of another, or plagiarism
- Truancy, including leaving school without permission
- Physical contact with another with implied intent to physically abuse
- Forgery of school records and/or forms
- Use of unauthorized passwords on the computer system
- Vandalism, including defacement of school property
- Engaging in acts of familiarity with another, including public display of affection

- Selling or soliciting for sale unauthorized merchandise
- Failure to serve detention or attend required tutorials
- Use, exhibition, or possession of a knife less than 5.5 inches long
- Theft
- Entering school parking lot without office or Teacher permission
- Excessive tardies

### **Level II Administrative Guidelines**

- Do not require removal from class or another placement of a student
- Do require a Student Code of Conduct violation report be made by the Teacher. The Principal or appropriate administrator must send a copy of the report to the student's parent or guardian within 24 hours.

### **Level II Disciplinary Options**

Any one or any combination may be used for each offense. These are not listed in order of severity:

- Corporal punishment
- Detention outside of school hours or during school
- Exclusion from extracurricular activities
- Grade penalty for copying or cheating
- In school suspension
- Out-of-school suspension
- Removal to an alternative educational setting (permissive)
- Restitution, if applicable
- Temporary removal from class

### **Level III Offenses**

Level III acts of misconduct include those student infractions which are somewhat more serious than those in Levels I and II in their effect on the orderly process of the school program. Parents will be notified and requested to come for a conference with the administrator in each instance of Level III misbehavior. Examples of violations and misconduct include but are not limited to the following:

- Persistent offenses from Level II (more severe and disruptive misbehaviors)
- Gambling
- Interfering with the conduct of school activities, including, but not limited to, trespassing and boycotting
- Possessing or use of fireworks on school property
- Fighting, physical abuse, or threat of physical abuse
- Filing a false report

- Causing or attempting to cause damage to school or private property or stealing or attempting to steal school or private property owned by another student or district employee in an amount under \$1500
- Insubordination, noncompliance with the directives of a member of the school staff
- Using a personal communication device during class or any other unauthorized time
- Robbery - committing or assisting in a robbery or theft that does not constitute a felony according to the Texas Penal Code
- Leaving school grounds, or school-sponsored events, without permission
- Name-calling, ethnic or racial slurs or derogatory statements that school officials have reason to believe will substantially disrupt the school program or incite violence
- Engaging in any misbehavior that gives school officials reasonable cause to believe that such conduct will substantially disrupt the school program or incite violence
- Engaging in conduct that constitutes sexual harassment or sexual abuse, whether the conduct is by word, gesture, or any other sexual conduct, including requests for sexual favors
- Burglary of a District facility
- Extortion, coercion, or blackmail - obtaining money or another object of value from an unwilling person, or forcing an individual to act through the use of force or threat of force
- Vandalism
- Possession and/or concealment of a weapon not included under expellable offenses
- Behavior which is illegal that does not constitute an expellable offense
- Engaging in inappropriate physical or sexual contact
- Possession or use of a stink bomb, smoke bomb, or other noxious chemical
- Possessing or selling look-alike drugs or items attempted to be passed off as drugs and contraband
- Perjury or lying as a witness during a school investigation
- Hazing
- Hacking (illegal or unauthorized entry or attempted entry into computer files)
- Possession or distribution of pornographic or obscene material
- Mooning
- Violating safety rules
- Accessing prohibited or inappropriate material by electronic means
- Exhibiting disrespect or directing profanity, vulgar language, or obscene gesture toward school employees or other adults
- Engaging in any other conduct that disrupts the school environment or educational process
- Use of a knife less than 5.5 inches long in violation of the safety and well being of others

- Possessing, accepting, smoking, or using tobacco products
- Student forgery of a parent/teacher signature
- Serious or persistent violations of the Level I or Level II offenses as determined by the Principal
- Missed Saturday Detention (automatic 5 days ISS)

### **Level III Administrative Guidelines**

- A Student Code of Conduct violation report to be made by the reporting Teacher or Principal
- The Principal or appropriate administrator must send a copy of the report to a student's parent or guardian within 24 hours

### **Level III Disciplinary Options**

Any one or any combination of the following may be applied:

- Arrest
- Corporal punishment
- In school suspension
- Reference to law enforcement
- Removal to an alternative educational setting (permissive)
- Restitution, if applicable
- Suspension

Emergency placement to AEP may occur 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.

### **Level IV Serious Offenses**

Level IV offenses include those acts of misconduct that seriously disrupt the educational process, endanger or seriously affect other students, and perhaps violate the law. Examples include but are not limited to the following:

- Any repeated offense of Level III, or a new violation while being disciplined for a Level III offense
- Repeated acts of disobedience or disorderly behavior which may prove to be detrimental to the school, harmful to health and safety, or inhibiting to the rights of others
- Being disrespectful toward school personnel or refusing to comply with lawful requests or directions of school personnel
- Threats, oral or written, to do bodily harm to another, or to the property of another
- Interfering with school authorities or school programs through boycotts, sit-ins, or trespassing
- Fighting, which is defined as physical conflict between two or more individuals. A fight has occurred if a student who is attacked strikes back. To avoid penalty, a student under attack should seek to detach himself/herself from the situation and get school personnel or adult help

- Stealing, robbery, extortion, gambling, or arson
- Using profane, obscene, indecent, immoral, or offensive language and/or gestures directed toward school personnel
- Lewd behavior
- Failure to comply with assigned disciplinary consequences
- Possessing a device, object, or substance that could cause bodily harm to individuals in any school setting
- Failure to report to school personnel the knowledge of an event, device, object, or substance that could cause bodily harm to individuals in any school setting
- Possession, use, or distribution of any substance represented to be a drug or alcohol
- Possession, acceptance, or use of tobacco products
- Indecent exposure, sexual misconduct, and/or sexual harassment
- Hazing
- Gang-related behavior or activity, or gang membership
- Possession of drug paraphernalia
- Burglary of a school facility or major vandalism to District property
- Posting or distributing unauthorized communicative materials on school premises
- Assault
- Placing or discharging fireworks
- Pledges to join, solicit membership in a public school fraternity, sorority, secret society, or gang as defined in TEC 37.121

#### **Level IV Administrative Guidelines**

- A Student Code of Conduct violation report to be made by the reporting Teacher or Principal
- The Principal or appropriate administrator must send a copy of the report to a student's parent or guardian within 24 hours

#### **Level IV Disciplinary Options**

Any one or any combination of the following may be applied:

- Any discipline technique outlined in Level III
- Suspension from school not to exceed three days at a time
- Citation by law enforcement personnel
- Alternative education placement
- Reassignment of classes
- A student may be expelled if the student:

- Continues to engage in serious or persistent misbehavior that violates the Student Code of Conduct or AEP classroom rules after being placed in an Alternative Education Program for disciplinary reasons
- Engages in criminal mischief under Penal Code 28.03, if the conduct is punishable as a felony, whether committed on or off of school property or at a school-related activity, (intentional or knowing damage to school property resulting in a loss of \$1,500 or more)
- Engages in conduct that contains the elements of assault under Section 22.01(a)(1) against an employee or a volunteer on school property
- Engages in conduct that contains the elements of assault and retaliation against a school employee or volunteer, regardless of where the conduct occurs

## **Level V Mandatory Removal or Expulsion Offenses**

### **Mandatory Removal**

If a student commits any of the following acts while on school property, or within 300 feet of school property, or while attending a school-sponsored or school-related activity on or off the property, he or she **must** be removed to an Alternative Education Program:

- Engages in conduct punishable as a felony
- Commits an assault
- Makes a terroristic threat (Section 22.07 Texas Penal Code) anywhere, anytime, not just on or within 300 feet of school property
- Behaves in a manner that contains the elements of the offense of public lewdness
- Behaves in a manner that contains the elements of the offense of indecent exposure
- A student under the age of ten engages in expellable conduct
- Commits the offense of false alarm or report under section 42.06, Texas Penal Code regardless of where the offense occurs
- Engages in conduct that contains the elements of the offense of retaliation against any school employee, regardless of where or when the conduct occurs. (Committing retaliation in combination with another expellable offense is addressed in the expulsion section of this Student Code of Conduct)
- Engages in conduct punishable as a felony that occurs off school property and not at a school-sponsored or school-related event and that injures a person in a way listed as a Title 5 offense in the Texas Penal Code and the student receives deferred prosecution; or
- Engages in conduct punishable as a felony that occurs off school property and not at a school-sponsored or school-related event and that injures a person in a way listed as a Title 5 offense in the Texas Penal Code and a court or jury finds that the student has engaged in delinquent conduct; or
- Engages in conduct punishable as a felony that occurs off school property and not at a school-sponsored or school-related event and that injures a person in a way listed as a Title 5 offense in the Texas Penal Code and the Superintendent or designee has reasonable belief that the student has engaged in the conduct
- [Title 5 offenses include murder; kidnapping; sexual assault; indecency with a child; injury to a child, an elderly person, or a disabled person; abandoning or endangering a child; deadly conduct; terroristic threat; aiding a person to commit suicide; and tampering with a consumer product]

**NOTE:** The Iola Independent School District does not permit a student who is placed in a disciplinary Alternative Education Program for any reason determined by the District to participate in or attend any school-sponsored or school-related extracurricular or non-curricular activity, including seeking or holding honorary positions and/or membership in school-sponsored clubs and organizations

If a student commits any of the following acts while on school property, or within 300 feet of school property, or while attending a school-sponsored or school-related activity on or off the property, he or she **must** be removed to an Alternative Education Program:

- Sells, possesses, uses, transmits, or attempts to possess, use, or transmit any of the following substances on school premises during any school term or off-school premises at a school-sponsored activity, function, or event.
  1. Any controlled substance or dangerous drug as defined by law, including but not limited to marijuana, any narcotic drug, hallucinogen, stimulant, depressant, amphetamine, barbiturate or e-cigarette.
  2. Any abusable glue, aerosol paint, or any other chemical substance for inhalation.
  3. Any other intoxicant, or mood changing, mind-altering or behavior altering drugs.

The transmittal, sale, or attempted sale of what is represented to be any of the above listed substances is also prohibited under this policy.

Drug paraphernalia, defined as equipment, a product, or a material of any kind that is used or intended for use in packaging, repackaging, storing, containing, or concealing an above-listed substance or injecting, inhaling, or otherwise introducing into the human body an above listed substance is prohibited.

A student who uses a drug authorized by a licensed physician through a prescription specifically for that student's use will not be considered to have violated this policy if the container is unopened and sealed and dispensed by the school nurse.

- Sells, gives, or delivers to another person, or possesses, uses, or is under the influence of any amount of alcohol; or commits a serious act or offense while under the influence of alcohol, if the conduct is not punishable as a felony
- Engages in criminal mischief, if punishable as a felony, whether committed on or off school property or at a school-related event
- Engages in serious or persistent misbehavior and, while in a disciplinary Alternative Education Program continues to violate the District's Student Code of Conduct. The District defines "persistent" to be two or more violations of the Student Code of Conduct in general or repeated occurrences of the same violation. Serious offenses include, but are not limited to the following:
  - Vandalism
  - Robbery or theft
  - Extortion, coercion, or blackmail
  - Aggressive, disruptive action or group demonstration that substantially disrupts or materially interferes with school activities
  - Hazing
  - Insubordination
  - Profanity, vulgar language, or obscene gestures directed toward Teachers or other school employees
  - Fighting, committing physical abuse, or threatening physical abuse

- Possession or distribution of pornographic materials
- Leaving school grounds without permission
- Making or assisting in making threats, including threats against individuals and bomb threats
- Sexual harassment of a student or District employee
- Possession of or conspiring to possess any explosive or explosive device
- Falsification of records, passes, or other school-related documents
- Refusal to accept discipline management techniques proposed by the Teacher or Principal

A student **may** be suspended pending a conference and **may** be placed in a disciplinary Alternative Education Program for one of the following offenses:

- Engaging in conduct punishable as a felony, other than those listed as offenses involving injury to a person in Title 5 of the Texas Penal Code, that occurs off school property, and not at a school-sponsored or school-related event, and for which the Superintendent or designee has reasonable belief that the student's presence in the regular classroom threatens the safety of other students or Teachers or will hinder the education of students
- Involvement in gang activity, including participating as a member or pledge, or soliciting another person to become a pledge or member of a gang
- Involvement in a public school fraternity, sorority, or secret society, including participating as a member or pledge, or soliciting another person to become a pledge or member of a public school fraternity, sorority, or secret society
- Any criminal mischief
- A student may be placed in an Alternative Education Program for a period that extends beyond the end of the school year if the Superintendent determines that:
  1. the student's presence in the regular classroom program or at the student's regular campus presents a danger or physical harm to the student or to another individual; or
  2. the student has engaged in serious or persistent misbehavior that violates the District's Student Code of Conduct.

The Principal shall set a term for a student's placement in an Alternative Education Program under Section 37.002 or 37.006.

**NOTE:** The Iola ISD will not accept any student expelled from another district during the period of the expulsion order.

### **Mandatory Expulsion**

A student **must** be expelled for any of the following offenses that occur on school property or while attending a school-sponsored or school-related activity on or off school property:

- Bringing to school a firearm, as defined by federal law

Firearm under federal law includes:

- Any weapon (including a starter gun) which will or is designed to or which may readily be converted to expel a projectile by the action of an explosive



- The frame or receiver of any such weapon
- Any firearm muffler or firearm weapon
- Any destructive device, such as any explosive, incendiary, or poison gas bomb, or grenade
- In accordance with the Federal Gun-Free Schools Act, the District shall expel from the student's regular program, for a period of one year, any student who is determined to have brought a firearm, as defined by federal law, to any District school. The Superintendent may modify the term of expulsion for a student or assess another comparable penalty that results in the student's exclusion from the regular school program, on a case-by-case basis. The District or other local educational agency may provide educational services to an expelled student who is older than ten years of age in an Alternative Education Program.
- Use, exhibition, or possession of the following, as defined by the Texas Penal Code:
  - A firearm
  - An illegal knife, such as a knife with a blade over 5 1/2 inches; hand instrument, designed to cut or stab another by being thrown; dagger, including but not limited to a dirk, stiletto, and poniard; bowie knife; sword; or spear
  - A club
  - A prohibited weapon, such as an explosive weapon; a machine gun; a short-barrel firearm; a firearm silencer; a switchblade knife; knuckles; armor-piercing ammunition; a chemical dispensing device; or a zip gun
  - 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
    - Indecency with a child
    - Aggravated kidnapping
    - Behavior punishable as a felony that involves the selling, giving, or delivering to another person, possessing or using marijuana, a controlled substance, a dangerous drug, or alcohol; or committing a serious act or offense while under the influence of alcohol or drugs
    - Retaliation against a school employee combined with one of the above-listed offenses on or off school property or at a school-related activity
    - Selling, giving, delivering to another person, or possessing, using, or under the influence of marijuana, a controlled substance, or a dangerous drug in an amount not constituting a felony offense
    - Selling, giving, or delivering to another person an alcoholic beverage; committing a serious act or offense while possessing, or using alcohol, if the conduct is not punishable as a felony
    - Behaving in a manner that contains the elements of an offense relating to abusable glue or aerosol paint or relating to volatile chemicals

**NOTE:** The Iola Independent School District does not permit a student who is expelled for any reason determined by the District to be allowed on district property or to participate or attend any school-sponsored or school-related extra-curricular or non-curricular activity, including seeking or holding honorary positions and/or membership in school-sponsored clubs and organizations.

## **C. Procedural Due Process**

### **Alternative Education Program (AEP)**

Before placing a student in an Alternative Education Program, the Principal or appropriate school administrator shall conduct an informal hearing at which the student shall be advised of the conduct with which he or she is charged and shall be given the opportunity to explain his or her version of the incident. The District shall make reasonable efforts to notify the parent prior to placing a student in an Alternative Education Program. If the parent cannot be notified prior to placement, the parent shall be notified as soon as possible of the placement and the reason for the placement.

If the placement extends beyond the end of the next grading period, the student or student's parents have a right to notice and participation in a hearing before the Superintendent. A decision to place a student in an AEP beyond the end of a grading period may not be appealed beyond the Board. After hearing the appeal the Board or its designee shall set the terms for the student's placement in an AEP and deliver a copy of the order placing the student in the AEP to the student and the student's parent. The student's status must be reviewed by the Superintendent at intervals of not more than 120 days.

For placement in an AEP to extend beyond the end of the school year, the Board or designee must determine that:

- The student's presence in the regular classroom or campus presents a danger of physical harm to students or others; or
- The student has engaged in serious or persistent misbehavior that violates the Student Code of Conduct; or
- School action on the offense for which the student is placed in an AEP takes place during the final grading period of the year
- For Seniors placed in a disciplinary Alternative Education Program who are eligible to graduate, the placement in the program will continue through graduation, and the student will not be allowed to participate in the graduation ceremony and related graduation activities.

### **Expulsion**

Before a student is expelled he or she shall have the right to a hearing before the Superintendent that meets the standards for due process under the federal constitution, which includes the following:

- Prior written notice of the charges and the proposed sanctions so as to afford a reasonable opportunity for preparation
- Right to a full and fair hearing before the Superintendent
- Right to representation by legal counsel, by a parent or guardian, or by any other adult who is not an employee of the school district
- Opportunity to testify and present evidence and witnesses in one's defense
- Opportunity to examine the evidence presented by school administrators and right to question school administration witnesses. Special consideration may be given the victim or witnesses depending on the age, health, sensitivity and well being of the witness or victim.

A notice of the hearing and an invitation to attend shall be sent to the student's parent or guardian. The written notice shall advise of the nature of evidence and the names of any witnesses whose testimony may be used against the student. The Board decision shall be based exclusively on evidence presented at the hearing.

The final decision of the Board shall be communicated promptly to the student and parent. If the decision to expel is made, the Superintendent shall provide a written order outlining terms of and length of the expulsion. The expulsion may not extend beyond the end of the school year unless the conduct

leading to the expulsion occurred during the final grading period. If the unacceptable conduct occurs during the final grading period of the year the expulsion may extend into the next school year, but not beyond the end of the first semester.

No later than the second business day after the date of a hearing, a copy of the expulsion order will be delivered to the authorized officer of the juvenile court of the county in which the student resides. Parents are responsible for supervision of the student during the expulsion term.

#### **D. Appeal of Decision to Expel**

A decision by the Superintendent to expel may be appealed to the Board. If a student appeals the Board's designee's decision to expel, the student shall remain expelled pending further appeal. No educational service will be provided, except as determined by the ARD or 504 Committee for Disabled Students.

The Board's decision may be appealed to the District Court of the county in which the school administration office is located.

#### **E. Emergency Placement or Expulsion**

##### **Emergency Placement**

The Principal or appropriate administrator may order a student to be immediately placed in an Alternative Education Program if it is reasonably believed that the student's behavior is so unruly, disruptive, or abusive that it interferes with:

- A Teacher's ability to communicate effectively with students in a class
- The ability of the student's classmates to learn
- The operation of the school or school sponsored activity; or
- The general well-being and safety of the student body and staff

At the time of the emergency placement the student shall be given oral notice of the reasons for emergency placement in an AEP. Within a reasonable time the student will be afforded Procedural Due Process as outlined in this Code. The Principal or appropriate administrator shall not be liable for civil damages for an emergency placement.

##### **Emergency Expulsion**

The Principal or appropriate administrator has the right to order the immediate expulsion of a student if the administrator reasonably believes that the action is necessary to protect persons or property from imminent harm.

At the time of the emergency expulsion the student shall be given a notice of the reason for the emergency expulsion. A due process hearing for expulsion will be provided within a reasonable time, unless the parent or guardian agrees in writing to an extension of time. The Principal or appropriate administrator is not liable for civil damages for an emergency expulsion.

The conditions of an emergency placement or emergency expulsion may restrict the student's extracurricular activities according to the Student Code of Conduct.

#### **F. Teacher Removal of a Student**

##### **Informal Discretionary Removal**

A Teacher may seek the help of the Principal in an effort to maintain effective discipline. When a student is sent to the Principal's office under this provision, the Principal shall employ appropriate discipline management techniques consistent with Levels I, II or III of this Student Code of Conduct.

If the behavior is a violation of the Student Code of Conduct, the Teacher before leaving school that day must file a written report, not to exceed one page in length, with the Principal or appropriate administrator, and a copy will be sent to the parent or guardian within 24 hours.

### **Formal Discretionary Removal**

A Teacher may remove a student from class:

- If a student behaves in a way that is documented by the Teacher to repeatedly interfere with classroom learning; or
- The Teacher determines the student to be 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 behavior is a violation of the Student Code of Conduct the Teacher must file a written report that day, not to exceed one page in length, with the Principal, and a copy will be sent to the parent or guardian within 24 hours.

When a student is removed from class by a Teacher under this provision, the Principal shall schedule a hearing within three class days. The hearing shall include the Principal, parent/guardian, student, and the Teacher who removed the student, when appropriate. Even if all persons are not present, the Principal may still order the appropriate placement and the duration of that placement. At the hearing, the student shall be advised of the conduct with which he or she is charged and given an opportunity to explain his or her version of the incident.

When a Teacher removes a student from class under this provision, the Principal may:

- Place the student into another appropriate classroom, or
- Place the student into in-school suspension, or
- Place the student into an Alternative Education Program (AEP).

If the Principal's decision is that the student should be returned to that Teacher's classroom and the Teacher withholds his or her consent for that return, the Placement Review Committee shall determine the student's placement. The Committee shall not return the student to that Teacher's classroom unless it determines that placement is the best or only alternative available.

Terms of removal may prohibit the student from attending or participating in school sponsored or school related activities.

### **Mandatory Removal by a Teacher**

A Teacher **shall** remove from the classroom a student who engages in conduct described under Level V of the Student Code of Conduct. The Principal shall either place a student removed under this provision into an Alternative Education Program or expel the student, as appropriate. When a student is removed from class by a Teacher under this provision, the Principal shall schedule a hearing within three days. The hearing shall include the Principal, parent/guardian, student, and the Teacher who removed the student, when appropriate. Even if all persons are not present, the Principal may still order the appropriate placement and the duration of that placement.

If the Principal's decision is that the student should be expelled, the student shall be provided a due process hearing for expulsion consistent with this Student Code of Conduct.

If the Principal's decision is that the student should be returned to that Teacher's classroom following completion of the assignment to an Alternative Education Program and the Teacher withholds his or her consent for that return, the Placement Review Committee shall determine the student's placement. The Committee shall not return the student to that Teacher's classroom unless it determines that placement is the best or only alternative available.

Terms of removal **shall** prohibit the student from attending or participating in school-sponsored or school-related activities.

## **G. Suspension**

The Principal or other appropriate administrator may suspend a student who commits a Level IV offense. A suspension may not exceed three school days, and the student shall be responsible for all class work missed during the period of suspension. Multiple suspensions for subsequent offenses are permissible.

Before suspending the student, the Principal shall conduct an informal hearing at which:

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

District personnel shall make every effort to notify the parent prior to suspending a student from school. If the parent cannot be contacted prior to removal, the parent shall be notified as soon as possible and shall be informed of the reasons for suspension. Students serving a suspension will not be permitted to participate in or attend school-sponsored events during their suspension.

It is the responsibility of the parent to provide adequate supervision of the student during the period of suspension.

## **H. Placement of Students with Disabilities**

### **Placement of Students with Disabilities in an AEP**

The long-term placement of a student with a disability who receives special education services may be made only by a constituted Admissions, Review and Dismissal (ARD) Committee. Such student may not be placed in an Alternative Education Program solely for educational purposes if the student does not also meet the criteria for alternative placement in TEC 37.006(a) or 37.007(a). Due process or minimal due process procedures as appropriate shall apply.

### **Emergency Removal of Students with Disabilities**

The Principal or appropriate administrator may order the immediate suspension of a student with a disability for emergency reasons if it is believed that such action is necessary to protect the student, other persons or property from imminent harm. Removal shall be made only in emergency situations and shall not exceed three days unless the ARD or 504 Committee determines that the student poses an immediate threat to himself/herself or others, or disrupts the safety of the learning environment.

If emergency removals, suspensions, or removal to Alternative Education Programs total sixteen school days in a year, the ARD or 504 Committee shall review the student's IEP, unless the discipline management portion of the IEP specifies otherwise.

### **Suspension of Students with Disabilities**

A student with a disability may be suspended for a period not to exceed three consecutive school days for each separate offense. Before such students are suspended members of the special education support staff, qualified to determine whether a link exists between the misconduct and the disability or placement, may be contacted for advice on whether or not a connection exists between the disability and the conduct.

A student with a disability shall not be removed to an Alternative Education Program for more than ten days unless the ARD or 504 Committee first determines whether the alleged behavior in question was related to the disabling condition. If the ARD or 504 Committee determines there is a connection, they must also determine what action is appropriate. Removal for more than ten consecutive school days requires ARD or 504 Committee action, subject to the parents' right to appeal.

If a student with a disability is removed from school premises for any reason for a total of 16 days or more in the school year, the ARD or 504 Committee shall review the student's IEP, unless the IEP specifies otherwise.

## **Expulsion of Students with Disabilities**

A student with a disability may be expelled for engaging in conduct that would warrant such action for a non-disabled student only if the ARD or 504 Committee determines the misconduct is not related to the disabling condition or inappropriate placement.

In determining whether a student's disruptive behavior was related to a student's disabling condition, the ARD or 504 Committee shall base its decision on currently effective evaluation and assessment data and on review of the current IEP documentation rather than on established eligibility or previous Committee decisions. The ARD or 504 Committee shall consider whether the student's behavior indicates the need for new assessment or evaluation data. Unless the parents agree otherwise, the student must be returned to his current placement after ten days while additional assessments are being made.

The ARD or 504 Committee shall determine the instructional and related services to be provided during the time of expulsion. The student's IEP shall include goals and objectives designed to assist in returning the student to school and preventing significant regression.

If the ARD or 504 Committee determines that the student's disruptive behavior is related to the disabling condition or inappropriate placement, the student shall not be expelled. If the disruptive behavior on the part of the student indicates an inappropriate placement, the ARD or 504 Committee shall review the placement and recommend alternatives. If the ARD or 504 Committee determines that the behavior was related to the disabling condition, it shall either rewrite the IEP to address the student's behavioral and educational needs or, when appropriate, consider the extension of an emergency removal.

### **I. Appeal of a Student with Disabilities Expulsion**

A decision of the Board's designee to expel a student may be appealed to the Board. A student may be denied the privileges of the home campus pending appeal of an expulsion.

A student with a disability shall not be excluded from school pending appeal to the Board for more than ten days without ARD or 504 Committee action. During an appeal to a special education hearing officer, the student shall remain in his current classes unless the District and parent agree otherwise, or the hearing officer grants an interim order to authorize the exclusion.

Request for a Board hearing to appeal a decision to expel a student shall be made in writing to the Superintendent within three school days after receipt of the written decision. The Superintendent shall provide the parent written notice of the date, time, and place of the review within five days of receipt of the appeal request. The Board shall conduct a hearing that complies with required due process for expulsion hearings outlined in this Code and shall base its decision on the evidence presented at that hearing.

If the decision to expel the student with the disability is upheld by the Board, the Superintendent shall mail a copy of the expulsion order to the student and the student's parent. A copy of the order shall also be mailed to the authorized officer of the juvenile court of the county in which the student resides.

### **J. Corporal Punishment**

Corporal punishment is permitted as a corrective action to certain rules infractions in order to preserve an effective and orderly educational environment. Factors of student size and age, and the physical, mental and emotional conditions of the student shall be considered before the administration of any corporal punishment.

Corporal punishment shall be limited to spanking or paddling and shall be administered only in accordance with the following guidelines:

- The student will be informed of the reason(s) for corporal punishment
- Corporal punishment can only be administered by the School Principal
- The instrument to be used in administering corporal punishment shall be approved by the Principal

- The administration of corporal punishment shall be performed in the presence of one other professional employee of the district, and in a designated place out of view of other students
- In administering corporal punishment, the maximum number of swats to be given to a student is three (3) per offense at any one time

A record shall be maintained on each administration of corporal punishment.

#### **K. Detention**

For minor infractions of the Student Code of Conduct or other policies or regulations, Teachers or administrators may detain students after school hours. Before assigning one to detention the Teacher or administrator shall inform the student of the conduct that allegedly constitutes a rules violation, and the student shall be given an opportunity to explain his or her version of the incident.

When detention is used, notice shall first be given to the student's parent or guardian to inform them of the reasons for detention and to permit arrangements for necessary transportation of the student. Except in the case of a student who is 18 years of age, or older, detention shall not begin until after the parent has been notified. If the student is a minor the parent or guardian will be required to provide necessary transportation when a student has been assigned to detention.

#### **L. Readmission of Expelled Students**

The Iola Independent School District will not accept any student expelled from another district during the period of the expulsion order.

#### **M. Interrogations and Searches**

Searches of a student and/or property of the student may be conducted based on a reasonable suspicion of the presence of an item violating Board policy, the Student Code of Conduct, or criminal laws, and that the search could reasonably be expected to produce evidence of that violation. School officials may search a student or a student's property upon reasonable suspicion or with the student's free and voluntary consent. However, consent obtained through threat of contacting law enforcement agents is not considered to be free and voluntarily given. Vehicles on school property are subject to search under the same standard.

Lockers are property of the school and remain under school jurisdiction when assigned to an individual student. The school reserves the right to inspect all lockers at any time. A student has full responsibility for security of his or her locker. Searches of lockers may be conducted at any time there is reasonable suspicion to do so whether or not the student is present.

Searches of student's outer clothing and pockets may be conducted if reasonable suspicion exists. Certified school personnel have the authority to question students regarding their conduct or the conduct of others.

Reasonable suspicion for search exists if there is reasonable suspicion that the student is currently possessing, ingesting, or under the influence of alcohol or other controlled substances. The following are a few, but not all of the examples of circumstances supporting reasonable suspicion:

- Smell of alcohol on breath
- Present inability to communicate coherently
- Dilated pupils
- Odor of marijuana
- Habitually sleeping in class
- Bloodshot eyes
- Canine alert on one's locker, books, car, etc

**N. Physical Restraint**

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

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

**O. Cooperation with Law Enforcement Officials**

The District and District personnel will cooperate with law enforcement agencies within reason. Law enforcement officials may be summoned to keep or restore order at school or school related activities. They may also be summoned to conduct an investigation of alleged criminal conduct on school premises or at school-sponsored activities. Administrators shall have the responsibility and authority to determine when law enforcement officers' assistance is needed within their respective jurisdiction. However, District administrators shall at all time act in a manner that protects and guarantees the rights of students and parents.

**P. Police Questioning of Students**

For police questioning of a student in school, the following guidelines shall apply:

- The officer shall provide his/her name and title for district records
- The officer shall state the necessity for questioning the student at school during school hours
- After consultation, the Principal or officer shall make reasonable effort to contact the student's parents
- Effort shall be made for questioning to be out of the view of other students

**Q. Arrested Students**

If a student at school is subject to arrest or apprehension by law enforcement officer(s), the Principal or appropriate administrator, after consultation, shall deliver the student into the officer's custody. The Principal shall immediately make reasonable efforts to notify the student's parents and the Superintendent.

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