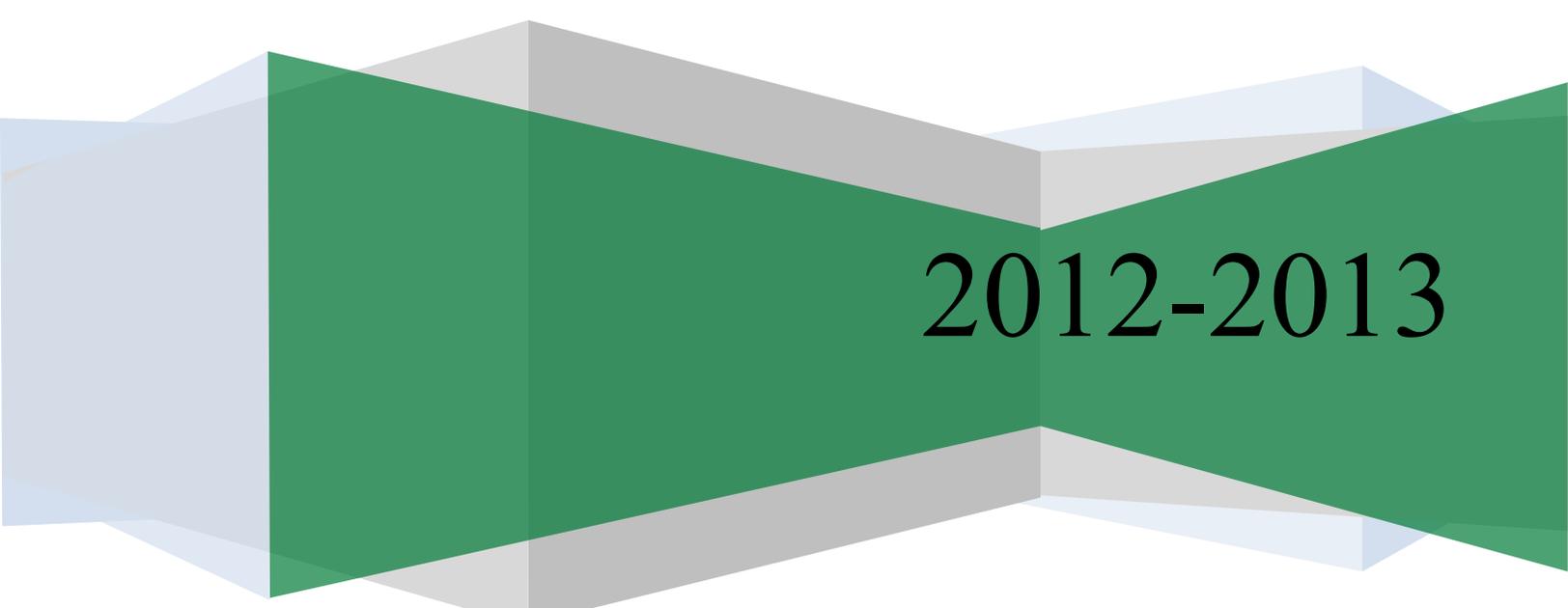


Idalou ISD

Student Code of Conduct



2012-2013

IDALOU INDEPENDENT SCHOOL DISTRICT

Student Code of Conduct

P r e a m b l e

The Student Code of Conduct for the Idalou Independent School District has been developed by administrators, teachers, parents, and community members of the District. It 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 Code of Conduct

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

1. The building principal and/or other appropriate administrator shall have the responsibility of implementing the code of conduct.
2. Assignment of a student to an alternative education program, in accordance with the code, may be made by the principal or other appropriate administrator.
3. 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.
4. The superintendent 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.
5. 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.
6. 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.
7. 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:
 - a. Assure a safe and orderly climate for teaching and learning.
 - b. Enforce the Student Code of Conduct.
 - c. Provide appropriate support for teachers who seek help in discipline management.
 - d. Notify parents within 24 hours of receipt of a report of violation of the Student Code of Conduct.
 - e. Provide campus inservice related to the code of conduct.

- f. Communicate with parents when their child becomes a discipline problem.
 - g. Secure a signed statement from parents acknowledging receipt of a copy of the code of conduct, and knowledge of the code.
 - h. Report firearm offenses to TEA in accordance with 37.001 (E).
 - i. Schedule hearings within 3 days after a formal teacher removal of a student.
 - j. 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.
 - k. Provide minimal due process for suspensions and AEP placements.
 - l. Provide 120-day reviews of a student placed in an AEP.
 - m. Make appropriate reports to law enforcement.
 - n. Admit a student to school after the student has successfully completed any court disposition requirements if the student meets requirements for public school admission.
2. Teachers and other certified personnel have the responsibility to:
- a. Be knowledgeable of the code of conduct and sign a statement to that effect.
 - b. Develop, maintain, and communicate classroom rules and discipline management procedures.
 - c. Remove from class a student who commits certain offenses.
 - d. Maintain a safe and orderly classroom atmosphere.
 - e. Establish rapport and an effective working relationship with parents.
 - f. Report in writing, up to one page, to the principal or other appropriate administrator any known violation of the Student Code of Conduct.
 - g. Maintain confidentiality upon receipt of information that a student has committed an expellable offense.

C. Responsibility of Parents

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

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

10. 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.
11. 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:

1. Determine, in accordance with law and policy, the placement of a student, when a teacher refuses to readmit a student whom the teacher has removed from class.
2. Make recommendations regarding readmission 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.

Idalou ISD 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 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:

1. Problems arise relating to a student's academic achievement.
2. The student behavior results in assignment to in-school suspension or an alternative education program.
3. There are excessive absences or tardies.

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. It is recommended that books 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. A student shall be given textbooks for use at school during the school day.

H. Transfer Students (Revoking Transfer)

The district has the right to revoke the transfer of a nonresident student for violating the District's Code.

I. Visitors

Parents and other visitors are welcome to visit the school. All visitors must first report to the principal's office. 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.

Student visitors will not be permitted.

II. Student Code of Conduct

A. Philosophy

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 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:

1. The seriousness of the offense
2. The student's age
3. The frequency of misconduct
4. The student's attitude
5. The potential effect of the misconduct on the school environment

For students enrolling in Idalou ISD with pending disciplinary action from their previous school; previous school discipline action will be upheld and disciplinary action will be applied according to the Idalou ISD Student Code of Conduct.

B. Jurisdiction

The District has jurisdiction over its students during the regular school day and while going to and from school on District transportation. The District's jurisdiction includes:

- During the regular school day and while the student is going to and from school on District transportation
- During lunch periods in which a student is allowed to leave campus.
- 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 or volunteer occurs or is threatened, regardless of time or location
- When the student commits a felony, as provided by TEC 37.006; and
- When a criminal mischief is committed on or off school property or at a school-related event.

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

The District has the right to search a student's locker whenever there is reasonable cause to believe that it contains articles or materials prohibited by the District.

A school administrator will report crimes as required by law. A school administrator who suspects that a crime has been committed on campus will call local law enforcement.

The District has the right to revoke the transfer of a transfer student by violating the District's Student Code of Conduct.

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 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).

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.

E. 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 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.

Student responsibilities for achieving a positive learning environment at school or school-related activities 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 dress.
4. Respect the rights and privileges of students, teachers, and other District staff and volunteers. This includes the property of others, District property and facilities.
5. Behaving in a responsible manner, always exercising self-discipline.
6. Paying required fees and fines, unless they are waived.
7. Refraining from violations of the code of student conduct.
8. Obeying all school rules, including safety rules.
9. Exhibiting responsible conduct at school, on school buses and at all school functions on or off campus.
10. Cooperating with and assist the school staff in maintaining safety, order and/or discipline.

F. Students at School or School-Related Activities are prohibited from:

1. Cheating or copying the work of another student.
2. Throwing objects, outside supervised school activities, that can cause bodily injury or damage to property.
3. Leaving school-sponsored trips or school grounds without permission. Written notification from parent or guardian must be received prior to departure.
4. Use of profanity, vulgar language, obscene gestures or sexual harassment toward other students.
5. Insubordination, such as disobeying directives from school personnel or school policies, rules, and regulations.
6. Being disrespectful or using profanity, vulgar language, or obscene gestures toward teachers or other school employees.
7. Possession of matches or lighters or committing arson.
8. Committing robbery or theft.
9. Damaging or vandalizing property owned by the District, other students, or District employees.
10. Disobeying school rules about conduct on school buses.
11. Fighting, committing physical abuse, or threatening physical abuse.

12. Committing extortion, coercion, or blackmail; that is, obtaining money or other objects of value from an unwilling person, or forcing an individual to act through the use of force or threat of force.
13. Engaging in verbal abuse, i.e., name-calling, ethnic or racial slurs, or derogatory statements that may substantially disrupt the school program or incite violence.
14. Engaging in inappropriate physical or sexual contact disruptive to the school environment or disturbing to other students or District employees.
15. Engaging in any other conduct that disrupts the school environment or educational process.
16. Inappropriate or indecent exposure of a student's private body parts.
17. Being tardy or leaving school grounds when not permitted to do so.
18. Engaging in any conduct constituting felony criminal mischief as defined by law.
19. Engaging in any unruly, disruptive, or abusive behavior that seriously interferes with teacher's communications with students, with students' ability to learn, or with the educational process.
20. Hazing.
21. Possessing, using, giving, or selling paraphernalia related to any prohibited substance.
22. Displaying, turning on, or using a cellular telephone or other telecommunications device on school property during the school day.
23. Possessing or using a laser pointer for other than an approved use.
24. Violating computer use policies, rules, or agreements signed by the student, and/or agreements signed by the student's parent or guardian.
25. Using the Internet to threaten students, employees or cause disruption to the educational program.
26. Sending or posting messages that are abusive, obscene, sexually oriented, threatening, harassing, damaging to another's reputation, or illegal.
27. Engaging in verbal or written exchanges that threaten the safety of another student, a school employee, or school property.
28. Possessing published or electronic material that is designed to promote or encourage illegal behavior or could threaten school safety, using e-mail or Web sites at school to encourage illegal behavior, or threatening school safety.
29. Possessing material that is pornographic.
30. Violating dress and grooming standards as communicated in the student handbook.
31. Violating extracurricular standards of behavior.
32. Repeating violating other communicated campus or classroom standards of

behavior.

33. Defacing or damaging school property--including textbooks, furniture, and other equipment---with graffiti or by other means.
35. Possessing fireworks of any kind, smoke or stink bombs, or any other pyrotechnic device.
36. Discharging a fire extinguisher.
37. Possessing ammunition
38. Possessing razors, switchblades, box cutters, chains, or any other object used in a way that threatens or inflicts bodily injury to another person.
39. Possessing or selling "look-alike" weapons.
40. Possessing air guns, stun guns, tazer guns, or BB guns.
41. Possessing mace or pepper spray.
42. Possessing or using articles not generally considered to be weapons, including school supplies, when the principal or designee determines that a danger exists.
43. Gambling.
44. Bullying or Harassment--including intimidation by name-calling, using ethnic or racial slurs or derogatory statements that could disrupt the school program or incite violence. This includes harassment and making "hit lists". Harassment is defined as conduct that threatens to cause harm or bodily injury to another student, is sexually intimidating, causes physical damage to the property of another student, subjects another student to physical confinement or restraint, or maliciously and substantially harms another student's physical or emotional health or safety. A "hit list" is a list of people targeted to be harmed, using a firearm, a knife, or any other object to be used with intent to cause bodily harm.
(See definition of Bullying under Section III-A Definitions)
45. Making false threats, hoaxes, or accusations regarding school safety.
46. Possessing or selling seeds or pieces of marijuana in less than a usable amount.
47. Forcing an individual to act through the use of force or threat of force.
48. 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 SCC)
49. Engaging in threatening behavior toward another student or District employee on or off school property.
50. Engaging in harassment motivated by race, color, religion, national origin, disability, or age and directed toward another student or District employee.
51. 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 directed toward another student or District employee.

52. Possessing, smoking, or using tobacco products.
53. Possessing or selling look-alike drugs or items attempted to be passed off as drugs and contraband.
54. Abusing the student's own prescription drug, giving a prescription drug to another student, or being under the influence of another person's prescription drug on school property or at a school-related event.
55. Possessing an illegal knife or prohibited knife. This includes serrated, locked blade knives.

G. Dress Code and Grooming

The District's dress code is established in an effort to provide a school environment that is conducive to learning. It also addresses safety concerns for students and faculty alike as well as instilling real world expectations for the student body. The District's dress code will be strictly adhered to during the school day and at all co-curricular and extra-curricular activities.

Students shall be dressed and groomed in a manner that is clean and neat and that will not be a health or safety hazard to themselves or others. The District prohibits any clothing or grooming that in the principal's judgment may reasonably be expected to cause disruption of or interference with normal school operations.

DRESS CODE (See also Student Handbook)

The District's dress code is established in an effort to provide a school environment that is conducive to learning. It also addresses safety concerns for students and faculty alike as well as instilling real world expectations for the student body. The District's dress code will be strictly adhered to during the school day and at all co-curricular and extra-curricular activities.

Students shall be dressed and groomed in a manner that is clean and neat and that will not be a health or safety hazard to themselves or others. The District prohibits any clothing or grooming that in the principal's judgment may reasonably be expected to cause disruption of or interference with normal school operations.

1. Clothing should be designed, constructed, and worn in a manner that is not suggestive or indecent or lewd.
2. The District prohibits pictures, symbols, (i.e. gothic) emblems, or writings on clothing that:
 - a. Are lewd, offensive, vulgar, or obscene or degrading.
 - b. Advertise or depict tobacco products, alcoholic beverages, drugs, or any other substance
 - c. Refers to satanic, cult, or gang activities.
*Any apparel, apparel accessories, other articles or hair styles that have been identified by a Gang Task Force or police agency as gang related, will be prohibited.
3. The general appearance of the student and his clothing should not constitute a health or safety hazard nor interfere with the instructional program.
4. Cleanliness of body and clothing is expected of all students.
5. Clothing should be designed, constructed and worn in a manner that will promote proper decorum in school.
6. Dress or skirt length shall preclude indecent exposure when the student is sitting or standing, or when performing other normal activities. Skirts or dresses must be no shorter than 7 inches above the knee, while knee is placed on the ground. All students' shorts

- should not exceed 7 inches above or below the knee. Leg slits in dresses must not come any higher than 7 inches above the knee.
- Strapped dresses must not have a strap narrower than ½ inch. Strapless dresses must be covered.
 - Backless dresses (lower than mid-back/shoulder blades) midriff outfits, halter-tops, tank tops and low cut front dresses are not permitted.
 - See-through blouses, bare midriffs, low-cut dresses, or hot pants are not permitted...
 - Cut-offs, wind shorts, and bicycle shorts are not permitted.
 - Special occasion wear (prom, Homecoming court, banquet, 8th grade award's night etc.) guidelines are available in the principal's office. (See #18*).
7. Appropriate undergarments shall be worn at all times and shall not be exposed.
 8. The neck opening of any type shirt may not exceed the equivalent of the first button below the collar button of a dress shirt. Shirts should be buttoned and worn inside pants at all times if so designed. Oversized T-shirts will be tucked in. Tank tops are not permitted.
 9. Footwear must be worn at all times. Bathroom or house shoe-type of footwear is not acceptable.
 10. Hair shall be clean and well groomed.
 - a. Boy's hair length shall not be longer than the bottom of a collar while student is standing in an upright position. Hair length should not exceed past the eyes.
 - b. No geometric designs or unusual patterns shaved or cut in the hair will be permitted.
 - c. Color variations in hair will not be permitted.
 - d. Ponytails, rat-tails and braids are not permitted for boys.
 - e. Sideburns should not extend below the lobe of the ear.
 - f. Mustaches and beards are not permitted.
 11. Bandanas shall not be permitted.
 12. Male students shall not wear earrings, ear studs, facial makeup, or fingernail polish. No student shall wear nose studs or any body-piercing instrument.
 13. Tattoos, icons, and any other markings on the body that cannot be removed shall be covered at all times in an unobtrusive manner that is not disruptive to the educational process. This includes, but is not limited to, tattoos, drawings and/or other markings on the body or cut into the hair. A student who has such markings on his/her body and who wishes to participate in extracurricular activities shall ensure that the markings are covered by the standard uniform for the activity, and in compliance with the guidelines set forth.
 14. Pants--Sagging pants are not acceptable and are not permitted. Pants must be fitted at the waist and worn above the hips at the waist. Baggy and oversized pants are not permitted.
Pants with holes should not show a student's bare skin through the hole.
 15. Shirt length that is designed to extend well below the waistline outside of the pants for the purpose of hiding sagging pants is not permitted. (see oversized shirts)
 16. Contact lens that depicts shapes, designs or abnormal colors will not be permitted.
 17. Skate shoes are not allowed.
 - 18.* Special occasion wear
 - Strapless gowns/dresses may be worn.
 - No bare midriffs or midriffs showing—standing, sitting, dancing, etc.
 - No plunging necklines.
 - Sides must be covered.
 - Leg slits no higher than fingertips at sides.
 - No tube tops allowed.
 - No plunging backs on dresses
 - All other rules pertaining to dress code remain the same as stated in the handbook.
 19. Caps, toboggans, hoods, are not to be worn inside the school buildings, unless special occasion.

If the principal determines that a student's grooming or clothing violates the school's dress code, the student will be given an opportunity to correct the problem at school. If not corrected, the student will be assigned to ISS for the remainder of the day, until the problem is corrected, or until a parent or designee brings an acceptable change of clothing to the school. Repeated offenses may result in more serious disciplinary action in accordance with the Student Code of Conduct.

H. Attendance

To receive credit in a class, a student must be in attendance for at least 90% of the days the class is offered during a semester. A student who is in attendance less than 90% of the days the class is offered in a semester shall not be given credit for the class unless the attendance committee finds that the absence(s) are the result of extenuating circumstances. Ninety percent represents 9 days for the first semester and 9 days for the second semester a student is allowed to be absent before an attendance hearing is convened.

When returning to school after an absence, a student must bring a note signed by the parent that describes the reason for the absence. Verification of any illness may be required if the student's absences are more than 3 to 5 consecutive days, or if the reason given is suspect.

The District accepts the following as extenuating circumstances for the purpose of granting credit for a class:

1. An excused absence. An excused absence is based on personal sickness, emergency, sickness or death in the family, quarantine, weather or road conditions making travel dangerous, unforeseen or unavoidable instances requiring immediate attention, pre-approved requests from the principal, or any other cause acceptable to the principal.
2. Board-approved extracurricular activity or public performances subject to limitations in FDD (LEGAL) preceding.
3. Required screening, diagnosis, and treatment for Medicaid-eligible students.
4. Documented health care appointment, if the student begins classes or returns to school on the same day as the appointment.
5. Temporary absence resulting from any cause acceptable to the teacher, principal, or superintendent.
6. Juvenile court proceeding documented by a probation officer or the court.
7. Absence required by state or local welfare authorities.
8. Family emergencies or unforeseen or unavoidable instances requiring immediate attention.
9. Approved college visitations.

Absences for which the student has shown extenuating circumstances and completed routine make-up work shall be considered as days of attendance for computing the required percentage of attendance.

An attendance committee will be appointed by each school to hear appeals from students who are in attendance less than 90% of the days the class is offered.

The committee will consist of the student's teacher(s), counselor, and the principal or his or her representative. The attendance committee will have the authority to:

1. Grant excessive absences.
2. Offer alternative ways for students to make up time and school work missed in accordance to policy FDD.
3. Deny credit.

I. **Compulsory Attendance**

State law requires that a student between the ages of 6 and 18 attend school, as well as any applicable accelerated instruction program, extended year program, or tutorial session, unless the student is otherwise excused from attendance or legally exempt.

A student who voluntarily attends or enrolls after his or her 18th birthday is required to attend each school day until the end of the school year. If a student 18 or older has more than five unexcused absences in a semester the district may revoke the student's enrollment. The student's presence on school property thereafter would be unauthorized and may be considered trespassing. [See policy FEA.]

Students enrolled in prekindergarten or kindergarten are required to attend school.

State law requires attendance in an accelerated reading instruction program when kindergarten, first grade, or second grade students are assigned to such a program. Parents will be notified in writing if their child is assigned to an accelerated reading instruction program as a result of a diagnostic reading instrument.

A student in grades 3–8 will be required to attend any assigned accelerated instruction program, which may occur before or after school or during the summer, if the student does not meet the passing standards on the state assessment for his or her grade level and applicable subject area.

Failure to Comply with Compulsory Attendance

School employees must investigate and report violations of the state compulsory attendance law. A student absent without permission from school; from any class; from required special programs, such as additional special instruction, termed "accelerated instruction" by the state; or from required tutorials will be considered in violation of the compulsory attendance law and subject to disciplinary action. A court of law may also impose penalties against both the student and his or her parents if a school-aged student is deliberately not attending school. A complaint against the parent may be filed in court if the student:

- Is absent from school on ten or more days or parts of days within a six-month period in the same school year; or
- Is absent on three or more days or parts of days within a four-week period.

For a student younger than 12 years of age, the student's parent could be charged with a criminal offense based on the student's failure to attend school.

If a student age 12 through age 16 violates the compulsory attendance law, both the parent and student could be charged with a criminal offense.

J. 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. Damage to property in excess of \$1500 is a felony criminal mischief according to the Texas Penal Code

K. 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 designee, Jim Waller, 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 five 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 10 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.

L. 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 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.

M. Tobacco Use

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

Students shall not possess or use tobacco products, including but not limited to cigarettes, cigars, pipes, snuff, or chewing tobacco, on school premises or at school-related activities.

N. Paging Devices

Students shall not possess a paging device while on school property or while attending a school-sponsored activity on or off school property, unless the student is in attendance in the capacity of an active member of a volunteer fire fighting organization or a volunteer emergency medical service organization. A "paging device" is a telecommunications device that emits an audible signal, vibrates, displays a message, or otherwise summons or delivers a communication to the possessor.

O. Drug-Alcohol Use

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

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 paint, or any other chemical substance for inhalation.
4. 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.

"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.

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

P. 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:

1. Firearms of any kind.

2. Fireworks or concussion devices of any kind.
3. Illegal knives as defined by the Texas Penal Code.
4. Razors.
5. Clubs or night sticks.
6. Metallic or hard surfaced knuckles.
7. Chains.
8. Pellet guns, BB guns or slingshots.
9. Any other object used in a way that threatens to inflict harm to another person.

School personnel may inspect lockers and cars parked on school premises if there is a reasonable suspicion to believe they contain weapons.

Q. Assaults

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

1. Intentionally, knowingly, or recklessly causing bodily injury to another.
2. Intentionally or knowingly threatening another with imminent bodily injury.
3. 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.

R. 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, 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 instructional program or other school activities. Conduct that disrupts the educational activities of a school includes:

1. Emitting 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 school 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.

S. 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 a 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 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.

T. 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:
 - a. 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.

- b. 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.
- c. Libelous material may be prohibited from distribution.
- d. 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.
- e. 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.

U. 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 for review.
- 2. The principal 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.
- 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.
- 4. 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.

V. Student Conduct on School Buses

Transportation services for Idalou ISD are provided under contract by Durham Transportation Inc. For complete information in regards to the school buses and riding privileges, please refer to the School Bus Rider's Safety Handbook, provided by Durham Transportation.

In addition to the above handbook, 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. Behavior which is not permitted includes but is not limited to the following:

- 1. Being disobedient or disrespectful to the driver.

2. Standing or moving around while the bus is in motion.
3. Sticking the head or hands out of a window.
4. Throwing object(s) out of a window.
5. Loud talking or laughing.
6. Using tobacco.
7. Scuffling or fighting.
8. Using obscene and/or unacceptable language.
9. Littering the bus.
10. Disturbing others.
11. Tampering with the bus and/or equipment.
12. Possessing or being under the influence of marijuana, alcohol, a controlled substance, a dangerous drug, or a "look-alike" (something represented to be a prohibited substance).

Should infractions occur, discipline by the campus administrator would follow the guidelines of the School Bus Rider's Safety Handbook with administrator discretion and within the guidelines of the Idalou ISD Student Code of Conduct.

W. Closed Campuses

Students attending elementary or middle school shall not be allowed to leave campus during the lunch hour unless accompanied by a parent. Students leaving campus without administrative approval shall be subject to disciplinary action.

X. 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.

Y. False Alarms

A student must be placed in a disciplinary AEP if the student engages in conduct relating to a false alarm or report (including a bomb threat) or a terroristic threat involving a public school.

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:

Bullying—Occurs when a student or group of students engages in written or verbal expression, expression through electronic means, or physical conduct that occurs on school property, at a school-sponsored or school-related activity, or in a vehicle operated by the district and a school district's board of trustees or the board's designee determines that the behavior:

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

This conduct is considered bullying if it:

- ❖ Exploits an imbalance of power between the student perpetrator who is engaging in bullying and the student victim through written or verbal expression or physical conduct; and
- ❖ Interferes with a student's education or substantially disrupts the operation of a school.

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 which 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.

Self-Defense: The Idalou School District, in accordance with Section 37.021 of the Texas Education Code, may consider self-defense as a factor in any decision to order suspension or removal to a disciplinary alternative education program or expulsion. Self-Defense is defined in the Texas Penal Code, Section 9.31, as a general proposition that "a person is justified in using force against another when and to the degree he reasonably believes the force is immediately necessary to protect himself against the other's use or attempted use of unlawful force."

Suspension: Removal of a student from school and school activities for a period not to exceed three days at a time, for disciplinary infractions.

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.

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

Offenses and violations of the Student Code of Conduct will be assessed according to the discipline levels outlined in the Student Code of Conduct. However, violation and consequences do not have to occur in sequential order.

Level I Offenses

Level I acts of misconduct include repeated (two or more) 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. The following is a noninclusive list of behavior infractions:

1. Being tardy to class.
2. Refusing to follow classroom rules.
3. Refusing to participate in classroom activities or fulfill assignments.
4. Failure to bring appropriate material to class.
5. Possessing and/or using nuisance items.
6. Eating, drinking, or gum chewing in an undesignated area.
7. Disruption of the orderly classroom process.
8. Running, making excessive noise, or other disruptions in halls, buildings, classrooms, or other supervised settings.

Level I Disciplinary Options

Any one or any combination of consequences may be used:

1. Teacher/student or administrator/student conference.
2. Parent conference or call.
3. In-class disciplinary action or assignment.
4. Withdrawal of student privileges.
5. Detention.
6. Counselor/student conference.

7. Confiscation of nuisance items or materials.
8. Supervised campus service assignment.

C. 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 Disciplinary Options

Any one or any combination may be applied:

1. Any combination of teacher, principal or appropriate administrator, parent and student conference.
2. Any discipline technique outlined in Level I.
3. School After School (SAS).
4. Corporal punishment.
5. In-school suspension for one or two days.

D. 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. Examples of misconduct include but are not limited to the following:

1. Cheating or copying the work of another student.
2. Leaving the classroom, building, grounds, or assigned activity without permission.
3. Cutting class or other scheduled activity.
4. Violation of the dress code.
5. Using profane, obscene, indecent, or racially or ethnically offensive language and/or physical gestures to other students.
6. Failure to comply with lawful directives issued by school personnel.
7. Truancy.
8. Altering school records or documents, or forgery of a name on school documents.
9. Vandalism to or defacing school property. Defacing or damaging school property—including, but not limited to, textbooks, furniture, and other equipment—with graffiti or by other means.

10. Excessive absences or tardies.
11. Inappropriately engaging in acts of familiarity with other students.
12. Possession of electronic paging device(s).
13. Throwing or irresponsible use of objects that can cause bodily injury or damage to property.
14. Possession or use of tobacco products.
15. Exhibiting any unacceptable or unwanted physical contact that could but does not result in injury.
16. Recklessness in an automobile.
17. Possessing or using a laser pointer for other than an approved use.
18. Violating computer use policies, rules, or agreements signed by the student, and/or agreements signed by the student's parent or guardian.
19. Using the Internet to threaten students, employees or cause disruption to the educational program.
20. Sending or posting messages that are abusive, obscene, sexually oriented, threatening, harassing, damaging to another's reputation, or illegal.
21. Possessing material that is pornographic.
22. Possessing published or electronic material that is designed to promote or encourage illegal behavior or could threaten school safety.

Level III Disciplinary Options

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

1. Any combination of teacher, principal or appropriate administrator, student and parent conference.
2. Grade penalty for copying or cheating.
3. Detention.
4. Exclusion from extracurricular activities.
5. In-school suspension.
6. Corporal punishment.
7. Restoration and/or restitution as applicable.
8. Withdrawal of selected student privileges.
9. Supervised campus service assignment.
10. Alternative Education Placement.

11. Involvement of law enforcement personnel.
12. Out-of-school suspension not to exceed three days at a time.

E. 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:

1. Any repeated offense of Level III, or a new violation while being disciplined for a Level III offense.
2. Repeatedly violating other communicated campus or classroom standards of behavior.
3. Being disrespectful toward school personnel or refusing to comply with lawful requests or directions of school personnel.
4. Threats, oral or written, to do bodily harm to another, or to the property of another.
5. Interfering with school authorities or school programs through boycotts, sit-ins, or trespassing.
6. 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.
7. Stealing, robbery, extortion, gambling or arson.
8. Using profane, obscene, indecent, immoral, or offensive language and/or gestures directed toward school personnel.
9. Failure to comply with assigned disciplinary consequences.
10. Possessing a device, object, or substance that could cause bodily harm to individuals in any school setting included but not limited to razors, box cutters and chains.
11. 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.
12. Possession, use, or distribution of any substance represented to be a drug or alcohol.
13. Possession, smoking, or using tobacco products.
14. Inappropriate or indecent exposure of a student's private body parts.
15. Hazing.
16. Gang-related behavior or activity, or gang membership.
17. Possession of drug paraphernalia including selling seeds or pieces of marijuana in less than a usable amount.
18. Burglary of a school facility or major vandalism to District property.
19. Posting or distributing unauthorized communicative materials on school premises.

20. Assault.
21. Possessing, placing or discharging fireworks of any kind, smoke/stink bombs, or any other pyrotechnic device.
22. Pledges to join solicit membership in a public school fraternity, sorority, secret society, or gang as defined in TEC 37.121.
23. Disrupting school or classes.
24. Disruption of lawful assembly.
25. Possessing or using "look-alike" weapons, BB guns, air guns, mace, pepper spray, or using articles not generally considered to be weapons, including school supplies, when the principal or designee determines that a danger exists.
26. Possessing or selling look-alike drugs or items attempted to be passed off as drugs and contraband.
27. Possessing ammunition
28. Engaging in inappropriate verbal, physical or sexual contact directed toward another student or District employee.
29. 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 directed toward another student or District employee.
30. Possessing, using, giving, or selling paraphernalia related to any prohibited substance.
31. Engaging in verbal, written exchanges that threaten the safety of another student, a school employee, or school property using e-mail, Web sites at school to encourage illegal behavior, or threatening school safety.

Level IV Disciplinary Options

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

1. Any discipline technique outlined in Level III.
2. Suspension from school not to exceed three days at a time.
3. Citation by law enforcement personnel.
4. Alternative education placement.
5. Reassignment of classes.
6. A student may be expelled if the student:
 - a. Continues to engage in serious misbehavior that violates the code of conduct or AEP classroom rules after being placed in an alternative education program for disciplinary reasons.

- b. 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).

F. Level V Mandatory Removal or Expulsion Offenses

Mandatory Removal

A student must be placed in a disciplinary Alternative Education Program for any of the following offenses, if the student commits these offenses on school property or within 300 feet of school property, or while attending a school-sponsored or school-related activity on or off school property.

1. Engages in conduct relating to a false alarm or report (including a bomb threat) or a terroristic threat involving a public school.
2. Engages in conduct punishable as a felony
3. Commits an assault
4. Sells, gives, or delivers to another person, or possesses, uses, or is under the influence of marijuana, a controlled substance, or a dangerous drug in the amount not constituting a felony offense.
5. Sells, gives, or delivers to another person an alcoholic beverage; commits a serious act or offense while under the influence of alcohol; or possesses, uses, or is under the influence of alcohol, if the conduct is not punishable as a felony offense.
6. Behaves in a manner that contains the elements of an offense relating to abusable glue or aerosol paint or relating to volatile chemicals.
7. Behaves in a manner that contains the elements of the offense of public lewdness.
8. Behaves in a manner that contains the elements of the offense of indecent exposure.
9. Engages in expellable conduct if the student is between six and nine years of age.
10. Engages in conduct that contains the elements of the offense of retaliation against any school employee, regardless of where or when the conduct occurs.
11. Engages in conduct punishable as a felony that occurs off school property but not at a school-sponsored or school-related event, that injures a person in a way listed as Title 5 offense in the Texas Penal Code, and that results in one of the following:
 - The student receives deferred prosecution
 - A court or jury finds that the student has engaged in delinquent conduct
 - The Superintendent or designee determines there is reasonable belief that the student has engaged in the conduct.
12. Registered Sex Offenders—Upon receiving notification in accordance with state law that a student is currently required to register as a sex offender, the administration must remove the student from the regular classroom and determine appropriate placement unless the court orders JJAEP placement.

If the student is under any form of court supervision, including probation, community supervision, or parole, the placement shall be in either DAEP or JJAEP for at least one semester.

If the student is not under any form of court supervision, the placement may be in DAEP or JJAEP for one semester or the placement may be in a regular classroom. The placement may not be in the regular classroom if the board or its designee determines that the student's presence:

1. Threatens the safety of other students or teachers,
2. Will be detrimental to the educational process, or
3. Is not in the best interests of the district's students.

Review Committee

At the end of the first semester of a student's placement in an alternative educational setting and before the beginning of each school year for which the student remains in an alternative placement, the district shall convene a committee, in accordance with state law, to review the student's placement. The committee shall recommend whether the student should return to the regular classroom or remain in the placement. Absent a special finding, the board or its designee must follow the committee's recommendation. The placement review of a student with a disability who receives special education services must be made by the ARD committee.

Newly Enrolled Student

If a student enrolls in the district during a mandatory placement as a registered sex offender, the district may count any time already spent by the student in a placement or may require an additional semester in an alternative placement without conducting a review of the placement.

Appeal

A student or the student's parent may appeal the placement by requesting a conference between the board or its designee, the student, and the student's parent. The conference is limited to the factual question of whether the student is required to register as a sex offender. Any decision of the board or its designee under this section is final and may not be appealed.

In accordance with state law, a student may be suspended pending a conference and **may** be placed in a disciplinary AEP 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.

Mandatory Expulsion

A student 10 years of age or older shall be expelled from school for a period of time determined by the Superintendent or Board if the student, on school property or while attending a school-sponsored or school-related activity on or off of school property uses, exhibits, or possesses:

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

“Firearm” under federal law includes:

1. Any weapon (including a starter gun) that will, is designed to, or may readily be converted to expel a projectile by the action of an explosive.
2. The frame or receiver of any such weapon.
3. Any firearm muffler or firearm weapon.
4. Any destructive device, such as any explosive, incendiary or poison gas bomb or grenade.

Using, exhibiting, or possessing the following, as defined by 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 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.
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 offenses 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. Behavior punishable as a felony that involves the selling, giving, or delivering to another person, 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.
7. Retaliation against a school employee combined with one of the above-listed offenses on or off school property or at a school-related activity.
8. A student may be expelled for engaging in conduct relating to a false alarm or report (including a bomb threat or a terroristic threat involving a public school.
9. Engaging in criminal mischief, if punishable as a felony, whether committed on or off school property or at a school-related event.

10. Engaging in conduct that contains the elements of assault under Section 22.01(a)(1) against an employee or a volunteer on school property.
11. Engaging in conduct that contains the elements of assault and retaliation against a school employee or volunteer, regardless of where or when the conduct occurs.
12. A student **may** be expelled for engaging in documented serious misbehavior that violates the district's Code, despite documented behavioral interventions while placed in a DAEP. For purposes of discretionary expulsion from a DAEP, serious misbehavior means:
 1. Deliberate violent behavior that poses a direct threat to the health or safety of others;
 2. Extortion, meaning the gaining of money or other property by force or threat;
 3. Conduct that constitutes coercion, as defined by Section 1.07, Penal Code; or
 4. Conduct that constitutes the offense of:
 - a. Public lewdness under Section 21.07, Penal Code;
 - b. Indecent exposure under Section 21.08, Penal Code;
 - c. Criminal mischief under Section 28.03, Penal Code;
 - d. Personal hazing under Section 37.152; or
 - e. Harassment under Section 42.07(a)(1) Penal Code, of a student or district employee.

In an emergency, the principal or the principal's designee **may** order the expulsion of a student when people or property are in imminent danger of harm.

Terms of expulsion shall deny the student access to all District activities and school property.

Idalou ISD will uphold any pending or current expulsion and/or disciplinary action from their previous school. Disciplinary action will be applied according to the Idalou ISD Student Code of Conduct. For newly enrolled students, the District will continue the expulsion order from another District or an open-enrollment charter school until the period of the expulsion is completed.

Federal law requires that a student expelled for a firearm violation must be expelled from the student's regular campus for a period of at least one year, subject to individual modifications made by the superintendent.

G. Procedural Due Process

Disciplinary Alternative Education Program (DAEP)

Before placing a student in an alternative education program, the principal or appropriate school administrator shall conduct an informal conference 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. 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, and the student's disciplinary history. 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. 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 or she enrolls in the district will be placed directly into the district's DAEP.

The duration of a student's placement in a DAEP shall be determined by the campus principal and shall be determined on a case-by-case basis. DAEP placement shall 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 except as provided below:

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

The statutory limitations on the length of a DAEP placement do not apply to a placement resulting from the board's decision to place a student who engaged in the sexual assault of another student so that the students are not assigned to the same campus.

If the placement extends beyond 60 days or the end of the next grading period, whichever is sooner, the student or student's parents have a right to notice and participation in a hearing before the Board or designee. A decision to place a student in a DAEP 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 a DAEP and deliver a copy of the order placing the student in the DAEP to the student and the student's parent. The student's status must be reviewed by the Board's designee at intervals of not more than 120 days.

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. State law prohibits a student placed in a DAEP for reasons specified in state law from attending or participating in school-sponsored or school-related extracurricular activities. A student placed in a DAEP will not be provided transportation unless he or she is a student with a disability who has transportation designated as a related service in the student's IEP.

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

1. The student's presence in the regular classroom or campus presents a danger of physical harm to students or others; or
2. The student has engaged in serious or persistent misbehavior that violates the student code of conduct; or
3. School action on the offense for which the student is placed in an DAEP takes place during the final grading period of the year.

Expulsion

Before a student is expelled he or she shall have the right to a hearing before the Board. The hearing will be conducted by the Board of Trustees and the decision to expel will be made by the Board.

1. Prior written notice of the charges and the proposed sanctions so as to afford a reasonable opportunity for preparation.
2. Right to a full and fair hearing before the Board or its designee.
3. 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.

4. Opportunity to testify and present evidence and witnesses in one's defense.
5. 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.

If the District makes a good-faith effort to inform the student and the student's parent or legal guardian of the time and place of the hearing, the District may hold the hearing regardless of whether the student, the student's parent, or another adult representing the student attends.

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.

Not 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.

Students under age six will not be removed from class or placed in a disciplinary AEP.

H. Appeal of Board's Decision to Expel

If a student appeals a Board'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.

I. 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:

1. A teacher's ability to communicate effectively with students in a class;
2. The ability of the student's classmates to learn;
3. The operation of the school or school-sponsored activity; or
4. If the appropriate administrator reasonably believes that imminent harm is likely.

At the time of the emergency placement the student shall be given oral notice of the reasons for emergency placement in a DAEP. 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 10 days, 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.

J. Removal of a Student

Routine Removal by a Teacher

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.

Discretionary Removal

A teacher may remove a student from class:

1. If a student behaves in a way that is documented by the teacher to repeatedly interfere with classroom learning; or
2. 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 or appropriate administrator shall schedule a conference within three class days. The conference 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 conference, 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.

The student may not be returned to the regular classroom before the conference.

When a teacher removes a student from class under this provision, the principal may:

1. Place the student into another appropriate classroom, or
2. Place the student into in-school suspension, or
3. 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 recommend expulsion of the student, as appropriate. When a student is removed from class by a teacher under this provision, the principal or other appropriate administrator, shall schedule a conference within three days. The conference 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 conference, the student is entitled to written or oral notice of the reasons for the removal, and explanation of the basis for the removal and an opportunity to respond to the reasons for the removal. 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 Code of Student 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.

Discretionary Removal by a Principal or Other Appropriate Administrator

The principal or other appropriate administrator schedules a conference within three class days with the student's parent or guardian, the teacher, and the student.

At the conference, the student is entitled to written or oral notice of the reasons for the removal, an explanation of the basis for the removal and an opportunity to respond to the reasons for removal.

K. 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. In deciding whether to order suspension, the District will take into

consideration: (1). Self-defense (2) Intent or lack of intent at the time the student engaged in the conduct and (3) the student's disciplinary history.

Before suspending the student, the principal shall conduct a conference at which:

1. The student is advised of the conduct of which he or she is charged;
2. 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.

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

L. 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 Removals of Disabled Students

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 disabled student 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.

M. 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 disabled student 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 disabled student 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.

N. Corporal Punishment

Corporal punishment is permitted unless the student's parent or guardian has provided a signed statement prohibiting its use. 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:

1. The student will be informed of the reason(s) for corporal punishment.
2. Corporal punishment may be administered by the school principal or assistant principal.
3. The instrument to be used in administering corporal punishment shall be approved by the principal.
4. 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.
5. A record shall be maintained on each administration of corporal punishment by the principal.

O. Detention

For minor infractions of the code of conduct or other policies or regulations, teachers or administrators may detain students before or 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.

P. Readmission of Expelled Students

On recommendation of the placement review committee or on its own initiative, the District may readmit an expelled student while the student is still fulfilling court-imposed sanctions. After a student completes the sanctions, the District must readmit the student; however, the District may place the student in an alternative education program. The student may not be returned to the classroom of the teacher under whose supervision the offense occurred without that teacher's consent. The teacher may not be coerced to consent.

Q. 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:

1. Smell of alcohol on breath.
2. Present inability to communicate coherently.
3. Dilated pupils.
4. Odor of marijuana.
5. Habitually sleeping in class.
6. Bloodshot eyes.
7. Canine alert on one's locker, books, car, etc.

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:

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

S. 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 times act in a manner that protects and guarantees the rights of students and parents.

T. Police Questioning of Students

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

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

U. 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.

Questions or complaints from parents regarding disciplinary measures should be addressed to the campus administration, in accordance with policy FNG(LOCAL). A copy of this policy may be obtained from the principal's office or the central administration office or on the school web-site at www.idalouisd.net

IV. School District and Juvenile Justice Relations

The district has entered into a memorandum of understanding between the board of trustees and the county juvenile board concerning the establishment and operation of the Juvenile Justice Alternative Education Program (JJAEP). Their agreement provides for the following: (The memorandum of understanding should address in writing such issues as are listed below.)

- The responsibilities of the juvenile board concerning the establishment and operation of the JJAEP.
- The payment of services from the District to the juvenile board.
- Liability issues.
- The transportation of students.
- The exchange of other services between the District and the JJAEP.
- The juvenile probation department's role in supervising the provision of other services for students in the school district AEP.
- Whether or not the court can order a student to attend a school district AEP as a part of probation.
- A memorandum of understanding of the process by which the Code of Conduct can be amended at a later date.
- Other issues the District and the juvenile board feel should be addressed in a written agreement.