

# **STUDENT CODE OF CONDUCT**

## **SUNDOWN SCHOOLS**

Approved by Sundown ISD Board of Trustees on June 21, 2018, for the 2018-2019 school year.

### **COMMUNITY INVOLVEMENT**

This document was developed through the efforts of the District-Wide Decision Making Committee during the '95-'96 school year, and has been revised during the summers of 1997 through 2018 to comply with the particular ideas and beliefs of our community. It reflects the input of parents, community members, patrons, business persons, teachers, students, and administrators and has been adopted by the Sundown ISD Board of Trustees.

### **CAMPUS DISCIPLINE PERSON**

The Campus Discipline Person on each campus shall be the campus principal or person designated by the principal. Duties shall include the authority to:

1. **Assess and implement the Student Code of Conduct.**
2. **Remove a student from campus for compelling non-discipline reasons or pending a hearing.**
3. **Remove a student to an alternative education program.**
4. **Expel a student as prescribed by the Code of Conduct and statute.**

### **RIGHTS AND RESPONSIBILITIES OF ADMINISTRATORS**

Administrators have responsibility to:

1. **Respond to discipline problems referred to them by teachers.**
2. **Promote effective training and discipline of all students.**
3. **Encourage parent communication with the school, including participation in parent/teacher conferences.**
4. **Provide appropriate assistance to students in learning mature self-discipline.**
5. **Assume responsibility and instructional leadership for discipline and for evaluation of the Discipline Management Plan.**
6. **Report crimes as required by law.**
7. **Make available at each campus a copy of the Student Code of Conduct.**
8. **Notify parents of any conduct violation that may result in a student being suspended, placed in a DAEP, or expelled.**
9. **Serve as appropriate role models for students, in accordance with the standards of the profession.**

### **RIGHTS AND RESPONSIBILITIES OF STUDENTS**

All students are entitled to enjoy the basic rights of citizenship recognized and protected by law for persons of their ages and maturity levels. District schools shall foster a climate of mutual respect for the rights of others. Each student is expected to respect the rights, privileges and property of other students, teachers, district staff and the district itself. Students shall exercise their rights and responsibility in compliance with rules established for the orderly conduct of the districts educational mission. The district 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 shall be subject to disciplinary measures designed to correct the misconduct and to promote adherence by all students to the responsibilities of citizens in the school community.

Student responsibilities for achieving a positive learning environment at school or school-related activities shall include:

1. **Attending all classes, daily and on time**

2. Being prepared for each class with appropriate materials and assignments
3. Meeting district and campus standards of grooming and dress
4. Demonstrating courtesy and respect for others, even when others do not
5. Conducting themselves in a responsible manner, always exercising self-discipline
6. Paying required fees and fines
7. Refraining from violations of the Student Code of Conduct
8. Obeying all school rules, classroom rules and safety rules
9. Seeking changes in school policies and regulations in an orderly and responsible manner, through appropriate channels
10. Cooperating with staff in investigation of disciplinary cases and in volunteering information when the student has knowledge relating to an offense
11. Student responsibilities in the cafeteria should be:
  - Keep milk cartons, food and waste paper on tray.
  - Discard trays, dishes and silverware to the appropriate trash receptacle.
  - Keep tables, chairs and floors clean.
  - Push chairs back under the table after eating.
  - Talk in a low voice
  - Keep the cafeteria lines orderly.
  - Never push or run.
  - Pick up and clean up any food dropped or spilled.
  - Leave food in the cafeteria as directed.
  - Empty all paper goods from trays into trash containers.
12. The responsibility of the snack bar is that of the high school student council.
  - Food and drinks are to be consumed in designated places only.
  - Every student is expected to clean up his/her own mess.

## **RIGHTS AND RESPONSIBILITIES OF PARENTS**

Throughout this plan, “Parents” includes single parent, legal guardian, or person having lawful control of the student.

Parents have the responsibility to:

1. Make every effort to provide for the physical needs of their child.
2. Teach their child to pay attention and obey the rules.
3. Be sure their child attends school regularly, and promptly reports and explains absences and tardies to the school.
4. Encourage and lead their child to develop proper study habits at home.
5. Participate in meaningful parent/teacher conferences to discuss their child’s school progress and welfare.
6. Attend parent-training workshops as requested.
7. Keep informed of school policies and academic requirements of school programs.
8. Participate in school-related organizations.
9. Be sure their child is appropriately dressed at school and school-related activities.
10. Discuss report cards and school assignments with their child.
11. Bring to the attention of school authorities any learning problem or condition that may relate to their child’s education.
12. Maintain up-to-date home, work, and emergency telephone numbers and other pertinent information at school.
13. Cooperate with school administrators and teachers.
14. Be sure their child attends school tutorials when required to as the need arises.
15. Submit a signed statement that they understand and consent to the responsibilities outlined in this plan.
16. Control their child. Under Family code #33.01, a student’s parent is legally liable for property damage proximately caused by (A) negligent conduct of the student if such conduct is reasonable attributable to the negligent failure of the parent to exercise that duty, or (B) the willful or malicious conduct of a student who is at least 12 but under 18 years of age.

## **RIGHTS AND RESPONSIBILITIES OF TEACHERS**

Teachers have the responsibility to:

1. Use discipline management techniques developed in the District’s Code of Conduct.

2. **Ensure good student discipline by being in regular attendance and on time.**
3. **Be prepared to perform their teaching duties with appropriate preparation, assignments and resource materials.**
4. **Comply with district and school policies, rules, and regulations and directives.**
5. **Maintain an orderly classroom atmosphere conducive to learning.**
6. **Teach to the standards of performance required by the district.**
7. **Establish rapport and an effective working relationship with parents, students, and other staff members.**
8. **Teach students to strive toward self-discipline.**
9. **Encourage good work habits that will lead to the accomplishment of personal goals.**
10. **Serve as appropriate role models for their students, in accordance with the standards of the teaching profession.**

**Teachers have authority to establish basic rules of conduct for their classrooms. These classroom rules will be provided to students at the beginning of the school year (or when a student enrolls). They will also be verbally reviewed as often as deemed necessary by the teacher.**

## **PARENT-TEACHER CONFERENCES**

A teacher or administrator shall conduct a conference with a student's parent when he/she has committed one or more serious offenses as defined in this code.

A teacher or administrator shall attempt to conduct these conferences face-to-face, but, where impractical, may conduct them by telephone. If these methods fail, in lieu of the conference, contact may be made by mail. The district shall document these conferences.

A teacher or administrator may request a conference with a student's parent whenever the teacher perceives the need for parental cooperation in enforcing the Student Code of Conduct.

## **SCHOLASTIC PENALTIES**

A student removed from his or her regular classes for any reason other than suspension will not receive an excused absence and will be expected to complete any course work assigned within a time designated by the teacher. No academic penalty will be assessed based solely on the disciplinary infraction.

Pending an appeal to the Board of an expulsion, students will be allowed to remain current on all course work. However, if the appeal is denied, the student will not receive credit for that work. Students who are expelled will not receive credit for work missed during expulsion. Handicapped students will receive educational services during expulsion as determined by the Admission, Review, and Dismissal (ARD) committee.

## **JURISDICTION**

School rules and the authority to administer discipline apply whenever the interest of the district is involved, on or off school grounds, in conjunction with or independent of classes and school-sponsored activities. The district has disciplinary authority/jurisdiction over a student:

1. **During the regular school day and while the student is going to and from school on district transportation;**
2. **While the student is in attendance at any school-related activity, regardless of time or location;**
3. **For any school-related misconduct, regardless of time or location;**
4. **When retaliation against a school employee or volunteer occurs or is threatened, regardless of time or location;**
5. **When criminal mischief is committed on or off school property or at a school-related event;**
6. **For certain offenses committed within 300 feet of school property as measured from any point on the school's real property boundary line;**
7. **For certain offenses committed while on school property or while attending a school-sponsored or school-related activity of another district in Texas; and**
8. **When the student commits a felony, as provided by Texas Education Code 37.006 or 37.0081.**

## **INTERROGATIONS AND SEARCHES**

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

Areas such as lockers, which are owned and jointly controlled by the district, may be searched if reasonable cause exists to believe that contraband is inside the locker. Students shall not place, keep, or maintain any article or material in school-owned lockers that is forbidden by district policy or that would lead school officials to reasonably believe that it would cause a substantial disruption on school property or at a school-sponsored activity.

Searches of student's outer clothing and pockets may be conducted if reasonable cause exists. Highly intrusive invasion of a student's privacy, such as searches of student's person, shall be conducted only if probable cause exists to believe that the student possesses contraband.

Administrators and teachers have the right to question students regarding their conduct or the conduct of others.

## **QUESTIONING OF STUDENTS BY OUTSIDE AUTHORITIES**

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

- 1. Before the principal permits the questioning of a student by outside authorities, the outside authorities must state the necessity of questioning the student while in school. The questioning authorities' names and titles shall be obtained and recorded by district officials. If the authorities allow, and the principal deems it necessary, the principal or counselor will be in attendance during questioning.**
- 2. The principal shall make reasonable efforts to contact the student's parent by telephone.**
- 3. If at all possible, questioning of students should be at a place and time other than at school.**

## **ARRESTED STUDENTS**

If a student at school is subject to arrest or apprehension by a law enforcement officer, the principal shall request to see the summons or warrant and shall deliver the student into the officer's custody. The principal shall immediately make a reasonable effort to notify the parents by phone and the superintendent.

## **DRESS CODE**

The student and parent may determine the student's personal dress and grooming standards, provided that the student's dress, hair, and grooming meet guidelines as outlined in student handbooks.

## **SCHOOL TRIPS**

- 1. Major school trips must have prior approval of principal and superintendent.**
- 2. All work must be turned in prior to departure unless students have each teacher's approval.**
- 3. A student must be passing all subjects that the student will miss before the student will be allowed to go on any extra-curricular school trip. Field trips are not extra-curricular.**
- 4. Dress code on school trips will be determined by the sponsor(s) and principal (school dress code is a minimum.)**
- 5. A student must go to and return from out-of-town activities in school conveyance unless the parent personally clears the change with the sponsor. Phone calls and notes are not accepted.**
- 6. A student shall have an itinerary at least two days prior to leaving. (This should include a departure and return time).**

7. The sponsor must have a parent permission slip before the student is allowed to go on any off-campus activity.
8. On overnight trips, a reasonable time for all students to be in their respective rooms will be established.
9. It is the student's responsibility to obtain from the teacher any make-up work missed during the trip. Students on school-sponsored trips are not considered absent from school.
10. The Code of Conduct is in force on all school trips.
11. If a student misbehaves on a school trip, or while representing the school in a school activity, he/she will be disciplined according to the Student Code of Conduct and/or may forfeit the privilege to participate in all extra-curricular activities for the remainder of the school year.

## **TRUANCY**

Truancy is defined as absence from school classes without approval of the school officials or leaving school without proper authorization. Truancy absences are automatically unexcused absences. Because truancy is a serious infraction of school policy, strict action will be taken against those who are truant. Any student who is truant for one (1) or more class periods or assemblies will be subject to warning, detention, corporal punishment, Saturday detention, or in-school suspension for the offense. Second offense will require the same plus a parent conference. Subsequent offenses will result in suspension and potential removal to an Alternative Education Program.

## **BEHAVIOR AT ASSEMBLIES**

During assemblies, the pride of each student at Sundown Schools is under observance. This is one of the few times all of the student body is congregated; therefore, misbehavior by a small number bears a direct reflection upon Sundown Schools as a whole. For this reason, misbehavior at assemblies is a serious offense and may result in suspension from school.

## **LEAVING SCHOOL DURING THE SCHOOL DAY**

In order for a student to leave school during the school day **the student (parent in elementary school) must first check through the office.**

If a student leaves school at any time during the day except during an emergency, a parent or guardian must have made contact with the office by note or telephone prior to his/her leaving, stating the exact time the student needs to leave. A student who becomes ill during the school day should, with the teacher's permission, report to the school nurse. The nurse will decide whether or not the student should be sent home and will notify the student's parents.

When students arrive on campus, they are considered in attendance for the entire day under the supervision of the school and may not leave the campus without authorization from the office. Students who leave for any reason without proper authorization and/or without signing out through the office will be considered non-attending/truant.

**Leaving the school campus without permission at any time after arrival is considered a Code of Conduct violation, and the student is subject to disciplinary action.**

## **FULL TIME STUDENT (HIGH SCHOOL)**

A full time student is one enrolled for a minimum of five periods. A person must be a full time student to be eligible for membership in any clubs or organizations and qualify for academic or elected honors.

## **ELECTED OFFICES**

In order to be an eligible candidate for cheerleader or any elected school office, a student must have an 80 overall average. In order for a student to remain as a cheerleader or in a school elected office, a student must be passing all classes that meet UIL standards, be a full time student, and meet all standards of behavior and/or leadership as established by the organization.

## **DETENTION HALL**

For minor infractions of the Code of Conduct, other policies and regulations, or as consequences on the assertive discipline plan, teachers and/or administrators may detain students after school.

## **VANDALISM AND 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 school. Students, or the parents or guardians of students guilty of damaging school property shall be liable for damages in accordance with the law. Students shall be responsible for the care and return of state-owned textbooks and shall be charged for replacement of lost or damaged textbooks.

## **BULLYING**

Sundown ISD prohibits bullying on school property, at school-sponsored or school-related activities, or in any vehicle operated by the district. Sundown ISD is committed to protecting students from bullying, harassment, or discrimination for any reason and of any type. Sundown believes that all students are entitled to a safe, equitable, and harassment-free school experience. The district will not tolerate bullying, harassment, or discrimination and any student or parent of a student who believes that the student or another student has experienced bullying or that a student has engaged in bullying is encouraged to immediately report the incident. A substantiated complaint against a student will result in disciplinary action, according to the nature of the offense. Retaliation against anyone involved in the complaint process is a violation of district policy and is prohibited.

Bullying may be verbal or written expression or expression through electronic means, or physical conduct. Bullying occurs when a student or group of students inflicts physical hurt or psychological distress on one or more students. It is further defined as direct purposeful written, verbal, nonverbal, physical behavior, including but not limited to any threatening, insulting, or dehumanizing gesture that has the potential to create an intimidating, unfriendly or abusive educational environment; cause long term damage; cause discomfort or humiliation; results in harm to the student or the student's property; places a student in fear of harm to himself/herself or his/her property; or unreasonably interferes with the student's school performance or participation, is carried out repeatedly and is often characterized by an imbalance of power.

Bullying may involve, but is not limited to:

- Unwanted teasing
- Threats
- Intimidation
- Stalking

- Cyberbullying (texting on cell phones, social websites, etc.)
- Physical violence
- Theft
- Sexual, religious, or racial harassment
- Public humiliation (rumors or spreading gossip)
- Destruction of school or personal property
- Social exclusion

Students or parents may report an alleged incident of bullying, orally or in writing, to a teacher, counselor, principal or other district employee. At this point, the appropriate campus administrator will follow up on the reported incident/complaint and any other matters pertaining to the complaint. We encourage you to communicate with your child's campus administrator during this time.

## **HAZING**

Hazing involves any knowing, intentional, act done by a student, either individually or with others, to another student for the purpose of subjecting him/her to indignity, humiliation, intimidation, physical abuse or threats of abuse, social or other ostracism, shame, or disgrace. No student shall engage in any form of hazing, nor shall any student encourage or assist any other person in hazing.

## **TOBACCO AND OTHER PRODUCTS**

Students in all grades shall not possess or use tobacco/nicotine products and/or dispensing devices, including but not limited to cigarettes, electronic cigarettes, any vaporizing devices, cigars, pipes, snuff or chewing tobacco, on school premises or at school-related functions.

### **1<sup>st</sup> offense**

Student will have tobacco/nicotine product and/or dispensing device confiscated.  
Student may be removed to ISS for a length of time as established by the principal.

### **2<sup>nd</sup> and all subsequent offenses**

Student will have tobacco/nicotine and/or dispensing product confiscated.  
Student will be removed to ISS or DAEP for a length of time as established by the principal.

## **DRUG/ALCOHOL USE**

The use, sale, or offer to sell, purchase, transfer, manufacture, attempt to conceal, or possession in any detectable manner of an illegal drug, drug paraphernalia, or alcohol, by any student, is strictly prohibited. No student shall possess, use, transmit, or attempt to possess, use or transmit, or be under the influence of any of the following substances:

1. 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
2. Alcohol or any alcoholic beverage
3. Any abusable glue, aerosol product, or any other mind-altering, or behavior-altering drug
4. Any other intoxicant, or mood-changing, mind-altering, or behavior-altering drug

“Use” means a student has smoked, ingested, injected, imbibed, inhaled, drunk, or otherwise taken internally a prohibited substance recently enough that it is detectable by the student's physical appearance, actions, breath, or speech.

“Under the influence” means a student’s faculties are noticeably impaired, but the student need not be legally intoxicated.

“Possess” means the presence of any detectable amount of an illegal substance, whether on the person, their personal or assigned property, or in the body system.

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

A student who uses a drug authorized by a licensed physician through a prescription specifically for that student’s use shall not be considered to have violated this rule.

## **DRUG, FELONY, AND GROSS MISCONDUCT VIOLATIONS**

Violations of drug use rules both on and off the school campus, and students testing positive to urinalysis that resulted from reasonable suspicion as detected by student’s physical appearance, actions, breath, or speech (See Drug Deterrent Plan), or students committing gross misconducts or violations that do not constitute a felony, are as stated below:

### **FIRST OFFENSE**

1. The student may be removed to a Disciplinary Alternative Education Program for a length of time, as established by the principal, or as required by the Drug Deterrent Plan.
2. Participation in a school approved counseling program
3. Suspension from participation in all activities for thirty calendar days
4. The student being subject to further consequences as determined by the coach/sponsor

### **SECOND OFFENSE**

1. The student may be removed to a Disciplinary Alternative Education Program for a length of time, as established by the principal, or as required by the Drug Deterrent Plan. Expulsion is possible if defined as a persistent problem (See Expulsion)
2. Participation in phase two of a school approved counseling program
3. Suspension from participation in all activities for sixty calendar days
4. The student being subject to further consequences as determined by the coach/sponsor

### **THIRD OFFENSE**

1. The student will be removed to a Disciplinary Alternative Education Program for a length of time, as established by the principal, or as required by the Drug Deterrent Plan. Expulsion is possible if defined as a persistent problem (See Expulsion)
2. Participation in phase three of a school approved counseling program
3. Suspension from participation in all activities for up to one calendar year
4. The student being subject to further consequences as determined by the coach/sponsor

### **SUBSEQUENT OFFENSES**

Subsequent offenses will result in additional removal to a Disciplinary Alternative Education Program for a time period as determined by the principal, possible suspension or expulsion, and immediate expulsion from all extra-curricular activities for a minimum of one calendar year, and potentially for the remainder of the high school/middle school career. Further intense counseling will take place. There may be other punishment set by the principal. Punishment might include (but is not necessarily limited to) periods of suspension, extra work, and corporal punishment. (See suspension and expulsion)

## **ALCOHOL**

Consequences for possession or use of alcohol by students (See Drug Deterrent plan for reasonable suspicion alcohol use) are:

### **FIRST OFFENSE**

1. The student may be removed to a Disciplinary Alternative Education Program for a length of time as established by the principal.
2. Participation in phase one of a school approved counseling program
3. Further consequences as determined by the coach/sponsor in any activity in which he/she participates

### **SECOND OFFENSE**

1. The student may be removed to a Disciplinary Alternative Education Program for a length of time as established by the principal.
2. Participation in phase two of a school approved counseling program
3. Three-week suspension from all extra-curricular activities.
4. Further consequences as determined by the coach/sponsor in any activity in which he/she participates

### **THIRD OFFENSE**

1. The student may be removed to a Disciplinary Alternative Education Program for a length of time as established by the principal.
2. Participation in phase three of a school approved counseling program
3. Suspension from all extra-curricular activities for one calendar year
4. Further consequences as determined by the coach/sponsor in any activity in which he/she participates

### **SUBSEQUENT OFFENSES**

1. The student may be removed to a Disciplinary Alternative Education Program for a length of time as established by the principal.
2. Participation in the critical phase of a school approved counseling program
3. Suspension from all extra-curricular activities for a minimum of one calendar year
4. Further consequences as determined by the coach/sponsor in any activity in which he/she participates

### **REQUIRED TESTING**

Students testing positive to annual or random required testing because they are participating in extra-curricular activities, drive vehicles to school, or are in driver education in grades 6-12, are subject to consequences as set forth in the Drug Deterrent Plan.

### **DRUG OFFENSES REQUIRING EXPULSION**

Conduct related to an alcohol or drug offense that is punishable as a felony mandates expulsion (Sec. 37.007 of SB1). Misdemeanor drug or alcohol offenses may result in expulsion, depending upon the severity in nature as determined by the principal.

### **WEAPONS**

A student shall not go onto the school premises with a firearm, explosive weapon, pocketknife or illegal knife, unless pursuant to written regulations or written authorization of the district. The student shall not

interfere with normal activities, occupancy, or use of any building or portion of the campus by exhibiting, using, or threatening to exhibit or use a firearm, explosive weapon, or illegal knife.

Students are also prohibited from bringing to school or a school-related activity any other weapons. This prohibition will not normally apply to school supplies such as pencils, compasses, and the like, unless they are used in a menacing or threatening manner.

School premises shall include the parking area of the school. Weapons include, but are not limited to:

1. **A firearm**
2. **An illegal knife, such as a knife with a blade over 5 ½ 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**
3. **A club**
4. **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**

The possession or use of articles not generally considered weapons may be prohibited when, in the principal's or designee's judgment, a reasonable suspicion of danger exists to the student in possession, other students, staff, or school property by virtue of possession or use.

### **WEAPONS OFFENSES REQUIRING EXPULSION**

A student must be expelled for any of the following offenses if committed on school property or while attending a school-sponsored or school-related activity on or off school property (See Expulsion):

1. **A firearm violation, as defined by federal law**
2. **Use, exhibition, or possession of the following, under the Texas Penal Code: firearm, illegal knife, club, any prohibited weapon**

### **CELL PHONES & OTHER ELECTRONIC DEVICES**

Students are prohibited from bringing on the campus any electronic paging devices or laser pointers.

Students are allowed to carry and/or use their electronic games, walkmans, CD Players, MP3 players, walkie talkies, Nooks, Kindles, ear phones, or other similar electronic devices in class when given specific permission and instructions from a teacher, sponsor, coach or administrator.

Otherwise, these devices are expected to stay in the student's locker.

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

If a student brings a cellular telephone to school, it must be put away and turned off or in airplane mode according to each campus' handbook guidelines. Violation of this rule will result in the phone being confiscated immediately. If a student has a need to use his or her cellular phone during the school day, prior permission must be obtained from the campus principal or teacher. In the event of an emergency where a student needs to contact a parent, school officials will make certain the student has access to a telephone.

Refer to campus handbooks for specific consequences regarding cell phone policy violations.

## **ASSAULT**

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

- 1. Intentionally, knowingly, or recklessly causing bodily injury to another person**
- 2. Intentionally or knowingly threatening another with imminent bodily injury**
- 3. Intentionally or knowingly causing physical contact with another when the student knows or should reasonably believe that the other will regard the contact as offensive or provocative**

## **ASSAULT OFFENSES REQUIRING EXPULSION**

Behavior containing the elements of the following under the Texas Penal Code requires expulsion:

**Aggravated assault; Sexual assault; or aggravated sexual assault.**

## **DISRUPTION OF CLASSES**

For purposes of this rule, “school property” includes 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, and “public property” includes any street, highway, alley, public park, or sidewalk.

No student shall be permitted on school property or on public property within 500 feet of school property, to willfully disrupt, alone or in concert with others, the conduct of classes or other school activities.

Conduct that disrupts the educational activities of a school includes:

- 1. Emissions by any means of noise of an intensity that prevents or hinders classroom instruction.**
- 2. Enticement or attempted enticement of students away from classes or other school activities that students are required to attend.**
- 3. Prevention or attempted prevention of students from attending classes or other activities that students are required to attend.**
- 4. 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.**

## **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:

- 1. 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.**
- 2. Seizing control of any building or portion of a building for the purpose of interfering with any administrative, educational, research or other authorized activity.**
- 3. Preventing or attempting to prevent by force or violence or the threat of violence any lawful assembly authorized by the school administration.**
- 4. Disrupting by force or violence or the threat of force or violence any lawful assembly in progress.**
- 5. 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 a 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, which 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.

## **PUBLICATIONS**

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 a probability 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.**
  - 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 probability that material and substantial disruption of normal school operation will likely result directly from the distribution.**
  - Hate literature that scurrilously 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 probability of disruption of normal school operations is affected by this restriction.**

## **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:

- 1. Material shall be submitted to the building principal or a designee for review.**
- 2. The principal or a designee shall approve or disapprove resubmitted material within forty-eight hours of the time the material is received. Failure of the principal to act within the forty-eight hours shall be interpreted as disapproval.**
- 3. 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.**

## **SECRET SOCIETIES**

Students shall not become members or promise to become members of any organization composed wholly or in part of students of 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 membership, 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.

## **CONDUCT REQUIREMENTS**

Students at school or school-related activities are prohibited from:

- 1. Cheating or copying work of another student.**

2. Throwing objects, with intent to cause bodily injury or damage property.
3. Leaving school grounds or events without permission. This includes lunchtime, as we have a closed campus.
4. Using profanity, vulgar language, or making obscene gestures.
5. Being insubordinate, including failure to comply with lawful directives from personnel or school policies, rules, and regulations.
6. Refusing to accept discipline management techniques assigned by a teacher or principal.
7. Exhibiting disrespect or directing profanity, vulgar language, or making obscene gestures.
8. Disobeying rules for conduct on school buses.
9. Committing arson.
10. Stealing from students, staff, or the school.
11. Committing or assisting in a robbery or theft, even if it does not constitute a felony.
12. Damaging or vandalizing property owned by others.
13. Defacing or damaging school property – including textbooks, lockers, furniture and other equipment – with graffiti or by other means.
14. Gambling
15. Preventing others from learning in the classroom.
16. Threatening another student or district employee on or off school property.
17. Fighting
18. Hazing
19. Bullying, harassment and making hit lists.
20. Committing extortion or blackmail, (i.e., obtaining money or other objects of value from an unwilling person).
21. Causing an individual to act through the use of force or threat of force (coercion).
22. Engaging in inappropriate verbal, physical or sexual conduct (i.e., name calling, ethnic or racial slurs, sexual or derogatory statements) directed toward another student or a district employee.
23. Engaging in conduct that constitutes sexual harassment or sexual abuse, whether the conduct is by word, gesture, or any other conduct, including requests for sexual favors, directed towards another student or district employee or volunteer.
24. Engaging in inappropriate or indecent exposure of private body parts.
25. Engaging in any conduct that disrupts or gives school officials reasonable cause to believe that such conduct could substantially disrupt the school program or educational process, or incite violence.
26. Violating dress and grooming standards.
27. Violating computer use policies, rules, or agreements signed by the student and/or agreements signed by the student's parents.
28. Using the Internet or other electronic communications to threaten students or employees or cause disruption to the educational program.
29. Sending or posting electronic messages that are abusive, obscene, sexually oriented, threatening, harassing, damaging to another's reputation or illegal.
30. Using e-mail or websites at school to encourage illegal behavior or threaten school safety.
31. Possession of published or electronic material that is designed to promote or encourage illegal behaviors and could threaten school safety.
32. Recording the voice or image of another without the prior consent of the individuals being recorded or in any way that disrupts the educational environment or invades the privacy of others.
33. Possessing or using matches or a lighter, or fireworks of any kind, or any pyrotechnic device.
34. Possessing, smoking or using tobacco/nicotine products and/or dispensing devices.
35. Possessing or selling drugs or look-alike drugs or items attempted to be passed off as drugs and contraband.
36. Possessing, using, giving, or selling paraphernalia related to any prohibited substance.
37. Possessing or selling seeds or pieces of marijuana in less than a usable amount.
38. Abusing the student's own prescription drug, giving a prescription drug to another student, or possessing or being under the influence of another person's prescription drug on school property or at a school-related event.
39. Having or taking prescription drugs or over-the-counter drugs at school other than as provided by district policy.
40. Possessing a paging device.
41. Possessing or using a laser pointer.
42. Possessing or using a razor, box cutter, or any other object used in a way that threatens or inflicts bodily injury to another person.
43. Possessing or using any sort of ammunition and/or gun or firearm including an air gun or BB gun or stun gun.
44. Possessing or using a "look-alike" weapon.
45. Possessing mace or pepper spray.
46. Possessing pornographic material.

47. **Discharging a fire extinguisher or pulling a fire alarm without valid cause (fire in progress).**
48. **Making bomb threats.**
49. **Making false threats, hoaxes, or accusations.**
50. **Engaging in verbal or written exchanges that threaten the safety of another student, school employee, or school property.**
51. **Repeatedly violating other communicated campus or classroom standards or behaviors.**

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

## **DISCIPLINE MANAGEMENT TECHNIQUES**

Discipline management techniques are always available when assessing penalties for violations of the Code of Conduct, regardless of the offense. Discipline will be correlated to the seriousness of the offense, the student's age and grade level, the frequency of the misbehavior, the student's attitude, the effect of the misconduct on the school environment and statutory requirements.

Discipline management techniques shall include:

1. **Seating changes in the classroom**
2. **Cooling -off or time-out**
3. **Counseling by teachers, special services, or administrative personnel**
4. **Parent-teacher conferences**
5. **Re-direction**
6. **In-school suspension**
7. **Out-of-School suspension**
8. **Behavioral contracts**
9. **Assigned school duties other than class tasks**
10. **Verbal (oral or written) correction**
11. **Withdrawal of privileges, including participation in extra-curricular activities, honorary positions, and elected positions**
12. **Sending the student to the office or other assigned areas**
13. **Detention**
14. **Corporal punishment**
15. **Temporary confiscation of items that disrupt the educational process**
16. **Techniques or penalties identified in individual student organization codes of conduct**
17. **Rewards or demerits**
18. **Referral to outside agency or authority in addition to discipline measures imposed by the district**
19. **Withdrawal or restricting bus privileges**
20. **School assessed and school administered probation**
21. **Withdrawal of privileges such as participation in extra-curricular activities and eligibility for seeking and holding honorary offices**
22. **Disciplinary Alternative Education Program**
23. **Expulsion**

Each handicapped student's individual education plan (IEP) shall address the student's specialized needs on discipline, including the discipline management techniques which can appropriately be used with the student.

## **GENERAL GUIDELINES FOR ASSESSING DISCIPLINE PENALTIES**

When imposing discipline, district personnel shall adhere to the following general guidelines

1. **Discipline shall be administered when necessary to protect students, school employees, or property and maintain essential order and discipline.**
2. **Students shall be treated fairly and equitably. Discipline shall be based on a careful assessment of the circumstances of each case. Factors to consider shall include:**
  - **Seriousness of the offense**

- Student's age
- Frequency of misconduct
- Student's attitude
- Potential effect of the misconduct on the school environment
- Statutory requirements

## **GENERAL MISCONDUCT**

General misconduct violations will not necessarily result in the formal removal of the student from class or another placement, but may result in a routine referral, formal removal, or the use of any other discipline management technique.

Formal removal will result if the student's behavior has been documented by the teacher as repeatedly interfering with the teacher's ability to teach his/her class or the behavior is so unruly, disruptive, or abusive that the teacher cannot teach. A teacher or administrator must remove a student from class for an offense for which a student may be placed in a Disciplinary Alternative Education Program or expelled.

## **NOTIFICATION & APPEALS**

The principal or appropriate administrator will notify a student's parent by phone or in writing of any violation that results in a suspension, placement in DAEP, or expulsion.

Parental complaints or questions regarding disciplinary measures should be addressed to the teacher or campus administration, as appropriate, and in accordance with policy FNG(LOCAL). A copy of this policy may be obtained from the campus principal.

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

## **SUSPENSION**

Suspension may be used as a consequence for any violation of the Student Code of Conduct and pending more serious disciplinary action. Students may be suspended for up to three days per behavior violation, with no limit on the number of times a student may be suspended in a semester or school year.

A student who is to be suspended will have an informal conference with the principal. At that conference the principal will advise the student of the conduct of which he/she is accused and will give the student an opportunity to explain his/her version of the incident before the administrator's decision is made.

In deciding whether to order suspension, the district will take into consideration:

- Self-defense
- Intent or lack of intent at the time the student engaged in the conduct
- The student's disciplinary history

The principal or other appropriate administrator will determine the duration of a student's suspension. The principal or other appropriate administrator will determine any restrictions on participation in school-sponsored or school-related extracurricular, co-curricular and non-curricular activities.

## **DISCIPLINARY ALTERNATIVE EDUCATION PROGRAM (DAEP)**

In deciding whether to order placement in a DAEP, the district will take into consideration:

- Self-defense
- Intent or lack of intent at the time the student engaged in the conduct
- The student's disciplinary history

A student **may** be placed in a Disciplinary Alternative Education Program for:

1. **Involvement in gang activity, including participating as a member or pledge, or soliciting another person to become a pledge or member of a gang**
2. **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**
3. **Criminal mischief not punishable as a felony**
4. **Using profanity, lewd or vulgar language, or obscene gestures directed at a school employee**
5. **Failing to comply with campus or district policies**
6. **Committing extortion, coercion, or blackmail**
7. **Committing or assisting in a robbery, theft, or burglary**
8. **Damaging or vandalizing the property of others, including district property, when the value of the damage is less than \$1500**
9. **Pulling a fire alarm or discharging a fire extinguisher in a building owned or operated by the district when there is no smoke, fire, or danger that requires evacuation**
10. **Possessing or using martial arts objects**
11. **Inappropriate physical or sexual contact, whether or not it is consensual**
12. **Conduct that constitutes sexual harassment or sexual abuse**
13. **Inappropriate or indecent exposure of a student's body parts**
14. **Possessing or selling look-alike drugs or items attempted to be passed off as drugs or contraband**
15. **Gambling of any kind**
16. **Hazing**
17. **Bullying**
18. **Fighting**
19. **Committing an assault of any kind**
20. **Repeatedly violating other previously communicated district, campus, or classroom standards of behavior.**

In accordance with state law, a student **may** be placed in a DAEP if the superintendent or the superintendent's designee has reasonable belief that the student has engaged 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 a school-sponsored or school-related event, if the student's presence in the regular classroom threatens the safety of other students or teachers or will be detrimental to the educational process.

A student **must** be placed in a Disciplinary Alternative Education Program, and may be suspended pending a hearing, if the student commits any of the following offenses regardless of where the student is when the offense is committed:

1. **Making a terroristic threat involving a public school**
2. **Making a false alarm or report involving a public school**

A student **must** be placed in a Disciplinary Alternative Education Program if the student commits any of the following offenses on school property or while attending a school-sponsored or school-related activity on or off school property, or within 300 feet of school property, as measured from any point on the school's real property boundary line:

1. **Engaging in conduct punishable as a felony**
2. **Engaging in conduct that contains the elements of the offense of assault – Section 22.01(a)(1) of the Penal Code**
3. **Selling, giving, delivering, possessing, using, or being under the influence of marijuana, or a controlled substance, or a dangerous drug if it is not determined to be an expellable offense**
4. **Selling, giving, or delivering an alcoholic beverage; committing a serious act or offense while under the influence of alcohol, if such conduct is not determined to be an expellable offense**
5. **Possessing, using, or being under the influence of an alcoholic beverage, if punishment is not determined to be an expellable offense**
6. **Behaving in a manner that contains the elements of an offense relating to an abusable volatile chemical**
7. **Behaving in a manner that contains the elements of the offense of public lewdness**

**8. Behaving in a manner that contains the elements of the offense of indecent exposure**

A student **must** be placed in a Disciplinary Alternative Education Program and may be suspended pending a hearing if the student:

- 1. Engages in conduct punishable as a felony offense in Title 5 of the Penal Code, regardless of where or when the conduct occurs (Certain felony offenses committed on school property or at school-related activities are expellable offenses and are addressed in the expulsion section below.)**
- 2. 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 below.)**

Before removing a student to a Disciplinary Alternative Education Program, the appropriate administrator shall schedule a conference with the student, the parent and teacher if appropriate. At the conference:

- 1. The student shall be advised of the conduct with which he/she is charged.**
- 2. The student will be informed as to the reason(s) for the removal and will be given an explanation of the basis for the removal.**
- 3. The student shall be given the opportunity to explain his/her version of the incident.**

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

In an emergency, the principal or the principal's designee **may** order the immediate emergency DAEP placement when a student is so unruly, disruptive, or abusive (incurable) 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.

The Board delegates to the principal the authority to remove a student to a Disciplinary Alternative Education Program. The duration of a student's placement in a Disciplinary Alternative Education Program will be determined by the principal on a case-by-case basis and will be correlated to the seriousness of the offense, the student's age and grade level, the frequency of misconduct, the student's attitude and statutory requirements.

The maximum period of DAEP placement shall be one calendar year. Placement may exceed one calendar year, and/or may extend beyond the school year when the principal determines that:

- 1. The student's presence in the regular classroom or campus presents a safety threat to other students or district employees or others.**
- 2. The student has engaged in serious or persistent misbehavior that violates the Student Code of Conduct.**
- 3. Extended placement is in the best interest of the student.**

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

Until a conference can be held as a result of a formal teacher removal or administrator removal, the principal may place a student in:

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

State law does not permit students who are in a Disciplinary Alternative Education Program as a result of committing a violation, to participate in any school-sponsored or school-related extracurricular and non-curricular activities.

Students placed in the Disciplinary Alternative Education Program will not be guaranteed transportation unless they are a student with a disability who has transportation designated as a related service.

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

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

A student assigned to a DAEP in an open-enrollment charter school or another district, including a district in another state (if the behavior committed is a reason for DAEP placement in the receiving district), at the time he/she enrolls in the district will be placed directly into the district's DAEP.

## **EXPULSION**

The Board delegates to the principal the authority to expel students **who are 10 years old or older**. The principal or other appropriate administrator will schedule a hearing within a reasonable time with the student's parents and the student.

Until a hearing can be held, the principal may place the student in:

1. **In-school suspension**
2. **Out-of-school suspension**
3. **A Disciplinary Alternative Education Program (DAEP)**

In deciding whether to order expulsion, the district will take into consideration:

- Self-defense
- Intent or lack of intent at the time the student engaged in the conduct
- The student's disciplinary history

A student facing expulsion will be given appropriate due process hearing as required by the federal constitution. **Due Process** shall include the following:

1. **Prior notice of the charges and the proposed sanctions to afford reasonable opportunity for preparation**
2. **Right to a full and fair hearing before a competent forum**
3. **Right to an adult representative or legal counsel**
4. **Opportunity to testify and present evidence and witnesses in his/her defense**
5. **Opportunity to examine the evidence presented by the school administration and question the administration's witnesses**

The hearing notice shall be in writing and shall advise of the nature of the evidence and the names of any witnesses whose testimony may be used against the student. After providing notice to the student and parent of the hearing, the district may hold the hearing regardless of whether or not the student or student's parent attends. The final decision shall be based exclusively upon evidence presented at the hearing. The final decision shall be communicated promptly to the student and parent. The district must provide educational services in an AEP to a student expelled for bringing a firearm to school if the student is

younger than ten years of age, and may provide educational services in an AEP to an expelled student who is older than ten years of age.

Not later than the second business day after the hearing, the Board's designee will deliver to the juvenile court a copy of the order expelling the student and information required by Section 52.04 of the Family Code.

The principal on a case-by-case basis will determine the duration of a student's expulsion. Students who commit offenses that require expulsion at the end of the school year may be expelled into the next school year to complete the term of expulsion. The district will continue the expulsion of any newly enrolled student expelled from another district or an open-enrollment charter school until the period of the expulsion is completed.

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

No District academic credit will be earned for work missed during the period of expulsion (unless the student is enrolled in a Juvenile Justice Alternative Education Program).

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

At the District's discretion, a student **may** be expelled for:

- Criminal mischief, if punishable as a felony whether committed on or off school property or at a school-related event.
- Assault (Penal Code 22.01(a)(1)) on an employee or volunteer, without regard to whether the conduct occurs on or off school property or while attending a school-sponsored or school-related activity.
- Engaging in conduct that contains the elements of one of the following offenses against another student, without regard to where the conduct occurs:
  - \* Aggravated assault
  - \* Sexual assault
  - \* Aggravated sexual assault
  - \* Murder
  - \* Capital murder
  - \* Criminal attempt to commit murder or capital murder
  - \* Aggravated robbery
- Serious or persistent misbehavior if a student is already in a Disciplinary Alternative Education Program and 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:
  1. **Assault of a teacher or other individual**
  2. **Retaliation against a school employee**
  3. **Murder, capital murder, or criminal attempt to commit murder**
  4. **Indecency with a child**
  5. **Kidnapping**
  6. **Arson**

7. Possession of a firearm
8. Possession of a prohibited knife
9. Possession of a club
10. Possession of a prohibited weapon
11. The use, gift, sale, delivery, possession, or being under the influence of alcohol, marijuana, other controlled substances, dangerous drugs, or abusable glue or volatile chemicals
12. Sexual harassment of a student or District employee
13. Possession of or conspiring to possess any explosive or explosive device
14. Falsification of records, passes, or other school-related documents
15. Possession or distribution of pornographic materials
16. Leaving school grounds without permission
17. Making or assisting in making threats, including threats against individuals and bomb threats
18. Refusal to accept discipline management techniques proposed by the teacher or principal

A student **must** be expelled for any of the following offenses if committed 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:**
  1. 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
  2. The frame or receiver of any such weapon
  3. Any firearm muffler or firearm weapon
  4. Any destructive device, such as any explosive, incendiary, or poison gas bomb, or grenade
- **Use, exhibition, or possession of the following, under the Texas Penal code:**
  1. A firearm (any device designed, made, or adapted to expel a projectile through a barrel by using the energy generated by an explosion or burning substance or any device readily convertible to that use).
  2. An illegal knife, such as a knife with a blade over 5 ½ 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
  3. A club such as an instrument specially designed, made, or adapted for the purpose of inflicting serious bodily injury or death by striking a person with the instrument, including a blackjack, nightstick, mace and tomahawk.
  4. 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**
  1. Aggravated assault, sexual assault, or aggravated sexual assault
  2. Arson
  3. Murder, Capital murder, or criminal attempt to commit murder
  4. Indecency with a child
  5. Aggravated kidnapping
  6. Aggravated robbery
  7. Manslaughter
  8. Criminally negligent homicide
  9. Behavior punishable as a felony that involves selling, giving, or delivering to another person, or possessing, using, or being under the influence of marijuana, a controlled substance, a dangerous drug, or alcohol; or committing a serious act or offense while under the influence of alcohol.
  10. Retaliation against a school employee combined with one of the above-listed offenses on or off school property or at a school-related activity

In an emergency, the principal or the principal’s designee **may** order the immediate removal of a student for the following reasons:

- Emergency expulsion when people or property are in imminent harm
- A student who exhibits certain conditions or behaviors may be removed from the regular classroom, campus, or Disciplinary Alternative Education Program immediately. Such conditions may include:
  1. Being under the influence of alcohol or drugs

2. **Being highly agitated**
3. **Assault on an employee or volunteer without regard to whether on or off school property or while attending a school sponsored or school related activity**
4. **Suffering from any other condition that temporarily threatens the student's welfare, other individuals' welfare, or the efficient operation of the school. When an emergency expulsion occurs, the student will be given oral notice of the reason for the action. Within a reasonable amount of time after the emergency expulsion, the student will be given appropriate due process required for a student facing expulsion. If emergency expulsion involves a student with disabilities who receives special education services, the term of the student's emergency expulsion is subject to the requirements of federal law.**

A student who is removed for emergency removal will be released to the student's parent, parent's representative, medical providers, or law enforcement authorities.

### **EXPULSION APPEAL**

A decision by the principal to expel a student may be appealed to the superintendent. If the appeal is denied, the student may appeal to the board. Procedures for appealing an expulsion order may be obtained from the office of the campus principal. A student may be denied the privileges of the campus pending appeal of an expulsion, but will not be charged with unexcused absences during that time. The student shall be allowed to remain current with all course work. However, if the appeal is denied, the student shall not receive credit for work completed during that time. If a student appeals the board's decision to expel, the student shall be expelled pending further appeals. No educational services shall be provided, except as determined by the ARD committee for handicapped students.

## **HANDICAPPED STUDENTS**

### **PLACEMENT OF STUDENTS WITH DISABILITIES**

The placement of a student with a disability who receives special education services may be made only by a duly constituted admission, review, and dismissal committee. A student with a disability who receives special education services may not be placed in alternative education programs solely for educational purposes if the student does not also meet the criteria for alternative placement.

If a handicapped student's IEP contains disciplinary sanctions, including emergency removal, suspension, and removal to alternative education programs, and those sanctions are not currently being challenged in a court or special education administrative appeal, the sanctions implemented in accordance with specifications in the IEP shall be followed without regard to the procedural requirements for emergency removal, suspension, or removal to alternative programs.

Handicapped students may be suspended for a period not to exceed six school days within a semester or removed to an alternative education program for a period not to exceed ten consecutive school days. Before handicapped students are suspended or removed to alternative education programs for a maximum of ten days, special education support staff qualified to determine whether a link exists between the misconduct and the handicap or placement may be contacted for advice on whether a connection exists.

Handicapped students shall not be removed to an alternative education program for more than ten days unless the ARD committee first determines whether the alleged behavior in question was related to the handicapping condition. If the ARD committee determines there is a connection, they must also determine what action is appropriate. Removal for more than ten consecutive school days requires ARD committee action, subject to the parents' right to appeal.

If a handicapped student is removed from school premises for any reason for a total of 10 days or more in the school year, the ARD committee shall review the student's IEP, unless the IEP specifies otherwise. A handicapped student may be expelled for engaging in conduct that would warrant such action for a non-handicapped student only if the ARD committee determines the misconduct is not related to the handicapping condition or inappropriate placement.

In determining whether a student's disruptive behavior was related to the student's handicapping condition, the ARD 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 committee shall consider whether the student's behavior indicates the need for new assessment or evaluation. Unless the parents agree otherwise, the student must be returned to his current placement after ten days while additional assessments are being conducted.

The ARD 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 committee determines that the student's disruptive behavior is related to the handicapping 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 committee shall review the placement and recommend alternatives. If the ARD committee determines that the behavior was related to the handicapping condition, it shall either rewrite IEP to address the student's behavioral and education needs or, when appropriate, consider the extension of an emergency removal.

A handicapped student shall not be excluded from his current placement pending appeal to the board for more than ten days without ARD committee action to determine appropriate services in the interim. During an appeal to a special education hearing officer, the student shall remain in his current placement, unless the district and parent agree otherwise, or the district obtains a court injunction.

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 hearing within five days of receipt of the appeal request. The board shall conduct a hearing that complies with required due process for expulsion hearings and base its decision upon the evidence presented at that hearing.

## **MISCELLANEOUS**

### **PHYSICAL RESTRAINT**

Any district employees may, within the scope of his/her duties, use and apply physical restraint to a student whom he/she believes is necessary in order to:

- 1. Protect a person, including the person using physical restraint, from physical injury.**
- 2. Obtain possession of a weapon or other dangerous object.**
- 3. Protect property from serious damage.**
- 4. 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.**
- 5. Restrain an irrational student.**

### **CORPORAL PUNISHMENT**

Corporal punishment is permitted in order to preserve an effective educational environment, free from disruption. Corporal punishment shall be reasonable and moderate and may not be administered maliciously or for the purpose of revenge. Such factors as the size, age, and physical, mental, and emotional condition of the student; the type of instrument to be used; the amount of force to be used; and the part of the body to be struck shall be considered before administering any corporal punishment. Parents shall be notified in a timely manner.

A disciplinary record shall be maintained and shall contain the name of the student, the type of misconduct, any previous disciplinary action, the type of corporal punishment administered, the name of the person administering the punishment, the name of witnesses present, and the date and time of punishment. Disciplinary records shall be made available to parents or the student whichever is appropriate.

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

1. **The student will be told of the reason corporal punishment is being administered.**
2. **The student shall be allowed to give his or her version of the incident.**
3. **The teacher or school principal may administer corporal punishment.**
4. **The instrument to be used in administering corporal punishment shall be approved by the principal.**
5. **When corporal punishment is administered, it shall be done in the presence of one other district professional employee and shall take place in a designated place out of view of other students.**

## **SEXUAL HARASSMENT**

Sundown ISD 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. We consider sexual harassment of students to be serious and will consider the full range of disciplinary options, 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 building principal.

A complaint alleging sexual harassment by another student or sexual harassment of sexual abuse by a staff member may be presented by a student and/or parent in a conference with the principal or designee.

If the resolution of the complaint is not satisfactory to the student or parent, the student or parent within 10 days may request a conference with the Superintendent or designee by following local Board policy. 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.

## **COMPUTER ACCESS - ACCEPTABLE USE**

Only students who have been authorized by the District and who are under direct supervision of designated District employees are permitted to use a District computer or to access any local network or outside

telecommunications resources such as the Internet. Prior to such authorization, the student and the student's parent must sign and return the student's Acceptable Use Policy.

Students are expected to observe network etiquette by being polite and using appropriate language. Students are prohibited from pretending to be someone else; transmitting obscene messages or pictures; revealing personal addresses or telephone numbers-either their own or another person's; or using the network in a way that would disrupt use by others. Students are prohibited from participating in any chat room or newsgroup accessed on the Internet unless under the direct supervision of a teacher and only with prior consent of the appropriate administrator.

Access to the Internet is a privilege, not a right, and as such can be revoked as a result of inappropriate use. Inappropriate use would include, but not be limited to the following:

- 1) violating copyright laws;
- 2) using the District's network for commercial activity or any illegal activity;
- 3) the transmission or receipt of offensive or sexually explicit materials;
- 4) sending or posting messages that are abusive, impolite, obscene, sexually oriented, threatening, harassing, damaging to another's reputation, or illegal;
- 5) violation of the policies and procedures of other networks encountered on the Internet; and
- 6) attempting to illegally enter any other computer system by "hacking" passwords of authorized users.

Inappropriate use of the District's electronic network system and/or the Internet will result in the application of school district approved discipline measures.

## **STUDENT HANDBOOK**

A student handbook containing policies and regulations on the rights and responsibilities of students and student discipline shall be distributed to all students and parents, teachers and administrators at the beginning of each school year.