

PADUCAH ISD Student Code of Conduct

2018–19 School Year

If you have difficulty accessing the information in this document because of disability, please contact 806/492-2009 or www.paducahisd.org



ACKNOWLEDGMENT

Student Code of Conduct Electronic Distribution

Dear Student and Parent:

As required by state law, the board of trustees has officially adopted the Student Code of Conduct in order to promote a safe and orderly learning environment for every student.

We urge you to read this publication thoroughly and to discuss it with your family. If you have any questions about the required conduct and consequences for misconduct, we encourage you to ask for an explanation from the student's teacher or appropriate campus administrator.

The student and parent should each sign this page in the space provided below, and then return the page to the student's school.

Thank you.

Will Flemons

We acknowledge that we have been offered the option to receive a paper copy of the Paducah ISD Student Code of Conduct for the 2018–19 school year or to electronically access it on the district's website at <http://www.paducahisd.org>. We understand that students will be held accountable for their behavior and will be subject to the disciplinary consequences outlined in the Code.

We have chosen to:

- Receive a paper copy of the Student Code of Conduct.
- Accept responsibility for accessing the Student Code of Conduct on the district's website.

Print name of student: _____

Signature of student: _____

Print name of parent: _____

Signature of parent: _____

Date: _____

School: _____

Grade level: _____

Please sign this page, remove it, and return it to the student's school. Thank you.

ACKNOWLEDGMENT

Student Code of Conduct Hardcopy Distribution

Dear Student and Parent:

As required by state law, the board of trustees has officially adopted the Student Code of Conduct in order to promote a safe and orderly learning environment for every student.

We urge you to read this publication thoroughly and to discuss it with your family. If you have any questions about the required conduct and consequences for misconduct, we encourage you to ask for an explanation from the student's teacher or appropriate campus administrator.

The student and parent should each sign this page in the space provided below, and then return the page to the student's school.

Thank you.

Will Flemons

We acknowledge that we have received a copy of the Paducah ISD Student Code of Conduct for the 2018–19 school year and understand that students will be held accountable for their behavior and will be subject to the disciplinary consequences outlined in the Code.

Print name of student: _____

Signature of student: _____

Print name of parent: _____

Signature of parent: _____

Date: _____

School: _____

Grade level: _____

Please sign this page, remove it, and return it to the student's school. Thank you.

Table of Contents

PADUCAH ISD Student Code of Conduct	i
Acknowledgement- Electronic Distribution.....	i
Acknowledgement- Hardcopy Distribution.....	ii
Student Code of Conduct	1
Accessibility.....	1
Purpose.....	1
School District Authority and Jurisdiction	2
Campus Behavior Coordinator	2
Reporting Crimes	3
“Parent” Defined.....	3
Participating in Graduation Activities	3
Unauthorized Persons	3
Standards for Student Conduct	4
<i>Student Code of Conduct Levels of Behavior</i>	5
LEVEL I - Minor Disruptive Behavior.....	5
1. Level Offenses.....	5
2. Level I Consequences.....	5
LEVEL II - Disruptive Behavior.....	6
1. Level II Offenses.....	6
2. Level II Consequences.....	7
LEVEL III - Serious or Persistent Misbehavior (Suspension/DAEP).....	7
1. Level III Offenses.....	8
2. Level III Consequences.....	9
LEVEL IV - Behavior leading to Placement in DAEP.....	10
1. Level IV Offenses.....	10
2. Level IV Consequences.....	11
LEVEL V - Behavior leading to Expulsion or JJAEP.....	13
1. Level V Offenses.....	13
2. Title 5 Expulsions.....	14
3. Level V Consequences.....	15
LEVEL VI - Behavior leading to Expulsion or JJAEP.....	15
1. Level VI Offenses.....	16

2. Level VI Consequences.....	17
General Conduct Violations.....	17
Disregard for Authority.....	17
Mistreatment of Others	17
Property Offenses.....	18
Possession of Prohibited Items	18
Possession of Telecommunications or Other Electronic Devices.....	19
Illegal, Prescription, and Over-the-Counter Drugs	19
Misuse of Technology Resources and the Internet	19
Safety Transgressions	20
Miscellaneous Offenses	20
Discipline Management Techniques.....	21
Students with Disabilities	21
Techniques	21
Notification	22
Appeals	22
Attendance (Level IV-VI Offenses).....	25
1. Absences.....	25
2. Reporting Absences.....	26
3. Activity Absences.....	26
4. Leaving School Early.....	26
5. Truancy.....	26
6. Tardies.....	26
Backpacks.....	27
Bullying/Sexual Harassment/Dating Violence.....	27
Cheating (Level II Offense).....	28
Corporal Punishment.....	28
Detention (Level I-II Offense).....	29
Disciplinary Actions - Description and Procedure.....	29
Disciplinary Procedures for Students with Disabilities.....	30
Dress Code Violation (level II Offense).....	30
Drug/Alcohol Possession/Use (Level IV-VI Offense).....	34

School Transportation Behavior (Level II Offense)..... 35

Removal from the School Bus 24

Removal from the Regular Educational Setting 36

 Routine Referral..... 36

 Formal Removal..... 36

 Returning a Student to the Classroom 36

Out-of-School Suspension 38

 Misconduct..... 38

 Process 38

Disciplinary Alternative Education Program (DAEP) Placement 39

 Discretionary Placement: Misconduct That May Result in DAEP Placement 39

 Misconduct Identified in State Law 39

 Mandatory Placement: Misconduct That Requires DAEP Placement..... 40

 Sexual Assault and Campus Assignments 41

 Process 41

 Conference 41

 Consideration of Mitigating Factors 42

 Placement Order..... 42

 Coursework Notice 42

Length of Placement 42

 Exceeds One Year..... 42

 Exceeds School Year 43

 Exceeds 60 Days 43

Appeals 43

Restrictions During Placement 43

Placement Review..... 44

Additional Misconduct..... 44

Notice of Criminal Proceedings..... 44

Withdrawal During Process 45

Newly Enrolled Students 45

Emergency Placement Procedure 45

Placement and/or Expulsion for Certain Offenses..... 46

 Registered Sex Offenders 46

Review Committee.....	46
Newly Enrolled Student.....	46
Appeal.....	46
Certain Felonies	46
Hearing and Required Findings	47
Length of Placement	47
Newly Enrolled Students	47
Expulsion	48
Discretionary Expulsion: Misconduct That May Result in Expulsion	48
Any Location	48
At School, Within 300 Feet, or at a School Event	48
Within 300 Feet of School	49
Property of Another District	49
While in DAEP	49
Mandatory Expulsion: Misconduct That Requires Expulsion.....	50
Under Federal Law	50
Under the Texas Penal Code.....	50
Under Age Ten.....	51
Process	51
Hearing.....	51
Board Review of Expulsion	52
Expulsion Order	52
Length of Expulsion.....	52
Withdrawal During Process	53
Additional Misconduct.....	53
Restrictions During Expulsion.....	53
Newly Enrolled Students	53
Emergency Expulsion Procedures	54
DAEP Placement of Expelled Students	54
Glossary	57

Student Code of Conduct

Accessibility

If you have difficulty accessing the information in this document because of disability, please contact Will Flemons, principal, wflemons@paducahisd.org, or Rita Powell, secretary, rpowell@paducahisd.org, phone number is 806/492-2009.

Purpose

The Student Code of Conduct (“Code”) is the district’s response to the requirements of Chapter 37 of the Texas Education Code.

The Code provides methods and options for managing students in the classroom and on school grounds, disciplining students, and preventing and intervening in student discipline problems.

The law requires the district to define misconduct that may—or must—result in a range of specific disciplinary consequences including removal from a regular classroom or campus, out-of-school suspension, placement in a disciplinary alternative education program (DAEP), placement in a juvenile justice alternative education program (JJAEP), or expulsion from school.

This Student Code of Conduct has been adopted by the *Paducah ISD* Board of Trustees and developed with the advice of the district-level committee. This Code provides information to parents and students regarding standards of conduct, consequences of misconduct, and procedures for administering discipline. It remains in effect during summer school and at all school-related events and activities outside the school year until an updated version adopted by the board becomes effective for the next school year.

In accordance with state law, the Code shall be posted at each school campus or shall be available for review at the office of the campus principal. Additionally, the Code shall be available at the office of the campus behavior coordinator and posted at the district website. Parents shall be notified of any conduct violation that may result in a student being suspended, placed in a DAEP or JJAEP, expelled, or taken into custody by a law enforcement officer under Chapter 37 of the Education Code.

Because the Student Code of Conduct is adopted by the district’s board of trustees, it has the force of policy; therefore, in case of conflict between the Code and the Student Handbook, the Code shall prevail.

Please note: The discipline of students with disabilities who are eligible for services under federal law (Individuals with Disabilities Education Act and Section 504 of the Rehabilitation Act of 1973) is subject to the provisions of those laws.

School District Authority and Jurisdiction

Campus Behavior Coordinator

As required by law, a person at each campus must be designated to serve as the campus behavior coordinator. The designated person may be the principal of the campus or any other campus administrator selected by the principal. The campus behavior coordinator is primarily responsible for maintaining student discipline. The district maintains a current list of the persons serving as a campus behavior coordinator in the Student Handbook or on the district's website at www.paducahisd.org.

School rules and the authority of the district to administer discipline apply whenever the interest of the district is involved, on or off school grounds, in conjunction with or independent of classes and school-sponsored activities.

The district has disciplinary authority over a student:

1. During the regular school day and while the student is going to and from school or a school-sponsored or school-related activity on district transportation;
2. During lunch periods in which a student is allowed to leave campus;
3. While the student is in attendance at any school-related activity, regardless of time or location;
4. For any school-related misconduct, regardless of time or location;
5. When retaliation against a school employee, board member, or volunteer occurs or is threatened, regardless of time or location;
6. When a student engages in cyberbullying, as provided by Education Code 37.0832;
7. When criminal mischief is committed on or off school property or at a school-related event;
8. For certain offenses committed within 300 feet of school property as measured from any point on the school's real property boundary line;
9. For certain offenses committed while on school property or while attending a school-sponsored or school-related activity of another district in Texas;
10. When the student commits a felony, as provided by Education Code 37.006 or 37.0081; and
11. When the student is required to register as a sex offender.

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

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

Reporting Crimes

The principal or campus behavior coordinator and other school administrators as appropriate shall report crimes as required by law and shall call local law enforcement when an administrator suspects that a crime has been committed on campus.

“Parent” Defined

Throughout the Code of Conduct and related discipline policies, the term “parent” includes a parent, legal guardian, or other person having lawful control of the child.

Participating in Graduation Activities

The district has the right to limit a student’s participation in graduation activities for violating the district’s Code.

Participation might include a speaking role, as established by district policy and procedures.

Students eligible to give the opening and closing remarks at graduation shall be notified by the campus principal. Notwithstanding any other eligibility requirements, in order to be considered as an eligible student to give the opening or closing remarks, a student shall not have engaged in any misconduct in violation of the district’s Code resulting in an out-of-school suspension, removal to a DAEP, or expulsion during the semester immediately preceding graduation.

The valedictorian and salutatorian may also have speaking roles at graduation. No student shall be eligible to have such a speaking role if he or she engaged in any misconduct in violation of the district’s Code resulting in an out-of-school suspension, removal to a DAEP, or expulsion during the semester immediately preceding graduation.

Unauthorized Persons

In accordance with Education Code 37.105, a school administrator, school resource officer (SRO), or district police officer shall have the authority to refuse entry or eject a person from district property if the person refuses to leave peaceably on request and:

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

Appeals regarding refusal of entry or ejection from district property may be filed in accordance with FNG(LOCAL) or GF(LOCAL), as appropriate.

See **DAEP—Restrictions During Placement** on page 43, for information regarding a student assigned to DAEP at the time of graduation.

Standards for Student Conduct

Each student is expected to:

- Demonstrate courtesy, even when others do not.
- Behave in a responsible manner, always exercising self-discipline.
- Attend all classes, regularly and on time.
- Prepare for each class; take appropriate materials and assignments to class.
- Meet district and campus standards of grooming and dress.
- Obey all campus and classroom rules.
- Respect the rights and privileges of students, teachers, and other district staff and volunteers.
- Respect the property of others, including district property and facilities.
- Cooperate with and assist the school staff in maintaining safety, order, and discipline.
- Adhere to the requirements of the Student Code of Conduct.

I. Student Code of Conduct Levels of Behavior

A. LEVEL I – Minor Disruptive Behavior

The first category is most important because a teacher's early corrective action will usually avoid the need to progress to more restrictive categories. Students' first signs of misbehavior usually are not of a severe nature, but are signals for special attention. Communication, cooperation, and encouragement of positive behavior are the key ingredients at this level of remediation.

A student shall be disciplined for any of the following offenses if committed on school property on or within 300 feet of school property as measured from any point on the school's real property boundary line, or while attending school-sponsored or school-related activities on or off school property

1. Level I offenses may include, but are not limited to:

- Talking in Class
- Chewing gum
- Running in halls;
- Being out of seat at inappropriate times
- Being tardy (more than three tardies are excessive)
- Cutting in lines, pushing or shoving; Being loud, rude, and/or making unnecessary noises
- Eating or drinking outside of designated areas
- Failing to complete assigned work; Disturbing other students – verbal disruption
- Being inattentive and/or disruptive in class
- Refusing to follow instructions of school personnel (insubordination)
- Using insulting language or profanity toward others students, staff, or teachers
- Violating safety rules
- Violating other communicated classroom/campus rules
- Failure to have supplies and/or materials

2. Level I consequences may include, but are not limited to:

- Denial of classroom privileges
- Verbal correction
- Conference with the student
- Parent telephone call, letter, and/or conference
- Warning
- Before school, lunch, or after school detention
- Teacher removal of student to principal's office

- Special education students and §504 students – refer to IEP

Most Level I offenses are considered only classroom violations of the *Student Conduct* and, therefore, a written report of such offenses may be completed, but is *not* required to be completed and/or filed with the school principal or other appropriate administrator. Persistent misbehavior of Level I may lead to consequences in Level II.

B. LEVEL II – Disruptive Behavior

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. 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. The terms of the removal (at the principal’s discretion) may prohibit the student from attending or participating in school-sponsored or school-related activities. As described below, the Discipline Management Plan and the *Student Code of Conduct* apply to all students, including students with disabilities.

A student shall be disciplined for any of the following offenses if committed on school property, on or within 300 feet of school property as measured from any point on the school’s real property boundary line, on a school bus, or while attending school-sponsored or school-related activities on or off school property.

1. Level II disruptive offenses may include, but are not limited to:

- Repeated violations of the offenses outlined in Disruptive Behaviors Level I
- Misbehavior on school transportation
- Horseplay at school, on school transportation, or at bus stop
- Unauthorized use of electronics
- Violation of communicated expectations of student conduct and/or school rules
- Possession of articles inappropriate for school including but not limited to: laser pointers, or printed material not appropriate for school
- Improper dress/dress code violations
- Violation of campus-based procedures regarding the use of backpacks
- Cheating
- Activities relating to unapproved organizations (gang related activities)
- Altering records or forging a signature
- Failing to abide by school rules at extracurricular or co-curricular activities
- Failure to abide by published campus rules and procedures

- Inappropriate public display of affection
- Loitering, littering, trespassing, or abusing residential property on the way to and/or from school (also in Level 3)
- Posting, videoing, recording, or distributing unauthorized communicative materials at school
- Refusing to follow directions and instructions given by school personnel
- Throwing objects, causing or participating in disturbances in the classroom, cafeteria, hallways, restrooms, and playgrounds
- Violation of attendance policy – unexcused absences and tardies.
- Leave school grounds or school sponsored events without permission

2. Level II Consequences may include, but are not limited to:

- Conference with campus administrator
- Suspension and/or removal from school transportation
- Partial or complete denial of attendance and/or participation in extracurricular activities
- Probation
- In-school suspension
- Before school, lunch, after school detention
- Removal from class for up to three school days
- Parent notification
- Teacher removal of student from class, documented behavior
- Special education students and §504 students – refer to IEP

Persistent misbehavior of Level II may lead to consequences in a Level III.

C. LEVEL III – Serious or Persistent misbehavior (Suspension / DAEP)

After reasonable discipline management techniques have been imposed and the campus administrator determines that the student's presence in the regular classroom is disruptive to other students or persistent misbehavior violates the previously communicated standards of student conduct, the building administrator may remove a student to a disciplinary alternative educational program and/or home suspension (up to three days).

In deciding whether to order suspension, or removal to a DAEP, the district must take into consideration self defense, the student's disciplinary history, intent or lack of intent at the time the student engaged in the conduct, and any disability that substantially impaired the student's capacity to appreciate the wrongfulness of the student's conduct, except as required under the Individuals with Disabilities Act (IDEA) and any related federal regulations.

A student shall be disciplined for any of the following offenses if committed on school

property, on or within 300 feet of school property as measured from any point on the school's real property boundary line, or while attending school-sponsored or school-related activities on or off school property.

- **1. Behaviors leading to such action may include, but are not limited to:**
 - Continued violations of behaviors described in Level I and Level II
 - Throwing objects that may cause bodily injury or damage property
 - Involvement in criminal street gang activity
 - Falsification of school documents-forgery
 - Obscene/inappropriate language, gestures, or physical contact
 - Ethnic or racial slurs, name calling
 - Practicing or promoting witchcraft or occult activities
 - Use/possession of tobacco products; cigarettes; e-cigarettes; any component, part, or accessory for an e-cigarette device:
 - Possession of matches/lighter
 - Possession of pocket knife or any other small knife
 - Fighting or scuffle. (For assault, see DAEP Placement and Expulsion.)
 - Insubordination
 - Use of force or threat
 - Causing or participating in school/classroom disturbances, including but not limited to
discharging fire extinguisher, stink bomb, etc
 - Engaging in any other conduct that disrupts the school or educational process
 - Criminal mischief, not punishable as a felony (including but not limited to, MIP's)
 - Hazing
 - A reasonable belief that the student has engaged in conduct punishable as a felony, other than aggravated robbery or 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
 - Truancy from school/class or leaving class or school grounds without permission

General Conduct Violations

- Failure to comply with school policies
 - Bullying, harassment, hit list, gambling, hazing, sexting, obscene gestures or actions
 - Deface or damage or vandalize school property—including, but not limited to, textbooks, technology and electronic resources, lockers, furniture, and other equipment—with graffiti or by other means resulting in property damage less than fifty (\$50.00) dollars
 - Possession or distribution of pornographic or obscene material (either hardcopy, electronically, or telecommunication device)
 - Stealing and/or theft in the amount of less than fifty (\$50) dollars of property value
 - Violation of any provisions of the Internet Acceptable Use Agreement; Attempts to access or circumvent passwords or other security-related information of the District, students or employees or upload or create computer viruses (or Trojans, spyware, or any kind of malware), including off school property if the conduct causes a substantial disruption to the educational environment
 - Attempts to alter, destroy, or disable District technology resources including but not limited to computers and related equipment, district data, the data of others, or other networks connected to the District's system, including off school property if the conduct causes a substantial disruption to the educational environment
 - Use of the Internet or other electronic communications (including but not limited to text messages, e-mail or electronic social networking websites) to threaten District students, employees, or volunteers, including off school property if the conduct causes a substantial disruption to the educational environment
 - Sending, posting, or possessing electronic messages that are abusive, obscene, sexually oriented, threatening, harassing, damaging to another's reputation, or illegal, including cyberbullying and "sexting," either on or off school property, if the conduct causes a disruption to the educational environment
 - Use of e-mail or Web sites to engage in or encourage illegal behavior or threaten school safety, including off school property if the conduct causes a substantial disruption to the educational environment
 - Defiance of authority or school personnel
 - Serious or persistent misbehavior after the student has been placed in a campus ISS and continues to violate the District's *Student Code of Conduct*
 - Refusal to accept discipline management techniques proposed by teachers or school administrators.
 - Any articles not generally considered to be weapons, including school supplies, when the principal or designee determines that a danger exists. (For weapons and firearms, see DAEP Placement and Expulsion.)
 - A "look-alike" weapon
 - Mace or Pepper Spray
 - Pornographic materials
2. **LEVEL III may include, but are not limited to: Consequences**
- Assignment to in-school suspension

- Suspension (up to three days) unlimited number of times per year
- Special education students and § 504 students – refer to IEP
- Assignment to the District Disciplinary Alternative Education Program (DAEP).

The District will notify the parent or guardian of a student's violation of the *Student Code of Conduct* that results in a suspension from school or a removal to a disciplinary alternative education program. Persistent misbehavior at Level III may lead to assignment at the District's DAEP. A student who commits a Level III offense and is suspended or placed in a district off-campus DAEP is prohibited from attending or participating in school sponsored or school-related activities. Any student who is assigned to an off-campus DAEP (Secondary Discipline Alternative Education Program/JJAEP) on the last day of instruction of the semester in which the student becomes eligible to graduate shall be prohibited from participating in any and all graduation exercises and/or graduation-related activities regardless of the time of year the graduation activities are held.

LEVEL IV – Offenses for Which a Student Shall be Placed in the District Disciplinary Alternative Education Program (DAEP)

A student shall be placed in a disciplinary alternative education program for any of the following offenses if committed on school property, on or within 300 feet of school property as measured from any point on the school's real property boundary line, or while attending school-sponsored or school-related activities on or off school property.

In deciding whether to order removal to a DAEP, the district must take into consideration self defense, the student's disciplinary history, intent or lack of intent at the time the student engaged in the conduct, and any disability that substantially impaired the student's capacity to appreciate the wrongfulness of the student's conduct, except as required under the Individuals with Disabilities Act (IDEA) and any related federal regulations.

1. Behaviors leading to such action may include, but are not limited to the following:Offenses

- Repeated violations of the offenses outlined in Level III
- Intentionally, knowingly, or recklessly causing bodily injury to another person
- Intentionally or knowingly threatening another with imminent bodily harm, or placing another in fear of imminent bodily harm
- Intentionally or knowingly causing physical contact with another when the student knows or should reasonably believe that the other will regard the contact as offensive or provocative

- The use, gift, sale, delivery, possession, or being under the influence of alcohol, marijuana, other controlled substances, dangerous drugs, or abusable glue or volatile chemicals (not constituting a felony offense)
- Possession of any weapon not prohibited in Level VI, including but not limited to BB/pellet guns, knives, stun gun, air gun, etc.
- Possession of ammunition; Stealing and/or theft in the amount of fifty (\$50) dollars or more of property value. Deface or damage or vandalize school property—including, but not limited to, textbooks, technology and electronic resources, lockers, furniture, and other equipment—with graffiti or by other means resulting in property damage of more than fifty (\$50.00) dollars.
- Robbery
- Extortion, coercion, kidnapping, or blackmail
- Aggressive, disruptive actions or group demonstrations which substantially disrupt or materially interfere with school activities
- Engaging in conduct punishable as aggravated robbery or a felony listed under Title 5 of the Texas Penal Code when the conduct occurs off school property and not at a school-sponsored or school-related event and:
 - a. The student receives deferred prosecution,
 - b. A court or jury finds that the student has engaged in delinquently conduct, or
 - c. The Superintendent or designee has a reasonable belief that the student engaged in the conduct.
- Sexual harassment of a district employee or a student
- Profanity, vulgar language, or obscene gestures directed toward teachers or other school employees
- Engaging in conduct that constitutes dating violence
- Possession of or conspiring to possess any explosive or explosive device
- Possession or distribution of material that is pornographic or obscene which threatens others or incites others to violence
- Making or assisting in making threats, including threats against individuals, bomb threat, and unfounded 911 calls and falsely reporting fire alarms
- Use of force or threat against a teacher, administrator, or other school employee
- Public lewdness
- Incineration of property or material
- Indecent exposure
- Disruption of Lawful Assembly Drug paraphernalia
- Commits a federal firearms violation and is younger than 6 years of age
- Terroristic threat
- Any expellable offense committed by a student between 6 and 9 years of age.

2. Level IV Consequences are as follows:

A student shall be placed in a District disciplinary alternative educational program for committing any of the offenses outlined above. A student shall also be placed in a District disciplinary alternative educational program for engaging in conduct that contains the elements of a felony or retaliation against a school employee whether the student is on or off school property. When a change of placement is involved, special education students will be referred to an ARD Committee and § 504 students referred to a § 504 committee. The local police may also be contacted for appropriate legal action.

Mandatory placement into the disciplinary alternative educational program is also required for students who engage in conduct involving a public school that contains the elements of the offense of false alarm under Section 42.06 of the Texas Penal Code. Such violations may also result in discretionary expulsion for false alarm under Section 42.06 of the Texas Penal Code, or terroristic threat under Section 22.07 of the Texas Penal Code.

A student shall also be placed in a District disciplinary alternative education program based on conduct occurring off-campus and while the student is not in attendance at a school-sponsored or school-related activity if:

- a. the student received deferred prosecution under Section 53.03, Family Code, for conduct defined as a felony offense in *Title 5, Penal Code*;
- b. a court or jury finds that the student has engaged in delinquent conduct under Section 53.04, Family Code, for conduct defined as a felony offense in *Title 5, Penal Code*
- c. the Superintendent or designee has a reasonable belief that the student has engaged in conduct defined as a felony offense in *Title 5, Penal Code* or felony criminal mischief
- d. the Superintendent or designee has a reasonable belief that the student has engaged in conduct defined as a felony offense other than those defined in *Title 5, Penal Code*, and the continued presence of the student in the regular classroom threatens the safety of other students or teachers or will be detrimental to the educational process. In determining whether there is a reasonable belief that a student has engaged in conduct defined as a felony offense by the Penal Code, the Superintendent or the Superintendent's designee may consider all available information, including the information furnished under Article 15.27, Code of Criminal Procedure.

The District will notify the parent or guardian of a student's violation of the *Student Code of Conduct* that results in removal to a disciplinary alternative education program. Persistent or serious misbehavior of Level IV may lead to expulsion and referral to a Cottle County Court. A judicial court may order an expelled student to attend Cottle County Juvenile Justice Alternative Education Program. A student who commits a Level IV offense and is placed in a DAEP is prohibited from attending or participating in a school-sponsored or school-related activity. Any student who is assigned to an off-

campus DAEP (Secondary Discipline Alternative Education Program/JJAEP) on the

last day of instruction of the semester in which the student becomes eligible to graduate shall be prohibited from participating in any and all graduation exercises and/or graduation-related activities regardless of the time of year the graduation activities are held. Students removed from their home school campus are not to be on or about any Paducah ISD campus until they have completed their DAEP assignment(s).

LEVEL V – Offenses for Which a Student May be Expelled and Referred to the Juvenile Justice Alternative Education Program (JJAEP)

A student aged 10 or older may be expelled from school if the student on school property, within 300 feet of school property as measured from any point on the school’s real boundary line or while attending a school-sponsored or school-related activity on or off of school property:

In deciding whether to order expulsion, the district must take into consideration self defense, the student’s disciplinary history, intent or lack of intent at the time the student engaged in the conduct, and any disability that substantially impaired the student’s capacity to appreciate the wrongfulness of the student’s conduct, except as required under the Individuals with Disabilities Act (IDEA) and any related federal regulations.

1. Behaviors leading to such action may include, but are not limited to the following: Offenses

- a. a student who engages in conduct involving a public school that contains the elements of the offense of false alarm or report under Section 42.06, Penal Code, or terroristic threat under Section 22.07, Penal Code on or off school property
- b. a student who engages in documented serious misbehavior that violates the district’s student code of conduct, despite documented behavioral interventions while placed in a disciplinary alternative education program. For purposes of discretionary expulsion from a DAEP, serious misbehavior means: deliberate violent behavior that poses a direct threat to the health or safety of others; extortion, meaning the gaining of money or other property by force or threat; conduct that constitutes coercion, as defined by Section 1.07, Penal Code; or conduct that constitutes the offense of:
 - a. Public lewdness under Section 21.07, Penal Code;
 - b. Indecent exposure under Section 21.08; Penal Code;
 - c. Criminal mischief under Section 28.03, Penal Code;
 - d. Personal hazing under Section 37.152; or
 - e. Harassment under Section 42.07(a)(1), Penal Code, of a student or district employee.
- c. a student who engages in criminal mischief, if punishable as a felony whether committed on or off school property or at a school-related event
- d. a student who engages in selling, giving, or delivering to another person or possessing or using or being under the influence of any amount of marijuana or a controlled substance, as defined in Chapter 481, Texas Health and Safety Code or by 21 U.S.C. Section 801 et seq; or a dangerous

drug as defined in Chapter 483, Texas Health and Safety Code

- e. a student who engages in selling, giving, or delivering to another person an alcoholic beverage as defined in Section 1.04, Alcoholic Beverage Code committing a serious act or offense while under the influence of alcohol; or possessing, using, or being under the influence of an alcoholic beverage
- f. a student who engages in conduct that contains the elements of assault as described in Section 22.01(a)(1), Texas Penal Code, against a school district employee or volunteer
- g. a student who engages in conduct that contains the elements of assault as described in Section 22.01(a)(1), Texas Penal Code, against a school district employee or a volunteer in retaliation for or as a result of the person's employment or association with the school district, without regard to whether the conduct occurs on or off of school property or while attending a school-sponsored or school-related activity on or off of school property
- h. a student who engages in conduct that contains the elements of an offense relating to an abusable volatile chemical under Sections 485.031 through 485.034, Health and Safety Code
- i. A student who engages in conduct that contains the elements of the offense of deadly conduct under Section 22.05, Penal Code
- j. A student who engages in expellable conduct under TEC 37.007(a) (Level VI Offense) or possesses a firearm, as defined by 18 U.S.C. Section 921 within 300 feet of school property as measured from any point on the school's real boundary line.

2. Title 5 Expulsions

The Superintendent, as the Board's designee, after an opportunity for a hearing, may expel a student and elect to place the student in the JJAEP under 37.0081 if:

- a. the student;
 - has received deferred prosecution under Section 53.03, Family Code, for conduct defined as aggravated robbery or a felony offense in Title 5, Penal Code
 - has been found by a court or jury to have engaged in delinquent conduct under Section 54.03, Family code, for conduct defined as aggravated robbery or a felony offense in Title 5, Penal Code
 - is charged with engaging in conduct defined as aggravated robbery or a felony offense in Title 5, penal Code
 - has been referred to a juvenile court for allegedly engaging in delinquent conduct under Section 54.03, Family Code, for conduct defined as aggravated robbery or a felony offense in Title 5, Penal Code
 - has received probation or deferred adjudication for aggravated robbery or a felony offense under Title 5, Penal Code
 - has been convicted of aggravated robbery or a felony offense under Title 5, Penal Code; or has been arrested for or charged with a felony offense under Title 5, Penal Code, and

- b. the Board or the board's designee determines that the student's presence in the regular classroom:
 -
 - threatens the safety of other students or teachers
 - will be detrimental to the educational process
 - or is not in the best interest of the District's students.

Any decision by the Superintendent under this section is final and may not be appealed. The Superintendent may order placement under the circumstances listed above regardless of (1) the date on which the 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. The District's standard guidelines for lengths of removals do not apply; however, the student will be provided a review of placement at intervals not to exceed 120 days. Placement under this section shall last:

- Until the student graduates from high school; or
- The Title 5 felony charges that resulted in the expulsion are dismissed or reduced to a misdemeanor offense; or
- The student completes the term of the placement or is assigned to another program.

3. LEVEL V Consequences are as follows:

a. a student who violates the provisions of Level V *Student Code of Conduct* may be expelled and may be referred to the County Juvenile Court or other appropriate judicial authority. The Court may order an expelled student or a student who commits a felony off campus to attend the Juvenile Justice Alternative Education Program. A referral to local police for appropriate legal action may also occur. The District will notify the parent or guardian of a student's violation of the *Student Code of Conduct* that results in expulsion;

b. special education students will be referred to an ARD Committee and § 504 students referred to the § 504 committee;

c. a student under the age of ten (10) who commits an expellable offense shall be placed in the District's disciplinary Alternative Education program (DAEP)

F. LEVEL VI – Offenses for Which a Student Shall be Expelled and Referred to the Juvenile Justice Alternative Education Program (JJAEP)

A student aged 10 or older shall be expelled from school if the student on school property or while attending a school-sponsored or school-related activity on or off of school property:

In deciding whether to order expulsion, the district must take into consideration self defense, the student's disciplinary history, intent or lack of intent at the time the student engaged in the conduct, and any disability that substantially impaired the

student's capacity to appreciate the wrongfulness of the student's conduct, except as required under the Individuals with Disabilities Act (IDEA) and any related federal regulations

1. Behaviors leading to such action may include, but are not limited to the following:Offenses

- a. A student who violates the provisions in TEC 37.007
 - A firearm violation, as defined by federal law. A firearm under federal law includes the following:
 - *any weapon (including a starter gun), which will or is designed to or which may readily be converted to expel a projectile by the action of an explosive
 - * the frame or receiver of any such weapon;
 - * any firearm muffler or firearm weapon;
 - *any destructive device, such as any explosive, incendiary, or poison gas bomb or grenade.
 - Use, exhibition, or possession of the following, under the *Texas Penal Code*:
 - * a firearm 46.01(3), unless the use, exhibition, or possession of the firearm occurs at an off-campus approved target range facility while participating in or preparing for a school-sponsored shooting sports competition or a shooting sports educational activity that is sponsored or supported by the Parks and Wildlife Department or a shooting sports sanctioning organization working with the department;
 - * an illegal knife, such as a knife with a blade over 5 ½ inches; a hand instrument designed to cut or stab another by being thrown including, but not limited to, a dart, stiletto, poniard, dagger, bowie knife, sword, or spear 46.01(6);
 - *a club 46.01(1);
 - * a prohibited weapon, such as an explosive weapon, a machine gun, a short barrel firearm, a firearm silencer, knuckles, armor-piercing ammunition, a chemical dispensing device, zip gun 46.05, or a tire deflating device.
 - Engages in conduct containing the elements of the following under the *Texas Penal Code*:
 - * aggravated assault, sexual assault, or aggravated sexual assault 22.02, 22.011, 22.021;
 - * arson 28.02; murder, capital murder, or criminal attempt to commit murder 19.02, 19.03, 15.01;
 - * indecency with a child 21.11
 - * aggravated kidnapping 20.04
 - * behavior related to an alcohol or drug offense that could be punishable as a felony TEC 37.006(a), (2) or (3)
 - * retaliation against a school employee, combined with one of the above listed offenses (with the exception of a federal firearm offense) on or off school property or at a school-sponsored or school-related activity TEC 37.007(3) (C)
 - * aggravated robbery 29.03
 - * manslaughter 19.04
 - * criminally negligent homicide 19.05
 - * continuous sexual abuse of a young child or children 21.02

2. LEVEL VI Consequences are as follows:

- a. A student who violates the provisions of Level VI *Student Code of Conduct* and shall be expelled and referred to the Juvenile Justice Alternative Education Program. Referral to local police for appropriate legal action shall also occur. The District will notify the parent or guardian of a student's violation of the *Student Code of Conduct* that results in expulsion.
- b. Special education students will be referred to an ARD Committee and § 504 students referred to the § 504 committee.
- c. A student under the age of ten (10) who commits an expellable offense shall be placed in the district's Disciplinary Alternative Education Program. A student under age six (6) shall not be placed in the district's Disciplinary Alternative Education Program unless the student commits a federal firearm offense.

General Conduct Violations

The categories of conduct below are prohibited at school, in vehicles owned or operated by the district, and at all school-related activities, but the list does not include the most severe offenses. In the subsequent sections on Out-of-School Suspension, DAEP Placement, Placement and/or Expulsion for Certain Offenses, and Expulsion, certain offenses that require or permit specific consequences are listed. Any offense, however, may be severe enough to result in Removal from the Regular Educational Setting as detailed in that section.

Disregard for Authority

Students shall not:

- Fail to comply with directives given by school personnel (insubordination).
- Leave school grounds or school-sponsored events without permission.
- Disobey rules for conduct in district vehicles.
- Refuse to accept discipline management techniques assigned by a teacher or principal.

Mistreatment of Others

Students shall not:

- Use profanity or vulgar language or make obscene gestures.
- Fight or scuffle. (For assault, see DAEP Placement and Expulsion.)
- Threaten a district student, employee, or volunteer, including off school property, if the conduct causes a substantial disruption to the educational environment.
- Engage in bullying, cyberbullying, harassment, or making hit lists. (See glossary for all four terms.)
- Release or threaten to release intimate visual material of a minor or a student who is 18 years of age or older without the student's consent.

- Engage in conduct that constitutes sexual or gender-based harassment or sexual abuse, whether by word, gesture, or any other conduct, directed toward another person, including a district student, employee, board member, or volunteer.
- Engage in conduct that constitutes dating violence. (See glossary.)
- Engage in inappropriate or indecent exposure of private body parts.
- Participate in hazing. (See glossary.)
- Cause an individual to act through the use of or threat of force (coercion).
- Commit extortion or blackmail (obtaining money or an object of value from an unwilling person).
- Engage in inappropriate verbal, physical, or sexual conduct directed toward another person, including a district student, employee, or volunteer.
- Record the voice or image of another without the prior consent of the individual being recorded or in any way that disrupts the educational environment or invades the privacy of others.

Property Offenses

Students shall not:

- Damage or vandalize property owned by others. (For felony criminal mischief, see DAEP Placement or Expulsion.)
- Deface or damage school property—including textbooks, technology and electronic resources, lockers, furniture, and other equipment—with graffiti or by other means.
- Steal from students, staff, or the school.
- Commit or assist in a robbery or theft, even if it does not constitute a felony according to the Texas Penal Code. (For felony robbery, aggravated robbery, and theft, see DAEP Placement and Expulsion.)

Possession of Prohibited Items

Students shall not possess or use:

- Fireworks of any kind, smoke or stink bombs, or any other pyrotechnic device;
- A razor, box cutter, chain, or any other object used in a way that threatens or inflicts bodily injury to another person;
- A “look-alike” weapon that is intended to be used as a weapon or could reasonably be perceived as a weapon;
- An air gun or BB gun;
- Ammunition;
- A location-restricted knife;
- A hand instrument designed to cut or stab another by being thrown;
- A firearm;
- A stun gun;
- A pocketknife or any other small knife;
- Mace or pepper spray;
- Pornographic material;

- Tobacco products; cigarettes; e-cigarettes; and any component, part, or accessory for an e-cigarette device;
- Matches or a lighter;
- A laser pointer for other than an approved use; or
- Any articles not generally considered to be weapons, including school supplies, when the principal or designee determines that a danger exists.

Note: For weapons and firearms, see DAEP Placement and Expulsion. In most circumstances, possession of these items is punishable by mandatory expulsion under federal or state law.

Possession of Telecommunications or Other Electronic Devices

Students shall not:

- Possess a telecommunications device, including a cellular telephone, or other electronic device at school during the school day except during passing period or lunch.

Illegal, Prescription, and Over-the-Counter Drugs

Students shall not:

- Possess, use, give, or sell alcohol or an illegal drug. (Also see DAEP Placement and Expulsion for mandatory and permissive consequences under state law.)
- Possess or sell seeds or pieces of marijuana in less than a usable amount. Possess, use, give, or sell paraphernalia related to any prohibited substance. (See glossary for “paraphernalia.”)
- Possess, use, abuse, or sell look-alike drugs or attempt to pass items off as drugs or contraband.
- Abuse the student’s own prescription drug, give a prescription drug to another student, or possess or be under the influence of another person’s prescription drug on school property or at a school-related event. (See glossary for “abuse.”)
- Abuse over-the-counter drugs. (See glossary for “abuse.”) Be under the influence of prescription or over-the-counter drugs that cause impairment of the physical or mental faculties. (See glossary for “under the influence.”)
- Have or take prescription drugs or over-the-counter drugs at school other than as provided by district policy.

Misuse of Technology Resources and the Internet

Students shall not:

- Violate policies, rules, or agreements signed by the student or the student’s parent regarding the use of technology resources.
- Attempt to access or circumvent passwords or other security-related information of the district, students, or employees or upload or create computer viruses, including off school property if the conduct causes a substantial disruption to the educational environment.
- Attempt to alter, destroy, or disable district technology resources including, but not limited to, computers and related equipment, district data, the data of others, or other

networks connected to the district's system, including off school property if the conduct causes a substantial disruption to the educational environment.

- Use the Internet or other electronic communications to threaten district students, employees, board members, or volunteers, including off school property if the conduct causes a substantial disruption to the educational environment or infringes on the rights of another student at school.
- Send, post, deliver, or possess electronic messages that are abusive, obscene, sexually oriented, threatening, harassing, damaging to another's reputation, or illegal, including cyberbullying and "sexting," either on or off school property, if the conduct causes a substantial disruption to the educational environment or infringes on the rights of another student at school.
- Use the Internet or other electronic communication to engage in or encourage illegal behavior or threaten school safety, including off school property if the conduct causes a substantial disruption to the educational environment or infringes on the rights of another student at school.

Safety Transgressions

Students shall not:

- Possess published or electronic material that is designed to promote or encourage illegal behavior or that could threaten school safety.
- Engage in verbal (oral or written) exchanges that threaten the safety of another student, a school employee, or school property.
- Make false accusations or perpetrate hoaxes regarding school safety.
- Engage in any conduct that school officials might reasonably believe will substantially disrupt the school program or incite violence.
- Throw objects that can cause bodily injury or property damage.
- Discharge a fire extinguisher without valid cause.

Miscellaneous Offenses

Students shall not:

- Violate dress and grooming standards as communicated in the Student Handbook.
- Cheat or copy the work of another.
- Gamble.
- Falsify records, passes, or other school-related documents.
- Engage in actions or demonstrations that substantially disrupt or materially interfere with school activities.
- Repeatedly violate other communicated campus or classroom standards of conduct.

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

Discipline Management Techniques

Discipline shall be designed to improve conduct and to encourage students to adhere to their responsibilities as members of the school community. Disciplinary action shall draw on the professional judgment of teachers and administrators and on a range of discipline management techniques, including restorative discipline practices. Discipline shall be correlated to the seriousness of the offense, the student's age and grade level, the frequency of misbehavior, the student's attitude, the effect of the misconduct on the school environment, and statutory requirements.

Because of these factors, discipline for a particular offense, including misconduct in a district vehicle owned or operated by the district, unless otherwise specified by law, may bring into consideration varying techniques and responses.

Students with Disabilities

The discipline of students with disabilities is 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 shall prevail.

In accordance with the Education Code, a student who receives special education services may not be disciplined for conduct meeting the definition of bullying, cyberbullying, harassment, or making hit lists (see glossary) until an ARD committee meeting has been held to review the conduct.

In deciding whether to order suspension, DAEP placement, or expulsion, regardless of whether the action is mandatory or discretionary, the district shall take into consideration a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct.

Techniques

The following discipline management techniques may be used alone, in combination, or as part of progressive interventions for behavior prohibited by the Student Code of Conduct or by campus or classroom rules:

- Verbal correction, oral or written.
- Cooling-off time or "time-out."
- Seating changes within the classroom or vehicles owned or operated by the district.
- Temporary confiscation of items that disrupt the educational process.
- Rewards or demerits.
- Behavioral contracts.
- Counseling by teachers, school counselors, or administrative personnel.
- Parent-teacher conferences.
- Behavior coaching.
- Anger management classes.
- Mediation (victim-offender).
- Classroom circles.
- Family group conferencing.

- Grade reductions for cheating, plagiarism, and as otherwise permitted by policy.
- Detention, including outside regular school hours.
- Sending the student to the office or other assigned area, or to in-school suspension.
- Assignment of school duties, such as cleaning or picking up litter.
- Withdrawal of privileges, such as participation in extracurricular activities, eligibility for seeking and holding honorary offices, or membership in school-sponsored clubs and organizations.
- Penalties identified in individual student organizations' extracurricular standards of behavior.
- Restriction or revocation of district transportation privileges.
- School-assessed and school-administered probation.
- Corporal punishment, unless the student's parent or guardian has provided a signed statement prohibiting its use.
- Out-of-school suspension, as specified in the Out-of-School Suspension section of this Code.
- Placement in a DAEP, as specified in the DAEP section of this Code.
- Placement and/or expulsion in an alternative educational setting, as specified in the Placement and/or Expulsion for Certain Offenses section of this Code.
- Expulsion, as specified in the Expulsion section of this Code.
- Referral to an outside agency or legal authority for criminal prosecution in addition to disciplinary measures imposed by the district.
- Other strategies and consequences as determined by school officials.

Notification

The campus behavior coordinator shall promptly notify a student's parent by phone or in person of any violation that may result in in-school or out-of-school suspension, placement in a DAEP, placement in a JJAEP, or expulsion. The campus behavior coordinator shall also notify a student's parent if the student is taken into custody by a law enforcement officer under the disciplinary provisions of the Education Code. A good faith effort shall be made on the day the action was taken to provide to the student for delivery to the student's parent written notification of the disciplinary action. If the parent has not been reached by telephone or in person by 5:00 p.m. of the first business day after the day the disciplinary action was taken, the campus behavior coordinator shall send written notification by U.S. Mail. If the campus behavior coordinator is not able to provide notice to the parent, the principal or designee shall provide the notice.

Before the principal or appropriate administrator assigns a student under age 18 to detention outside regular school hours, notice shall be given to the student's parent to inform him or her of the reason for the detention and permit arrangements for necessary transportation.

Appeals

Questions from parents regarding disciplinary measures should be addressed to the teacher, campus administration, or campus behavior coordinator, as appropriate. Appeals or complaints regarding the use of specific discipline management techniques should be addressed in accordance with policy FNG(LOCAL). A copy of the policy may be obtained from the

principal's office, the campus behavior coordinator's office, or the central administration office or through *Policy On Line* at the following address: www.paducahisd.org

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

Attendance (Level IV-VI Offense)

TEC 37.006, 37.007

Children in Texas must attend school through their 18th birthday unless exempted by law. School staff members investigate and report violations of the state compulsory attendance law to the appropriate court authorities.

1. Absences

Students are required by State law to be in attendance for at least 90 percent of the days a class is offered in a semester in order to receive credit for classes in which they are enrolled. Unexcused absences may receive a disciplinary consequence.

If a student accumulates sufficient excused absences to be unable to meet the per semester attendance requirement, the principal or his designee may recommend to the Campus Attendance Committee to grant the student credit for that class for that semester.

If a student accumulates a sufficient number of unexcused absences to be unable to meet the per semester attendance requirement, a recommendation will be made by the principal or his designee to the Campus Attendance Committee to deny the student credit for that class for that semester.

Upon being notified of the recommendation to deny a student credit, a student's parent may request a hearing before the Campus Attendance Committee to present information regarding why the child's absences should not result in loss of credit. This request must be made in writing within five school days of receipt of notification. The Campus Attendance Committee may find that denial of credit is appropriate or that the parent has presented compelling evidence that the child should not be denied credit.

Absences documented and verified for the following reasons, but not limited to, will be classified as excused:

- personal illness;
- serious or documented illness or death in the family;
- medical or dental appointments;
- quarantine;
- weather or road conditions making travel dangerous;
- religious holy day observance;
- court-ordered or legally related absence;
- days of suspension for which assignments are satisfactorily completed;
- Other unusual causes acceptable to the principal;
- Lice – maximum 2 days per incident.

Absences for reasons other than those listed above, but not limited to, will be considered unexcused and may result in disciplinary consequences.

2. Reporting Absences

A student will not be counted absent for an appointment with a doctor, dentist or other health care professional if the student attends school at any time on the day of the appointment, provides appropriate documentation, and if the student satisfactorily completes the missed school work in a reasonable amount of time.

When a student is absent, the student must return to school with a note signed by the parent that provides the following information: the student's name and grade; the date(s) of the absence, the reason for the absence, (i.e., the student had the flu, a court

Removal from Bus

appearance); and the parent's daytime telephone number or a contact number if possible. The note from the parent **must be received within 48 hours** of the student's return to school or the absence will become an unexcused absence. A note regarding student's absence, signed by a student even with the parent's permission, will be considered a forgery, and the student will be disciplined. A principal may require a physician's verification of an illness at any time.

3. Activity Absences

Participation in school-sponsored extracurricular and co-curricular activities is not considered an absence from school. However, students may not miss any class to participate in any one or a combination of such activities more than 10 times during a school year, four in the first semester and six in the second semester. Students participating in activities approved by the Commissioner of Education as non-school extracurricular activities may not be absent to participate in these activities or a combination of commissioner-approved activities and school extracurricular activities more than 10 times during the school year. Participation in a non-school, commissioner-approved activity results in an excused absence provided it is within the limit previously mentioned.

4. Leaving School Early

For a student to leave the campus during the school day he must take a written note, signed by his parent, to the attendance personnel before school that day. The note should contain the full name of the student, date, grade, time and reason for dismissal, and his parent's daytime phone number. The student will obtain his permit to leave from the attendance personnel before he reports to his last class of the day. He must show the permit to the teacher in his last class at the time he is to leave. The student must sign out at the attendance office as he leaves the building in order not to be considered truant.

5. Truancy

Truancy is an absence of more than 15 minutes from class without a valid excuse. Leaving class early without teacher permission constitutes truancy. Truancy counts as an unexcused absence from each class missed. Repeated truancy will result in a referral to the principal or assistant principal under the supervision of the Superintendent for disciplinary action. Repeat offenders and their parents may be subject to court appearances and consequences.

6. Tardies

A student who is late to school must report to the attendance personnel, sign in and get a tardy slip. A note from the parent explaining the tardy is requested. The tardy may be excused or unexcused. Being in class on time means to be seated with materials and supplies when the bell begins to ring. Tardies to class are unexcused unless the student has a pass indicating a staff member detained him. A student is subject to disciplinary action upon his first tardy. Please understand that three unexcused tardies equal one absence and Saturday school.

Backpacks

No wheeled backpacks are allowed. They are considered to be a safety hazard.

Bullying/ Sexual harassment/Dating Violence

Paducah ISD prohibits conduct that consists of bullying, sexual harassment, or dating violence. In addition to the penalties and consequences set forth in this *Student Code of Conduct*, pursuant to state law, on the request of a parent or other person with authority to act on behalf of a student who is victim of bullying/sexual harassment/dating violence, a student who is a victim of such conduct as determined by the Board of Trustees, may receive a transfer to another classroom at the campus which the victim was assigned at the time of the bullying/sexual harassment/dating violence occurred; or a campus in the school district other than the campus to which the victim was assigned at the time of the bullying/sexual harassment/dating violence occurred.

The Board of Trustees or the Board's designee shall verify that a student has been a victim of bullying/sexual harassment/dating violence before transferring the student under this section. Past student behavior may be considered when identifying bullying/sexual harassment/dating violence. The determination by the Board of Trustees or the Board's designee is final and may not be appealed. The district is not required to provide transportation to a student who transfers to another campus. There are no hearings or appeals for a transfer due to bullying/sexual harassment/dating violence behavior.

The Board may transfer the student who engaged in bullying to:

- 1). Another classroom at the campus to which the victim was assigned at the time the bullying occurred; or
- 2). A campus in the District other than the campus to which the victim was assigned at the time the bullying occurred, in consultation with a parent or other person with authority to act on behalf of the student who engaged in bullying.

The transfer of a student with a disability who receives special education services and who engaged in bullying may be made only by a duly constituted ARD committee under Education Code 37.004.

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

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

This conduct is considered bullying if it:

- 1) Exploits an imbalance of power between the student perpetrator who is engaging in bullying and the student victim through written or verbal expression or physical conduct; and

Removal from Bus

- 2) Interferes with a student's education or substantially disrupts the operation of a school

Dating violence occurs when a person in a current or past dating relationship uses physical, sexual, verbal, or emotional abuse to harm, threaten, intimidate, or control another person in the relationship. Dating violence also occurs when a person commits these acts against a person in a marriage or dating relationship with the individual who is or was once in a marriage or dating relationship with the person committing the offense, as defined by Section 71.0021 of the Family Code.

Cheating (Level II Offense)

Cheating shall be defined as giving or receiving information or help on a test, possession of any unauthorized material during a test, copying another student's assignment or knowingly allowing another unauthorized student to copy from his/her assignment, submitting duplicate work, or having someone else complete an assignment on behalf of the student. Plagiarism, the use of another's ideas or products as one's own, is also defined as cheating. Once a determination has been made that a student has engaged in academic dishonesty, the student will be required to redo the assignment or complete an alternative assignment for a grade of no more than a 70 on the work. Further interventions may include attending tutoring, referral to counseling, or referral to campus administration. Disciplinary action may be considered for repeat offenders. All students involved may be subject to disciplinary action.

Corporal Punishment

Corporal punishment is permitted in order to preserve an effective educational environment, free from disruption, unless the student's parent or guardian has provided a signed statement prohibiting its use. Corporal punishment shall be reasonable and moderate and may not be administered maliciously or for the purpose of revenge. Such factors as the size, age, and physical, mental, and emotional condition of the student; the type of instrument to be used; the amount of force to be used; and the part of the body to be struck shall be considered before administering any corporal punishment.

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

- Corporal punishment should be used cautiously and with the best interest of the student in mind. However, when corporal punishment is to be administered, the following procedures are to be followed: corporal punishment will be administered by the school principal, assistant principal, or other professional designated by the principal in the presence of one other District professional employee and in a designated place out of view of other students.
- When administered, respect for the student is foremost, and punishment will be done in a private place.

Removal from Bus

- The student must be made aware of why he/she is to receive corporal punishment and should have the opportunity to say if there is any family or medical reason why he/she should not receive said punishment.
- The principal is responsible for determining that the adult, who is administering the corporal punishment, whether it is himself/herself or another adult, is doing so in a respectful manner and without any emotional involvement.

Detention (Level I/II Offense)

For minor infractions of the *Code* (Level I or II) or other policies and regulations, students may be detained after school hours. Before assigning students to detention, the teacher or principal shall inform the student of the conduct that allegedly constitutes the violation and the student shall be given an opportunity to explain his/her version of the incident.

The student's parent or guardian, if the student is a minor, may be required to provide transportation when the student has been assigned to detention.

Disciplinary Actions – Description and procedure

When imposing discipline, District personnel shall adhere to the following guidelines:

- Discipline shall be administered when necessary to protect students, school employees, or property; maintain essential order and discipline; and promote an environment conducive to learning.
- Students shall be treated fairly and equitably. Discipline shall be based on a careful assessment of the circumstances of each case. Factors to consider shall include the following:
 - seriousness of the offense;
 - student's age;
 - frequency of misconduct;
 - student's attitude;
 - potential effect of the misconduct on the school environment;
 - any mitigating factors, including but not limited to whether the student has a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct.

Disciplinary Procedures for Students with Disabilities I.D.E.A. & TEC 37.004

Disciplinary actions regarding special education students shall be in accordance with the *Code* except as noted in this section. For the purpose of this section, a disabled student is a student who has been evaluated in accordance with *the Individuals with Disabilities Education Act (I.D.E.A.)* and *34 Code of Federal Regulations* relating to full and individual evaluations and determined by an Admission, Review, and Dismissal (ARD) Committee to need special education and related services due to an identified disability or impairment as defined by those laws.

Students with disabilities served under IDEA will be disciplined in accordance with state and federal law. The Discipline Management Plan and Student Code of Conduct apply to all students, including a student with disabilities.

In accordance with the Education Code, a student who is enrolled in a special education program

Removal from Bus

may not be disciplined for conduct meeting the definition of bullying, harassment, or making hit lists until an ARD committee meeting has been held to review the conduct.

■ **Disciplinary Procedures for § 504 Only Students**

Disciplinary actions regarding § 504 students only shall be in accordance with the *Code* except as noted in this section. For the purpose of this section, a § 504 student is a student who has qualified in accordance to the Rehabilitation Act 1973 § 504.

Students with disabilities served pursuant to Section 504 will be disciplined in accordance with state and federal law. The Discipline Management Plan and Student Code of Conduct apply to all students, including Section 504 students.

Dress Code Violation (Level II Offense)

Appropriate student dress and grooming is that which is deemed in good taste, reflecting the standards of the community of which the schools are an integral and visible part. The dress and grooming of students conveys an image of the schools and students, influencing how others respond to and judge the Paducah Independent School District and its students, as well as contributing to the school climate to which students themselves respond.

Since it is impractical to list every possibility of dress and grooming, final decisions concerning what is acceptable are left to a building administrator. Guidelines and administrative decisions regarding appropriate dress will reflect concern for health and safety of students and the influence of specific dress or grooming on the overall educational climate of the school. The guidelines will be reviewed periodically to ensure that they continue to reflect community expectations while permitting individual choices and recognizing acceptable current fashions.

1- The principal or designee under the supervision of the Superintendent shall determine appropriateness of dress. Clarification regarding apparel should be obtained from the principal or assistant principal prior to wearing it to school.

2- Regulations in reference to grooming and dress for extra-curricular activities such as athletics, fine arts, etc. shall be governed by the immediate person in charge of these activities, under the direction of the principal or designee and the Superintendent of Administrative Services. Student's dress and grooming that create a hazard to the student's safety and/or safety of others will not be allowed. The student's dress and grooming will not be allowed if it prevents, interferes with, or adversely affects the purpose, direction or effort required for the activity to achieve its goals.

3- These regulations are applicable to the conduct of students while in attendance at school, while on school property, or at school-sponsored activities. These regulations also apply to student behavior at other times that impairs, interferes with, or obstructs the missions, processes, or functions of the District.

4- All students are expected to dress in a manner that is appropriate for the age

of the child and for the activities in which he/she participates.

Pre-Kindergarten – 5th grade:

1. Students are not to wear hats of any kind within school buildings unless approved by the administration for special occasions. “Hats” should be interpreted broadly as “hats” and shall include caps, visors, bandannas, scarves or kerchiefs and similar hat-like apparel.
2. Clothing shall be of appropriate size, length, and fitting to cover undergarments when the student is standing, sitting, stooping, or bending as interpreted by the campus administration.
3. No uncovered halters, strapless tops, see-through garments, bare midriff, or bare tops may be worn.
4. Clothing/accessories with inappropriate writing, inappropriate drawings/pictures, or inappropriate advertisements, to include but not limited to drugs, alcohol, tobacco, violence, prison activities, gang activities, sexual innuendoes, cultural divisiveness and/or racial intolerance may not be worn.
5. Visible tattoos are not allowed. Any tattoo, artificial design or adornment not hidden must be removed or completely covered.
6. Earrings may be worn only by female students only. No other body piercing adornment is allowed.
7. Students’ hair shall be clean, neat, and well-groomed. Hairstyles shall not, in the opinion of the administration, cause a health or safety hazard or cause disruption of the educational process. Therefore, exotic hairstyles, lines, and designs are not permitted. Unnatural/abnormal colored hair, such as pink, blue, purple, bright red, etc., are also not permitted.
8. Appropriate shoes are required for PE, recess and/or any other student activity as determined by the campus administrator. Shoes with wheels are not permitted.
9. Any grooming or dress fad that the principal determines materially or substantially detracts from or interferes with the educational program and/or creates a health or hazard to the student’s safety or others, may be prohibited.

Removal from Bus

6th-12th Grade:

1. Students shall wear appropriate footwear (house shoes, slippers, and other similar footwear are not to be worn). Appropriate shoes are required for PE and/or any other student activity as determined by the campus administrator. Shoes with wheels are not permitted.
2. Students are not to wear hats of any kind within school buildings unless approved by the administration for special occasions. "Hats" should be interpreted broadly as "hats" and shall include caps, visors, bandannas, scarves or kerchiefs and similar hat-like apparel.
3. Clothing shall be of appropriate size, length, and fitting to cover undergarments when the student is standing, sitting, stooping, or bending as interpreted by the campus administration. Shorts/skirts/dresses may be inch above the knee while standing upright; slits in skirts must be no higher than two inches from the knee when standing upright.
4. Girl's cleavage should be completely covered
5. Shirt length should not extend below the finger tips when standing upright.
6. Holes in pants must be no higher than fingertip length when standing upright.
7. No uncovered halters, tank tops, strapless tops, spaghetti tops, see-through garments, bare midriff, or bare tops may be worn.
8. Form-fitting, stretch clothing such as biking shorts, body suits, leotards, tights, legging, etc., shall not be worn except when worn appropriately as an undergarment beneath clothing. These are permitted to be worn as appropriate for physical education and extra-curricular school sponsored/approved
8. Clothing/accessories with inappropriate writing, inappropriate drawings/pictures, or inappropriate advertisements, to include but not limited to drugs, alcohol, tobacco, violence, prison activities, gang activities, sexual innuendoes, cultural divisiveness and/or racial intolerance may not be worn.
10. Visible tattoos are not allowed. Any tattoo, artificial design or adornment not hidden must be removed or completely covered.

Removal from Bus

11. Earrings may be worn by females only. No gages, eyebrow, facial, lip, or any other body piercing adornment is allowed.
12. “Wild Eyes” or other similar contact lenses deemed exotic may not be worn.
13. Students’ hair shall be clean, neat, and well-groomed. Hairstyles shall not, in the opinion of the administration, cause a health or safety hazard or cause disruption of the educational process. Therefore, exotic hairstyles, lines, and designs are not permitted. Unnatural/abnormal hair color, such a pink, blue, purple, bright red, etc. are also not permitted.
14. Males must be clean-shaven at all times. Mustaches, beards, and other facial hair including sideburns below the ear lobe are prohibited.
15. Any grooming or dress fad that the principal determines materially or substantially detracts from or interferes with the educational program and/or creates a health hazard to the student’s safety or others, may be prohibited.

All students shall be in compliance with the provisions of the dress code and grooming codes in order to enroll in school at the beginning of the school term. New students to the district shall be required to comply with the provisions of the dress and grooming codes upon enrolling and prior to attending class. During the school year, if a student's dress and grooming is in violation of the provisions of the dress code, the student may be subject to disciplinary action at the discretion of the campus administration. Persistent violation of the dress code may result in additional disciplinary action. Students who violate a provision of the dress code relating to extracurricular activities may be removed or excluded from the extracurricular activity for such period as the principal may determine. All students shall be accorded due process safeguards before any disciplinary action may be taken.

Drug/Alcohol possession/use (Level IV-VI Offense)

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

- Any controlled substance or dangerous drug as defined by law, without regard to amount, including but not limited to marijuana, any narcotic drug, hallucinogen, stimulant, depressant, amphetamine, or barbiturate;
- Alcohol or any alcoholic beverage;
- Any abusable volatile chemical, aerosol paint, or any other chemical substance for inhalation;
- Any other intoxicant, or mood-changing, mind-altering, or behavior-altering drugs;

Removal from Bus

- Correction fluid, white out, etc.

“**Possess,**” for purposes of this Section and the entire *Code*, means actual care, custody, control, or management. A prohibited item found or observed on the student’s person, in the student’s locker, vehicle, clothing, or belongings will be presumed to be in the student’s possession. There may be more than one person in possession of a prohibited item. As an example, a prohibited item found in a vehicle with more than one student will be presumed to be in the possession of all students present when circumstances indicate knowledge of the prohibited items and have or may exercise care, custody, control, or management of the prohibited item.

“**Use,**” for purposes of this Section and the entire *Code* means smoke, ingest, imbibe, drink, or otherwise absorb. Use may be evidenced by the student’s appearance, actions, speech, breath, or aroma.

“**Under the Influence,**” for purposes of this Section and the entire *Code* means lacking the normal use of mental or physical faculties. Impairment of a person’s physical or mental faculties may be evidenced by a pattern of abnormal or erratic behavior, the presence of physical symptoms of drug or alcohol use, or by admission. A student “under the influence” need not be legally intoxicated to trigger disciplinary action.

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

A student who uses a drug authorized by a licensed physician through a prescription specifically for that student’s use shall not be in violation of this rule. Prompt written notice of such usage shall be given to the principal by the student’s parents. Students may not use or possess medicine, prescription or nonprescription, without complying with procedures established in the *Student Handbook*.

If a disabled student who is designated § 504 only, is currently using drugs or alcohol, violates the district policy on the use or possession of drugs and alcohol, the student loses the procedural protections provided by § 504 and may be disciplined for the violations. [1991 OCR Policy Memorandum on ADA Amendments to § 504 OCR 1991).]

Students coming on school premises or to a school function after using alcohol or other prohibited drugs are subject to disciplinary action up to and including assignment to the District Disciplinary Alternative Education Program or expulsion.

School Transportation Behavior (Level II Offense) **TEC 21.404, 37.009**

A bus driver may refer a student to the principal’s office to maintain effective discipline on the bus. The principal must employ additional discipline management techniques, as appropriate, which can include restricting or revoking a student’s bus riding privileges.

Students and parents should realize that school bus and other transportation is a privilege, not a right, and that a principal or assistant may suspend students from riding on any school bus or

Removal from Bus

other District transportation for violations of the following rules and regulations. Students will also be subject to disciplinary actions for such violation. (Most of the offenses are classified as Level II unless misbehavior involves another offense defined in the *Code*, i.e., weapons, fighting.)

- Students must be on time at designated bus stops. Buses cannot wait for tardy students.
- Students shall obey the driver's suggestions and help the driver to assure safety at all times.
- Students must ride the bus they are assigned. Buses will load and unload only at designated stops.
- Students must stay off the roadway while waiting for the bus and should form a line to get on the bus.
- Students shall cross at least fifteen feet in front of the bus when crossing the road, never at the rear of the bus.
- Students are to wait until the bus has come to a complete stop before attempting to enter or leave the bus. Students shall remain seated while the bus is in motion. Students shall enter or leave the bus only at the front door except in the case of an emergency.
- Students must not leave the bus without the driver's consent except at home or school. No unauthorized stops will be made.
- Students shall occupy any seat assigned by the driver; keep feet out of aisles, off seats, and backs of seats; and sit erect with feet on the floor.
- Students must sit three in a seat, filling back seats first, when conditions require it.
- Musical instruments must be held by the owner. They may not be left in aisles, at front, or by the rear door.
- Students must keep head, arms, and hands inside the bus.
- Students shall be courteous! No profane or vulgar language is allowed.
- Students shall keep the bus clean. Eating, drinking, or use of tobacco on the bus is prohibited.
- Animals, weapons, or other materials that might infringe on passenger safety are not allowed on the bus.
- Fighting, pushing, or shoving will not be tolerated.
- Students shall report to the driver any damage to the property. Damage to the interior or exterior of the bus will result in payment by the student or parent of the student for damages and may result in suspended bus riding privileges for the student.
- Parents are responsible for supervision of the bus stop area prior to the arrival of the bus.
- Students are prohibited from engaging in any misconduct as defined in the *Code*.

Removal from the School Bus

A bus driver may refer a student to the principal's office or the campus behavior coordinator's office to maintain effective discipline on the bus. The principal or campus behavior coordinator must employ additional discipline management techniques, as appropriate, which can include restricting or revoking a student's bus riding privileges.

Since the district's primary responsibility in transporting students in district vehicles is to do so as safely as possible, the operator of the vehicle must focus on driving and not have his or her attention distracted by student misbehavior. Therefore, when appropriate disciplinary management techniques fail to improve student behavior or when specific misconduct warrants immediate removal, the principal or the campus behavior coordinator may restrict or revoke a student's transportation privileges, in accordance with law.

Removal from the Regular Educational Setting

In addition to other discipline management techniques, misconduct may result in removal from the regular educational setting in the form of a routine referral or a formal removal.

Routine Referral

A routine referral occurs when a teacher sends a student to the campus behavior coordinator's office as a discipline management technique. The campus behavior coordinator shall employ alternative discipline management techniques, including progressive interventions. A teacher or administrator **may** remove a student from class for a behavior that violates this Code to maintain effective discipline in the classroom.

Formal Removal

A teacher **may** also initiate a formal removal from class if:

1. The student's behavior has been documented by the teacher as repeatedly interfering with the teacher's ability to teach his or her class or with the student's classmates' ability to learn; or
2. The behavior is so unruly, disruptive, or abusive that the teacher cannot teach, and the students in the classroom cannot learn.

Within three school days of the formal removal, the campus behavior coordinator or appropriate administrator shall schedule a conference with the student's parent; the student; the teacher, in the case of removal by a teacher; and any other administrator.

At the conference, the campus behavior coordinator or appropriate administrator shall inform the student of the misconduct for which he or she is charged and the consequences. The student shall have an opportunity to give his or her version of the incident.

When a student is removed from the regular classroom by a teacher and a conference is pending, the campus behavior coordinator or other administrator may place the student in:

- Another appropriate classroom.
- In-school suspension.
- Out-of-school suspension.
- DAEP.

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. When removing for those reasons, the procedures in the subsequent sections on DAEP or expulsion shall be followed.

Returning a Student to the Classroom

When a student has been formally removed from class by a teacher for conduct against the teacher containing the elements of assault, aggravated assault, sexual assault, aggravated sexual assault, murder, capital murder, or criminal attempt to commit murder or capital murder, the student may not be returned to the teacher's class without the teacher's consent.

Removal from the Regular Educational Setting

When a student has been formally removed by a teacher for any other conduct, the student may be returned to the teacher's class without the teacher's consent if the placement review committee determines that the teacher's class is the best or only alternative available.

Out-of-School Suspension

Misconduct

Students may be suspended for any behavior listed in the Code as a general conduct violation, DAEP offense, or expellable offense.

The district shall not use out-of-school suspension for students in grade 2 or below unless the conduct meets the requirements established in law.

A student in grade 2 or below shall not be placed in out-of-school suspension unless, while on school property or while attending a school-sponsored or school-related activity on or off school property, the student engages in:

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

The district shall use a positive behavior program as a disciplinary alternative for students in grade 2 or below who commit general conduct violations instead of suspension or placement in a DAEP. The program shall meet the requirements of law.

Process

State law allows a student to be suspended for no more than three school days per behavior violation, with no limit on the number of times a student may be suspended in a semester or school year.

Before being suspended a student shall have an informal conference with the campus behavior coordinator or appropriate administrator, who shall advise the student of the conduct of which he or she is accused. The student shall 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 shall be determined by the campus behavior coordinator, but shall not exceed three school days.

In deciding whether to order out-of-school suspension, the campus behavior coordinator shall take into consideration:

1. Self-defense (see glossary),
2. Intent or lack of intent at the time the student engaged in the conduct,
3. The student's disciplinary history, or
4. A disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct.

The appropriate administrator shall determine any restrictions on participation in school-sponsored or school-related extracurricular and cocurricular activities.

Disciplinary Alternative Education Program (DAEP) Placement

The DAEP shall be provided in a setting other than the student's regular classroom. An elementary school student may not be placed in a DAEP with a student who is not an elementary school student.

For purposes of DAEP, elementary classification shall be kindergarten–grade 5 and secondary classification shall be grades 6–12.

A student who is expelled for an offense that otherwise would have resulted in a DAEP placement does not have to be placed in a DAEP in addition to the expulsion.

In deciding whether to place a student in a DAEP, regardless of whether the action is mandatory or discretionary, the campus behavior coordinator shall take into consideration:

1. Self-defense (see glossary),
2. Intent or lack of intent at the time the student engaged in the conduct,
3. The student's disciplinary history, or
4. A disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct.

Discretionary Placement: Misconduct That May Result in DAEP Placement

A student **may** be placed in a DAEP for behaviors prohibited in the General Conduct Violations section of this Code.

Misconduct Identified in State Law

In accordance with state law, a student **may** be placed in a DAEP for any one of the following offenses:

- Engaging in bullying that encourages a student to commit or attempt to commit suicide.
- Inciting violence against a student through group bullying.
- Releasing or threatening to release intimate visual material of a minor or a student who is 18 years of age or older without the student's consent.
- 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, secret society, or gang. (See glossary.)
- Involvement in criminal street gang activity. (See glossary.)
- Any criminal mischief, including a felony.
- Assault (no bodily injury) with threat of imminent bodily injury.
- Assault by offensive or provocative physical contact.

In accordance with state law, a student **may** be placed in a DAEP if the superintendent or the superintendent's designee has reasonable belief (see glossary) that the student has engaged in conduct punishable as a felony, other than aggravated robbery or those listed as offenses in Title 5 (see glossary) 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.

The campus behavior coordinator **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 administrator does not have knowledge of the conduct before the first anniversary of the date the conduct occurred.

Mandatory Placement: Misconduct That Requires DAEP Placement

A student **must** be placed in a 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.)
- Commits the following 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:
 - Engages in conduct punishable as a felony.
 - Commits an assault (see glossary) under Texas Penal Code 22.01(a)(1).
 - 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. A student with a valid prescription for low-THC cannabis as authorized by Chapter 487 of the Health and Safety Code does not violate this provision. (School-related felony drug offenses are addressed in the Expulsion section.) (See glossary for "under the influence.")
 - 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 alcohol offenses are addressed in the Expulsion section.)
 - 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 or indecent exposure.
- Engages in expellable conduct and is between six and nine years of age.
- Commits a federal firearms violation and is younger than six years of age.
- Engages in conduct that contains the elements of the offense of retaliation against any school employee or volunteer on or off school property. (Committing retaliation in combination with another expellable offense is addressed in the Expulsion section of this Code.)
- Engages in conduct punishable as aggravated robbery or 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:
 - The student receives deferred prosecution (see glossary),
 - A court or jury finds that the student has engaged in delinquent conduct (see glossary), or
 - The superintendent or designee has a reasonable belief (see glossary) that the student engaged in the conduct.

Sexual Assault and Campus Assignments

If a student has been convicted of continuous sexual abuse of a young child or children or convicted of or placed on deferred adjudication for sexual assault or aggravated sexual assault against another student on the same campus, and if the victim's parent or another person with the authority to act on behalf of the victim requests that the board transfer the offending student to another campus, the offending student shall be transferred to another campus in the district. If there is no other campus in the district serving the grade level of the offending student, the offending student shall be transferred to a DAEP.

Assault (Level IV-VI Offense)

TEC 37.006, 37.007

Students are prohibited from assaulting anyone on school property, on or within 300 feet of school property as measured from any point on the school's real property boundary line, at any school-related event, in a situation that is school-related, or in any way that is detrimental to the educational process. An assault is defined as:

- intentionally, knowingly, or recklessly causing bodily injury to another person
- intentionally or knowingly threatening another with imminent bodily harm, or placing another in fear of imminent bodily harm
- intentionally or knowingly causing physical contact with another when the student knows or should reasonably believe that the other will regard the contact as offensive or provocative.

Emergencies

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 nonemergency basis.

Process

Removals to a DAEP shall be made by the campus behavior coordinator.

Conference

When a student is removed from class for a DAEP offense, the campus behavior coordinator or appropriate administrator shall schedule a conference within three school days with the student's parent, the student, and the teacher, in the case of a teacher removal.

At the conference, the campus behavior coordinator or appropriate administrator shall inform the student, orally or in writing, of the reasons for the removal and shall give the student an explanation of the basis for the removal and an opportunity to respond to the reasons for the removal.

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

Consideration of Mitigating Factors

In deciding whether to place a student in a DAEP, regardless of whether the action is mandatory or discretionary, the campus behavior coordinator shall take into consideration:

1. Self-defense (see glossary),
2. Intent or lack of intent at the time the student engaged in the conduct,
3. The student's disciplinary history, or
4. A disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct.

Placement Order

After the conference, if the student is placed in the DAEP, the campus behavior coordinator shall write a placement order. A copy of the DAEP placement order shall be sent to the student and the student's parent.

Not later than the second business day after the conference, the board's designee shall deliver to the juvenile court a copy of the placement order and all information required by Section 52.04 of the Family Code.

If the student is placed in the DAEP and the length of placement is inconsistent with the guidelines included in this Code, the placement order shall give notice of the inconsistency.

Coursework Notice

The parent or guardian of a student placed in DAEP shall be given written notice of the student's opportunity to complete a foundation curriculum course in which the student was enrolled at the time of removal and which is required for graduation, at no cost to the student. The notice shall include information regarding all methods available for completing the coursework.

Length of Placement

The duration of a student's placement in a DAEP shall be determined by the campus behavior coordinator.

The duration of a student's placement shall be determined on a case-by-case basis. DAEP placement shall be correlated to the seriousness of the offense, the student's age and grade level, the frequency of misconduct, the student's attitude, and statutory requirements.

The maximum period of DAEP placement shall be one calendar year, except as provided below.

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

The district shall administer the required pre- and post-assessments for students assigned to DAEP for a period of 90 days or longer in accordance with established district administrative procedures for administering other diagnostic or benchmark assessments.

Exceeds One Year

Placement in a DAEP may exceed one year when a review by the district determines that the student is a threat to the safety of other students or to district employees.

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

Exceeds School Year

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.

For placement in a DAEP to extend beyond the end of the school year, the campus behavior coordinator or the board's designee must determine that:

1. The student's presence in the regular classroom or campus presents a danger of physical harm to the student or others, or
2. The student has engaged in serious or persistent misbehavior (see glossary) that violates the district's Code.

Exceeds 60 Days

For placement in a DAEP to extend beyond 60 days or the end of the next grading period, whichever is sooner, a student's parent shall be given notice and the opportunity to participate in a proceeding before the board or the board's designee.

Appeals

Questions from parents regarding disciplinary measures should be addressed to the campus administration.

Student or parent appeals regarding a student's placement in a DAEP should be addressed in accordance with FNG(LOCAL). A copy of this policy may be obtained from the principal's office, the campus behavior coordinator's office, the central administration office, or through *Policy On Line* at the following address: www.paducahisd.org

Appeals shall begin at a Level Four with the principal, or superintendent).

Disciplinary consequences shall not be deferred pending the outcome of an appeal. The decision to place a student in a DAEP cannot be appealed beyond the board.

Restrictions During Placement

State law prohibits a student placed in a DAEP for reasons specified in state law from attending or participating in school-sponsored or school-related extracurricular activities.

A student placed in a DAEP shall not be provided transportation unless he or she is a student with a disability who has transportation designated as a related service in the student's IEP.

The district shall provide transportation to students in a DAEP.

For seniors who are eligible to graduate and are assigned to a DAEP at the time of graduation, the placement in the program shall continue through graduation, and the student shall not be allowed to participate in the graduation ceremony and related graduation activities.

Placement Review

A student placed in a DAEP shall be provided a review of his or her status, including academic status, by the campus behavior coordinator or the board's designee at intervals not to exceed 120 days. In the case of a high school student, the student's progress toward graduation and the student's graduation plan shall also be reviewed. At the review, the student or the student's parent shall be given the opportunity to present arguments for the student's return to the regular classroom or campus. The student may not be returned to the classroom of a teacher who removed the student without that teacher's consent.

Additional Misconduct

If during the term of placement in a DAEP the student engages in additional misconduct for which placement in a DAEP or expulsion is required or permitted, additional proceedings may be conducted, and the campus behavior coordinator may enter an additional disciplinary order as a result of those proceedings.

Notice of Criminal Proceedings

When a student is placed in a DAEP for certain offenses, the office of the prosecuting attorney shall notify the district if:

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 such conduct, on receiving the notice from the prosecutor, the superintendent or designee shall review the student's placement and schedule a review 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 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. In the case of an appeal, the board shall, 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 shall make a record of the proceedings.

If the board confirms the decision of the superintendent or designee, the student and the student's parent may appeal to the Commissioner of Education. The student may not be returned to the regular classroom pending the appeal.

Withdrawal During Process

When a student violates the district's Code in a way that requires or permits the student to be placed in a DAEP and the student withdraws from the district before a placement order is completed, the campus behavior coordinator may complete the proceedings and issue a placement order. If the student then re-enrolls 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 campus behavior coordinator or the board fails to issue a placement order after the student withdraws, the next district in which the student enrolls may complete the proceedings and issue a placement order.

Newly Enrolled Students

The district shall continue the DAEP placement of a student who enrolls in the district and was assigned to a DAEP in an open-enrollment charter school or another district.

A newly enrolled student with a DAEP placement from a district in another state shall be placed as any other newly enrolled student if the behavior committed is a reason for DAEP placement in the receiving district.

If the student was placed in a DAEP by a school district in another state for a period that exceeds one year, this district, by state law, shall reduce the period of the placement so that the total placement does not exceed one year. After a review, however, the placement may be extended beyond a year if the district determines that the student is a threat to the safety of other students or employees or the extended placement is in the best interest of the student.

Emergency Placement Procedure

When an emergency placement is necessary because the student's behavior is so unruly, disruptive, or abusive that it seriously interferes with classroom or school operations, the student shall be given oral notice of the reason for the action. Not later than the tenth day after the date of the placement, the student shall be given the appropriate conference required for assignment to a DAEP.

Placement and/or Expulsion for Certain Offenses

This section includes two categories of offenses for which the Education Code provides unique procedures and specific consequences.

Registered Sex Offenders

Upon receiving notification in accordance with state law that a student is currently required to register as a sex offender, the administration must remove the student from the regular classroom and determine appropriate placement unless the court orders JJAEP placement.

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

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

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

Review Committee

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

The placement review of a student with a disability who receives special education services must be made by the ARD committee.

Newly Enrolled Student

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

Appeal

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

Certain Felonies

Regardless of whether placement or expulsion is required or permitted by one of the reasons in the DAEP Placement or Expulsion sections, in accordance with Education Code 37.0081, a student **may** be expelled and placed in either DAEP or JJAEP if the board or campus behavior

coordinator makes certain findings and the following circumstances exist in relation to aggravated robbery or a felony offense under Title 5 (see glossary) of the Texas Penal Code. The student must:

- Have received deferred prosecution for conduct defined as aggravated robbery or a Title 5 felony offense;
- Have been found by a court or jury to have engaged in delinquent conduct for conduct defined as aggravated robbery or a Title 5 felony offense;
- Have been charged with engaging in conduct defined as aggravated robbery or a Title 5 felony offense;
- Have been referred to a juvenile court for allegedly engaging in delinquent conduct for conduct defined as aggravated robbery or a Title 5 felony offense; or
- Have received probation or deferred adjudication or have been arrested for, charged with, or convicted of aggravated robbery or a Title 5 felony offense.

The district may expel the student and order placement under these circumstances 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.

Hearing and Required Findings

The student must first have a hearing before the board or its designee, who must determine that in addition to the circumstances above that allow for the expulsion, 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.

Any decision of the board or the board's designee under this section is final and may not be appealed.

Length of Placement

The student is subject to the placement until:

1. The student graduates from high school,
2. The charges are dismissed or reduced to a misdemeanor offense, or
3. The student completes the term of the placement or is assigned to another program.

Newly Enrolled Students

A student who enrolls in the district before completing a placement under this section from another school district must complete the term of the placement.

Expulsion

In deciding whether to order expulsion, regardless of whether the action is mandatory or discretionary, the campus behavior coordinator shall take into consideration:

1. Self-defense (see glossary),
2. Intent or lack of intent at the time the student engaged in the conduct,
3. The student's disciplinary history, or
4. A disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct.

Discretionary Expulsion: Misconduct That May Result in Expulsion

Some of the following types of misconduct may result in mandatory placement in a DAEP, whether or not a student is expelled. (See DAEP Placement)

Any Location

A student **may** be expelled for:

- Engaging in bullying that encourages a student to commit or attempt to commit suicide.
- Inciting violence against a student through group bullying.
- Releasing or threatening to release intimate visual material of a minor or a student who is 18 years of age or older without the student's consent.
- Conduct that contains the elements of assault under Penal Code 22.01(a)(1) in retaliation against a school employee or volunteer.
- Criminal mischief, if punishable as a felony.
- Engaging in conduct that contains the elements of one of the following offenses against another student:
 - Aggravated assault.
 - Sexual assault.
 - Aggravated sexual assault.
 - Murder.
 - Capital murder.
 - Criminal attempt to commit murder or capital murder.
 - Aggravated robbery.
- Breach of computer security. (See glossary)
- Engaging in conduct relating to a false alarm or report (including a bomb threat) or a terroristic threat involving a public school.

At School, Within 300 Feet, or at a School Event

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 marijuana, a controlled substance, or a dangerous drug, if the conduct is not punishable as a felony. A student with a valid prescription for low-THC cannabis as

authorized by Chapter 487 of the Health and Safety Code does not violate this provision. (See glossary for “under the influence.”)

- Selling, giving, or delivering to another person, or possessing, using, or being under the influence 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.)

Within 300 Feet of School

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

- Aggravated assault, sexual assault, or aggravated sexual assault.
- Arson. (See glossary.)
- Murder, capital murder, or criminal attempt to commit murder or capital murder.
- Indecency with a child, aggravated kidnapping, manslaughter, criminally negligent homicide, or aggravated robbery.
- Continuous sexual abuse of a young child or children.
- Felony drug- or alcohol-related offense.
- Carrying on or about the student’s person a handgun, a location-restricted knife, or a club, as these terms are defined by state law. (See glossary.)
- Possessing, manufacturing, transporting, repairing, or selling a prohibited weapon, as defined by state law. (See glossary.)
- Possession of a firearm, as defined by federal law. (See glossary.)

Property of Another District

A student **may** be expelled for committing 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 of a school in another district in Texas.

While in DAEP

A student **may** be expelled for engaging in documented serious misbehavior that violates the district’s Code, despite documented behavioral interventions while placed in a DAEP. For purposes of discretionary expulsion from a DAEP, serious misbehavior means:

1. Deliberate violent behavior that poses a direct threat to the health or safety of others;
2. Extortion, meaning the gaining of money or other property by force or threat;
3. Conduct that constitutes coercion, as defined by Section 1.07, Penal Code; or
4. Conduct that constitutes the offense of:
 - a. Public lewdness under Section 21.07, Penal Code;
 - b. Indecent exposure under Section 21.08, Penal Code;
 - c. Criminal mischief under Section 28.03, Penal Code;

- d. Personal hazing under Section 37.152; or
- e. Harassment under Section 42.07(a)(1), Penal Code, of a student or district employee.

Mandatory Expulsion: Misconduct That Requires Expulsion

A student **must** be expelled under federal or state law 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:

Under Federal Law

Bringing to school or possessing at school, including any setting that is under the district's control or supervision for the purpose of a school activity, a firearm, as defined by federal law. (See glossary.)

Note: Mandatory expulsion under the federal Gun Free Schools Act does not apply to a firearm that is lawfully stored inside a locked vehicle, or to firearms used in activities approved and authorized by the district when the district has adopted appropriate safeguards to ensure student safety.

Under the Texas Penal Code

- Carrying on or about the student's person the following, as defined by the Texas Penal Code:
 - A handgun, defined by state law as any firearm designed, made, or adapted to be used with one hand. (See glossary.) *Note:* A student may not be expelled solely on the basis of the student's use, exhibition, or possession of a firearm that occurs at an approved target range facility that is not located on a school campus, while participating in or preparing for a school-sponsored, shooting sports competition or a shooting sports educational activity that is sponsored or supported by the Parks and Wildlife Department, or a shooting sports sanctioning organization working with the department. [See policy FNCG(LEGAL).]
 - A location-restricted knife, as defined by state law. (See glossary.)
 - A club, as defined in state law. (See glossary.)
- Possessing, manufacturing, transporting, repairing, or selling a prohibited weapon, as defined in state law. (See glossary.)
- Behaving in a manner that contains elements of the following offenses under the Texas Penal Code:
 - Aggravated assault, sexual assault, or aggravated sexual assault.
 - Arson. (See glossary.)
 - Murder, capital murder, or criminal attempt to commit murder or capital murder.
 - Indecency with a child.
 - Aggravated kidnapping.
 - Aggravated robbery.
 - Manslaughter.
 - Criminally negligent homicide.
 - Continuous sexual abuse of a young child or children.

- Behavior punishable as a felony that involves selling, giving, or delivering to another person, or possessing, using, or being under the influence of marijuana, a controlled substance, a dangerous drug, or alcohol; or committing a serious act or offense while under the influence of alcohol.
- Engaging in retaliation against a school employee or volunteer combined with one of the above-listed mandatory expulsion offenses.

Under Age Ten

When a student under the age of ten engages in behavior that is expellable behavior, the student shall not be expelled, but shall be placed in a DAEP. A student under age six shall not be placed in a DAEP unless the student commits a federal firearm offense.

Emergency

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 nonemergency basis.

Process

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

Until a hearing can be held, the campus behavior coordinator or other administrator may place the student in:

- Another appropriate classroom.
- In-school suspension.
- Out-of-school suspension.
- DAEP.

Hearing

A student facing expulsion shall be given a hearing with 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, and
3. An opportunity to question the witnesses called by the district at 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 hearing shall be conducted by the board of trustees and the decision to expel shall be made by the board.

Board Review of Expulsion

After the due process hearing, the expelled student may request that the board review the expulsion decisions. 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.

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

Expulsion Order

Before ordering the expulsion, the board or campus behavior coordinator shall take into consideration:

1. Self-defense (see glossary),
2. Intent or lack of intent at the time the student engaged in the conduct,
3. The student's disciplinary history, or
4. A disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct.

If the student is expelled, the board or its designee shall deliver to the student and the student's parent a copy of the order expelling the student.

Not later than the second business day after the hearing, the *Superintendent, Gary Waitman* shall deliver to the juvenile court a copy of the expulsion order and the information required by Section 52.04 of the Family Code.

If the length of the expulsion is inconsistent with the guidelines included in the Student Code of Conduct, the expulsion order shall give notice of the inconsistency.

Length of Expulsion

The length of an expulsion shall 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.

The duration of a student's expulsion shall be determined on a case-by-case basis. The maximum period of expulsion is one calendar year, except as provided below.

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.

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 may modify the length of the expulsion on a case-by-case basis.

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.

Withdrawal During Process

When a student has violated the district's Code 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 re-enrolls 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 campus behavior coordinator 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.

Additional Misconduct

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 campus behavior coordinator or the board may issue an additional disciplinary order as a result of those proceedings.

Restrictions During 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 shall be earned for work missed during the period of expulsion unless the student is enrolled in a JJAEP or another district-approved program.

Newly Enrolled Students

The district shall continue the expulsion of any newly enrolled student expelled from another district or an open-enrollment charter school until the period of the expulsion is completed.

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 shall 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 Procedures

When an emergency expulsion is necessary to protect persons or property from imminent harm, the student shall be given verbal notice of the reason for the action. Within ten days after the date of the emergency expulsion, the student shall be given appropriate due process required for a student facing expulsion.

DAEP Placement of Expelled Students

The district may provide educational services to any expelled student in a DAEP; however, educational services in the DAEP must be provided if the student is less than ten years of age.

Hazing

TEC 37.151, 37.152

Hazing includes any willful act done by a student either individually or with others to another student for the purpose of subjecting the other student to indignity, humiliation, intimidation, physical abuse, or threats of abuse, social ostracism, shame, or disgrace, as is defined more fully in Texas Education Code section 37.151.

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

Parent Teacher Conferences

TEC 21.404, 37.009

Each teacher is assigned one class period per day to be used for parent conferences as well as planning and preparing for class work. Parents are encouraged to call the school for an appointment relative to any phase of the student’s progress.

An administrator shall conduct a conference with a student’s parent(s) when a student is removed to a disciplinary alternative educational program or when a teacher recommends removal from the class. When such conference is required, a teacher or other school employee may also conduct a second conference as a follow-up within the same school year.

The teacher or school employee convening a required conference shall attempt to conduct the conference by personal attendance, but if this method is impractical, the conference may be conducted by telephone. If attempts to conduct a required conference by either of these methods are unsuccessful, the conference may be conducted by correspondence directed to the parent at the parent’s current address, as reflected on the school’s records.

Teachers or other school employees involved shall document their efforts to schedule and conduct required parental conferences.

Teachers or other school employees may request a conference with a student’s parents(s) whenever there has been a minor offense or whenever the teacher or employee perceives the need for parental cooperation in enforcing the *Code*.

Sexual Harassment (Level IV Offense)

TEC 37.083

Sexual harassment is defined as any unwanted physical, verbal, or visual sexual advances; requests

for sexual favors; and other sexually-oriented conduct, which is offensive or objectionable to the recipient, including, but not limited to: epithets; derogatory or suggestive comments, slurs, or gestures; and offensive posters, cartoons, pictures, or drawings.

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

District's DAEP, according to the nature of the offense.

All students are expected to treat one another courteously, with respect for the other person's feelings; to avoid any behaviors known to be offensive; and to stop these behaviors when asked or told to stop. All students are prohibited from engaging in offensive verbal or physical conduct of a sexual nature directed toward another student. This prohibition applies whether the conduct is by word, gestures, or any other intimidating sexual conduct, including requests for sexual favors that the other student regards as offensive or provocative. Students and/or parents are encouraged to discuss their questions or concerns about the expectations in this area with the teacher; the principal or designee; or the District's Title IX coordinator for students.

A student and/or parent in a conference may present a complaint alleging sexual harassment by another student or sexual harassment or sexual abuse by a staff member with the principal or designee or with the Title IX coordinator. The conference will be scheduled and held as soon as possible within seven days of the request. The principal, principal's designee, or Title IX coordinator that investigates the complaint will complete the investigation of the complaint within seven school days. The student or parent will be informed if extenuating circumstances delay completion of the investigation. The student will not be required to present a complaint to a person who is the subject of the complaint.

If the resolution of the complaint is not satisfactory to the student or parent, the student or parent within seven days may request a conference with the Superintendent or designee by following the procedures set out in BOARD POLICY. If the resolution by the Superintendent or designee is not satisfactory, the student or parent may present the complaint to the Board as provided by policy.

Glossary

Abuse is improper or excessive use.

Aggravated robbery is defined in part by Texas Penal Code 29.03(a) as when a person commits robbery and:

1. Causes serious bodily injury to another;
2. Uses or exhibits a deadly weapon; or
3. Causes bodily injury to another person or threatens or places another person in fear of imminent bodily injury or death, if the other person is:
 - a. 65 years of age or older, or
 - b. A disabled person.

Armor-piercing ammunition is defined by Texas Penal Code 46.01 as handgun ammunition used in pistols and revolvers and designed primarily for the purpose of penetrating metal or body armor.

Arson is defined in part by Texas Penal Code 28.02 as:

1. A crime that involves starting a fire or causing an explosion with intent to destroy or damage:
 - a. Any vegetation, fence, or structure on open-space land; or
 - b. Any building, habitation, or vehicle:
 - i. Knowing that it is within the limits of an incorporated city or town,
 - ii. Knowing that it is insured against damage or destruction,
 - iii. Knowing that it is subject to a mortgage or other security interest,
 - iv. Knowing that it is located on property belonging to another,
 - v. Knowing that it has located within it property belonging to another, or
 - vi. When the person starting the fire is reckless about whether the burning or explosion will endanger the life of some individual or the safety of the property of another.
2. A crime that involves recklessly starting a fire or causing an explosion while manufacturing or attempting to manufacture a controlled substance and the fire or explosion damages any building, habitation, or vehicle; or
3. A crime that involves intentionally starting a fire or causing an explosion and in so doing:
 - a. Recklessly damages or destroys a building belonging to another, or
 - b. Recklessly causes another person to suffer bodily injury or death.

Assault is defined in part by Texas Penal Code §22.01(a)(1) as intentionally, knowingly, or recklessly causing bodily injury to another; §22.01(a)(2) as intentionally or knowingly threatening another with imminent bodily injury; and §22.01(a)(3) as intentionally or knowingly causing physical contact with another that can reasonably be regarded as offensive or provocative.

Breach of Computer Security includes knowingly accessing a computer, computer network, or computer system without the effective consent of the owner as defined in Texas Penal Code 33.02, if the conduct involves accessing a computer, computer network, or computer system owned by or operated on behalf of a school district; and the student knowingly alters, damages,

or deletes school district property or information; or commits a breach of any other computer, computer network, or computer system.

Bullying is defined in Section 37.0832 of the Education Code as a single significant act or a pattern of acts by one or more students directed at another student that exploits an imbalance of power and involves engaging in written or verbal expression, expression through electronic means, or physical conduct that:

1. Has the effect or will have the effect of physically harming a student, damaging a student's property, or placing a student in reasonable fear of harm to the student's person or of damage to the student's property;
2. Is sufficiently severe, persistent, or pervasive enough that the action or threat creates an intimidating, threatening, or abusive educational environment for a student;
3. Materially and substantially disrupts the educational process or the orderly operation of a classroom or school; or
4. Infringes on the rights of the victim at school.

Bullying includes cyberbullying. (See below) This state law on bullying prevention applies to:

1. Bullying that occurs on or is delivered to school property or to the site of a school-sponsored or school-related activity on or off school property;
2. Bullying that occurs on a publicly or privately owned school bus or vehicle being used for transportation of students to or from school or a school-sponsored or school-related activity; and
3. Cyberbullying that occurs off school property or outside of a school-sponsored or school-related activity if the cyberbullying interferes with a student's educational opportunities or substantially disrupts the orderly operation of a classroom, school, or school-sponsored or school-related activity.

Chemical dispensing device is defined by Texas Penal Code 46.01 as a device designed, made, or adapted for the purpose of dispensing a substance capable of causing an adverse psychological or physiological effect on a human being. A small chemical dispenser sold commercially for personal protection is not in this category.

Club is defined by Texas Penal Code 46.01 as an instrument specially designed, made, or adapted for the purpose of inflicting serious bodily injury or death. A blackjack, nightstick, mace, and tomahawk are in the same category.

Criminal street gang is three or more persons having a common identifying sign or symbol or an identifiable leadership who continuously or regularly associate in the commission of criminal activities.

Cyberbullying is defined by Section 37.0832 of the Education Code as bullying that is done through the use of any electronic communication device, including through the use of a cellular or other type of telephone, a computer, a camera, electronic mail, instant messaging, text messaging, a social media application, an Internet website, or any other Internet-based communication tool.

Dating violence occurs when a person in a current or past dating relationship uses physical, sexual, verbal, or emotional abuse to harm, threaten, intimidate, or control another person in the relationship. Dating violence also occurs when a person commits these acts against a person in a marriage or dating relationship with the individual who is or was once in a marriage or dating

relationship with the person committing the offense, as defined by Section 71.0021 of the Family Code.

Deadly conduct occurs when a person recklessly engages in conduct that places another in imminent danger of serious bodily injury, such as knowingly discharging a firearm in the direction of an individual, habitation, building, or vehicle.

Deferred adjudication is an alternative to seeking a conviction in court that may be offered to a juvenile for delinquent conduct or conduct indicating a need for supervision.

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. It includes conduct that violates certain juvenile court orders, including probation orders, but does not include violations of traffic laws.

Discretionary means that something is left to or regulated by a local decision maker.

E-cigarette means an electronic cigarette or any other device that simulates smoking by using a mechanical heating element, battery, or electronic circuit to deliver nicotine or other substances to the individual inhaling from the device. The term includes any device that is manufactured, distributed, or sold as an e-cigarette, e-cigar, or e-pipe or under another product name or description and a component, part, or accessory for the device, regardless of whether the component, part, or accessory is sold separately from the device.

Explosive weapon is defined by Texas Penal Code 46.01 as any explosive or incendiary bomb, grenade, rocket, or mine and its delivery mechanism 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 loud report as to cause undue public alarm or terror.

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.

Firearm is defined by federal law (18 U.S.C. § 921(a)) as:

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; or
4. Any destructive device, such as any explosive, incendiary or poison gas bomb, or grenade.

Such term does not include an antique firearm.

Firearm silencer is defined by Texas Penal Code 46.01 as any device designed, made, or adapted to muffle the report of a firearm.

Graffiti are markings with paint, an indelible pen or marker, or an etching or engraving device on tangible property without the effective consent of the owner. The markings may include inscriptions, slogans, drawings, or paintings.

Handgun is defined by Texas Penal Code 46.01 as any firearm that is designed, made, or adapted to be fired with one hand.

Harassment is:

1. Conduct that meets the definition established in district policies DIA(LOCAL) and FFH(LOCAL); or
2. Conduct that threatens to cause harm or bodily injury to another person, including a district student, employee, board member, or volunteer; is sexually intimidating; causes physical damage to the property of another student; subjects another student to physical confinement or restraint; or maliciously and substantially harms another student's physical or emotional health or safety, as defined in Section 37.001(b)(2) of the Education Code.

Hazing is defined by Section 37.151 of the Education Code as an intentional, knowing, or reckless act, on or off campus, by one person alone or acting with others, that endangers the mental or physical health or safety of a student for the purpose of pledging, initiation into, affiliation with, holding office in, or maintaining membership in an organization.

Hit list is defined in Section 37.001(b)(3) of the Education Code as a list of people targeted to be harmed, using a firearm, a knife, or any other object to be used with intent to cause bodily harm.

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

Indecent exposure is defined by Texas Penal Code 21.08 as an offense that occurs when a person exposes his or her anus or any part of his or her genitals with intent to arouse or gratify the sexual desire of any person, and is reckless about whether another is present who will be offended or alarmed by the act.

Intimate visual material is defined by Texas Civil Practices and Remedies Code 98B.001 and Texas Penal Code 21.16 as visual material that depicts a person with the person's intimate parts exposed or engaged in sexual conduct. "Visual material" means any film, photograph, video tape, negative, or slide of any photographic reproduction or any other physical medium that allows an image to be displayed on a computer or other video screen and any image transmitted to a computer or other video screen.

Location-restricted knife is defined by Texas Penal Code 46.01 as a knife with a blade over five and one-half inches.

Knuckles as defined by Texas Penal Code 46.01 are any instrument consisting of finger rings or guards made of a hard substance and designed or adapted for inflicting serious bodily injury or death by striking a person with a fist enclosed in the knuckles.

Look-alike weapon means an item that resembles a weapon but is not intended to be used to cause serious bodily injury.

Machine gun as defined by Texas Penal Code 46.01 is any firearm that is capable of shooting more than two shots automatically, without manual reloading, by a single function of the trigger.

Mandatory means that something is obligatory or required because of an authority.

Paraphernalia are devices that can be used for inhaling, ingesting, injecting, or otherwise introducing a controlled substance into a human body.

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

Prohibited weapon under Texas Penal Code 46.05(a) means:

1. The following items unless registered with the U.S. Bureau of Alcohol, Tobacco, Firearms, and Explosives or otherwise not subject to that registration requirement or unless the item is classified as a curio or relic by the U.S. Department of Justice:
 - a. An explosive weapon;
 - b. A machine gun;
 - c. A short-barrel firearm;
2. Knuckles;
3. Armor-piercing ammunition;
4. A chemical dispensing device;
5. A zip gun;
6. A tire deflation device;
7. An improvised explosive device; or
8. A firearm silencer, unless classified as a curio or relic by the U.S. Department of Justice or the actor otherwise possesses, manufactures, transports, repairs, or sells the firearm silencer in compliance with federal law.

Public Lewdness is defined by Texas Penal Code 21.07 as an offense that occurs when a person knowingly engages in an act of sexual intercourse, deviate sexual intercourse, or sexual contact in a public place or, if not in a public place, is reckless about whether another is present who will be offended or alarmed by the act.

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

Reasonable belief is a determination made by the superintendent or designee using all available information, including the information furnished under Article 15.27 of the Code of Criminal Procedure.

Self-defense is the use of force against another to the degree a person reasonably believes the force is immediately necessary to protect himself or herself.

Serious misbehavior means:

1. Deliberate violent behavior that poses a direct threat to the health or safety of others;

2. Extortion, meaning the gaining of money or other property by force or threat;
3. Conduct that constitutes coercion, as defined by Section 1.07, Texas Penal Code; or
4. Conduct that constitutes the offense of:
 - a. Public lewdness under Section 21.07, Texas Penal Code;
 - b. Indecent exposure under Section 21.08; Texas Penal Code;
 - c. Criminal mischief under Section 28.03, Texas Penal Code;
 - d. Personal hazing under Section 37.152, Education Code; or
 - e. Harassment under Section 42.07(a)(1), Texas Penal Code, of a student or district employee.

Serious or persistent misbehavior includes, but is not limited to:

- Behavior that is grounds for permissible expulsion or mandatory DAEP placement.
- Behavior identified by the district as grounds for discretionary DAEP placement.
- Actions or demonstrations that substantially disrupt or materially interfere with school activities.
- Refusal to attempt or complete school work as assigned.
- Insubordination.
- Profanity, vulgar language, or obscene gestures.
- Leaving school grounds without permission.
- Falsification of records, passes, or other school-related documents.
- Refusal to accept discipline assigned by the teacher or principal.

Short-barrel firearm is defined by Texas Penal Code 46.01 as 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 is defined by Texas Penal Code 22.07 as a threat of violence to any person or property with intent to:

1. Cause a reaction of any type 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).

Tire deflation device is defined in part by Section 46.01 of the Texas Penal Code as a device, including a caltrop or spike strip, that, when driven over, impedes or stops the movement of a wheeled vehicle by puncturing one or more of the vehicle's tires.

Title 5 felonies are those crimes listed in Title 5 of the Texas Penal Code that typically involve injury to a person and may include:

- Murder, manslaughter, or homicide under Sections 19.02, – .05, Texas Penal Code;

- Kidnapping under Section 20.03, Texas Penal Code;
- Trafficking of persons under Section 20A.02, Texas Penal Code;
- Smuggling or continuous smuggling of persons under Sections 20.05 – .06, Texas Penal Code;
- Assault under Section 22.01, Texas Penal Code;
- Aggravated assault under Section 22.02, Texas Penal Code;
- Sexual assault under Section 22.011, Texas Penal Code;
- Aggravated sexual assault under Section 22.021, Texas Penal Code;
- Unlawful restraint under Section 20.02, Texas Penal Code;
- Continuous sexual abuse of a young child or children under Section 21.02, Texas Penal Code;
- Bestiality under Section 21.09, Texas Penal Code;
- Improper relationship between educator and student under Section 21.12, Texas Penal Code;
- Voyeurism under Section 21.17, Texas Penal Code;
- Indecency with a child under Section 21.11, Texas Penal Code;
- Invasive visual recording under Section 21.15, Texas Penal Code;
- Disclosure or promotion of intimate visual material under Section 21.16, Texas Penal Code;
- Sexual coercion under Section 21.18, Texas Penal Code;
- Injury to a child, an elderly person, or a disabled person of any age under Section 22.04, Texas Penal Code;
- Abandoning or endangering a child under Section 22.041, Texas Penal Code;
- Deadly conduct under Section 22.05, Texas Penal Code;
- Terroristic threat under Section 22.07, Texas Penal Code;
- Aiding a person to commit suicide under Section 22.08, Texas Penal Code; and
- Tampering with a consumer product under Section 22.09, Texas Penal Code.

[See FOC(EXHIBIT).]

Under the influence means lacking the normal use of mental or physical faculties. Impairment of a person’s physical or mental faculties may be evidenced by a pattern of abnormal or erratic behavior, the presence of physical symptoms of drug or alcohol use, or by admission. A student “under the influence” need not be legally intoxicated to trigger disciplinary action.

Use means voluntarily introducing into one’s body, by any means, a prohibited substance.

Zip gun is defined by Texas Penal Code 46.01 as 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.

