

# VERIBEST ISD STUDENT CODE OF CONDUCT 2010-2011

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## Foreword

The Veribest Independent School District has established as one of its primary goals the provision of a high-quality educational program for each student in a safe school environment free of disruptions that interfere with the educational process. The purpose of this *Code of Student Conduct* is to inform all students and parents of VISD's expectations regarding behavior and conduct. The *Code*, reviewed and approved by the VISD Board of Education, is based on the policies of the Board of Education and Standard Practice Memoranda (SPMs). SPMs communicate district administrative procedures and practices.

This *Code* was developed to protect the rights of all students by:

- providing a districtwide discipline management plan
- specifying the behavior that is expected of all students
- describing the broad range of student misconduct and providing appropriate disciplinary consequences or options for the various kinds of misconduct
- outlining student rights relating to school

Students and parents are expected to become familiar with the provisions of the districtwide *Code of Student Conduct* and the rules and regulations adopted and implemented by their individual schools based upon their School-Based Discipline Management System. Students are also expected to abide by the policies set forth in the Code so that they can truly get the most out of their years in school.

Students and parents should be aware that the Veribest Independent School District does not discriminate on the basis of race, color, national origin, sex, or disability. This policy includes a prohibition on racial harassment and a hostile environment, as this type of harassment denies students the right to an education free of discrimination on the basis of race, color, or national origin. Students may utilize the district's complaint procedures to address any issues related to these areas without fear of retaliation. In addition, VISD will not tolerate sexual harassment at any level. Any complaint of discrimination of any type will be fully investigated, and the district will take appropriate action.

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## Responsibilities in Behavior Intervention

The effective enforcement of the *Code of Student Conduct* and the School-Based Discipline Management System is essential in keeping a school and/or school-related activities free of disruption and is dependent on the exercise of the responsibilities by the following:

### STUDENTS

- adhere to school, district, and classroom rules and regulations for behavior and good conduct.

### PARENTS

- support school, district, and classroom rules for student behavior and ensure that their children conduct themselves according to district standards.
- provide the school with their current address and, when available, current telephone numbers.
- ensure student attendance at school. By state law, student attendance is the responsibility of parents and guardians.
- provide the appropriate school personnel with any student information that will affect the student's ability to learn and the student's behavior.
- read, acknowledge, and understand these rules and the rules applicable to their children's conduct while they are at school.

## **TEACHERS**

- establish classroom-management procedures that concentrate on good student conduct and support school and district policies and procedures.

## **ADMINISTRATORS**

- develop with all members of the school community an effective School-Based Discipline Management System that promotes and maintains the support of good student behavior.

## **BOARD OF EDUCATION**

- approve a behavior code that identifies standards of conduct for students and enact policies and procedures necessary for implementing and enforcing a structured and disciplined learning environment.

## **Student Responsibilities**

The student's responsibilities for achieving a positive learning environment at school and/or school related activities include the following:

- Attending all classes each day and being on time
- Preparing for each class with appropriate materials and completed assignments
- Dressing according to the dress code adopted by each individual school
- Knowing that the use, possession, and/or sale of illegal or unauthorized drugs, alcohol, and weapons are unlawful and prohibited and that students may be subject to random searches in accordance with Board Policy and state and federal law in order to assure a safe school environment
- Showing respect toward others and demonstrating courtesy even when others do not
- Conducting oneself in a responsible manner
- Paying required fees and fines
- Knowing and obeying all school rules in the *Code of Student Conduct*.
- Cooperating with staff members in the investigation of disciplinary matters
- Seeking changes in school policies and regulations in an orderly and responsible manner, through appropriate channels
- Reporting threats to the safety of students and staff members as well as misconduct on the part of any other students or staff members to the building principal, a teacher, or another adult
- Using VISD technology systems for school business purposes only and using school computers and related equipment appropriately
- Abiding by the technology security procedures developed by VISD, such as never leaving a terminal or

- workstation unattended or unsecured while logged on to a host computer or network
- Reporting all observed or suspected technology security problems immediately to a teacher

In general, all students are entitled to enjoy the basic rights of citizenship recognized and protected by law for persons of their age and maturity. The Veribest Independent School District shall foster a climate of mutual respect for the rights of others. Each student is expected to respect the rights and privileges of other students, teachers, and district personnel.

Students shall exercise their rights and responsibilities in compliance with rules established for the orderly conduct of the district's educational mission. 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 district or school rules shall be subject to disciplinary action in accordance with established district policies and procedures.

All students are expected to maintain the highest level of discipline and decorum at all school functions. Failure to comply with administrative directives promoting order and respect will result in the student's being removed from participation in school activities, including commencement exercises.

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## **Student Rights and Responsibilities, Board Policies, and Standard Practice Memoranda**

The Board Policies and Standard Practice Memoranda of the Veribest Independent School District contain the rights and responsibilities of students that are embodied in this *Code of Student Conduct*. A brief description of several of the more important student rights and responsibilities is included in this section. The proper balance of student rights and privileges (•) with student responsibilities and obligations (+) is essential to the orderly conduct of the district's educational mission.

### **Instructional Programs**

- Veribest ISD shall be responsible for providing a well-balanced curriculum and for delivering effective instruction to all students enrolled.
- + Students have the responsibility to strive for academic growth by participating in the appropriate educational program to their utmost ability.

### **Attendance of Students**

- Regular attendance and punctuality shall be required of every student.
- + Students have the responsibility to take advantage of their educational opportunity by attending all classes daily and on time unless circumstances prevent them from doing so.

### **Continuing Education**

- Student absences while suspended shall be considered as excused absences.
- + Students have the responsibility to make up all work missed while suspended within five school days after their return to school from suspension in order to receive credit for the work.

## **Evaluation, Grading, and Promotion/Retention of Students**

- Students shall be evaluated on a continuous basis in the most effective manner to determine the extent of their progress.
- + Students have the responsibility to maintain reasonable standards of academic performance commensurate with their ability.

## **Complaints**

- Students may present any complaint to the district, either personally or through a representative, through the appropriate complaint procedures.
- + Students have the responsibility to follow the established complaint procedures and to accept the decision that results from the complaint process.

## **Student Dress Code and Personal Grooming**

- Each individual school shall adopt specific standards concerning dress and personal grooming.
- + All students have the responsibility to become familiar with the school's standards and the responsibility to adhere to them.

## **Student Publications**

- Students are entitled to express, in writing, their opinions and may distribute handwritten, duplicated, or printed materials on school premises or at school-sponsored activities at other locations in accordance with certain conditions and procedures established in Board Policy.
- + Students have the responsibility to become familiar with and follow the conditions and procedures in Board Policy.

## **Students and School Property**

- Students are expected to show proper respect for both persons and property.
- + Students are responsible for their own actions directed toward school property and for damages to property.

## **Search of Property and Students**

- Students are entitled to the guarantees of the Fourth Amendment, and they are subject to reasonable searches and seizures.
- + Students have the responsibility not to carry on their person or to have on school property or at school-sponsored events such items as drugs, weapons, alcohol, paging devices, or other contraband materials in violation of school policy or state law.
- School officials are empowered to conduct reasonable searches of students and school property when there is reasonable cause to believe that students may be in possession of drugs, weapons, alcohol, or other materials ("contraband") in violation of school policy or state law. Students who bring contraband onto school grounds may be searched in order to secure the school environment so

learning can take place and to protect other students from any potentially harmful effects stemming from the contraband. School property such as lockers and desks shall remain under the control of school officials and shall be subject to search.

- Students do not have a reasonable expectation of privacy in the use of school lockers or school desks.
- The administration may utilize dogs and metal detectors as provided by VISD policies and applicable laws. Metal detectors and trained dogs may be used at random locations and times by VISD personnel as determined by VISD administrative and law enforcement personnel.

### **The Eighteen-Year-Old Student**

- The 18-year-old student who has adult status may enroll in and attend public school.
- + The 18-year-old student who is enrolled in public school has the responsibility to follow the policies, procedures, rules, and regulations of the school district.

The 18-year-old student who has more than five unexcused absences may be withdrawn due to nonattendance for the remainder of the semester. An Admission, Review, and Dismissal Committee shall be convened prior to the withdrawal of an 18-year-old student with disabilities for nonattendance.

### **Student Government**

- Students shall be afforded the right through appropriately established guidelines to formulate procedures for student government.
- + Student government officers and representatives have the responsibility to participate in student government and to be aware of needs of the school and concerns of the student body and to work within the established process in addressing their needs and concerns.

### **Right to Information and Privacy of Records**

- Students are assured the right to information and privacy of their records in accordance with the Texas Public Information Act and the Family Educational Rights and Privacy Act of 1974.
- + Parents or eligible students have the responsibility to release information to those individuals or agencies that are working actively and constructively for the benefit of the student, including, for example, teachers, administrators, school nurses, etc.

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### **Student Misconduct**

The *Code of Student Conduct* provides a description of a broad range of behavior considered to be student misconduct. The behavior described should be viewed as representative of the misconduct that most frequently causes a disruption to the orderly educational process. The acts of misconduct listed in Levels I, II, III, IV, and V are not inclusive. The student who commits an act of misconduct that may be classified into any of the five levels will be subject to disciplinary action by the classroom teacher and/or principal.

## **When and Where These Rules Apply**

The policies and administrative procedures concerning student conduct apply to actions of students on school property and school buses and, in some cases, for conduct occurring off of school property or within 300 feet of school property. Additionally, the rules apply to actions of students at all school-sponsored or school-related activities or events, such as field trips, sporting events, stadium assemblies, fairs, or evening school-related activities. Students should be aware that the commission of any felony offense, whether at school or away from school, may result in placement of the student in an VISD disciplinary alternative education program or in expulsion. Finally, students should be aware that administrators who are made aware of criminal activity whether on or off of campus will make a report to appropriate law enforcement agencies and that, in addition to these administrative rules, students may be subject to criminal charges for violations of the law.

## **General Discipline Guidelines for Assessing Penalties**

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

1. Discipline shall be administered when necessary to protect students, school employees, or property and to maintain essential order and discipline.
2. Students shall be treated fairly and equitably. Discipline shall be based on a careful assessment of the circumstances of each case and may include such factors as:
  - a. seriousness of the offense;
  - b. student's age
  - c. frequency of misconduct
  - d. student's attitude
  - e. potential effect of the misconduct on the school environment
  - f. state law requirements for certain disciplinary consequences
3. Serious offenses are those that substantially disrupt or materially interfere with the orderly process in the classroom, VISD transportation, the school, or any school-related activity and may include persistent misbehavior or Level II or higher misconduct. Persistent shall be defined as more than one instance of Level II or higher misconduct. An administrator may find, on the basis of the facts and circumstances of the case, that a Level III offense constitutes a serious offense. Finally, a finding that a student has engaged in any offense listed as an offense under Level IV or Level V constitutes a finding that the student has engaged in serious misbehavior.
4. A teacher or administrator must remove a student from class if the student engages in behavior that under the Education Code requires or permits the student to be placed in a DAEP or expelled.
5. A teacher or administrator may remove a student from class for a behavior that the District has determined is a violation of the Student Code of Conduct.

## **Discipline Techniques That May Be Used For Violating Classroom Rules or the Student Code of Conduct**

- Verbal correction.
- Cooling-off time or "time-out."
- Seating changes within the classroom.
- Counseling by teachers, counselors, or administrative personnel.
- Parent-teacher conferences.
- Temporary confiscation of items that disrupt the educational process.
- Grade reductions as permitted by policy.
- Rewards or demerits.
- Behavioral contracts.
- Detention.

- Sending the student to the office or other assigned area, or to in-school suspension.
- Out-of-school suspension, as specified in the suspension section of this Student Code of Conduct.
- Placement in a Disciplinary Alternative Education Program (DAEP), as specified in the DAEP section of this Student Code of Conduct.
- Expulsion, as specified in the expulsion section of this Student Code of Conduct.
- Assignment of school duties such as scrubbing desks or picking up litter.
- Withdrawal of privileges, such as participation in extracurricular activities and eligibility for seeking and holding honorary offices, and/or membership in school-sponsored clubs or organizations.
- Techniques or penalties identified in individual student organizations' extracurricular standards of behavior.
- Withdrawal or restriction of bus privileges.
- School-assessed and school-administered probation.
- Corporal punishment.
- Referral to an outside agency and/or legal authority for criminal prosecution in addition to disciplinary measures imposed by the District.
- Other strategies and consequences as specified by the Student Code of Conduct.

## **GENERAL MISCONDUCT VIOLATIONS**

- Cheating or copying the work of another.
- Throwing objects that can cause bodily injury or property damage.
- Failing to comply with directives given by school personnel.
- Leaving school grounds or school-sponsored events without permission.
- Disobeying rules for conduct on school buses.
- Directing profanity, vulgar language, or obscene gestures toward another student or District employee.
- Fighting or scuffling.
- Hazing. (See glossary)
- Stealing from students, staff, or the school.
- Damaging or vandalizing property owned by others.
- Defacing or damaging school property—including textbooks, lockers, furniture, and other equipment—with graffiti or by other means. (See glossary)
- Possessing fireworks of any kind, smoke or stink bombs, or any other pyrotechnic device.
- Discharging a fire extinguisher.
- Possessing a razor, box cutter, chain, or any other object used in a way that threatens or inflicts bodily injury to another person.
- Possessing or selling a "look-alike" weapon.
- Possessing an air gun or BB gun.
- Possessing ammunition.
- Possessing a stun gun.
- Possessing mace or pepper spray.
- Possessing or using any articles not generally considered to be weapons, including school supplies, when the principal or designee determines that a danger exists.
- Gambling.

- Making false accusations or hoaxes regarding school safety.
- Falsifying records, passes, or other school-related documents.
- Committing extortion, coercion, or blackmail (obtaining money or another object of value from an unwilling person).
- Engaging in disruptive actions or demonstrations that substantially disrupt or materially interfere with school activities.
- Being insubordinate.
- Refusing to accept discipline management techniques assigned by a teacher or principal.
- Forcing an individual to act through the use of force or threat of force.
- Committing or assisting in a robbery or theft even if it does not constitute a felony according to the Texas Penal Code. (Felony robbery or theft offenses are addressed later in the Student Code of Conduct.)
- Bullying, including intimidation by name-calling, using ethnic or racial slurs, or making derogatory statements that could disrupt the school program or incite violence.
- Engaging in threatening behavior toward another student or District employee on or off school property.
- Engaging in harassment motivated by race, color, religion, national origin, disability, or age and directed toward another student or District employee. (See glossary)
- Engaging in any misbehavior that gives school officials reasonable cause to believe that such conduct will substantially disrupt the school program or incite violence.
- Engaging in inappropriate verbal, physical, or sexual contact directed toward another student or a District employee.
- 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 a District employee.
- Inappropriate or indecent exposure of a student's private body parts.
- Possessing or using matches or a lighter.
- Possessing, smoking, or using tobacco products.
- Possessing or selling look-alike drugs or items attempted to be passed off as drugs or contraband.
- Possessing or selling seeds or pieces of marijuana in less than a usable amount.
- Possessing, using, giving, or selling paraphernalia related to any prohibited substance. (See glossary)
- Abusing the student's own prescription drug, giving a prescription drug to another student, or possessing or being under the influence of another person's prescription drug on school property or at a school-related event.
- Violating the District's policy on taking prescription drugs and over-the-counter drugs at school.
- Violating computer use policies, rules, or agreements signed by the student, and/or agreements signed by the student's parent.
- Using the Internet or other electronic communications to threaten students or employees, or cause disruption to the educational program.
- Sending or posting electronic messages that are abusive, obscene, sexually oriented, threatening, harassing, damaging to another's reputation, or illegal.
- Engaging in verbal or written exchanges that threaten the safety of another student, a school employee, or school property.
- Possessing published or electronic material that is designed to promote or encourage illegal behavior or that could threaten school safety; using e-mail or Web sites at school to encourage illegal behavior; or threatening school safety.
- Possessing material that is pornographic.

- Violating dress and grooming standards as communicated in the student handbook.
- Repeatedly violating other communicated campus or classroom standards of behavior.
- Possession of a cell phone at school
- Possession of a laser pointer

## Levels of Offenses

Acts of misconduct are categorized into the following five levels of offenses:

### **Level I—Violation of Classroom Rules:**

- Offenses which generally occur in the classroom and can be corrected by the teacher.

### **Level II—Administrative Intervention:**

- Offenses that are more serious in nature or a continuance of Level I misconduct.

### **Level III—Suspension and/or Discretionary Removal to a Disciplinary Alternative Education Program:**

- Offenses that seriously disrupt the educational process in the classroom, in the school, and/or at school-related activities, or a continuance of repeated Level I, II, or III misconduct. A finding that a student has engaged in a Level III offense may constitute a serious offense.
- Students may be suspended for any behavior listed in the Student Code of Conduct as a general misconduct violation, DAEP placement, or expellable offense.

### **Level IV—Required Placement in a Disciplinary Alternative Education Program:**

- Criminal offenses as defined in Level IV. This may include any felony, whether school-related or not, unless it is one for which expulsion is required. A finding that a student has engaged in an offense listed under Level IV constitutes a finding that the student has engaged in serious misbehavior.

### **Level V—Expulsion for Serious Offenses:**

- Offenses that include those for which a student may or shall be expelled under state law. They include continued serious or persistent misbehavior that violates the district's *Code of Student Conduct* by a student while placed in a disciplinary alternative education program. A finding that a student engaged in an offense listed under Level V constitutes a finding that the student has engaged in serious misbehavior.

Staff members will use their professional judgment to determine the most effective way to correct student misconduct. Disciplinary actions apply equally to all students, except as provided under Board Policy and Standard Practice Memoranda related to disabled students. (See pp. [22-25](#))

## General Procedures for Resolving School Problems

School problems can best be resolved at the campus level, where problems start.

In order to resolve problems, parents, guardians, and/or students can meet with a teacher at appropriate times to discuss existing problems. If the parents, guardians, or students are dissatisfied with the teacher's decision or explanation, they can meet with the building administrator to review the area of concern. If further assistance is needed, then parents, guardians, or students can meet with the district superintendent.

Parents, guardians, and students who wish to appeal placement in a disciplinary alternative education program that extends beyond the next grading period, or who wish to appeal an expulsion, should refer to the section of the *Code* relating to procedures for appropriate guidance.

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## ***Levels of Student Misconduct and Disciplinary Options***

### **Level I: Violation of Classroom or Transportation Rules**

Each teacher or staff member establishes the rules for the classroom and for school-related activities. Much behavior can be managed by the classroom teacher. The teacher may use any of the disciplinary options listed below in maintaining classroom discipline.

#### **Level I Acts of Misconduct May Include Such Behavior as:**

- Violations of rules or procedures established by the teacher
- Cheating or copying the work of other students
- Refusal to participate in classroom activities
- Unexcused tardiness to class
- Failure to bring required classroom materials or assigned work to class
- General misbehavior, such as eating in class, horseplay, making excessive noise, or violating campus dress codes
- Any other act that disrupts the classroom or interrupts the operation of the class
- Failure to deliver or return written communications between home and school
- Disruptive or noncompliant behavior on a school bus
- Failure to protect individual computer-account passwords from disclosure

#### **Disciplinary Options/Responses:**

- Oral correction
- Teacher-student conference
- Parent contact: note or telephone call to parent
- Student-counselor conference
- Detention (maintained by teacher) before or after school
- Other appropriate in-class disciplinary actions
- Restriction of school bus privileges by the bus operator
- Removal of classroom computer privileges

**Procedures:**

1. Any staff member who observes a student violating class rules may correct the student.
2. A record of the offenses and disciplinary actions should be maintained by the teacher or staff member on the appropriate form.
3. The teacher should discuss the misbehavior with the parent, an administrator, or support personnel.
4. Level I behavior violations and Discipline Options/Responses are not limited to those provided. Serious or repeated violations may result in a more severe response or referral to Level II.

**Level II: Administrator Intervention**

Some infractions will result in a referral to an administrator. The disciplinary response depends on the offense, previous actions, and the seriousness of the misbehavior. Level II acts of misconduct include those student acts that interfere with the orderly educational process in the classroom or in the school. A teacher who observes a student engaged in Level II or higher misconduct will fill out a discipline/referral form for the principal or other appropriate administrator. The principal will forward a report to the parents within 24 hours. Level II Acts of Misconduct Include Such Behavior as:

- Repeated violation of classroom or transportation rules under Level I
- Leaving the classroom or school grounds without the permission of school personnel
- Possession of matches or other flammable materials
- Inappropriate display of affection
- Any verbal abuse of others, including name-calling or derogatory statements
- Posting or distributing unauthorized materials on school grounds
- Failure to abide by rules and regulations at extracurricular activities or at co curricular activities such as field trips
- Loitering in unauthorized areas
- Changing school records or documents or signing parent's name on school documents
- Possession of paging devices, including beepers, cellular telephones, electronic pagers, or any other types of communication systems
- Cafeteria disturbance
- Disruptive behavior on a school bus
- Any other acts that interfere with the orderly educational process in the classroom or the school
- Accessing materials and sites on the Internet that are deemed to be inappropriate by HISD
- Sending or forwarding inappropriate e-mail, including e-mail containing offensive language, untruthful statements, junk e-mail, chain letters, or jokes
- Logging on to a computer, sending e-mail, or accessing the Internet using a name or password other than the student's own
- Posting unauthorized Web pages, graphic images, or offensive language or comments on a school/district server, Web page, or guest book

**Disciplinary Options/Responses:**

- Parental contact by phone and written notification to parent or guardian within 24 hours
- Required administrator/student/parental conference
- Detention
- Exclusion from extracurricular activities, such as field trips, and commencement exercises/award ceremonies
- Removal of school transportation privileges
- "Behavior," "behavioral," and/or "conduct" contracts
- Teacher removal of the student from the classroom (following procedures as outlined on pp. 17 and 18)

- Suspension of transportation privileges
- Corporal punishment
- In School Suspension (ISS)
- Out of School Suspension
- Any other appropriate disciplinary actions determined by the administration

**Procedures:**

- Referral to administrator by way of written report not to exceed one page in length
- Administrator confers with student and/or teacher to establish appropriate action
- Written notification is sent to parent within 24 hours of report. Notification is sent to the teacher indicating action taken.
- Discipline Referral Form is retained by the administrator.
- Level II behavior violations and Discipline Options/ Responses are not limited to those provided.
- Repeated violations shall result in a more severe response and/or referral to Level III.

**Level III: Suspension or Discretionary Removal to a Disciplinary Alternative Education Program (DAEP)**

Level III acts include conduct for which an administrator may suspend the student, place the student into in-school suspension, or if the administrator finds the Level III conduct to be serious or persistent as defined in this code, refer the student to a district-level disciplinary alternative education program or expel them. The principal or other appropriate administrator makes the disciplinary determination on the basis of the severity of the misconduct. The period of the suspension is limited to three days per occurrence, with no limit on the number of times a student may be suspended in a semester or school year.

A student who is to be suspended will have an informal conference with the principal or appropriate administrator advising the student of the conduct of which he or she is accused. The student will be given the opportunity to explain his or her version of the incident before the administrator's decision is made.

The number of days of a student's suspension will be determined by the principal or other appropriate administrator, but will not exceed three school days.

The principal or other appropriate administrator will determine any restrictions on participation in school-sponsored or school-related extracurricular and co-curricular activities. Students in Veribest ISD will not be allowed to participate or attend any school activities while in ISS, while being suspended, or while in the DAEP for disciplinary reasons.

Students with disabilities are subject to applicable state and federal law in addition to the Student Code of Conduct. To the extent any conflict exists, state and/or federal law will prevail.

**Suspension/Discretionary Removal to a DAEP**

Suspension is limited to three days per occurrence and is authorized for conduct listed below. Additionally, the principal or other appropriate administrator may suspend a student for up to three days pending placement in a disciplinary alternative education program. A decision to suspend a student is final and may not be appealed. A student may be suspended, placed into in-school suspension, or if serious or persistent behavior occurs, removed from the regular classroom and placed in a disciplinary alternative education program for engaging in the following conduct at school or at a school-related event:

- Chronic or repeated disciplinary infractions of Level I and/or Level II offenses
- Fighting (The district will take into consideration self-defense as a factor in deciding to order suspension, removal to a DAEP, or expulsion)
- Gambling

- Misdemeanor stealing/theft of property, including computers and related equipment, in an amount under \$750
- More than one instance of cutting class or other forms of truancy
- Possession of a knife with a blade of less than three inches
- Possession of a knife with a blade of more than three inches but less than five inches and that is reasonably determined not to have been possessed as a weapon
- Persistent disruptive behavior on a school bus
- Smoking, using, or possessing tobacco or tobacco products
- Interfering with school authorities
- Aggressive, disruptive action or group demonstration that substantially disrupts or materially interferes with school activities. This includes such acts as boycotts, sit-ins, trespassing, and walkouts.
- Failure to comply with reasonable requests of school personnel and/or defiance of the authority of school personnel
- Failure to adhere to terms of behavior contracts
- Indecent/unsolicited sexual proposal/sexual harassment
- Selling or soliciting for sale any merchandise on school campus without the authorization of the building principal
- Display of disrespect toward school personnel or campus visitors
- Participation in activities by groups such as gangs and cults
- Wearing dress or attire signifying gang affiliations
- Profanity, vulgar language, or obscene gestures
- Possession or use of fireworks, "poppers," smoke or stink bombs, or any other pyrotechnic device that may be used to disrupt the educational process
- Possession of laser pens or laser pointers
- Possession of live ammunition or bullets
- Any ethnic or racial slurs that seriously disrupt the educational process
- Engaging in threats or other acts of intimidation that interfere with another student's desire or willingness to participate in the educational process
- Misdemeanor criminal mischief (i.e., vandalism) resulting in the destruction or defacing of any property, including computers and related equipment, in an amount greater than \$20 but less than \$1,500. This includes rendering computers or related equipment inoperable or damaging them by erasing data with magnets; intentionally introducing viruses, worms, or trojans; or tampering with programs or other data without authority.
- "Hacking" or other use of computers to gain unauthorized access to district or other data bases, including student, faculty, or district data files, without permission. In addition to any criminal penalties, students may have their computer privileges suspended.
- Use of school computers, facsimile equipment, or other electronic devices to transmit, receive, view, or display obscene, vulgar, sexually explicit, or racist media or to display information that advocates unlawful activities or provides guidance on the construction or production of weapons, illegal devices, or controlled substances
- Use of the school computer network with the intent to incite violence or aggressive and/or disruptive action on the part of the student body, use of slanderous language, or use of language that promotes racial disorder or sexual harassment and is disruptive to the school environment
- Use of the school computer network for soliciting or purchasing commercial materials and/or services of any kind
- Use of the school computer network to engage in participation in hate groups
- Misdemeanor extortion, which is defined as obtaining money or information from another by coercion or intimidation of a value less than \$1,500
- Possession or use of any prescription or nonprescription drug, medicine, vitamins, or other chemical in violation of the Guidelines for Dispensing Medications at School
- Refusal to cooperate in, or interference with, a random metal-detector safety search
- Any other acts of serious misconduct that disrupt the school environment in the classroom and/or school
- Hazing, which means any intentional, knowing, or reckless act directed against a student by one person alone or acting with others that endangers the mental or physical health or the safety of a student for the

purpose of being initiated into, affiliating with, holding office in, or maintaining membership in any organization or general classification of students whose members are or include other students

- Assisting (directly or indirectly) with the promotion of any behavior prohibited by this *Code of Student Conduct*

#### **Disciplinary Options/Responses:**

- Required administrator/student/parental conference
- Restitution or restoration, as applicable, for vandalism to property
- Exclusion from extracurricular activities such as field trips and commencement exercises/award ceremonies
- Placement of the student into in-school suspension
- Suspension for up to three school days per occurrence
- Removal of transportation services for up to one year
- Restriction or removal of computer-use privileges for up to one year
- Teacher removal of the student from the classroom
- Referral to a district disciplinary alternative education program
- Corporal punishment
- Any other appropriate disciplinary actions determined by the administration

#### **Procedures:**

1. Referral to administrator by way of discipline card, with report sent to the parent within 24 hours
2. Administrator confers with student and parent about the misconduct. The student is given an opportunity to explain the incident. The administrator determines misconduct.
3. Administrator decides whether to suspend student or refer him or her to DAEP. Written notice of the offenses and the action taken are given to the parent and teacher. If the student is referred to a DAEP, the parent shall be given a letter stating the reasons for the removal and setting the term. The letter placing the student should state the term of placement in a specific number of days of successful attendance in the DAEP. Students under the age of 6 may not be placed in a DAEP.
4. If the referral to a DAEP extends beyond the end of the next grading period or the end of the school year, the rules contained in the procedures section of this *Code* for a long term removal to a DAEP will be followed.
5. Repeated violations shall result in a more severe response and/or referral to Level IV.

## **Level IV: Required Removal to a Disciplinary Alternative Education Program**

A student must be removed from the classroom and placed in or referred to a DAEP by the campus administrator when the student engages in any conduct punishable as a felony. This may include a felony on or off of school property, regardless of whether the felony occurs before, during, or after school hours, unless expulsion is authorized or required for the offense. Additionally, a student must be removed from the classroom to a DAEP by the campus administrator when the student commits a felony, or commits the following on or within 300 feet of school property, as measured from any point on the school's real property boundary line, or while attending a school-sponsored or school-related activity on or off of school property.

**A student must be placed** in a Disciplinary Alternative Education Program (DAEP) 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. (See glossary)

**A student must be placed** in a DAEP for any of the following Level 4 offenses, if the student commits these offenses on school property or within 300 feet of school property as measured from any point on the school's real

property boundary line, or while attending a school-sponsored or school-related activity on or off school property.

**Level IV Acts of Misconduct Include Such Behavior as:**

- Engages in conduct punishable as a felony.
- Commits an assault under Penal Code 22.01(a)(1). (See glossary)
- 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 an amount not constituting a felony offense. (School related felony drug offenses are addressed in the expulsion section of this Student Code of Conduct.) (See glossary)
- 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. (School-related felony offenses are addressed in the expulsion section in this Code of Conduct.)
- Behaves in a manner that contains the elements of an offense relating to abusable volatile chemicals.
- Behaves in a manner that contains the elements of the offense of public lewdness.
- Behaves in a manner that contains the elements of the offense of indecent exposure.
- Engages in expellable conduct, if the student is between six and nine years of age.
- Engages in conduct that contains the elements of the offense of retaliation against any school employee on or off school property. (Committing retaliation in combination with another expellable offense is addressed in the expulsion section of this Student Code of Conduct.)
- Engages in conduct punishable as a felony listed under Title 5 (see glossary) of the Texas Penal Code when the conduct occurs off school property and not at a school-sponsored or school-related event and:
  1. The student receives deferred prosecution. (See glossary)
  2. A court or jury finds that the student has engaged in delinquent conduct. (See glossary)
  3. The Superintendent or principal has a reasonable belief that the student engaged in the conduct. (See glossary)

A principal or other appropriate administrator **may, but is not required to, place a student** in a DAEP for off-campus conduct for which DAEP placement is required by state law if the principal or other appropriate administrator does not have knowledge of the conduct before the first anniversary of the date the conduct occurred.

In accordance with state law, **a student may be placed** in a DAEP for any 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, if the student's presence in the regular classroom threatens the safety of other students or teachers or will be detrimental to the educational process.

In accordance with Education Code 37.0081, after an opportunity for a hearing before the Board or its designee, **a student may be placed** in a DAEP if:

- The student receives deferred prosecution for conduct defined as a felony offense in Title 5 of the Texas Penal Code; or
- The student has been found by a court to have engaged in delinquent conduct for conduct defined as a felony offense in Title 5 of the Texas Penal Code.

The Board or the Board's designee must determine that the student's presence in the regular classroom:

1. Threatens the safety of other students or teachers;

2. Will be detrimental to the educational process; or
3. Is not in the best interest of the District's students.

A student's placement in the DAEP as a result of receiving deferred prosecution or delinquent conduct, as described above, may occur regardless of:

1. The date on which the student's conduct occurred;
  2. The location at which the conduct occurred;
  3. Whether the conduct occurred while the student was enrolled in the District; or
  4. Whether the student has successfully completed any court disposition requirements imposed in connection with the conduct.
- Involvement in gang activity, including participating as a member or pledge, or soliciting another person to become a pledge or member of a gang.
  - Involvement in a public school fraternity, sorority, or secret society, including participating as a member or pledge, or soliciting another person to become a pledge or member of a public school fraternity, sorority, or secret society.
  - Any criminal mischief.
  - A federal firearms violation, for a student six years of age or younger.

In addition, the District has determined that the following behaviors **may result in a student's placement in a DAEP:**

- Cheating or copying the work of another.
- Throwing objects that can cause bodily injury or property damage.
- Failing to comply with directives given by school personnel.
- Leaving school grounds or school-sponsored events without permission.
- Disobeying rules for conduct on school buses.
- Directing profanity, vulgar language, or obscene gestures toward other students or a District employee.
- Fighting.
- Hazing.
- Stealing from students, staff, or the school.
- Damaging or vandalizing property owned by others.
- Defacing or damaging school property—including textbooks, lockers, furniture, and other equipment—with graffiti or by other means.
- Possessing fireworks of any kind, smoke or stink bombs, or any other pyrotechnic device.
- Discharging a fire extinguisher.
- Possessing a razor, box cutter, chain, or any other object used in a way that threatens or inflicts bodily injury to another person.
- Possessing or selling a "look-alike" weapon.
- Possessing an air gun or BB gun.
- Possessing ammunition.
- Possessing a stun gun.
- Possessing mace or pepper spray.

- Possessing or using any articles not generally considered to be a weapon, including school supplies, when the principal or designee determines that a danger exists.
- Gambling.
- Making false accusations or hoaxes regarding school safety.
- Falsifying records, passes, or other school-related documents.
- Committing extortion, coercion, or blackmail (obtaining money or another object of value from an unwilling person).
- Engaging in disruptive actions or demonstrations that substantially disrupt or materially interfere with school activities.
- Being insubordinate.
- Refusing to accept discipline management techniques assigned by a teacher or principal.
- Forcing an individual to act through the use of force or threat of force.
- Committing or assisting in a robbery or theft even if it does not constitute a felony according to the Texas Penal Code. (Felony robbery or theft offenses are addressed elsewhere in the Student Code of Conduct.)
- Bullying, including intimidation by name-calling, using ethnic or racial slurs, or making derogatory statements that could disrupt the school program or incite violence.
- Engaging in threatening behavior toward another student or District employee, on or off school property.
- Engaging in harassment motivated by race, color, religion, national origin, disability, or age and directed toward another student or a District employee.
- Engaging in any misbehavior that gives school officials reasonable cause to believe that such conduct will substantially disrupt the school program or incite violence.
- Engaging in inappropriate verbal, physical, or sexual contact directed toward another student or a District employee.
- 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 a District employee.
- Inappropriate or indecent exposure of a student's private body parts.
- Possessing or using matches or a lighter.
- Possessing, smoking, or using tobacco products.
- Possessing or selling look-alike drugs or items attempted to be passed off as drugs or contraband.
- Possessing or selling seeds or pieces of marijuana in less than a usable amount.
- Possessing, using, giving, or selling paraphernalia related to any prohibited substance.
- Abusing the student's own prescription drug, giving a prescription drug to another student, or possessing or being under the influence of another person's prescription drug on school property or at a school-related event.
- Violating the District's policy on taking prescription drugs and over-the-counter drugs at school.
- Possessing a cellular telephone or other telecommunications device at school during the school day.
- Possessing or using a laser pointer for other than an approved use.
- Violating computer use policies, rules, or agreements signed by the student, and/or agreements signed by the student's parent.
- Using the Internet or other electronic communications to threaten students, employees, or cause disruption to the educational program.
- Sending or posting electronic messages that are abusive, obscene, sexually oriented, threatening, harassing, damaging to another's reputation, or illegal.
- Engaging in verbal or written exchanges that threaten the safety of another student, a school employee, or school

property.

- Possessing published or electronic material that is designed to promote or encourage illegal behavior or that could threaten school safety, using e-mail or Web sites at school to encourage illegal behavior, or threatening school safety.
- Possessing material that is pornographic.
- Violating dress and grooming standards as communicated in the student handbook.
- Repeatedly violating other communicated campus or classroom standards of behavior.
- Burglary of a Veribest ISD facility
- Defacing of school property with graffiti or other means that results in a loss or destruction to property in an amount less than \$20,000 (Section 28.08 Penal Code)
- Regardless of whether on or off of campus or at a school function, if a student engages in the offense of retaliation under Section 36.06, Penal Code, against any school employee by engaging in conduct such as intentionally or knowingly threatening to harm another by an unlawful act in retaliation for that person's performance of his or her official duties, unless the student engages in conduct punishable as a felony in retaliation against a person, in which case the student may be expelled under Level V
- Knowingly making a false report against a staff member that is later determined to be unsubstantiated at the conclusion of any investigation initiated as a result of the report

In an emergency, the principal or the principal's designee may order the immediate placement of a student in a DAEP for any reason for which placement in a DAEP may be made on a non-emergency basis.

The terms of a placement in a disciplinary alternative education program (DAEP) under this required placement section prohibits the student from attending or participating in any school activities. Special Education students may be placed in a DAEP strictly in accordance with the procedures for discipline of Special Education students contained on page 21. Special Education students may not be placed in a DAEP unless the Admission, Review, and Dismissal (ARD) Committee determines that it is educationally appropriate and that the student has engaged in conduct for which referral to a DAEP is authorized.

Placement in a DAEP may not exceed one year unless a review by the District determines that:

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.

A DAEP placement in accordance with Education Code 37.0081 may be for any length of time determined necessary by the Board or its designee in light of the factors considered before placement. A student placed under this section is entitled to periodic status reviews by the Board or designee at intervals not to exceed 120 days.

The Board's designee will send the student and the parents a copy of the DAEP order. Not later than the second business day after the conference, the Board's designee will deliver to the juvenile court a copy of the order placing the student in a DAEP and all information required by Section 52.04 of the Family Code.

After the conference, if the student is placed in a DAEP, the appropriate administrator will write a DAEP placement order. A copy of the DAEP placement order will be sent to the student and the student's parent. Parental questions or complaints 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. Consequences will not be deferred pending the outcome of an appeal. The decision to place a student in a DAEP cannot be appealed beyond the Board.

State law prohibits students placed in a DAEP for mandatory removal reasons from attending or participating in school-sponsored or school-related extracurricular activities.

If during the term of placement in a DAEP the student engages in additional conduct for which placement in a DAEP or expulsion is required or permitted, additional proceedings may be conducted, and the principal, or other

appropriate administrator, or the Board may enter an additional disciplinary order as a result of those proceedings

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

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

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

#### **Procedures:**

1. Referral to administrator by way of written report not to exceed one page in length, with report sent to the parent within 24 hours. If appropriate, there will be an investigation by the Tom Green County Sheriff's Department. If the student is transported by the police, the parent should ordinarily be notified within one hour.
2. Administrator confers with student and parent about the student's misconduct. The student is given an opportunity to explain his or her version of the incident. The administrator determines the resulting disciplinary action.
3. Administrator determines whether to place the student in a DAEP. When the student is placed in a DAEP, the parent shall be given a letter stating the reasons for the placement and setting the term. The letter placing the student should state the term of placement in a specific number of days of successful attendance in the DAEP. Students under the age of 6 may not be removed from class and placed in a DAEP.
4. If the student's placement in a DAEP extends beyond the end of the next grading period, the student's parent or guardian is entitled to notice and opportunity to participate in a proceeding before the district superintendent or his or her designee, who shall be the designee of the school board.
5. Before a student may be placed in a DAEP for a period that extends beyond the end of the school year, the principal must determine that:
  - the student's presence in the regular classroom program or at the home school presents a danger of physical harm to the student or other individuals; or
  - the student has engaged in serious or persistent misbehavior that violates the district's *Code of Student Conduct*
6. A finding that a student has engaged in any conduct listed under Level IV or Level V constitutes a finding that the student has engaged in serious misbehavior. An administrator may also find, on the basis of the facts and circumstances of the case, that a Level III offense constitutes a serious offense.
7. The curriculum of the DAEP shall consist of English/language arts, mathematics, science, history, and self-discipline and shall provide for the student's behavioral needs through supervision and counseling.
8. The principal or superintendent will review each student's progress at the DAEP at intervals not to exceed 120 days or at the end of the term of placement in the DAEP, whichever occurs first. Ongoing informal reviews will be conducted by the DAEP through progress checks, grade reporting, parent/student conferences, grade book reviews, reviews of graduation plans, etc. A formal review will be conducted prior to 120 calendar days of enrollment. At this formal review, the student or the student's parent or guardian will be given the opportunity to present arguments for the student's return to the regular campus. This review will be conducted by the board's designee and may include representatives from VISD and the DAEP, parents,

and representation from the sending school. The board's designee shall make reasonable efforts to invite the parent or guardian to the 120-day review. If, after reasonable efforts to include the parent or guardian in the meeting have been made, he or she is unable to attend, the Board's designee may proceed with the meeting in their absence. After assessing the student's progress, those in attendance may decide that the student: (1) remain in the DAEP; (2) be removed from the DAEP and placed in a nondisciplinary alternative educational program to more appropriately address the student's needs; or (3) may return to the sending campus or the campus to which the student is presently zoned. Within three business days from the date of the determination, the committee's decision will be provided in writing to the parent or guardian. In the case of students with disabilities, an ARD committee will make this determination.

9. Within two business days after the date a hearing is held in which a student is placed in a DAEP under this section, the principal shall send a copy of the order placing the student in a DAEP to the parent and shall forward a copy to School Administration, which shall forward the required information to the authorized officer of the juvenile court.

**Procedures for Referral to a Disciplinary Alternative Education Program (DAEP)(for a period that extends beyond the end of the next grading period or beyond the end of the school year)**

The principal or principal's designee shall offer an opportunity for the parent(s) and student to meet with him or her and to receive an explanation of the reasons for the referral as well as the term of placement in the DAEP. Before the principal/ administrator may place the student in a DAEP for a period that extends beyond the end of the school year, he or she must determine that:

(1) the student's presence in the regular classroom program or at the student's regular campus presents a danger of physical harm to the student or to another individual; or

(2) the student has engaged in serious or persistent misbehavior that violates the *Code of Student Conduct*.

Serious offenses are those that substantially disrupt or materially interfere with the orderly process in the classroom, VISD transportation, the school, any school-related activity and may include persistent misbehavior of Level II or higher misconduct. Persistent shall be defined as more than one instance of Level II and higher misconduct. An administrator may also find, on the basis of the facts and circumstances of the case that a Level III offense constitutes a serious offense. Finally, a finding that a student has engaged in any offense listed as an offense under Level IV or Level V constitutes a finding that the student has engaged in serious misbehavior.

Under state law, students under the age of 6 may not be removed from class and placed in a DAEP. The principal shall set a term for the student's placement in the DAEP, consistent with the requirements of the law and of the DAEP, and shall deliver a written copy of the order placing the student in a DAEP to the parent or guardian. The letter placing the student should state the term of placement in a specific number of days of successful attendance in the DAEP.

The board's designee will review each student's progress at the DAEP at intervals not to exceed 120 days or at the end of the term of placement in the DAEP, whichever occurs first. Ongoing informal reviews will be conducted by the DAEP through progress checks, grade reporting, parent/student conferences, grade book reviews, reviews of graduation plans, etc. A formal review will be conducted prior to 120 calendar days of enrollment. At this formal review, the student or the student's parent or guardian will be given the opportunity to present arguments for the student's return to the regular campus. This review will be conducted by the board's designee and may include representatives from VISD and the DAEP, parents, and representation from the sending school. The board's designee shall make reasonable efforts to invite the parent or guardian to the 120-day review. If, after reasonable efforts to include the parent or guardian in the meeting, he or she unable to attend, the board's designee may proceed with the meeting in his or her absence. After assessing the student's progress, those in attendance may decide that the student: (1) remain in the DAEP; (2) be removed from the DAEP and placed in a non-disciplinary alternative educational program to more appropriately address the student's needs; or (3) may return to the sending campus or the campus to which the student is presently zoned. Within three business days from the date of the determination, the committee's

decision will be provided in writing to the parent or guardian. In the case of students with disabilities, an ARD committee will make this determination. A student may not be returned to the classroom of a teacher who removed the student under the teacher removal provisions, unless the teacher agrees or the campus placement review committee has agreed that the teacher's classroom is the best or only placement available.

### **Review by Principal**

If a principal's designee and/or the assistant principal places a student in a DAEP that extends beyond the end of the next grading period, the principal or his or her impartial designee shall hold a review of this decision at the request of the student, the parent, or the guardian. This request for a principal's review must be made to the principal within three school days of the time the punishment was imposed. If the principal initially makes the decision to place the student in a DAEP that extends beyond the end of the next grading period, the review may be taken directly to the district superintendent.

If a student is new to VISD and the student was placed in a DAEP by the district from which the student is transferring to VISD, the principal/designee may continue the placement in a DAEP under the terms and conditions set by the other school district prior to the student's arrival in VISD.

### **Appeal to District Superintendent/Designee**

Within five days of receipt of notice of the decision to place the student in a DAEP, the student/parent must request a meeting with the district superintendent/designee or the decision shall be final. The district superintendent or designee will review any placement in a DAEP that extends beyond the next grading period at the request of the student, the parent, or the guardian. The district superintendent/designee will allow the school administration and the parent, guardian, or student to make a 10-minute presentation. The length of the presentation may be increased by the district superintendent/designee. Whether witnesses or documentary evidence will be considered by the district superintendent is left to his or her discretion. When the district superintendent/designee completes the hearing, he/she will render a decision in writing to the parent within seven school days from the hearing date. A student may be placed in a DAEP pending this appeal. The decision of the district superintendent/designee is final and may not be appealed.

At the hearing, the district superintendent/designee will:

- advise the student orally or in writing of the alleged misconduct
  - explain the evidence of the misconduct and give the student the opportunity to present his or her side if the student denies the allegation of misconduct
  - render a final decision on the placement and the duration of the placement, including, if necessary, continuing placement of a new student in a DAEP under the terms and conditions set by another school district prior to the student's arrival in VISD.
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### **Procedures for Continuation of DAEP Placement After Receipt of Notice Under Article 1527(g)**

The principal shall review the placement of a student in an disciplinary alternative education program (DAEP) upon receipt of notice under Article 1527(g), Code of Criminal Procedure:

The office of the prosecuting attorney will notify the District if a student was placed in a DAEP and:

1. Prosecution of a student's case was refused for lack of prosecutorial merit or insufficient evidence and no formal proceedings, deferred adjudication (see glossary), or deferred prosecution will be initiated; or
2. The court or jury found a student not guilty, or made a finding that the student did not engage in delinquent conduct or conduct indicating a need for supervision, and the case was dismissed with prejudice.

If a student was placed in a DAEP for conduct other than a false alarm or report or terroristic threat involving a public school or conduct on or within 300 feet of school property for which DAEP placement is required by law, on receiving the notice from the prosecutor, the Superintendent or designee will review the student's placement in the DAEP and schedule a review of the student's placement with the student's parent not later than the third day after the Superintendent or designee receives notice from the prosecutor. The student may not be returned to the regular classroom pending the review.

After reviewing the notice and receiving information from the student's parent, the Superintendent or designee may continue the student's placement in the DAEP if there is reason to believe that the presence of the student in the regular classroom threatens the safety of other students or teachers. The student or the student's parent may appeal the Superintendent's decision to the Board. The student may not be returned to the regular classroom pending the appeal.

The Board will, at the next scheduled meeting, review the notice from the prosecutor and receive information from the student, the student's parent, and the Superintendent or designee, and confirm or reverse the decision of the Superintendent or designee. The Board will make a record of the proceedings.

If the Board confirms the decision of the Superintendent or designee, the Board will inform the student and the student's parent of the right to appeal to the Commissioner of Education. The student may not be returned to the regular classroom pending the appeal.

### **EMERGENCY PLACEMENT IN DAEP**

In an emergency, the principal or the principal's designee may order the immediate placement of a student in a DAEP for any reason for which placement in a DAEP may be made on a non-emergency basis.

### **PROCEDURE FOR EMERGENCY PLACEMENT IN DAEP**

When an emergency placement occurs, the student will be given oral notice of the reason for the action. Not later than the tenth day after the date of the placement, the student will be given the appropriate conference required for placement in a DAEP. If emergency placement involves a student with disabilities who receives special education services, the term of the student's emergency removal is subject to the requirements of federal law.

## **Level V: Expulsion for Serious Offenses**

Level V acts of misconduct include serious misbehavior and/or illegal acts that threaten to impair the educational efficiency of the school and/or that most seriously disrupt the orderly educational process in the classroom and/or the school. Under state law, students may be expelled for any violation listed under this section. Expulsion may occur if the Level V act of misbehavior occurs on school property or at a school-sponsored or school-related activity on or off of school property. Expulsion means removal of a student from school for more than three consecutive school days but not longer than one calendar year.

### **Level V Acts of Misconduct That A Student Must Be Expelled For:**

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

- Bringing to school a firearm, as defined by federal law.  
“Firearm” under federal law includes:
  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. (See glossary)
    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. (See glossary)
  - Behavior containing elements of the following offenses under the Texas Penal Code:
    1. Aggravated assault, sexual assault, or aggravated sexual assault.
    2. Arson. (See glossary)
    3. Murder, capital murder, or criminal attempt to commit murder or capital murder.
    4. Indecency with a child.
    5. Aggravated kidnapping.
    6. Aggravated robbery.
    7. Manslaughter.
    8. Criminally negligent homicide.
    9. Behavior punishable as a felony that involves 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.
    10. Retaliation against a school employee combined with one of the above-listed offenses on or off school property or at a school-related activity.

**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.

**A student may be expelled** for any offense that is a state-mandated expellable offense if the offense is committed on the property of another district in Texas or while the student is attending a school-sponsored or school-related activity at a school in another district in Texas.

**A student may be expelled** for committing any of the following offenses on or within 300 feet of school property, as measured from any point on the school's real property boundary line, or while attending a school-sponsored or school-related activity on or off school property:

- Selling, giving, or delivering to another person, or possessing, using, or being under the influence of any amount of marijuana, a controlled substance, or a dangerous drug, if the conduct is not punishable as a felony.
- Selling, giving, or delivering to another person, or possessing, using, or being under the influence of any amount of alcohol; or committing a serious act or offense while under the influence of alcohol, if the conduct is not punishable as a felony.
- Engaging in conduct that contains the elements of an offense relating to abusable volatile chemicals.
- Engaging in conduct that contains the elements of assault under Section 22.01(a)(1) against an employee or a volunteer.

- Engaging in deadly conduct. (See glossary)

A student **may be expelled** for the following conduct while within 300 feet of school property, as measured from any point on the school's real property boundary line:

- Committing aggravated assault, sexual assault, or aggravated sexual assault.
- Committing arson.
- Committing murder, capital murder, or criminal attempt to commit murder or capital murder.
- Committing indecency with a child, aggravated kidnapping, manslaughter, criminally negligent homicide, or aggravated robbery.
- Committing a felony drug- or alcohol-related offense.
- Using, exhibiting, or possessing a firearm (as defined by state law, an illegal knife, a club, or prohibited weapon, or possessing a firearm (as defined by federal law).

A student **may be expelled** if the student engages in the following conduct no matter where the conduct takes place:

- Engaging in conduct that contains the elements of assault under Penal Code 22.01(a)(1) in retaliation against a school employee or volunteer.
- Engaging in criminal mischief, if punishable as a felony.

A student **may be expelled** if the student engages in conduct that contains the elements of one of the following offenses against another student, without regard to where the conduct occurs:

- Aggravated assault.
- Sexual assault.
- Aggravated sexual assault.
- Murder.
- Capital murder.
- Criminal attempt to commit murder or capital murder.
- Aggravated robbery.

A student **may be expelled** for engaging in serious or persistent misbehavior that violates the District's Student Code of Conduct, while placed in a DAEP. The District defines "persistent" as two or more violations of the Student Code of Conduct in general or repeated occurrences of the same violation. Serious offenses include, but are not limited to, the following:

- Murder.
- Vandalism.
- Robbery or theft.
- Extortion, coercion, or blackmail.
- Disruptive actions or demonstrations that substantially disrupt or materially interfere with school activities.
- Hazing.
- Insubordination.
- Profanity, vulgar language, or obscene gestures directed toward teachers or other school employees.
- Fighting, committing physical abuse, or threatening physical abuse.
- Possession or distribution of pornographic materials.

- Leaving school grounds without permission.
- Sexual harassment of a student or District employee.
- Possession of or conspiracy to possess any explosive or explosive device.
- Falsification of records, passes, or other school-related documents.
- Refusal to accept discipline management techniques assigned by the teacher or principal.

\*\*Possession means actual care, custody, control, or management. A student shall be considered to be in possession of any substance or object prohibited or regulated by this *Code of Student Conduct* if the substance or object is: (1) on the student's person or in the student's personal property, such as the student's clothing, purse, book bag, or briefcase; (2) in any private vehicle used by the student for transportation to or from school or school-related activities, such as an automobile, truck, motorcycle, or bicycle; or (3) in any school property used by the student, such as a locker or desk.

### **Disciplinary Options/Responses Under Expulsion:**

- Notification and investigation by Tom Green County Sheriff Department. If a decision is made by the sheriff department to transport the student, the administrator should normally contact the parents within one hour.
- Required administrator/parent/student conferences
- Exclusion from extracurricular activities including field trips and commencement exercises/award ceremonies
- Restitution or restoration as applicable
- Referral to district Drug-Free Schools and Communities counselors and/or appropriate agencies
- Referral to juvenile court for legal action
- Suspension for up to three consecutive days per occurrence
- Referral to a disciplinary alternative education program
- Expulsion (more than three consecutive school days per occurrence, but not longer than one year)
- Except in the case of firearms, students younger than 10 years may not be expelled for conduct described in this section and must be provided educational services in a DAEP.

### **Procedures:**

Students with disabilities are subject to applicable state and federal law in addition to the Student Code of Conduct. To the extent any conflict exists, state and/or federal law will prevail.

When a student under the age of ten engages in behavior that is expellable behavior, the student will not be expelled, but will be placed in a Disciplinary Alternative Education Program (DAEP). Students under age six will not be removed from class or placed in a DAEP unless the student commits a federal firearm offense.

State and federal law require a student to be expelled from the regular classroom for a period of at least one calendar year for bringing a firearm, as defined by federal law, to school. However, the Superintendent or other appropriate administrator may modify the length of the expulsion on a case-by-case basis, and/or the District may provide educational services to the expelled student in a DAEP. The District must provide educational services in the DAEP if the student is less than ten years of age.

If a student is believed to have committed an expellable offense, the principal or other appropriate administrator will schedule a hearing within a reasonable time. The student's parent will be invited in writing to attend the hearing.

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

- Another appropriate classroom.
- In-school suspension.
- Out-of-school suspension.
- A Disciplinary Alternative Education Program.

The duration of a student's expulsion will be determined on a case-by-case basis. The maximum period of expulsion

is one year. The length of an expulsion will be correlated to the seriousness of the offense, the student's age and grade level, the frequency of misbehavior, the student's attitude, and statutory requirements.

A student facing expulsion will be given appropriate due process. The student is entitled to:

1. Representation by the student's parent or another adult who can provide guidance to the student and who is not an employee of the District.
2. An opportunity to testify and to present evidence and witnesses in the student's defense.
3. An opportunity to question the District's witnesses.

The Veribest ISD Board delegates to the principal or superintendent the authority to expel students.

A student expelled by the principal or superintendent after the due process hearing may request that the Board review the expulsion decision. The student or parent must submit a written request to the Superintendent within seven days after receipt of the written decision. The Superintendent must provide the student or parent written notice of the date, time, and place of the meeting at which the Board will review the decision. Consequences will not be deferred pending the outcome of the hearing.

After providing notice to the student and parent of the hearing, the District may hold the hearing regardless of whether the student or the student's parent attends.

The Board will review the record of the expulsion hearing in a closed meeting unless the parent requests in writing that the matter be held in an open meeting. The Board may also hear a statement from the student or parent and from the Board's designee.

The Board will hear statements made by the parties at the review and will base its decision on evidence reflected in the record and any statements made by the parties at the review. The Board will make and communicate its decision orally at the conclusion of the presentation. Consequences will not be deferred pending the outcome of the hearing.

After the due process hearing, if the student is expelled, the Board or its designee will deliver to the student and the student's parent a copy of the order expelling the student.

If the length of the expulsion is inconsistent with the guidelines included in the Student Code of Conduct, the expulsion order will give notice of the inconsistency. An expulsion may not exceed one year unless, after review, the District determines that:

1. The student is a threat to the safety of other students or to District employees; or
2. Extended expulsion is in the best interest of the student.

When a student has violated the District's Student Code of Conduct in a way that requires or permits expulsion from the District and the student withdraws from the District before the expulsion hearing takes place, the District may conduct the hearing after sending written notice to the parent and student. If the student then reenrolls in the District during the same or subsequent school year, the District may enforce the expulsion order at that time, less any expulsion period that has been served by the student during enrollment in another district. If the principal, another appropriate administrator, or the Board fails to issue an expulsion order after the student withdraws, the next district in which the student enrolls may complete the proceedings. If during the expulsion, the student engages in additional conduct for which placement in a DAEP or expulsion is required or permitted, additional proceedings may be conducted, and the principal, another appropriate administrator, or the Board may issue an additional disciplinary order as a result of those proceedings.

Not later than the second business day after the hearing, the principal will deliver to the juvenile court a copy of the order expelling the student and the information required by Section 52.04 of the Family Code. Students who commit offenses that require expulsion at the end of one school year may be expelled into the next school year to complete the term of expulsion.

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

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

The VISD will decide on a case-by-case basis the placement of a student who is subject to an expulsion order from another district or open-enrollment charter school upon enrollment in the District.

If a student expelled in another state enrolls in the District, the District may continue the expulsion under the terms of the expulsion order, may place the student in a DAEP for the period specified in the order, or may allow the student to attend regular classes if:

1. The out-of-state district provides the District with a copy of the expulsion order, and
2. The offense resulting in the expulsion is also an expellable offense in the District in which the student is enrolling.

If a student is expelled by a district in another state for a period that exceeds one year and the District continues the expulsion or places the student in a DAEP, the District will reduce the period of the expulsion or DAEP placement so that the entire period does not exceed one year, unless after a review it is determined that:

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

## **EMERGENCY EXPULSION**

In an emergency, the principal or the principal's designee may order the immediate expulsion of a student for any reason for which expulsion may be made on a non-emergency basis.

## **PROCEDURE**

When an emergency expulsion occurs, the student will be given verbal notice of the reason for the action. Within ten days after the date of the emergency expulsion, the student will be given appropriate due process required for a student facing expulsion. If emergency expulsion involves a student with disabilities who receives special education services, the term of the student's emergency expulsion is subject to the requirements of federal law.

## **Zero Tolerance/Pursuit of Criminal Charges**

The VISD Board of Education, in accordance with its major system priorities, believes the school environment should be safe for all students and free of disruptions that interfere with the education process. In response to this belief, the board has developed a policy of zero tolerance. This policy shall apply to elementary-, middle-, and high-school students.

All students who unlawfully possess a firearm, illegal knife as defined by state law, explosive, or any other dangerous object or weapon on school district property, on school buses, and/or in attendance at district-related activities shall be recommended for expulsion. The Board of Education further declares that the *Code of Student Conduct* will be strictly applied.

In every case where students in elementary, middle, or high school engage in conduct that contains the elements of an offense in violation of the Penal Code or the Education Code, the school district will pursue arrest, charges, and removal to a DAEP, juvenile detention facility, or county jail.

## Reports to Local Law Enforcement

The principal has an obligation under the law to notify the Tom Green County Sheriff Department if the principal has reasonable grounds to believe that any of the following offenses has occurred in school, on school property, or at a school-sponsored or school-related activity on or off school property:

- murder; capital murder
- aggravated kidnapping
- aggravated assault
- injury to a child or an elderly individual
- sexual assault; aggravated sexual assault
- arson
- robbery; aggravated robbery; burglary
- manufacture or delivery of a controlled substance manufacture, delivery, or possession of a miscellaneous illegal substance or delivery of marijuana within 1,000 feet of a school or playground
- deadly conduct, as described by Section 22.05, Penal Code, which includes recklessly engaging in conduct that places another person in imminent danger of serious bodily injury or knowingly discharging a firearm in the direction of an individual, home, or occupied vehicle
- terroristic threat, which generally involves the threat of a violent act that places a person in fear of serious bodily injury or is designed to incite panic; cause disruption to the use of a public building or space; interrupt the use of public communications, transportation, the water, gas, or power supply or another public service; or cause an emergency response as more specifically described by Section 22.07, Penal Code
- use, sale, or possession of a controlled substance, drug paraphernalia, or marijuana, as defined by Chapter 481, Health and Safety Code
- possession of a club, explosive weapon, firearm, firearm silencer, handgun, illegal knife, knife, brass knuckles, machine gun, short-barrel firearm, switchblade knife, armor-piercing ammunition, hoax bomb, chemical dispensing device, or zip gun, as listed in Sections 46.01(1)-(14) or Section 46.01(16) of the Penal Code
- organized criminal activity, which includes commission of murder, capital murder, arson, aggravated robbery, robbery, burglary, theft, aggravated kidnapping, kidnapping, aggravated assault, aggravated sexual assault, sexual assault, forgery, deadly conduct, burglary of a motor vehicle, unauthorized use of a motor vehicle, a gambling offense, or other criminal activity if it is done with the intent to establish or maintain or participate in a collaboration of three or more persons or participate in the profits of such a combination in carrying on criminal activity as further defined under Section 71.02 of the Penal Code

The principal or other administrator who notifies local law enforcement of these offenses shall notify each instructional or support-staff member who has regular contact with the student who has committed the offenses.

## Court Involvement

If a student is found to have committed an offense under Level IV or V of this *Code* and the student is placed in a DAEP, the county juvenile authorities must be notified. Within two business days, the principal must send a copy of the order placing the student in a DAEP to the alternative-district administrator in charge of the DAEP, who shall notify the county. The county may decide whether the student is in need of supervision, whether the student has engaged in delinquent conduct, or whether the student should be referred to an appropriate state agency..

## Emergency Placement in a Disciplinary Alternative Education Program (DAEP), Suspension, or Immediate Expulsion

A principal or a principal's designee may order the immediate placement of a student in a DAEP when it is determined the student's behavior is so unruly, disruptive, or abusive that it:

- seriously interferes with a teacher's ability to communicate effectively with the students in a class; or

- seriously interferes with the ability of the student's classmates to learn; or
- seriously interferes with the operation of school or a school-sponsored activity.

A principal or a principal's designee may order the immediate expulsion of a student from the school when the principal reasonably believes that the action is necessary to protect persons or property from imminent harm. The principal or his or her designee shall schedule a hearing within three days and hold the hearing within seven days unless agreement with the parent or guardian or circumstances require a delay, in which case the hearing shall be scheduled within a reasonable time. Students with disabilities may be subject to the "stay-put" requirements of 34 C.F.R. 300.514. The procedures relating to the discipline of students with should be followed. (See pp. 21-24.)

### **Corporal Punishment**

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

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

1. The student will be informed of the reason(s) for corporal punishment.
2. Corporal punishment should be administered by an administrator.
3. The instrument 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.

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## **Procedures for Teacher Removal of Students**

The Texas Education Code provides teachers with three ways to maintain discipline by removing unruly or disruptive students from the classroom. Each alternative for removal of students carries different disciplinary and administrative consequences. This section sets forth the three different alternatives.

### **Reasons for Teacher Removal of Students**

#### Alternative I

- A teacher may send a student to the principal's office to maintain effective discipline in the classroom as stated under Levels I and II.

#### Disciplinary Options Under Alternative I

- If the student is removed to maintain effective discipline as stated under Alternative I, the principal is free to employ any disciplinary management technique or option authorized by the *Code* as determined by the level of the offense and the seriousness of the misconduct. The student removed under this provision may be returned to the teacher's class. This alternative corresponds to Levels I and II and to the Optional Removal to

a DAEP under Level III.

#### Alternative II

- A teacher may remove a student from class who has been documented by the teacher to repeatedly interfere with the teacher's ability to communicate effectively with the students in the class or with the ability of the student's classmates to learn. Documentation should ordinarily be through a written factual account of the behavior that is occurring in the classroom.
- A teacher may remove a student from class whose behavior the teacher determines is so unruly, disruptive, or abusive that it seriously interferes with the teacher's ability to communicate effectively with the students in the class or with the ability of the student's classmates to learn.

#### Disciplinary Options Under Alternative II

- If the student is removed by the teacher under Alternative II and the teacher has appropriately documented the reasons for the removal, the student may not be returned to the teacher's class without the teacher's consent. Subject to the review procedures outlined in this section, the disciplinary options available to the principal include:
  - placement in another appropriate classroom
  - placement in in-school suspension
  - placement in a disciplinary alternative education program

#### Review for Students Removed Under Alternative II

(a) Not later than the third class day after the day on which a student is removed under this section, the school principal shall schedule a conference with the principal or his or her designee, a parent or guardian of the student, the teacher removing the student from the class, and the student.

(b) While waiting for the conference, the student may not be returned to the regular classroom without the teacher's consent. Pending the conference, the principal may place the student in in-school suspension in another class, or in a DAEP.

(c) 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 the removal.

(d) Following the conference and whether or not each requested person is in attendance after valid attempts to obtain the person's attendance, the principal may place the student in another class, in in-school suspension, or in a DAEP or may return the student to the class of the teacher who removed the student unless the teacher objects to the student's return. If the teacher objects, the principal may refer the student to the Campus Placement Review Committee for a determination as to placement.

(e) The teacher may not be coerced to accept the student without a determination by the Campus Placement Review Committee.

(f) The Placement Review Committee will make a determination as to whether the student may be returned to the removing teacher's class. The student may not be returned to the teacher's class without the teacher's consent unless the committee determines that such placement is the best or only placement available. In the case of Special Education students, the decision on placement may be made only by a duly constituted Admission, Review, and Dismissal committee.

### **Placement Review Committee Under Alternative II**

Each school shall have a placement review committee composed of three members. The committee will determine placement of a student when a teacher has removed the student under Alternative II and refuses to allow the return of the student to the teacher's class. The committee will make a final determination of the student's placement when a student is removed under this section.

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

### **Alternative III**

- teacher is required to remove from class and send to the principal for placement in an disciplinary alternative education program or for expulsion any student who engages in Level IV or Level V misconduct.

### **Disciplinary Options Under Alternative III**

- If the student is removed under Alternative III for engaging in Level IV or Level V misconduct, then the student may or shall be removed to a DAEP or expelled as appropriate or as required by state law. Procedures for removal to a DAEP or for expulsion shall be followed. (See pp. 14 and 16.)

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## **Student Complaints**

### **Board Policy FNG (Local)**

The purpose of the complaint policy is to secure, at the lowest possible administrative level, prompt and equitable resolution of student or parent complaints. Except as provided below, all student or parent complaints shall be presented in accordance with the policy outlined in this section.

Complaints regarding certain topics are addressed by specific policies or other documents that modify this complaint process or require an alternative process.

1. Discrimination on the basis of sex: VISD Board Policy FB
2. Sexual abuse or sexual harassment of a student: VISD Board Policy FNCJ
3. Loss of credit on the basis of attendance: Board Policy FDD
4. Teacher removal of a student for disciplinary reasons: Board Policy FOAA
5. Removal of a student to a disciplinary alternative education program: Board Policy FOAB
6. Expulsion of a student: Board Policy FOD and this *Code*
7. Identification, evaluation, or educational placement of a student with a disability within the scope of Section 504: Board Policy FB

8. Identification, evaluation, or educational placement of a student with a disability within the scope of IDEA: Board Policy EHBA and the Notice of Procedural Safeguards
9. Instructional materials: Board Policy EFA
10. On-campus distribution of nonschool materials to students: Board Policy FMA
11. Complaints against peace officers: Board Policy CKE

Unless otherwise provided by a policy referred to above, students or parents shall be entitled to informal conferences with administrators to resolve their complaints. If such attempts are unsuccessful, the students or parents may take their complaint to the board, using the procedures outlined below. If a complaint involves a problem with a teacher, the student or parent in most circumstances shall be expected to discuss the matter with the teacher before requesting a conference with the principal at Level One.

## **PROCEDURE FOR STUDENT COMPLAINTS**

The student may be represented by an adult at any level of the complaint. For purposes of this policy, "days" means calendar days. Announcement of a decision in the student's or parent's presence shall constitute communication of the decision.

### **Level One:**

A student or parent who has a complaint shall request a conference with the principal within 30 days of the time the student or parent knew or should have known of the event or series of events causing the complaint. The principal shall schedule and hold a conference with the student or parent within seven days of the request. The principal shall have seven days to respond following the conference with the parent or student.

### **Level Two:**

If the outcome of the conference with the principal is not to the student's or parent's satisfaction, or the time for the response has expired, the student or parent may request a conference with the district superintendent or a designee. The request must be filed within seven days following receipt of a response or, if no response is received, within seven days of the response deadline. The district superintendent or designee shall hold the conference within 10 days after receiving the request.

Prior to or at the time of the conference, the student or parent shall submit a written complaint that includes the student's or parent's signed statement of the complaint, any evidence in its support, the solution sought, and the date of the conference with the principal. The conference shall be recorded by a court reporter paid by VISD. The district superintendent or designee shall have seven days following the conference within which to respond.

### **Level Three:**

If the outcome of the conference with the district superintendent or designee is not to the student's or parent's satisfaction or if the time for a response has expired, the student or parent may submit to the district superintendent or designee a request to place the matter on the agenda of a future Board of Education meeting. The request shall be in writing and must be filed within seven days of the response deadline. VISD shall inform the student or parent of the date, time, and place of the meeting.

The presiding officer shall establish a reasonable time limit for complaint presentations. VISD shall

make an audiotape record of the Level Three proceedings before the board. The board shall hear the complaint and shall then make and communicate its decision orally or in writing at any time up to and including the next regular board meeting.

If the complaint involves concerns or charges regarding an employee, it shall be heard by the board in closed meeting unless the employee to whom the complaint pertains requests that it be heard in public or unless a public hearing is required by the Texas Open Meetings Act.

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## **Students Rights and Responsibilities: Sexual Harassment/Sexual Abuse**

### **Sexual Harassment by Students**

Students shall not engage in sexual harassment toward another student or a district employee. A substantiated charge of sexual harassment against a student shall result in disciplinary action.

Sexual harassment by a student includes unwanted and unwelcome verbal or physical conduct of a sexual nature, whether by word, gesture, or any other sexual conduct, including requests for sexual favors.

### **Sexual Harassment/Abuse by Employees**

District employees are prohibited from sexually harassing or sexually abusing students. Romantic relationships between students and employees are prohibited.

### **Reports to Lawful Authorities**

Any district employee who receives information about sexual harassment or sexual abuse of a student that may reasonably be characterized as known or suspected child abuse or neglect shall make the reports to appropriate authorities, as required by law.

VISD shall notify the parents of all students involved in sexual harassment by a student or students when the allegations are not minor. The district shall notify parents of all incidents of sexual harassment or sexual abuse by an employee. Notice shall include providing the parent a copy of Board Policy FNCJ (Exhibit).

### **Investigations**

All reports of sexual harassment that are not minor shall be referred to the Title IX coordinator. Oral complaints shall be reduced to writing to assist in the district's investigation. To the greatest extent possible, complaints shall be treated as confidential. Limited disclosure may be necessary to complete a thorough investigation.

### **Protection from Retaliation**

The district shall not retaliate against a student who in good faith reports perceived sexual harassment or sexual

abuse.

## **PROCEDURE FOR SEXUAL HARASSMENT COMPLAINTS**

For purposes of the following complaint process, "days" shall mean calendar days.

### **Level One:**

A student or parent who has a complaint alleging sexual harassment by another student or other students or sexual harassment or sexual abuse by an employee may request a conference with the principal, a designee, or the Title IX coordinator for students. The student may be accompanied by a parent or other advisor at the initial conference and throughout the complaint process. The initial conference with the student ordinarily shall be held with a person who is the same sex as the student. The conference shall be scheduled and held as soon as possible, but in any event within seven days of receipt of the complaint. At the conference, the persons bringing the complaint shall be informed of the right to file a complaint with the Office of Civil Rights.

The principal or designee or the Title IX coordinator shall coordinate an appropriate investigation, which ordinarily shall be completed within seven days of receipt of the complaint. The student or parent shall be informed if extenuating circumstances delay the investigation.

Nothing in the complaint process shall have the effect of requiring a student alleging sexual harassment or sexual abuse to report the matter to the person who is the subject of the complaint.

### **Level Two:**

If the resolution of the complaint at Level One is not to the student's or parent's satisfaction, the student or parent has seven days to request a conference with the Superintendent or a designee, who shall schedule and hold a conference. Prior to or at the conference, the student or parent shall submit a written complaint that includes a statement of the complaint, any evidence in its support, the resolution sought, the student's and/or parent's signature, and the date of the conference with the principal, designee, or Title IX coordinator.

### **Level Three:**

If the resolution of the complaint at Level Two is not to the student's or parent's satisfaction, the student may present the complaint to the Board of Education at its next regular meeting. The complaint shall be included as an item on the agenda posted with notice of the meeting. Announcing a decision in the student's or parent's presence constitutes communication of the decision.

### **Closed Meeting:**

The board shall hear complaints alleging sexual harassment by students or sexual harassment or sexual abuse by employees in closed meeting, unless otherwise required by the Open Meetings Act.

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## **Student Publications and Prior Review**

## **School-Sponsored Material**

All publications edited, printed, or distributed in the name of or within Veribest ISD schools shall be under the control of the school administration and the Board of Education. All publications approved and issued by individual schools shall be part of the instructional program, under the supervision of a faculty sponsor, and all shall be carefully edited to reflect the high ideals and expectations of the citizens of the district for their schools. The exercise of appropriate economy in materials and production is expected without jeopardy to the content. The principal shall be responsible for all matters pertaining to the organization, issuance, and sale of such publications and any other publication procedure, subject to the Superintendent's approval.

## **Advertising**

Advertising in individual school publications may be accepted from bona fide business firms, subject to the approval of professional employees exercising editorial supervision over the publications. Advertising deemed inappropriate for student readers or that advertises products presenting a health hazard, such as alcohol or tobacco products, shall not be accepted.

## **Complaints**

Students who have a complaint regarding the procedures or a professional decision affecting the content or style of a school-sponsored publication shall present that complaint in accordance with Board Policy FNG (Local).

## **Non-school Materials Distribution**

The district's classrooms during the school day are provided for the limited purpose of delivering instruction to students in the courses and subjects in which they are enrolled. Classrooms shall not be used for distribution of any materials over which the school does not exercise control. Hallways in school buildings are provided for the limited purpose of facilitating the movement of students between classes and allowing access to assigned lockers. Hallways shall not be used for the distribution of any materials over which the school does not exercise control.

Each school campus shall designate an area where materials over which the school does not exercise control that have been approved for distribution to students, as provided below, may be made available to students or distributed to students in accordance with the time, place, and manner of restrictions developed and approved by the campus principal.

## **Prior Review**

No written material consisting wholly or primarily of commercial advertising may be distributed on school property.

All other written material over which the school does not exercise editorial control that is intended for distribution to students shall be submitted for prior review according to the following procedures:

1. Material shall be submitted to the building principal or a designee for review.
2. Using the standards listed above, the principal or designee shall approve or disapprove submitted material within 24 hours of the time the material is received. Failure to act within the 24-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. If the request to distribute material was initiated by a student, disapproval may be appealed to the board using the complaint procedures specified in this *Code* and in Board Policy FNG (LOCAL), beginning at Level Three. If the request to distribute material was initiated by someone other than a student, disapproval may be appealed to the board under Board Policy GF (LOCAL), beginning at Level Three.

Students who fail to follow the procedures for submitting material for approval shall face disciplinary action. Appropriate law-enforcement officials shall be called when someone other than a student refuses to follow the procedures for submitting materials and fails to leave the premises when asked.

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## **Bus Safety Guidelines And Penalties**

Students should be aware that all of the rules contained in this *Code* are applicable to their conduct and actions while riding Veribest ISD provided transportation. Aside from compliance with the rules contained in Levels I through V, students are expected to observe the following rules:

- Students shall follow the directions of the school-bus driver the first time they are given.
- Students should be at the assigned bus stop five minutes before the scheduled departure time.
- Students shall wait in a safe place, clear of traffic and away from where the school bus stops.
- Students shall wait in an orderly line and avoid horseplay.
- Students shall cross the road or street in front of the bus only after the bus has come to a complete stop and upon the direction of the bus driver.
- A student must go directly to an available seat upon entering the bus, must remain seated, and must keep all aisles and exits clear.
- Students are expected to exhibit appropriate classroom conduct at all times when riding transportation.
- A student may carry only objects on the bus that can be held on his or her lap.
- Students shall refrain from throwing or passing objects on or from the bus.
- Food, drinks, animals, hazardous substances, and nuisance items are not permitted on the bus.
- Students are required to follow all safety instructions and to respect the rights of others.
- Students are not permitted to leave or board the bus at any location other than the assigned stops at home or school.
- Extending the head, arms, or other objects out of the windows of the bus as well as hitching a ride via the rear bumper or other parts of the bus are strictly prohibited.

## **Should the rules be broken, the following consequences will be invoked:**

### **First Bus Report**

Student will have a conference with the principal, or designee, and/or other disciplinary action may be taken. The student will retain bus privileges contingent upon not receiving another bus report. The parent will be notified.\*\*\*

### **Second Bus Report**

If the student receives a second bus report within the same semester (or within a short space of time), he/she loses bus privileges for up to 5 days.\*\*\*

### **Third Bus Report**

The student will lose bus privileges for up to 10 days.\*\*\*

### **Fourth Bus Report**

The student may lose bus privileges for the remainder of the semester. After returning to the bus in the second

semester, if the student receives another bus report, he/she will lose bus privileges for the remainder of the school year. In each instance the parents will be notified.\*\*\*

**\*\*\*In the event of initiation and/or participation in a major offense, a student may lose bus privileges for an undetermined length of time.**

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## Summary of Related Board Policies

This *Code of Student Conduct* is drawn from Board Policies and Standard Practice Memoranda. Students are subject to the Board Policies and Standard Practice Memoranda now in effect and those that may be adopted or amended after the publication of this *Code*. Those who desire more information concerning the policies and administrative procedures upon which this *Code* is based should refer to them. Copies are available in all schools and district offices. The sections that relate to student conduct are as follows:

**ATTENDANCE.** Board Policy and Standard Practice Memoranda state that regular attendance and punctuality shall be required of every student. Board Policies state the district's attendance policy for students for course credit. In addition, Texas Education Code 25.087 pertains to excused absences.

**COMPLAINTS.** Board Policy states that students may present any complaint to the district, either personally or through a representative, through appropriate complaint procedures.

**STUDENT DRESS AND PERSONAL GROOMING.** Board Policy describes the district's policy with regard to student dress and personal grooming; it calls for the establishment of standards in each school

**ILLEGAL DRUGS AND ALCOHOL.** Board Policy and state law prohibit any student from selling or possessing an illegal drug or alcohol on school grounds.

**STUDENT PUBLICATIONS.** Board Policy describes the district's policies regarding student participation in the publication of school newspapers, yearbooks, literary magazines, and other school-sponsored publications; it also covers the publication and distribution of publications that are not school-sponsored.

**SMOKING.** Board Policy states that students are prohibited from possessing, smoking, or using tobacco products on school property and at any school-related or school-sanctioned activity on or off of school property.

**SCHOOL PROPERTY.** Board Policy notes that the student's responsibility for school property is the same as his or her responsibility for other public property; it holds the student accountable for malicious damage, the defacing of property, and vandalism.

**STUDENT GOVERNMENT.** Board Policy gives students the right to formulate procedures for student government.

**INFORMATION AND PRIVACY RECORDS.** Board Policy spells out district policies with regard to the right to

information and privacy of student records. In addition, the Texas Public Information Act, Article 6251.17a, and the Family Educational Rights and Privacy Act of 1974, Public Law 93-480, describe the student's rights in this regard. Additionally, certain Special Education records will be destroyed after seven years upon proper notification.

**DISCIPLINE.** Board Policy states that the principal shall have full authority to maintain adequate discipline in the school and that teachers shall have the responsibility for the discipline of students. Further, it states that students shall be dealt with reasonably, fairly, and consistently, but serious or persistent misconduct shall not be tolerated. By board action, this *Code of Student Conduct* carries the force of policy in discipline matters.

**SUSPENSION/EXPULSION.** Board Policy details policies regarding suspensions and expulsions.

**OTHER DISCIPLINARY ACTIONS.** Board Policy details district policies with regard to other disciplinary actions.

**HEARINGS.** Standard Practice Memoranda establish the guidelines for the format of hearings.

**FRATERNITIES, SORORITIES, GANGS, AND OTHER SECRET ORGANIZATIONS.** Board Policy and state laws disallow fraternities, sororities, and other secret organizations in district schools.

**DISRUPTIVE ACTIONS AND INTERFERENCES.** Board Policy calls for the removal from school, on disciplinary reassignment, any student who, while at school or at school-sponsored activities, incites, encourages, promotes, or participates in a riot, a sit-in, a walkout, a blockage of entrances, or a trespass violation or otherwise interferes with normal educational processes.

**SEARCH AND SEIZURE.** Board Policy details policies regarding search and seizure on campuses.

**CORPORAL PUNISHMENT.** It is used when appropriate and handled by an administrator.

**STUDENT ACTIVITIES AND AWARDS.** Board Policy notes that students shall be encouraged to participate in school-sponsored clubs, organizations, and activities that represent their particular interests.

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## Discipline of Students Receiving Special Education Services

### (Under the Individuals With Disabilities Education Act)

Students with disabilities are expected to exhibit appropriate conduct and may be subject to the requirements of this *Code of Student Conduct*. Nothing in these rules prevents police from arresting and prosecuting a Special Education student for commission of a criminal act. Upon request or subpoena, copies of Special Education and disciplinary records are required to be provided to appropriate law enforcement or judicial authorities investigating or prosecuting reported criminal conduct. The parent or guardian shall be notified of such transmittal.

A student with disabilities is one who has been determined by an Admission, Review, and Dismissal/Individual Education Plan (ARD/IEP) Committee as having a non-categorical early-childhood condition, mental retardation, hearing impairments (including deafness), speech or language impairments, visual impairments (including blindness), serious emotional disturbance, orthopedic impairments, autism, traumatic brain injury, other health impairments, or specific learning disabilities, and who, because of those impairments, needs Special Education and related services.

In some instances, the ARD/IEP Committee of a student with disabilities may have developed a behavior intervention plan that must be followed in administering discipline in situations addressed by the behavior intervention plan. If the

ARD/IEP Committee developed a behavior intervention plan for a student with disabilities, that plan will be contained on the ARD/IEP Supplement: Behavior Intervention Plan form.

Additionally, it may become necessary for the ARD/IEP Committee to determine whether the alleged conduct in question was related to the student's disability (manifestation determination). If the ARD/IEP Committee determines there is a connection, it must also determine what educational action is appropriate to minimize the misbehavior. In the implementation of the zero-tolerance policy previously discussed in this booklet, the ARD/IEP Committee must review the behavior intervention plan and/or determine whether there is a relationship between the conduct and the disability prior to changing the student's placement for disciplinary reasons.

### **Suspension or Removal to a Disciplinary Alternative Education Program (DAEP) for Under 10 Days**

Students with disabilities may be suspended in the same manner as non-disabled students for a period not to exceed three school days per occurrence so long as the total number of days of cumulative suspensions does not constitute a change in placement. Additionally, students with disabilities may be referred to a DAEP for a period of up to 10 days. An ARD/IEP meeting is not required for suspensions or removals to a DAEP totaling less than 10 cumulative days during any school year.

Except as described in the next paragraphs, procedures regarding the suspension and the length of suspension shall be the same as those for non-disabled students so long as the suspensions do not constitute a change in placement and the discipline imposed would be applied to non-disabled students. In determining whether a series of short-term removals that total more than 10 days for separate incidents of misconduct constitutes a change in placement, school personnel must analyze the length of each removal, the proximity of the removals to each other, and the total amount of time the child is removed. If the removal will result in a change in placement, a manifestation determination must be held prior to the removal. All reasonable efforts must be made to notify the parents about the behavior, the suspension, and the decision, and the parents shall be provided a copy of their procedural safeguards along with any notice of a disciplinary removal, suspension, or expulsion that is proposed or has been implemented.

If a student is removed for disciplinary reasons for more than 10 days (cumulative) in a school year, beginning with the eleventh day of disciplinary removals, educational services must be provided regardless of whether the removal constitutes a change of placement. If the removal does not constitute a change of placement, the administrator, in consultation with the student's special education teacher, determines the services to be provided. The services to be provided must enable the student to appropriately progress in the general curriculum and appropriately advance toward achieving the goals stated in the student's Individual Education Plan.

Also beginning with the eleventh day of removal in a school year, an Admission, Review, and Dismissal (ARD) Committee must address behavioral issues. Within 10 business days of first removing the student for more than 10 school days in a school year, the ARD Committee must meet to develop a plan to conduct a functional behavioral assessment if one was not conducted before the behavior occurred that resulted in the removal. After the functional behavioral assessment is completed, the ARD Committee must review the Behavior Intervention Plan and its implementation and modify the plan as necessary to address the behavior.

If a student has been removed for up to 10 school days in a school year and is subjected to any additional removals beyond 10 days in a school year that does not result in a change in placement, the ARD Committee members, including the parent, must informally review the Behavior Intervention Plan and its implementation to determine whether modifications are necessary. If one or more of the members of the ARD Committee believe modifications are needed, an ARD meeting must be held to modify the plan and its implementation as deemed necessary.

If the ARD/IEP Committee has met to consider the behavior intervention plan in accordance with these rules, and discipline is proposed that will result in removal of the student for more than 10 days for the school year, then the procedures for long-term removals or for changes in placement must be followed. In addition to any additional assessment needed by the committee and development or modification of the behavior intervention plan, the school is required to conduct a manifestation determination. After this is done, the new IEP and behavior intervention plan should be implemented in accordance with these rules. If the discipline with the new plan will result in removal of the

child from his or her educational setting for a new period greater than 10 days, then the process should be repeated utilizing the revised IEP and behavior intervention plan.

**Expulsion or Removal to a Disciplinary Alternative Education Program (DAEP) for Weapons, Drug Offenses, or Disciplinary Action That Will Remove a Special Education Student From His or Her Educational Placement for More Than 10 Consecutive School Days or Change the Student's Educational Placement**

Students with disabilities may be subject to removal to a DAEP or to expulsion for any Level IV or Level V acts of misconduct that would subject a regular-education student to removal to a DAEP or to expulsion.

The principal's recommendation for expulsion or for placement of a student with disabilities in a disciplinary alternative setting for more than 10 consecutive school days shall be referred to the students with disabilities ARD/IEP Committee, which shall meet immediately, if possible, or no later than 10 business days after the student is referred to the disciplinary alternative setting and before any hearing on expulsion.

If expulsion or referral to a DAEP that will remove the student from his or her educational placement for more than 10 school days is contemplated, then the ARD/IEP Committee must first determine whether the alleged behavior in question was related to the disability or to an inappropriate placement (manifestation determination). In making this determination, the ARD/IEP Committee shall include a professional who is qualified to interpret the results of any evaluations that may be presented. This may include such professionals as an educational diagnostician or an associate or licensed psychologist employed by the district. The ARD/IEP Committee must also include a regular education teacher and will consider the behavior subject to discipline, as well as evaluation and diagnostic results, including information supplied by the parent, observations of the student, and the student's IEP and placement. Any ARD/IEP Committee that is considering expulsion or long-term removal to a DAEP of a student with disabilities must include a licensed psychologist or licensed specialist in school psychology as a member of the committee.

The ARD/IEP Committee shall then consider the behavior in relation to the student's IEP and placement, whether the placement was appropriate, and whether the Special Education services, supplementary aids and services, and behavior intervention strategies were provided consistent with the child's IEP and placement, as well as determine whether any such failure to provide the services may have contributed to the behavior in question.

Additionally, in order to determine that the behavior subject to discipline is not a manifestation of the child's disability, the ARD/IEP Committee must determine (1) that the child's disability did not impair the ability of the child to understand the consequences of the behavior, and (2) that the child's disability did not impair the child's ability to control the behavior.

Finally, an ARD/IEP Committee shall formulate an assessment plan to address the behavior and develop a behavior intervention plan if there is none. If the student already has a behavior intervention plan, the ARD/IEP Committee shall review the plan and modify it as necessary to address the behavior.

If the ARD/IEP Committee determines that there is no behavior-disability-placement link, procedures regarding expulsion or referral to a DAEP, the length of expulsion or referral to a DAEP, and the appeal of an expulsion or referral to a DAEP shall be the same as those for regular-education students. The removal of a student with disabilities to a disciplinary alternative setting for more than 10 days may be implemented through ARD/IEP Committee action. The ARD/IEP Committee that determines that there is no behavior-disability-placement link shall determine the instructional and related services to be provided to the student with disabilities during the time of the expulsion or during the referral to the DAEP. The Individual Education Plan developed for implementation in the DAEP shall be developed so as to allow the student to make progress on the goals and objectives of his or her IEP and shall include provisions for any related services the student may need while placed in the DAEP as developed by the ARD Committee. Additionally, the services and modifications provided must address the student's behavior.

If there is no link, the principal will follow the same procedures used with regular-education students in determining whether a student with disabilities committed the prohibited conduct and in formulating a recommendation that a

student with disabilities be placed in a DAEP for 10 or more consecutive school days.

All expelled students shall be sent home unless the decision is made to educate the expelled student in one of the district's disciplinary alternative education programs. The ARD/IEP Committee shall consider the services that are available to expelled students in formulating the postexpulsion IEP.

The ARD/IEP Committee will adjust the IEP or placement as appropriate and may consider placement in a disciplinary alternative setting, if appropriate, on the basis of the level of offense and the individual needs of the student.

If the ARD/IEP Committee determines that the student's disruptive behavior is related to the disabling condition or inappropriate placement, the student with disabilities shall not be expelled, and no further disciplinary action may be taken.

Any student who commits a crime is subject to arrest and prosecution. In the case of students with disabilities who bring weapons to school or who knowingly possess, use, or solicit the sale of a controlled substance, federal law permits a change in placement to a DAEP for up to 45 days, regardless of whether the conduct is linked to the disabling condition. The educational services shall be selected so as to allow the student to continue to make progress on the goals and objectives of the student's current IEP and shall include services and modifications to address the behavior of the student.

All decisions of the ARD/IEP Committee are appealable through the Special Education due-process appeal procedures as stated in the TEA publication "Special Education: Explanation of Procedural Safeguard's in the absence of an exception. The student shall remain in the last agreed-upon placement ("stay put") during a due-process appeal, unless the parties agree upon a different placement or a change in placement is ordered by a hearing officer or court of competent jurisdiction.

#### **Limitation on Days of Removal of Students With Disabilities**

When a student with disabilities has been suspended, removed to a DAEP, and/or removed for any reason for a combined total of 10 school days in any one school year, an ARD/IEP Committee must be convened to review current evaluations, assessments, and IEP, in accordance with the procedures outlined above, unless such removal is warranted in the student's IEP. The ARD/IEP Committee must determine appropriate actions and adjustment with the goal of keeping the student in school. For example, a decision to remove a student with disabilities for disciplinary reasons into a DAEP for more than 10 days is a change in placement that can be made only by the ARD/IEP Committee.

#### **Protections for Students Not Yet Eligible for Special Education Services**

A student may be entitled to some of the protections afforded students with disabilities if the school had knowledge that the student was a student with a disability prior to the student's misconduct. The school may be deemed to have knowledge of the student's disability if the parents had expressed a concern in writing (or orally in some cases) that the child was in need of Special Education and related services; the behavior or performance of the child demonstrated the need for such services; or the parent, teacher, or another employee of the school expressed a concern about the behavior or performance of the child to the Special Education teacher or other personnel of the school.

If none of the above conditions is met, then the school may be deemed not to have knowledge, and the student may be disciplined in the same manner as any other student.

If an evaluation is requested during the time disciplinary action is taken, the evaluation must be conducted in an expedited manner. Pending the outcome of the evaluation, the student remains in the disciplinary placement determined by the principal. If the result of the expedited evaluation is that the student qualifies for Special Education, then the school shall schedule an ARD meeting within 10 business days of the completion of the

evaluation to develop an IEP and placement for the student.

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## **Discipline of Students Served Under Section 504 of the Rehabilitation Act**

Students served under IDEA (Individuals With Disabilities Education Act) include students who have one of 13 specific

Categories of disabilities and who because of their disabilities are in need of Special Education and related services in order to receive a free, appropriate public education. Section 504 of the Rehabilitation Act of 1973 covers a broader range of individuals. A student with disabilities under Section 504 is defined as a student who (a) has, (b) has a record of having, or (c) is regarded as having a physical or mental impairment that substantially limits a major life activity such as learning, self-care, walking, seeing, hearing, speaking, breathing, working, or performing manual tasks.

Discipline of Section 504 students mirrors the procedural framework involved with Special Education students. However, it is a separate procedure established under separate laws. As with Special Education students, if there is a behavior plan that specifies disciplinary options or responses to student misconduct, then those options or responses should be implemented in accordance with the plan.

For more serious misconduct, which may require expulsion or other exclusion that constitutes a significant change in placement, the Section 504 Committee must conduct a manifestation determination to determine whether the student's conduct was caused by his or her disabling condition. The Section 504 Committee is composed of a group of persons knowledgeable about the student. Such a determination should be based on current data.

If it is determined by the Section 504 Committee that the misconduct is not caused by the student's disabling condition, the student may be excluded from school in the same manner as similarly situated non-disabled students are excluded, but educational services may not be terminated completely during the expulsion period. The Section 504 Committee will determine the extent of educational services to be provided during the expulsion period. Educational services should be provided to the extent necessary to prevent regression in the area of the student's disabling condition.

If it is determined by the Section 504 Committee that the misconduct is caused by the student's disabling condition, the student may not be expelled. The Section 504 Committee must then determine whether the student's current educational placement is appropriate.

Under federal law, students with disabilities who possess illegal drugs or alcohol may be held to the same standard of performance behavior to which non-disabled students are held.

Rules concerning use or possession of illegal drugs and alcohol will be enforced evenly with respect to all students, whether they have disabilities or not.

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## **Students With Disabilities: Summary of Related Board Policies**

This *Code of Student Conduct* regarding discipline of students with disabilities is drawn from Board Policies and Standard Practice Memoranda. Students with disabilities are subject to the Board Policies and Standard Practice

Memoranda now in effect and those which may be adopted or amended after publication of this edition. Those who desire more information concerning the policies and administrative procedures regarding discipline of students with disabilities should refer to them. Copies are available in all schools and district offices. In order to resolve problems, parents, guardians, and/or students can meet with a teacher at appropriate times to discuss existing problems. If the parents, guardians, or students are dissatisfied with the teacher's decision or explanation, they can meet with the building administrator to review the area of concern. The parents, guardians, or students can meet with the district superintendent if they are dissatisfied with the administrator's decision. As a practical matter, school problems can best be resolved at the campus level, where problems start.

The procedures stated in this manual do not alter the rights and remedies available to students with disabilities as stated in the Parent and Student Rights Booklet or available to Section 504 students as stated on the Notification of Rights form. The sections that relate to discipline of students with disabilities are as follows:

**DISCIPLINARY ACTION FOR STUDENTS WITH DISABILITIES.** Board Policy defines who is considered as having disabilities, addresses the effect of a discipline management plan in a student with disabilities' IEP, and specifies the total number of days in a school year a disabled student may be suspended, removed to an disciplinary alternative educational program, or subjected to emergency removal before the ARD/IEP Committee must meet to review the student's program.

**SUSPENSION.** Board Policy explains the circumstances in which a student with disabilities can be suspended.

**EXPULSION.** Board Policy explains the circumstances in which students with disabilities can be expelled and the ARD/IEP Committee's role in this process.

**APPEAL.** Board Policy explains the routes of appeal open to students with disabilities who want to challenge a finding of guilt, the appropriateness of the disciplinary action, or decisions by the ARD/IEP Committee in the discipline process.

The Veribest ISD does not discriminate on the basis of disability and complies with all provisions of Section 504 of the Rehabilitation Act and Title II of the Americans With Disabilities Act.

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## **GLOSSARY**

**Armor-piercing ammunition** is handgun ammunition designed primarily for the purpose of penetrating metal or body armor and to be used primarily in pistols and revolvers.

**Arson** occurs when a person starts a fire, regardless of whether the fire continues after ignition, or causes an explosion with intent to destroy or damage:

1. Any vegetation, fence, or structure on open-space land; or
2. Any building, habitation, or vehicle:
  - a. Knowing that it is within the limits of an incorporated city or town;
  - b. Knowing that it is insured against damage or destruction;
  - c. Knowing that it is subject to a mortgage or other security interest;

- d. Knowing that it is located on property belonging to another;
- e. Knowing that it has located within it property belonging to another; or
- f. When the person is reckless about whether the burning or explosion will endanger the life of some individual or the safety of the property of another.

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

**Chemical dispensing device** is a device, other than a small chemical dispenser sold commercially for personal protection, designed, made, or adapted for the purpose of causing an adverse psychological or physiological effect on a human being.

**Club** is 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, mace, and tomahawk.

**Deadly conduct** occurs when a person commits an offense by recklessly engaging in conduct that places another in imminent danger of serious bodily injury or by knowingly discharging a firearm in the direction of an individual, habitation, building, or vehicle.

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

**Deferred prosecution** may be offered to a juvenile as an alternative to seeking a conviction in court for delinquent conduct or conduct indicating a need for supervision.

**Delinquent conduct** is conduct that violates either state or federal law and is punishable by imprisonment or confinement in jail. Delinquent conduct also includes conduct that violates certain juvenile court orders, including probation orders. Delinquent conduct does not, however, include violations of traffic laws.

**Explosive weapon** is any explosive or incendiary bomb, grenade, rocket, or mine that is designed, made, or adapted for the purpose of inflicting serious bodily injury, death, or substantial property damage, or for the principal purpose of causing such a load report as to cause undue public alarm or terror, and includes a device designed, made, or adapted for delivery or shooting an explosive weapon.

**False Alarm or Report** occurs when a person knowingly initiates, communicates or circulates a report of a present, past, or future bombing, fire, offense, or other emergency that he or she knows is false or baseless and that would ordinarily:

1. Cause action by an official or volunteer agency organized to deal with emergencies;
2. Place a person in fear of imminent serious bodily injury; or
3. Prevent or interrupt the occupation of a building, room, or place of assembly.

**Graffiti** is making marks with aerosol paint or an indelible marker on tangible property of the owner without the effective consent of the owner. The markings may include inscriptions, slogans, drawings, or paintings.

**Harassment** means repeated unwelcome and offensive slurs, jokes, or other oral, written, graphic, or physical conduct related to an individual's race, color, religion, national origin, disability, or age that creates an intimidating, hostile, or offensive educational or work environment.

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

**Knuckles** is any instrument consisting of finger rings or guards made of a hard substance that is designed, made, or adapted for the purpose of inflicting serious bodily injury or death by striking a person with a fist enclosed in the knuckles.

**Machine gun** is any firearm that is capable of shooting more than two shots automatically, without manual reloading, by a single function of the trigger.

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

**Possession** means to have on a student's person or in the student's personal property, including but not limited to the student's clothing, purse, or backpack; in any private vehicle used by the student for transportation to or from school or school-related activities, including but not limited to an automobile, truck, motorcycle, or bicycle; or any other

school property used by the student, including but not limited to a locker or desk.

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

**Self-defense** is using force against another when and to the degree a person reasonably believes the force is immediately necessary to protect himself or herself.

**Switchblade** is any knife with a blade that folds, closes, or retracts into the handle or sheath and that opens automatically by pressing a button or by the force of gravity or centrifugal force.

**Short-barrel firearm** is a rifle with a barrel length of less than 16 inches or a shotgun with a barrel length of less than 18 inches, or any weapon made from a rifle or shotgun that, as altered, has an overall length of less than 26 inches.

**Terroristic threat** occurs when a person threatens to commit any offense involving violence to any person or property with intent to:

1. Cause a reaction of any type to his or her threat by an official or volunteer agency organized to deal with emergencies;
2. Place any person in fear of imminent serious bodily injury;
3. Prevent or interrupt the occupation or use of a building; room, place of assembly, or place to which the public has access; place of employment or occupation; aircraft, automobile, or other form of conveyance; or other public place;
4. Cause impairment or interruption of public communications, public transportation, public water, gas, or power supply or other public service;
5. Place the public or a substantial group of the public in fear of serious bodily injury; or
6. Influence the conduct or activities of a branch or agency of the federal government, the state, or a political subdivision of the state (including the District).

**Title 5 offenses** involve injury to a person and include murder; kidnapping; assault; sexual assault; unlawful restraint; coercing, soliciting, or inducing gang membership if it causes bodily injury to a child; indecency with a child; injury to a child, an elderly person, or a disabled person; abandoning or endangering a child; deadly conduct; terroristic threat; aiding a person to commit suicide; and tampering with a consumer product.

**Under the influence** means not having the normal use of mental or physical faculties; however, the student need not be legally intoxicated. Impairment of a person's physical and/or mental faculties may be evidenced by a pattern of abnormal or erratic behavior and/or the presence of physical symptoms of drug or alcohol use.

**Use** means that a student has voluntarily introduced into his or her body by any means a prohibited substance recently enough that it is detectable by the student's physical appearance, actions, breath, or speech.

**Zip gun** is a device or combination of devices, not originally a firearm, but adapted to expel a projectile through a smooth-bore or rifled-bore barrel by using the energy generated by an explosion or burning substance.