CYPRESS-FAIRBANKS I.S.D.

STUDENT CODE OF CONDUCT

2011-2012

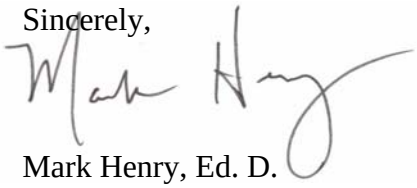
2011-2012 Student Handbook/Student Code of Conduct

Dear Parents or Guardians,

This publication contains the Student Handbook and Student Code of Conduct for Cypress-Fairbanks I.S.D. and is intended to serve as a resource to students, parents, staff, and the Board of Trustees. The information in this publication is reviewed and revised annually by a committee of parents, students, and district personnel. The Student Handbook provides general information regarding the District's policies, practices, and procedures. The Student Code of Conduct, which is approved by the Board of Trustees, specifies the expectations for student behavior, the discipline management techniques that are utilized by teachers and administrators, and the consequences for student misconduct.

It is very important that you and your child review this information. There is a shared understanding of the District's expectations for student behavior and the consequences should misconduct occur. With your support and encouragement we are confident your child will adhere to the behavioral expectations outlined on page 2 of the Student Code of Conduct. Also, in addition to the normal communication that takes place between school and home, we are encouraging students and parents to provide any helpful information to campus or district officials, which will reinforce the District's priority goal of safe schools for all students and staff.

Sincerely,



Mark Henry, Ed. D.
Superintendent of Schools

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Key to Abbreviations

Code:	The District's Student Code of Conduct contains the rules, policies, and procedures pertaining to student expectations, behavior, and conduct.
DAEP:	Disciplinary Alternative Education Program (See CC-33 for list of DAEP schools)
ALC:	Alternative Learning Center
DMC:	Discipline Management Class
ISS:	In-school Suspension
JJAEP:	Juvenile Justice Alternative Education Program
SAC:	Secondary Alternative Center
SOS:	Special Opportunity School
TEC:	Texas Education Code

DISCIPLINE MANAGEMENT PLAN
AND
STUDENT CODE OF CONDUCT

Purpose

Education in this community represents a significant commitment of financial and human resources. The benefits a student derives from this investment will greatly depend on the student's attitude toward learning and the student's adherence to high standards of behavior.

The document that follows is the District's specific response to requirements of Chapter 37 of the Texas Education Code. The school district utilizes a discipline management plan as well as a Student Code of Conduct that contains progressive rules and consequences for misconduct. The law requires the District to define misconduct that may or must result in a range of specific disciplinary consequences. This Code is an outgrowth of collaboration among District and campus staff, students, parents, and other community members. This Code, adopted by the Board of Trustees, provides information and direction to students, staff, and parents regarding standards of behavior as well as consequences of misconduct.

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

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

Elementary Safety Pledge

- I want my school to be a place where all students feel safe and treat each other with respect.
- I will not bully, tease or hurt anyone. If I hear or see bullying or teasing, I will tell the person to stop and report it to an adult.
- I will tell an adult right away if I hear anyone threaten another person.
- I will immediately tell an adult if a student brings something to school that could hurt someone.

Secondary Safety Pledge

Recognizing that every student has the right to a safe environment where everyone is treated with respect:

- I understand that I have an essential role in school safety and violence prevention.
- I will not bully, tease or hurt anyone. If I hear or see bullying or teasing, I will tell the person to stop and report it to an adult.
- I will immediately report any threats of violence, suicide, presence of weapons, explosives or drugs to school administrators, allowing them to investigate and determine the seriousness of the report.
- I will do all I can to stop harassment of others.
- I will promote the acceptance of individual differences, recognizing that diversity contributes to the strength of my school.

Student Expectations and Standards for Conduct

Each student is expected to:

- abide by the Student Safety Pledge
- demonstrate courtesy and respect for others
- respect the rights and privileges of other students and of teachers and other District staff
- respect the property of others, including District property and facilities
- behave in a responsible manner at school, on school buses, and at all school functions on and off campus
- obey all campus and classroom rules
- attend all classes, regularly and on time
- prepare for each class; take appropriate materials and assignments to class
- be well-groomed and dress appropriately
- cooperate with or assist the school staff in maintaining safety, order, and discipline
- report dangerous behaviors and/or situations to school personnel
- report threats to the safety of students and staff members as well as misconduct on the part of any other students or staff members to the building principal, a teacher, or another adult
- report all observed or suspected technology security problems immediately to a teacher
- avoid violations of the Student Code of Conduct
- know that the use, possession, and/or sale of illegal or unauthorized drugs, alcohol, and weapons are unlawful and prohibited and that students may be subject to random searches in accordance with Board Policy and state and federal law in order to provide a safe school environment

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

Student Expectations and Standards for Conduct (continued)

Parents or legal guardians are expected to:

- establish and maintain a positive attitude toward education and school personnel
- take an active interest in the overall school program
- strive to prepare their child emotionally and socially to be receptive to learning and discipline
- require and lead their child to develop proper study habits at home
- assist their child in being properly attired for school according to the standards of dress
- send their child daily to school as required by law and promptly notify the school to explain absences and tardiness
- maintain current addresses and phone numbers in the school office for home, work, and emergencies
- bring to the attention of school authorities any learning problem or condition that may relate to their child's education
- sign the Student and Parent Acknowledgment Statement indicating that a copy of the Student Code of Conduct has been received and read
- encourage their child to adhere to the Student Code of Conduct and school discipline policies
- attend school conferences; respond to the teacher's initial contact
- initiate conferences to discuss academic progress
- discuss work assignments and report cards with the student; request a conference with the teacher if their child receives a failing grade for the reporting period
- promote their child's attendance at school tutorials as the need arises
- cooperate with school personnel when their child is involved in a discipline problem
- cooperate with school administrators and teachers in their efforts to achieve and maintain a quality school system
- ensure student safety by adhering to appropriate drop-off and pick-up times
- provide appropriate identification when requested by school personnel
- cooperate with the school nurse to obtain state-required immunizations, to follow procedures for administration of medications at school, and to take/keep the student home when ill
- demonstrate a positive attitude towards teachers, parents, and students

The District may impose campus, classroom, or club/organization rules in addition to those found in the Student Code of Conduct. These rules may be listed in the student and campus handbooks or posted in classrooms, or published in extracurricular handbooks, state or national organization by-laws, and/or constitutions, and may or may not constitute violations of the Student Code of Conduct. Additional rules or requirements, not part of the Student Code of Conduct, are adopted and approved by the sponsor, campus principal, and/or district administrator.

Sponsors and coaches of extracurricular activities may develop and enforce standards of conduct that are higher than the District's general standards and may condition membership or the student's participation in the activity on adherence to those standards. Extracurricular standards of behavior may take into consideration conduct that occurs at any time, on or off school property. However, no provision of an extracurricular behavioral standard shall have the effect of discriminating on the basis of gender, race, disability, religion, or ethnicity.

Student Expectations and Standards for Conduct (continued)

Organizational standards of repetitive behavior of an extracurricular activity are independent of the Student Code of Conduct. Violations of these standards of behavior that are also violations of the Student Code of Conduct may result in separate, independent disciplinary actions. A student may be removed from participation in extracurricular activities or may be excluded from school honors or activities for violation of organizational standards of behavior of an extracurricular activity or for violation of the Student Code of Conduct.

All students are expected to maintain the highest level of discipline and decorum at all school functions. Failure to comply with administrative directives promoting order and respect may result in the student being removed from participation in school activities, including, but not limited to, commencement exercises.

Disciplinary Authority of the School District

School rules and the authority of the District to administer discipline apply whenever the interest of the school is involved on or off school grounds in conjunction with or independent of classes and school-sponsored activities. In order to maintain a safe and orderly environment, school personnel have the authority and responsibility to question students and request a written statement regarding their conduct and conduct of others with or without parent permission or the presence of the parent(s).

The District has disciplinary authority and jurisdiction over a student:

1. During the regular school day and while the student is traveling to and from school on District transportation;
2. While the student is participating in any activity during the school day on school grounds;
3. During lunch periods in which a student is allowed to leave campus;
4. While the student is in attendance at any school-related activity, regardless of time or location;
5. For any school-related misconduct, regardless of time or location;
6. When retaliation against a school employee or volunteer is involved, either on or off school property;
7. When the student commits a felony, as provided by Texas Education Code Sections 37.006 or 37.0081 on school property or within 300 feet of school property;
8. When the student commits a felony as provided by Texas Education Code 37.006, off school; property
9. For certain offenses on or off school property as set out in the Student Code of Conduct; and
10. The District has the right to revoke the transfer of a resident or non-resident for violating the Student Code of Conduct.

Discipline Assignments and Notification

Assignment	Recommended or Assigned By	Notification / Due Process	Appeal To
Detention Hall (DH)	Teacher or AP	Written communication and/or conference*	Principal or designee
Discipline Management Class (DMC)	Asst. Principal	Written communication and conference*	Principal or designee
Suspension	Asst. Principal	Written communication and conference*	Principal or designee
Disciplinary Alternative Education Program (ALC/SOS) 15-30 days placement	Asst. Principal	Written communication and conference*	Principal or designee
Disciplinary Alternative Education Program (ALC/SAC/SOS) Placement of 45 days or longer	Asst. Principal	Written communication and conference*	• Principal or designee • Office of Student Services
Expulsion	Principal	Written communication and conference*	• Principal or designee • Office of Student Services • Board of Trustees • District Court

* Conference - a meeting with parent or guardian in person or via phone regarding discipline infraction.

Administering Discipline

In general, discipline will be designed to correct the misconduct and to encourage all students to adhere to their responsibilities as citizens of the school community. Discipline shall be administered when necessary, to protect students, school employees, or property and to maintain essential order and discipline. Decisions regarding disciplinary action shall be made based upon the professional judgment of teachers and administrators and on a range of discipline management techniques.

Corporal Punishment

Cy-Fair ISD prohibits the use of corporal punishment.

Student consequences shall be administered fairly and equitably and be based on a careful assessment of the circumstances of each case. Factors that will be considered for Level III-V shall include:

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

Definitions/Terms Used in Document

Code: The District's Student Code of Conduct contains the rules, policies, and procedures pertaining to student expectations, behavior, and conduct.
DAEP: Disciplinary Alternative Education Program (See CC-33 for list of DAEP schools)
ALC: Alternative Learning Center
DMC: Discipline Management Class
ISS: In-school Suspension
JJAEP: Juvenile Justice Alternative Education Program
SAC: Secondary Alternative Center
SOS: Special Opportunity School
TEC: Texas Education Code

Bullying: For the purpose of this code, "bullying" means engaging in written or verbal expressions, 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 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; or
(2) is sufficiently severe, persistent, and pervasive enough that the action or threat creates an intimidating, threatening, or abusive educational environment for the student.

The conduct described above is considered bullying only if that conduct:

(1) exploits an imbalance of power between the student perpetrator and the student victim through written or verbal expression or physical conduct; and
(2) interferes with a student's education or substantially disrupts the operation of a school.

Classroom Disruption is any behavior which violates the rules of a particular classroom and interferes with the teacher's opportunity to present material or any other student's opportunity to concentrate on the material or their assignment.

Dating Violence is the intentional use of physical, sexual, verbal, or emotional abuse by a person to harm, threaten, intimidate, or control another person with whom the student has or has had a dating relationship, as defined by Section 71.0021 of the Texas Family Code. (FFH(Local))

Harassment is defined as threatening to cause harm or bodily injury to another student, engaging in sexually intimidating conduct, causing physical damage to the property of another student, subjecting another student to physical confinement or restraint, or maliciously taking any action that substantially harms another student's physical or emotional health or safety. (FFH (Local))

Online Harassment is defined as using the name or persona of another person to create a web page or to post one or more messages on a social networking site without obtaining the other person's consent, and with the intent to harm, defraud, intimidate, or threaten any person. It is further defined as sending an electronic mail, instant message, text message or similar communication that references a name, domain address, phone number or other item of identifying information belonging to any person without obtaining the other person's consent, with the intent to cause a recipient of the communication to reasonably believe that the other person authorized or transmitted the communication, and with the intent to harm or defraud any person.

Hit list is defined as a list of people targeted to be harmed using a firearm as defined by Section 46.01 (3), Penal Code; a knife as defined by Section 46.01 (7), Penal Code; or any other object to be used with intent to cause bodily harm. (FO(Legal))

Paging Device is defined as a telecommunications device that emits an audible signal, vibrates, displays a message, or otherwise summons or delivers a communication to the possessor. Examples of paging devices include, but are not limited to, cellular phones, camera/video phones, PDAs, and pagers/beepers.

Possession is defined as the actual care, custody, control, or management of an object or substance with intent or knowledge. A student shall be considered to be in possession of any substance or object prohibited or regulated by this Code if the substance or object is:

1. on the student's person or in the student's personal property, including but not limited to the student's clothing, purse, book bag, or backpack;
2. in any private vehicle used by the student for transportation to or from school or a school-related activity, including but not limited to, a truck, automobile, motorcycle, or bicycle;
3. any school property used by the student including, but not limited to, a locker or a desk.

Self-defense is considered appropriate and will be considered as a mitigating circumstance **only** when the student has a reasonable belief that the force is immediately necessary to protect himself against the other's use or attempted use of force that could result in serious bodily injury. Verbal assault or threat is never enough to justify self-defense. Reasonable belief in the school setting means a belief that would be held by the school principal or other appropriate administrator in the same circumstances as the actor. Each student is responsible for making every effort to avoid the use of any force and is advised to remove him or herself from the situation if at all possible. The District does not condone or authorize students to use force against another individual, even if that individual provokes or instigates a fight or altercation.

Smoking/Tobacco violations including smoking, using or possessing tobacco in any form by students is prohibited anywhere on the property of Cypress-Fairbanks I.S.D., in school vehicles, or on school-related trips.

Under the influence is defined as not having the normal use of mental or physical faculties; however, the student need not be legally intoxicated. Impairment of a person's physical and or mental faculties may be evidenced by a pattern of abnormal or erratic behavior and/or the presence of physical symptoms of drug or alcohol use. A physical assessment may be administered by a school nurse.

Use is defined as a student who has introduced into his or her body, by any means, a prohibited substance recently enough that it is detectable by the student's physical appearance, aroma, actions (including written or oral admission), breath, or speech.

Prohibition of Bullying (FFI (Local))

The District prohibits bullying as defined by Policy FFI (Local). Retaliation against anyone involved in the complaint process is a violation of District policy. Bullying of a student may include hazing, threats, taunting, teasing, confinement, assault, demands for money, destruction of property, theft of valued possessions, name calling, rumor spreading, and ostracism.

Prohibition of Hazing (FNCC(Legal))

"Hazing" means any intentional, knowing or reckless act occurring on or off the campus of an educational institution directed against a student, by one person alone or acting with others, that endangers the mental or physical health or the safety of a student for the purpose of pledging, being iniated into, affliating with, holding office in, or maintaining membership in any organization whose members are or include other students including humiliation, intimidation, physical abuse, or threats of abuse, social or other ostracism, shame or disgrace, or as further defined by law. Students and organizations are prohibited from iniating or engaging in hazing or from encouraging or assisting any other person in hazing (Texas Education Code 37.151 through 37.154)

Prohibition of Gangs/Gang Activity (Gang-Free Zones, TEC 37.110 (FNCC(Legal))

Gangs or gang activity will not be tolerated in Cypress-Fairbanks I.S.D. schools. A gang is a group of individuals, juveniles and/or adults that associate on a continuous basis and are involved in delinquent or criminal activity.

Parents should be aware that gangs generally will adopt some sort of common dress or identifier that identifies them as a group. Identifiers can, but do not always, mean gang-related membership or activity. Some of the identifiers used by gangs are hats, shirts, pants, jackets, shoes, bandannas, jewelry, graffiti or drawings of gang symbols on notebooks or clothing, haircuts, or tattoos.

Students are prohibited from any behaviors which are associated with gang-related affiliation including, but not limited to, violation of established dress code, possession of paraphernalia, intimidation of students or staff members, graffiti or symbols, tattoos, and identifying language or hand signals. Campus administrators may ban such dress or behaviors from school that are gang related. (Texas Education Code 37.121). Appropriate discipline will be assigned students refusing to comply with this policy or administrative directives related to it. Any attempt to violate the provision of these guidelines will result in disciplinary action consistent with the District discipline policy and state law.

Discipline Management Techniques

The District will provide, as appropriate for students at each grade level, methods for discipline management, including, but not limited to, options for:

- **(A) managing students in the classroom and on school grounds;**
- **(B) disciplining students; and**
- **(C) preventing and intervening in student discipline problems, including bullying, harassment, and making hit lists.**

Discipline Management Techniques (continued)

The following discipline management techniques may be used alone or in combination for Student Code of Conduct and non-Student Code of Conduct violations

- verbal correction
- cooling-off time or "time-out"
- seating changes in the classroom
- counseling by teachers, counselors, or administrative personnel
- school and home communication and conferences
- intervention strategies, such as flexible scheduling, peer mediation, conflict resolution, social skills class
- withdrawing or restricting privileges, including bus riding privileges
- restoration and/or restitution, as applicable
- confiscation of items that disrupt the educational process
- scholastic penalties as permitted by policy
- behavioral contracts
- sending the student to the office or other assigned area
- in-school suspension/discipline management class (DMC)
- detention, before, during or after school or on Saturday
- suspension at home for up to 3 days per infraction
- assignment of school or community service
- withdrawal of privileges, such as participation in extracurricular activities, school events or ceremonies and eligibility for seeking and holding honorary offices
- techniques or penalties identified in a student organization's rules or constitution
- school-assessed and school-administered probation
- placement or expulsion to a Disciplinary Alternative Education Program
- referral to an outside agency and/or legal authority for consideration of criminal prosecution by the outside entity in addition to disciplinary measures imposed by the District

Levels of Student Misconduct/Violations

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

The building principal has the final authority in determining the disciplinary assignment for a student's misconduct. The exceptions are:

1. an assignment to a DAEP that extends beyond 60 days or the end of the next grading period, whichever is earlier; or

2. maintaining a student's placement in a DAEP after receiving notice of Article 15.27(g), Code of Criminal Procedure; or

3. a recommendation for expulsion.

Bus Conduct/Transportation

When these assignments or recommendations occur, the administrator will follow the procedures that are outlined on pages CC-5

School buses are provided to transport students to and from school and/or related activities. In order to promote a safe and pleasant ride, video cameras may be used to assist the driver. All students are expected to adhere to the following rules when being transported by buses owned, operated or controlled by the District. **District rules and guidelines are applicable on the buses.**

1. The driver is authorized to assign seats. After the initial seating choice, students must sit in their assigned seats each day. Students are responsible for any vandalism to that seat and to their area.

2. Students must not, at any time, extend any part of their bodies out the bus windows, nor shall they in any way touch or hang onto the bus before boarding or after leaving.

3. Students must not try to get on or off the bus or move about within the bus while it is in motion.

4. Students must not write on or deface any part of the bus. Any damage to the bus must be reported to the driver immediately. Pupils who write on or deface any part of the bus are subject to suspension and restitution for damages.

5. Glass containers of any type may not be brought on the school bus.

6. No live animals may be transported on school buses, with the exception of official service animals.

7. The emergency door will be used only in emergencies.

8. Boarding school buses:
   a. Do not be late. Be at your stop on time. The bus cannot wait.
   b. Do not stand in the roadway.
   c. Be seated and remain seated until the bus arrives at your school.

9. Departing school buses:
   a. Depart from the bus in an orderly manner. Students who need to cross the roadway must stop and await the signal from the bus driver.
   b. Do not walk down the side of the bus or behind the bus.

10. Fighting in any form while riding on the bus may result in suspension of bus-riding privileges.

11. Students must respect private property at each designated bus stop.

12. Students are not permitted to bring skateboards on the bus.

Bus Conduct/Transportation (continued)

Any violation of these rules will be reported by the bus driver to the respective principal for corrective action, and all principals are directed to enforce these safety rules by the appropriate action, which may include the temporary or permanent withdrawal of riding privileges, depending upon the seriousness of the violation and all other circumstances of each individual case.

Notwithstanding the above, serious misbehavior could result in immediate removal from the bus. Citations may also be issued for disruption of transportation (Texas Education Code Section 37.126). Restitution for any damages incurred must be made before returning to the bus.

Note to Parents:

- **Unauthorized entry on the bus without driver's permission is strictly prohibited and could result in citation or arrest** (Texas Education Code Section 37.126).
- District cell phone policy applies to buses. See CC 43-44 for cell phone guidelines
- Transportation is not provided to SOS, ALC or SAC.

Level I

Level I violations include infractions that are generally violations of classroom, school bus, or campus rules. These are typically violations that can be corrected by the classroom teacher. Teachers and other staff members may keep a written record of the violation.

Level I violations include such behaviors as, but not limited to:

- being tardy to class
- eating or drinking in an undesignated area
- failure to deliver and/or return written communication between home and school
- not bringing required classroom materials and/or assigned work to class, (including, but not limited to, network login ID and/or password, computer resources), possessing and/or using nuisance items
- refusing to follow classroom rules (participating in classroom activity, completing assigned work, etc.)
- running and/or making excessive noise in the halls, building, and/or classroom
- any other act that impedes the orderly classroom procedure or interrupts the orderly operation of the classroom

Level I - Disciplinary options of which one or more may be used:

- administrator/student conference
- behavior contract
- confiscation of a prohibited nuisance item
- counselor/student conference
- detention hall
- environmental change
- in-class disciplinary action (verbal correction, time-out, etc.)
- parent contact: note, call or conference
- removal from school bus
- supervised campus service assignment
- teacher/student conference
- withdrawal of various student privileges
- other appropriate disciplinary options

Procedures

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

Level II

Level II violations include those infractions that are more serious in nature and/or a continuation of Level I. These infractions will result in a referral to an administrator. The infractions may occur on school property (including school bus) or during any school-sponsored or school-related activity. Certain Level II violations may be elevated to Level III violations based on the severity or context of the misconduct.

Level II Violations include such behaviors as, but not limited to:

- any repeated violation cited in the previous levels or chronic or repeated instances of misbehavior
- altering school records, or signing another person's name on school documents
- cheating and/or copying (plagiarism) the work of others from any source (Internet, library resources, other students, etc.)
- cutting class or other scheduled activities
- engaging in an inappropriate public display of affection
- exhibiting any unacceptable physical contact which could result in injury
- leaving or returning to the classroom, building, or school grounds without permission
- loitering
- lunchroom or restroom misconduct
- purchasing, selling or soliciting for sale any merchandise on the school campus without the authorization of the building principal (including the use of Internet resources and/or digital devices)
- throwing objects that can cause bodily injury or damage to property
- truancy
- unauthorized alteration or deletion of digital files
- unwanted touching of others
- verbally or physically taunting other students
- violating the District or campus dress and grooming guidelines
- violating the District Electronic Devices Policy
- any other acts which interfere with the orderly educational process of the classroom and/or school

Level II - Disciplinary options of which one or more may be used:

- administrator/counselor/teacher/student/parent conferences
- assignment to peer mediation or conflict resolution classes
- campus or community service assignment
- detention after school, during school, or Saturday
- exclusion from extracurricular activities
- grade penalty for copying and/or cheating
- in-school suspension – Discipline Management Class (DMC)
- involvement of law enforcement/security department
- removal from school bus
- restoration and/or restitution, as applicable
- Saturday detention hall
- teacher removal of student from class
- withdrawal of various student privileges
- other appropriate disciplinary options as listed on CC-9.

Procedures

1. Any staff member who observes a student violating class rules may correct the student.
2. Level II behavior violations and discipline options/responses are not limited to those provided. Serious or repeated violations may result in a more severe response or referral to Level III.
3. Some infractions will result in a referral to an administrator. The disciplinary response depends on the offense, previous actions and the seriousness of the misbehavior.

Level III

Behavioral Basis for Suspension or Optional Removal to a Disciplinary Education Program (DAEP)

Level III violations include those infractions in which the effect or potential effect of the misconduct is disruptive and more serious in nature than Level I or II. Infractions may occur on school property (including school bus) or during any school-sponsored or school-related activity. A violation of this magnitude may result in a student being suspended and/or placed in a disciplinary alternative educational program. The principal or designee will determine the disciplinary consequence used (see page CC-5 for factors that will be considered).

Level III Violations include such behaviors as, but not limited to:

- any repeated violations cited in the previous levels or chronic or repeated instances of misbehavior
- acts of disobedience or disorderly behavior which are detrimental to the school, harmful to health and safety, or inhibit the rights of others such as: harassment, online harassment, bullying, cyber bullying or creating or possessing a hit list
- assault that is not a mandatory removal to a DAEP
- being disrespectful toward school personnel or school visitors
- bullying
- engaging in a criminal offense that is not addressed in Level IV or V
- exhibiting any unacceptable physical contact that results in injury
- failure to report immediately to a teacher or administrator the knowledge of an event, device, object, or substance that could cause harm to self or others
- failure to comply with assigned disciplinary consequences
- fighting, which is defined as a physical conflict between two or more individuals. Student under attack should detach himself/herself from the situation and get an adult to help. A fight occurs when the student strikes back and actively engages in the altercation
- gang-related behavior, activity, or membership (Texas Education Code Section 37.121), hazing(Texas Education Code Section 37.151)
- giving false or misleading statement to an administrator during a school investigation
- interfering with school authorities or school operations, programs, or instruction through boycotts, sit-ins, or trespassing (Texas Education Code Section 37.123)
- misuse of District technology, including, but not limited to, the Internet, the District network, or District-owned equipment or software
- misuse of over the counter medication
- participation in an illegal organization such as a fraternity, sorority, secret society, gang, cult, or other criminal combination prohibited by law. (Texas Education Code Section 37.121)
- possessing a device, object, or substance that could cause harm to property or persons, such as, but not limited to, laser pens, pocket knives, firecrackers, razors, chains, tasers and mace
- possessing obscene or pornographic material
- possession of drug paraphernalia
- possession, use, under the influence, or distribution of items not suitable for human consumption that are used to simulate illegal drug use
- possession of any device that has the appearance of a prohibited firearm, knife, club or weapon
- possession, use, under the influence, or distribution of any substance represented to be a drug or alcohol
- posting or distributing unauthorized communicative materials on the school grounds
- refusing to comply with reasonable requests of school personnel

Level III Violations include such behaviors as, but not limited to: (continued)

- smoking, using, or possession of tobacco, matches or lighters
- solicitation
- stealing, burglary, robbery, extortion, gambling, or possession of stolen property
- threats (oral or written) to do harm to another or to the property of another
- using profane, obscene, indecent remarks, or racially or ethnically offensive language and/or gestures directed toward others
- using any device that permits recording the voice or image of another in any way that invades the privacy of an individual or others, or is made without the prior consent of an individual or others
- vandalism and/or defacing District or personal property
- verbally, physically, or via online resources, harassing other students
- violating the District medication policy
- violating the District tobacco/smoking policy
- any other act that seriously disrupts the orderly process of the school

Level III - Disciplinary options of which one or more may be used:

- confiscation of items such as, but not limited to, lighters, matches, laser pens, and communication devices
- exclusion from extracurricular activities and/or school-sponsored or school-related events
- in-school suspension /DMC
- involvement of law enforcement/security department/citations
- restitution and/or restoration, as applicable
- removal from school bus
- removal to a Disciplinary Alternative Education Program (Transportation is not provided.)
- school or community service assignment
- suspension for up to three (3) days per occurrence of misconduct (suspensions at home)
- other appropriate disciplinary options as listed on CC-9.

LEVEL III VIOLATIONS

ON CAMPUS INFRACTION	PLACEMENT SITE			PLACEMENT LENGTH		
Level III - infractions which may result in a DAEP placement	**High School**	**Middle School**	**Elem.**	**High School**	**Middle School**	**Elem.**
Drug related infractions - misuse of over the counter medication	ALC	ALC	SOS	30 days.	30 days	Min. 15 days Max. 30 days
Drug related infractions - distribution of over the counter medication	ALC	ALC	SOS	30 or 45 days	30 or 45 days	Min. 15 days. Max. 30 days
Persistent Misbehavior (cumulative)	ALC	ALC	SOS	30 or 45 days	30 or 45 days	Min. 30 days Max. 45 days
Level III infraction resulting in DAEP Placement (single serious infraction)	ALC	ALC	SOS	30 or 45 days	30 or 45 days	Min. 15 days Max. 30 days
Level III infraction resulting in DAEP Placement (Two or more placements within same school year)	SAC	SAC	SOS	45 days	45 days	Min. 30 days Max. 45 days

Level IV

Behavioral Basis for Removal to a Disciplinary Alternative Educational Program

LEVEL IV. Mandatory Placement in Disciplinary Alternative Education Programs

Mandatory Placements

According to Texas Education Code Section 37.006, a student shall (must) be removed from class and placed in a disciplinary alternative education program if the student (see page CC-5 for factors that will be considered):

a. while on school property, or within 300 feet of school property, or while attending a school-sponsored or school-related activity on or off school property:

(1) engages in conduct punishable as a **felony;** or

(2) engages in conduct that contains elements of the offense of **assault** under Section 22.01 (a)(1), Texas Penal Code;

(3) **sells, gives**, or **delivers to** another person or possesses or **uses** or is under the influence of:

(a) **marijuana** or a **controlled substance** as defined by Chapter 481, Texas Health & Safety Code or by 21 U.S.C. Section 801 et seq. (if conduct is not punishable as a felony); or

(b) a **dangerous drug,** as defined by Chapter 483, Texas Health & Safety Code (if the conduct is not punishable as a felony);

Note: Controlled substances and dangerous drugs include prescription medications such as, but not limited to, Xanax, Adderall, Ritalin, medications that contain codeine, and many other prescriptions provided by a physician.

(4) (a) sells, gives, or delivers to another person an **alcoholic beverage,** as defined by Section 1.04, Texas Alcoholic Beverage Code;

(b) commits a serious act or offense while under the influence of **alcohol (**if not punishable as a felony); or

(c) possesses, uses or is under the influence of an **alcoholic beverage;**

(5) engages in conduct that contains the elements of an offense relating to an **abusable volatile chemical** under Sections 485.031through 485.035, Texas Health & Safety Code;

(6) engages in conduct that contains the elements of the offense of **public lewdness** under Section 21.07, Texas Penal Code; or

(7) engages in conduct that contains the elements of the offense of **indecent exposure** under Section 21.08, Texas Penal Code.

Mandatory Placements (continued)

b. while on or off school property, regardless of location or time, a student shall be placed in a DAEP for the following conduct:

(1) engages in conduct involving a public school that contains the elements of false alarm or report under Section 42.06, Texas Penal Code, or **terroristic threat** under Section 22.07, Texas Penal Code;

(2) **retaliation** against any school employee; or

(3) **Title 5 of Texas Penal Code felony** that occurs off school property and not at a school-related activity, if the student received deferred prosecution, a court or jury finds that the student has engaged in delinquent conduct for a Title 5 felony, has been charged with engaging in conduct defined as a Title 5 felony offense, has been referred to a juvenile court for allegedly engaging in delinquent conduct for a Title 5 felony offense, has received probation or deferred adjudication or has been arrested for, charged with, or convicted of a Title 5 felony offense, or the superintendent or designee has a reasonable belief that the student has engaged in a Title 5 felony (Title 5 offenses include: criminal homicide, murder, capital murder, manslaughter, criminally negligent homicide, improper photography or visual recording, unlawful restraint, kidnapping, aggravated kidnapping, indecency with a child, sexual assault, aggravated assault, aggravated sexual assault, injury to a child, elderly or disabled individual, abandoning or endangering a child, deadly conduct, terroristic threat, aiding a suicide, continuous sexual abuse of a young child or children, tampering with a consumer product and aggravated robbery under Section 29.03, Texas Penal Code).

c. pursuant to Section 37.006(f), any student under age 10 who commits. an expellable offense pursuant to Texas Education Code Section 37.007, other than a federal firearm offense (Section 37.007(e)), must be removed to a disciplinary alternative education program (DAEP).

d. a student younger than six may not be removed from class and placed in a DAEP unless the student commits a federal firearm offense.

e. an elementary school student may not be placed in a DAEP with any other student who is not an elementary school student.

The District maintains the option to expel Title 5 off-campus felonies and registered sex offenders until they have completed graduation requirements**.**

LEVEL IV VIOLATIONS — Transportation is not provided to SOS, ALC or SAC

ON CAMPUS INFRACTION – MANDATORY	PLACEMENT SITE			PLACEMENT LENGTH		
Level IV - infractions which require mandatory placement in a DAEP	**High School**	**Middle School**	**Elem.**	**High School**	**Middle School**	**Elem.**
False Alarm or Report	ALC	ALC	SOS	30 or 45 days	30 or 45 days	Min. 15 days Max. 30 days
Terroristic Threat	ALC	ALC	SOS	30 or 45 days	30 or 45 days	Min. 15 days Max. 30 days
Felony Activity/Conduct – excluding drug infractions that are punishable as a felony	ALC	ALC	SOS	30 or 45 days	30 or 45 days	Min. 15 days Max. 30 days
Assault	ALC	ALC	SOS	30 or 45 days	30 or 45 days	Min. 15 days Max. 30 days
Marijuana, Controlled Substance or Dangerous Drugs. Possession, use or under the influence (non-felony) **Including prescription medication**	ALC	ALC	SOS	30 days	30 days	Min. 15 days Max. 30 days
Marijuana, Controlled Substances or Dangerous Drugs. Sells, gives or delivers (non-felony) **Including prescription medication**	ALC	ALC	SOS	30 or 45 days	30 or 45 days	Min. 15 days Max. 30 days
Alcohol – Possession, use or under the influence	ALC	ALC	SOS	30 days	30 days	Min. 15 days Max. 30 days
Alcohol – Sells, gives or delivers	ALC	ALC	SOS	30 or 45 days	30 or 45 days	Min. 15 days Max. 30 days
Engages in conduct that contains the elements of an offense relating to **Abusable Glue, Aerosol Paint or Volatile Chemicals**	ALC	ALC	SOS	30 days	30 days	Min. 15 days Max. 30 days
Public Lewdness	ALC	ALC	SOS	30 or 45 days	30 or 45 days	Min. 15 days Max. 30 days
Indecent Exposure	ALC	ALC	SOS	30 or 45 days	30 or 45 days	Min. 15 days Max. 30 days
Retaliation against a school employee	ALC	ALC	SOS	30 or 45 days	30 or 45 days	Min. 15 days Max. 30 days
Registered Sex Offender	ALC	ALC	SOS	Min. 85 days Max. completion of graduation requirements		Min. 15 days Max. completion of graduation requirements
Level IV - 2nd placement to DAEP in the same school year	SAC	SAC	SOS	45 days	45 days	Min. 15 days Max. 30 days

OFF CAMPUS INFRACTION – MANDATORY	PLACEMENT SITE			PLACEMENT LENGTH		
Level IV – infractions which require mandatory placement in a DAEP – See Code of Conduct	**High School**	**Middle School**	**Elem.**	**High School**	**Middle School**	**Elem.**
All Title 5 Penal Code Offenses	ALC	ALC	SOS	Min. 30 days Max. completion of graduation requirements		Min. 15 days Max. completion of graduation requirements

NOTES:

- If end of placement occurs during the last two weeks of a semester, students will be provided the option of remaining at DAEP for exams.
- Level IV infractions occurring while assigned to the ALC or SAC may result in expulsion to the Juvenile Justice Alternative Education Program (JJAEP) for a minimum of 45 days or an additional 45 day placement in the DAEP
- The District maintains the option to expel students who are in violation of Title 5 off-campus felonies and registered sex offenders until completion of graduation requirements.

Level IV. Discretionary Placement in Disciplinary Alternative Education Programs

Discretionary Placement

A student may be removed from class and placed in a 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:

1. The superintendent or the superintendent's 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
2. 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.

NOTE: A principal or other appropriate administrator may, but is not required to, remove a student to a DAEP for off-campus conduct for which removal is required if the principal or other appropriate administrator does not have knowledge of the conduct before the first anniversary of the date the conduct occurred.

OFF CAMPUS INFRACTION – DISCRETIONARY	**PLACEMENT SITE**			**PLACEMENT LENGTH**		
Level IV – infractions which may result in a DAEP placement	**High School**	**Middle School**	**Elem.**	**High School**	**Middle School**	**Elem.**
Notification of Non-Title 5 off-campus felony **and** the continued presence of the student in the regular classroom threatens the safety of other students or teachers.	ALC	ALC	SOS	Min. 30 days Max. completion of graduation requirements		Min. 15 days Max. completion of graduation requirements

Level V

Behavioral Basis for Expulsion— Removal To The Juvenile Justice Alternative Education Program (JJAEP)

LEVEL V: MANDATORY EXPULSION FOR SERIOUS OFFENSES TO JJAEP (Juvenile Justice Alternative Education Program) - Texas Education Code Section 37.007

Level V acts of misconduct include those serious misbehaviors and/or illegal acts that threaten to impair the educational efficiency of the school, and/or which most seriously disrupt the orderly educational process in the classroom and/or the school. Pursuant to Texas Education Code Section 37.007, a student age ten (10) or older shall (must) be expelled from school to JJAEP if the student commits the following violation on school property or at a school-sponsored or school-related activity (see page CC-5 for factors that will be considered).

Mandatory Expulsions

a. Uses, exhibits, or possesses:

1. A **firearm** as defined by Section 46.01(3) of the Texas Penal Code is any device designed, made, or adapted to expel a projectile through a barrel by using the energy generated by an explosion or burning substance or any device readily convertible to that use. A shotgun is considered a firearm under this subsection.

2. An **illegal knife,** which includes any knife with a blade over 5 1/2" (Section 46.01(6), Texas Penal Code) or a hand instrument designed to cut or stab another by being thrown, such as a dagger, dirk, stiletto, bowie knife, sword, or spear.

3. **A club**, including an instrument that is specially designed to inflict serious bodily injury or death by striking a person with the instrument, and includes, but is not limited to, a blackjack, nightstick, mace, or tomahawk. (Section 46.01 (1), Texas Penal Code)

4. A weapon listed as a prohibited weapon under the Texas Penal Code, Section 46.05. These weapons are defined as, an explosive weapon, firearm silencer, armor piercing ammunition, knuckles, zip gun, chemical dispensing device, short-barreled firearm, machine gun, switchblade (any knife that has a blade that folds, closes or retracts into the handle or sheath and that:
   a. opens automatically by pressure applied to a button or other device located on the handle; or
   b. opens or releases a blade from the handle or sheath by the force of gravity or by the application of centrifugal force.)

b. Engages in conduct that contains the elements of the offense of:

1. **Aggravated assault,** which includes, but is not limited to, causing serious bodily injury to another during the commission of an assault, or using or exhibiting a deadly weapon during the commission of an assault. (Section 22.02, Texas Penal Code);

2. **Sexual assault** (Section 22.011, Texas Penal Code);

3. **Aggravated sexual assault** which includes, but is not limited to, causing or threatening to cause serious bodily injury to another during the commission of a sexual assault, or using or exhibiting a deadly weapon during the commission of a sexual assault. (Section 22.021, Texas Penal Code);

4. **Arson** (Section 28.02, Texas Penal Code);

Mandatory Expulsions (continued)

5. **Murder** (Section 19.02, Texas Penal Code);

6. **Capital murder** (Section 19.03, Texas Penal Code), or criminal attempt to commit murder or capital murder. (Section 15.01, Texas Penal Code);

7. **Indecency with a child** (Section 21.11, Texas Penal Code);

8. **Aggravated kidnapping** (Section 20.04, Texas Penal Code);

9. **Aggravated robbery** (Section 29.03, Texas Penal Code);

10. **Manslaughter** (Section 19.04, Texas Penal Code);

11. **Criminally negligent homicide** (Section 19.05, Texas Penal Code)

12. **Continuous sexual abuse of a young child or children** (Section 21.02, Texas Penal Code)

c. The offense of selling, giving, or delivering, using, or possessing marijuana, a controlled substance as defined by Chapter 481, Texas Health and Safety Code, or by 21 U.S.C. Section 801 et seq., a dangerous drug as defined by Chapter 483, Texas Health and Safety Code, and/or an alcoholic beverage as defined by Section 1.04 of the Texas Alcoholic Beverage Code, **if the conduct is punishable as a felony** and within 300 feet of school property or while attending a school-sponsored or school-related activity on or off school property.

Note: Controlled substances and dangerous drugs include prescription medication such as, but not limited to, Xanax, Adderall, Ritalin, medications that contain codeine, as well as many other prescriptions provided by a physician.

d. Engages in any conduct containing the elements of an offense for which expulsion is required while retaliating against a district employee as a result of the employee's employment with the District, whether it occurs on or off school property or at a school-related function.
Note: A student who engages in any Level V mandatory infraction may (optional) be expelled if the conduct occurred

1. on school property of another district in this state, or
2. while attending a school-sponsored or school-related activity of a school in another district in this state.

e. Upon completion of an expulsion, a student that engages in the conduct of sexual assault on or off school property may be required to transfer to another school. District transportation will not be provided if a transfer is mandated by the Board of Trustees.

LEVEL V VIOLATIONS

ON CAMPUS INFRACTION	SITE			LENGTH		
Level V – infractions which require mandatory expulsion	**High School**	**Middle School**	**Elem.**	**High School**	**Middle School**	**Elem.**
Firearms – Uses, exhibits, possesses	JJAEP	JJAEP	SOS *	1 calendar year	1 calendar year	1 calendar year
Illegal Knife – Uses, exhibits, possesses	JJAEP	JJAEP	SOS *	45 days	45 days	15-45 days
Club – Uses, exhibits, possesses	JJAEP	JJAEP	SOS *	45 days	45 days	15-45 days
Prohibited Weapon – Uses, exhibits, possesses	JJAEP	JJAEP	SOS *	45 days.	45 days	15-45 days
Aggravated Assault	JJAEP	JJAEP	SOS *	45 days	45 days	15-45 days
Sexual Assault	JJAEP	JJAEP	SOS *	45 days	45 days	15-45 days
Aggravated Sexual Assault	JJAEP	JJAEP	SOS *	45 days	45 days	15-45 days
Arson	JJAEP	JJAEP	SOS *	45 days	45 days	15-45 days
Murder	JJAEP	JJAEP	SOS *	1 calendar year	1 calendar year	1 calendar year
Capital Murder	JJAEP	JJAEP	SOS *	1 calendar year	1 calendar year	1 calendar year
Indecency with a Child	JJAEP	JJAEP	SOS *	45 days	45 days	15-45 days
Aggravated Kidnapping	JJAEP	JJAEP	SOS *	1 calendar year	1 calendar year	1 calendar year
Aggravated Robbery	JJAEP	JJAEP	SOS *	1 calendar year	1 calendar year	1 calendar year
Manslaughter	JJAEP	JJAEP	SOS *	1 calendar year	1 calendar year	1 calendar year
Criminally Negligent Homicide	JJAEP	JJAEP	SOS *	1 calendar year	1 calendar year	1 calendar year
Felony Drug Infraction	JJAEP	JJAEP	SOS *	45 days	45 days	15-45 days
Continuous sexual abuse of a young child or children	JJAEP	JJAEP	SOS*	45 days	45 days	15-45 days
Serious or Persistent Misbehavior while in a DAEP (Discretionary Assignment)	JJAEP	JJAEP	SOS *	Extended placement in JJAEP	Extended placement in JJAEP	Extended placement in SOS
Second Expulsion in the same school year	JJAEP	JJAEP	SOS*	1 calendar year	1 calendar year	Extended placement in SOS
*** JJAEP Students Age 10 and Over**						

NOTE:

- **If end of placement occurs during the last two weeks of a semester, students will be provided the option of remaining at JJAEP for exams.**
- **All placements will be assigned for the designated length of time or one calendar year, whichever occurs first.**
- **A second JJAEP placement in the same school year will result in a one (1) calendar year expulsion.**
- **Level V mandatory expulsions for infractions occurring while student is assigned to the DAEP will result in an expulsion to JJAEP for one (1) calendar year.**

LEVEL V: DISCRETIONARY EXPULSION FOR SERIOUS OFFENSES -Texas Education Code Section 37.007.

<u>Discretionary Expulsion</u>
According to Texas Education Code Section 37.007, a student may (optional) be expelled to the Juvenile Justice Alternative Education Program (JJAEP) if the student:

a. engages in conduct involving a public school that contains the elements of:

1. false alarm or report under Section 42.06, Texas Penal Code, or

2. terroristic threat under Section 22.07, Texas Penal Code

b. while 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:

1. sells, gives, or delivers to another person or possesses, uses, or is under the influence of any amount of:

   a. marijuana or a controlled substance as defined by Chapter 481, Texas Health & Safety Code or by 21.U.S.C. Section 801 et. seq.
   b. a dangerous drug as defined by Chapter 483, Texas Health & Safety Code; or
   c. an alcoholic beverage as defined by Section 1.04 of the Texas Alcoholic Beverage Code

2. engages in conduct that contains the elements of an offense relating to an abusable volatile chemical under Sections 485.031 through 485.034, Texas Health & Safety Code; or

3. engages in conduct that contains the elements of an offense of assault – Section 22.01 (a) (1), Texas Penal Code, against a school district employee or a volunteer as defined by 22.053, Texas Penal Code; or

4. engages in conduct that contains the elements of the offense of deadly conduct as defined by Section 22.05, Texas Penal Code.

5. engages in conduct that contains the elements of the offense of breach of computer security under Section 33.02, Texas Penal Code.

c. while within 300 feet of school property as measured from any point on the school's real property, but not on school property:

1. uses, exhibits, or possesses a firearm as defined by Section 46.01(3) Texas Penal Code, (see definition previously provided under mandatory expulsions), an illegal knife, a club, or a prohibited weapon;

<u>Discretionary Expulsion</u> (continued)

2. engages in conduct that contains the elements of the offense of indecency with a child, aggravated kidnapping, aggravated robbery, manslaughter, criminally negligent homicide, aggravated assault, sexual assault, aggravated sexual assault, arson, murder, capital murder, or criminal attempt to commit murder, drug or alcohol offenses that require mandatory placement in a DAEP if they are felony offenses

3. sells, gives, delivers, uses or possesses marijuana, a controlled substance as defined by Chapter 481, Texas Health and Safety Code, or by Section 21 U.S.C. 801 et. seq., a dangerous drug as defined by Chapter 483, Texas Health and Safety Code, or an alcoholic beverage as defined by Section 1.04 of the Texas Alcoholic Beverage Code, if the conduct is punishable as a felony;

4. possesses a firearm as defined by 18 U.S.C. Section 921:
   a. **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,
   b. the frame or **receiver** of any such weapon,
   c. any **firearm muffler** or **firearm silencer,** or
   d. any **destructive device.** "Destructive device" means any explosive, incendiary, or poison gas bomb, grenade, rocket having a propellant change of more than four ounces, missile having explosive or incendiary charge of more than one-quarter ounce, mine, or device similar to any of the preceding described devices. It also means any type of weapon (other than a shotgun shell or a shotgun that is generally recognized as particularly suitable for sporting purposes) by whatever name known which will, or which may be readily converted to expel a projectile by the action of an explosive or other propellant, and which has any barrel with a bore of more than one-half inch in diameter; and any combination of parts either designed or intended for use in converting any device into a destructive device as described in this item, and from which a destructive device may be readily assembled

d. Without regard to whether the conduct occurs on or off school property or while attending a school-sponsored or school-related activity on or off school property:

1. False alarm or report involving a public school;

2. Terroristic threat involving a public school;

3. Aggravated assault, sexual assault, aggravated sexual assault, murder, capital murder, or criminal attempt to commit murder or capital murder or aggravated robbery, against another student;

4. An assault under Section 22.01 (a) (1) of the Texas Penal Code against an employee or volunteer in retaliation for or as a result of the person's employment or association with the District, without regard to location of the offense; or

5. Criminal mischief if punishable as a felony.

Discretionary Expulsion (continued)

6 Engaging in conduct that contains the elements of an offense of aggravated robbery under Section 29.03, Texas Penal Code.

e. A student, while in the DAEP, who continues to engage in serious or persistent misbehavior that violates the District's Student Code of Conduct may also be expelled for a minimum of 45 days

f. If the conduct occurs on school property of another Texas school district or while attending a school-sponsored or school-related activity of a school in another Texas school district.

1. Uses, exhibits, or possesses: firearm, illegal knife, prohibited weapon or as defined by penal code or local policy
2. Aggravated assault
3. Sexual assault
4. Aggravated sexual assault
5. Arson
6. Murder, capital murder, or criminal attempt to commit murder
7. Indecency with a child
8. Aggravated kidnapping
9. Aggravated robbery
10. Manslaughter
11. Criminally negligent homicide
12. Drug or alcohol offenses that require mandatory placement in a DAEP if they are felony offenses
13. Continuous sexual abuse of a young child or children (Section 21.02, Texas Penal Code)

Expulsion Site - Juvenile Justice Alternative Education Program (JJAEP)

The Board of Trustees of Cypress-Fairbanks I.S.D. has entered into an agreement with the Harris County Juvenile Board outlining the juvenile board's responsibilities concerning the establishment and operation of the Juvenile Justice Alternative Education Program. The JJAEP provides educational services for youths who are expelled from school for the offenses described in Section 37.007 (a), (d), and (e) of the Texas Educational Code. The Harris County JJAEP may also provide educational services to adjudicated youths who have committed off-campus felonies that are non-school-related.

Policies, Practices and Procedures Related to Student Conduct and Safe Schools

Procedural Requirements for Removal to a Disciplinary Alternative Education Program (DAEP)

A. <u>General rules applicable to all removals, except certain off-campus felony removals as specified in Section B:</u>

1. Not later than the third class day after the day on which a student is removed from class by the teacher or by the school principal or other appropriate administrator, the principal or other appropriate administrator shall schedule a conference with the parent or guardian of the student, the teacher removing the student from class, if necessary, or if deemed appropriate by the principal, and the student.
2. The student may not be returned to the regular classroom pending the conference.
3. At the conference, the student is entitled to notice of the reasons for the removal, an explanation of the basis for the removal, and an opportunity to respond to the reasons for the removal.
4. Following the conference, and whether or not each requested person is in attendance after valid attempts to require the person's attendance, the principal shall order the placement of the student as provided for in Texas Education Code Sections 37.002 and 37.006. The parent shall be notified in writing of the reasons and the term of the placement following the conference. Length of placement will be determined by the school or District official, based on the factors found on CC-5 of the Student Code of Conduct.
5. **The student must begin the DAEP placement pending any allowable appeal. Transportation is not provided to SOS, ALC or SAC.**
6. The DAEP curriculum shall include English, language arts, mathematics, science, social studies, and self-discipline and shall provide for the student's educational and behavioral needs through supervision and counseling in accordance with Texas Education Code Section 37.008 (a) (5). The District is not required to provide courses other than those listed above.
7. **Students assigned to a DAEP shall not be permitted to continue enrollment in advanced courses and some on-level courses.** Depending on the length of placement and return date to the home campus, students who were enrolled in these courses prior to enrollment at a DAEP shall be placed in an appropriate on-level course for credit. No advanced grade points will be awarded except under the following circumstances:
   - A student is assigned to a DAEP with fewer than three weeks remaining in a semester; or
   - A student returns to the home campus within the first three weeks of either semester.
8. In accordance with state law, the District is not required to provide every course that a student might take on a regular campus in the DAEP. The District is also not required to provide a course necessary to fulfill a student's high school graduation requirements in the DAEP, provided, however, that the District will offer a student removed to a DAEP an opportunity to complete coursework before the beginning of the next school year in accordance with state law.
9. While assigned to a DAEP the student is prohibited from being on any Cypress-Fairbanks Independent School District property, utilizing district transportation, or attending any school-sponsored or school-related activity, on or off school property. (Events include, but are not limited to, school dances, tutorials, prom, athletic events, etc.) EXCEPTION: Consideration will be made for attending summer school on a case-by-case basis.
10. The District's Disciplinary Alternative Education Programs are as follows:
    A. ALC/SAC-East (Gr. 6-12) 12508 Windfern, Houston TX (parents provide transportation)
    B. ALC/SAC-West (Gr. 6-12) 19350 Rebel Yell, Katy TX (parents provide transportation)
    C. Juvenile Justice Alternative Education Program (JJAEP) (ages 10 and older)(transportation provided)
    D. Special Opportunity School (SOS) (Age 6 – Grade 5) Located at Adam Elementary, 11303 Honey Grove Lane, Houston TX (serves all Cy-Fair ISD elementary schools; parents provide transportation)

Procedural Requirements for Removal to a Disciplinary Alternative Education Program (DAEP)(continued)

11. Within two (2) business days after the decision is made to place a student, the District shall send a copy of the order placing the student in a DAEP to the authorized officer of the juvenile court with any information required by Section 52.04 of the Texas Family Code.
12. A student placed in a DAEP shall be provided a status review, including a review of the academic status, by the principal of the alternative school at intervals not to exceed 120 days. In the case of a high school student, the review shall include the student's progress towards meeting high school graduation requirements and shall establish a specific graduation plan for the student. At the review, the student, parent, or guardian may also present reasons or information in support of returning the student to his or her home campus.
13. If, during the term of removal to a DAEP, a student engages in additional conduct for which removal is required or permitted, additional proceedings and consequences may occur.
14. If a student enrolls in the district after having been placed in a DAEP by another district, or by an open-enrollment charter school, the district may continue the DAEP placement. If the prior district was out of state, the district can continue the DAEP placement provided the grounds for placement by the out-of-state district are grounds for placement in the district. The placement may not exceed one year unless the district determines that the student is a threat to the safety of others or the continued placement is in the best interest of the student.
15. Students assigned to a DAEP must complete all required days in a DAEP before returning to home campus.
16. Students who have been removed to a DAEP will be provided an opportunity to complete coursework required for graduation at no cost to the student.

B. Off-campus felony removals following notice of Article 15.27(g):

1. On receipt of notice under Article 15.27(g), Texas Code of Criminal Procedure, the campus administration will schedule a conference with the student's parent or guardian within three days following the day of receiving notice from the office or official designated by the court.
2. After reviewing the notice and receiving information from the student's parent or guardian, the campus administration may assign or continue the student's placement in the alternative education program if there is reason to believe that the presence of the student in the regular classroom threatens the safety of other students or teachers.
3. The parent or student may appeal the decision of the campus administration to the Office of Student Services.
4. The parent or student may appeal the decision of the Office of Student Services to the Board of Trustees.
5. The Board shall, at the next regularly scheduled meeting, review the notice provided by Article 15.27(g), Code of Criminal Procedure, and receive information from the student, the student's parent or guardian, and administration, then confirm or reverse the decision of the District administration.
6. The Board shall make a record of the proceedings and if confirming the administration's decision to continue the placement, shall inform the student's parent or guardian of the right to appeal the Board's decision to the Commissioner of Education as provided by Sections 7.057 (b), (c), (d), and (f) of the Texas Education Code.
7. Pending any level of appeal, the student may not be returned to the regular classroom.

Note: The procedures outlined below apply only to the circumstances described in Section B of this page of the Student Code of Conduct.

Procedural Requirement for Removal to a Disciplinary Alternative Education Program (DAEP)(continued)

The **Texas Code of Criminal Procedure, Article 15.27(g)** requires the prosecuting attorney to notify school district officials if:

a. the case is not going to be prosecuted; or
b. the case was dismissed with prejudice due to a finding by the court or jury in favor of the student.

C. Short-term removal – 6 weeks placement (does not extend beyond the next grading period):

The Board has designated the principal or assistant principal or other campus administrator the authority to assign a DAEP placement, suspension, DMC and all campus level discipline. A student will not be afforded a hearing on disciplinary consequences except for long-term removals (over six weeks) to the DAEP and expulsion as provided for in other portions of this Code. The principal or assistant principal shall notify the student of the reason for the consequence and grant the student an opportunity to give his or her version of the incident. The student will have an opportunity to appeal the decision of the administrator making the recommendation to the principal or designee. The decision of the principal is final and may not be appealed.

D. Removal extending beyond the end of the next grading period:

1. If the term of the placement, as recommended by the campus administrator, extends beyond 60 days or the end of the next grading period, (beyond the end of the following six weeks), the student's parent or guardian is entitled to have the decision reviewed. The student's parent or guardian is entitled to notice and an opportunity to participate in a proceeding before the Office of the Assistant Superintendent for Student Services. The campus administrator shall inform the student's parent or guardian in writing of the right to appeal and shall describe the procedures for scheduling an appeal with that office. The parent or guardian may waive the right to an appeal.
2. Procedures for an appeal to the Office of the Assistant Superintendent for Student Services are:
   a. The parent shall contact the Office of Student Services at (281) 897-3879 to schedule an appeal hearing within three (3) business days following the campus decision to remove the student to a DAEP.
   b. Notice of the hearing (date/time/location) will be provided to the parent.
   c. Generally, the hearing shall be with a designated hearing officer and a review panel.
   d. The hearing is intended to be an informal process, and traditional courtroom rules of evidence do not apply. In addition, while either side may present witnesses as part of that side's affirmative presentation, the parties are not allowed to question the other side's witnesses.
   e. Following the presentation by the campus administration and the student or student's representative, the hearing officer and panel will make a determination to uphold or amend the campus recommendation The decision will be communicated to the student's parent.
   f. The decision of the hearing officer and the discipline review panel is final and may not be appealed.

E. Removal extending beyond the end of the school year:

1. Before a student may be placed in a disciplinary alternative education program for a period that extends beyond the end of the school year, the campus administrator must determine that:
   a. the student's presence in the regular classroom program or at the home school presents a danger of physical harm to the student or to other individuals; or
   b. the student has engaged in serious or persistent misbehavior that violates the District's previously communicated standards of student conduct.

2. The student may appeal a removal extending beyond the end of the school year. See (D)(2).

Students Seeking Admission or Reenrolling

Generally, the District adheres to the previous district's placement recommendation or expulsion order, and will enroll the student in the Disciplinary Alternative Education Program for the recommended term of placement. If a student enrolls prior to another district entering a placement recommendation or expulsion order, the district reserves the right to complete the proceedings and enter an order for removal.

In some cases, an enrolling student is exiting a more restrictive placement such as a boot camp or a Texas Youth Commission facility. In order to provide a successful transition for that student, the District may utilize an interim placement in a Disciplinary Alternative Education Program before enrolling the student at his or her home campus.

When a student is recommended for a Disciplinary Alternative Education Program (SOS, ALC, SAC, and JJAEP) by Cypress-Fairbanks I.S.D. and withdraws before completing or serving the disciplinary assignment, the campus administration with district administration approval, reserves the right to reassign the student to a Disciplinary Alternative Education Program if the student reenrolls in the District. If a student withdraws from the District before an order for placement in a DAEP is entered, the principal may complete the proceedings and enter an order. The reentry assignment will be determined based on the student's date of withdrawal, the reason for the placement, the factors listed on page CC-5, the student's interim placement and progress, and any documented interventions.

General Procedures for Expulsion

If Level V misconduct occurs, the student and the parents or guardian shall be informed in writing by the campus administrator of the allegations and the recommendation for expulsion. A decision to expel a student shall not be implemented until there has been a full hearing, unless the right to such a hearing is specifically waived by the student and his or her parents or guardian in writing.

A. Expulsion Hearings:

1. A hearing will be held as soon as is practicable after notice of the proposed expulsion is provided to the student's parent or guardian.
2. The student will receive prior notice of the charges and the proposed sanctions as to afford a reasonable opportunity for preparation. The notice shall be in writing and advise of the nature of the evidence and names of any witnesses whose testimony may be used against the student.
3. The student has a right to a full and fair hearing before a competent forum.
4. The student has a right to be represented by the parent or guardian or another adult who can provide guidance to the student and who is not an employee of the school district.
5. The student will be provided the opportunity to testify and to present evidence and witnesses in his/her defense.
6. The student will have the opportunity to examine the evidence presented by the school administration and to question the administration's witnesses.
7. Courtroom rules of evidence will not apply, but all evidence and testimony must be relevant to the hearing. An audio record of the hearing will be made.
8. If the school district makes a good-faith effort to inform the student and parent or guardian of the time and place of the hearing, the district may hold the hearing regardless of whether the student, parent or guardian or another adult representing the student attends.

B. Further Action at Board Level and Beyond:

1. If the student/parent wishes to appeal the decision of the Office of Student Services, the parent must make that request in writing to the Superintendent of Schools within three (3) business days of the receipt of the hearing officer's decision to expel. The appeal is heard by the Board of Trustees.
2. The appeal is based on the record of the previous hearing. The record of the hearing includes an audio recording of the hearing, documentation presented at the hearing, and correspondence regarding the hearing. No additional evidence or testimony can be introduced at the Board level.
3. The appeal of the hearing officer's decision to expel will be placed on the agenda of the next regularly-scheduled board meeting.
4. The hearing before the Board will be in closed session. The student and/or parent/guardian will be given ten (10) minutes to provide an oral presentation based upon the record of the previous hearing to support his/her position.
5. The district/campus administrator will be given ten (10) minutes to support his/her position.
6. The decision of the Board of Trustees to uphold, amend or reject the administration's expulsion recommendation will be provided in writing to the student's parent or guardian.
7. A decision of the Board of Trustees to expel a student may be appealed in the district court of Harris County.

DAEP Campus-Level Expulsion Hearings and Appeals Process

1. A student may be expelled for serious or persistent misbehavior while placed in a DAEP.
2. The DAEP campus principal is the Board's designated hearing officer for expulsion recommendation hearings for students who engage in serious or persistent misbehavior while in a DAEP.
3. If the student/parent wishes to appeal the decision of the DAEP campus principal, the request must be made in writing to the Office of the Assistant Superintendent of Student Services within three (3) business days of notification of the principal's decision to expel.
4. A hearing will be scheduled before the District's designated hearing officer and a Discipline Review Panel within a reasonable time of receiving the request to appeal, unless there are extenuating circumstances. The appeal will be based on the record of the previous hearing at the campus level.
5. The hearing will follow the general procedures as outlined in Section A.
6. The appeal of the decision of the Office of Student Services is made to the Board of Trustees and follows the process as outlined in Section B.

Additional Expulsion Information

Federal law requires that a student expelled for a firearms violation must be expelled from the student's regular campus for a period of at least one (1) year. The Superintendent, using his/her professional judgment and discretion, may modify the length of expulsion.

The District **shall** provide educational services to an expelled student in a Disciplinary Alternative Education Program if the student is younger than ten (10) years of age on the date of expulsion.

Students under six years of age shall not be placed in a Disciplinary Alternative Education Program unless the student commits a federal firearm offense.

If a student withdraws from the district before an order of expulsion is entered, the principal or board, as appropriate, may complete the proceedings and enter an order. If an order is not entered, the next district in which the student enrolls may complete the proceedings and enter an order.

Additional Expulsion Information (continued)
If, during the term of expulsion, a student engages in additional conduct for which expulsion is required or permitted, additional proceedings may be conducted regarding that conduct and the principal or board or its designee, as appropriate, may enter an additional order of expulsion.

ADDITIONAL PROCEDURES

Informal Teacher Removal - Office Referrals
A teacher may send a student to the principal's office to maintain effective discipline in the classroom. Any removal by a teacher of a student for misbehavior requires that the teacher report the offense to the principal or appropriate administrator. The principal or appropriate administrator shall respond by employing appropriate discipline management techniques consistent with the Student Code of Conduct.

Disciplinary action may be taken in order to help a student assume responsibility for correcting his or her performance or inappropriate behavior. The consequences are dependent on the severity or recurring nature of the violation and/or the student's problem behavior.

Formal Removal From The Classroom By The Teacher –Section 37.002 of the Texas Education Code
Formal removal initiated by a teacher or administrator will occur if 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 the behavior is so unruly, disruptive or abusive that the teacher cannot teach and the students in the classroom cannot learn. A teacher may also remove a student from class for behavior for which the District has determined a student may be suspended and/or placed in a Disciplinary Alternative Education Program.

Any removal of a student by a teacher for behavior described in this section requires that the teacher report the offense to the principal or appropriate administrator. The principal or appropriate administrator will then send a copy of the report to the student's parent(s) and/or guardian(s).

A teacher or administrator must remove a student from class if the student engages in behavior for which the Texas Education Code requires Disciplinary Alternative Education Program placement.

When a student is formally removed from class by a teacher for conduct containing the elements of assault, aggravated assault, sexual assault, or aggravated sexual assault against the teacher, the student may not be returned to the teacher's class without the teacher's consent. The teacher can not be coerced to consent.

When a student has been formally removed from class by a teacher for any other conduct, the student may not be returned to the teacher's class without the teacher's consent, unless the placement review committee determines that the teacher's class is the best or only alternative available.

Review for Students Removed by Teacher

1. Not later than the third class day after the day on which a student is removed, the school principal shall schedule a meeting among the principal or the designee, a parent or guardian of the student, the teacher removing the student from the class, and the student.
2. The student may not be returned to the removing teacher's classroom over the teacher's objection. Pending the meeting, the principal may place the student into in-school suspension, in another class, or suspend from school for up to three (3) days, if the student has engaged in misconduct for which placement in a DAEP is permitted.
3. At the meeting, the principal shall afford all parties an opportunity to be heard; however, the conduct and control of the hearing shall be within the discretion of the principal or designee. The principal or designee may place reasonable limits on the length of the discussion.
4. Following the meeting and whether or not each requested person is in attendance after valid attempts to require the person's attendance, the principal may return the student to the class of the teacher who removed the student unless the teacher objects to the student's return. If the teacher objects, the principal shall order the placement of the student to another class, into a Disciplinary Alternative Education Program, or may refer the student to the Campus Placement Review Committee (CPRC) for a determination as to placement.
5. The teacher may not be coerced to accept the student, absent a determination by the CPRC.
6. The CPRC will make a determination as to whether the student may be returned to the removing teacher's class. The student may not be returned to the teacher's class without the teacher's consent unless, as determined by the CPRC, such placement is the best or only alternative available.

If the decision is to place the student in a DAEP, the campus will follow the procedures that are provided in this document for removal to a DAEP.

Campus Placement Review Committee for Student Removal by Teacher

Each school shall have a CPRC composed of three members; two teachers chosen by the faculty, including an alternate, and a third professional staff member chosen by the principal. The teacher removing the student cannot serve on the committee. The committee will determine placement of a student when a teacher has removed the student and refuses to allow the return of the student to the class.

Student Removal for Level IV and V Conduct Violations

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

Suspension of Students

Suspension is defined as the removal of a student from the campus. The campus principal or other appropriate administrator may suspend a student for such conduct that is defined under the Level III violations. A suspension may be up to three (3) school days per incident. The term of suspension concludes at the end of the school day on the last day of suspension. A student absence while suspended shall be considered as excused; however, all class work missed during the suspension is the responsibility of the student to make up. Before suspending a student, the administrator shall conduct a conference at which the student is advised of the misconduct and the student is given an opportunity to explain his or her version of the incident. School personnel shall notify the parent prior to suspending a student from school. **The campus principal has the final authority regarding a decision to suspend.** During the period of suspension, it is the responsibility

Suspension of Students (continued)
of the parent or guardian to provide the appropriate supervision for the student. While suspended, the student is prohibited from being on any Cypress-Fairbanks Independent School District campus property including, but not limited to, buses, district vehicles, campus facilities, or attending any school-sponsored or school-related activity on or off school property.

Educational Services During the Term of Expulsion
The school district shall be responsible for providing an immediate educational program to students who engage in behavior resulting in expulsion but are not eligible for mandatory placement into the Harris County JJAEP.

Terms of DAEP and Expulsion Discipline Placements
Students placed in a disciplinary alternative education program (DAEP) will be assigned by the campus and/or district administration for a designated length of time as indicated below. (Students will not be permitted to return to their home campus during the last two weeks of a semester without principal approval.) The principal has the authority to amend the recommended placement provided the length of time as listed below is proven to be inappropriate. Students in violation of Title 5 offenses and registered sex offenders may be placed in a DAEP until graduation requirements are met.

Special Opportunity School (SOS) – Elementary students: Minimum placement 15 days/ Maximum placement 45 days with successful completion of the program.

Alternative Learning Center (ALC) – Secondary students: Minimum placement 30 days/Maximum placement 45 days with successful completion of the program.

Secondary Alternative Campus (SAC) – Secondary students: Minimum placement 45 days/ Maximum placement depends on successful completion of the program.

Juvenile Justice Alternative Education Program (JJAEP) – Program for expelled students ten (10) years of age and older: Minimum 45 days/Maximum – one year

Emergency Placement or Expulsion (Texas Education Code Section 37.019)
The Texas Education Code allows the principal or designee to order the immediate placement of a student in a DAEP if the student's behavior is so unruly, disruptive, or abusive that it interferes with:

1. the teacher's ability to communicate effectively;
2. the student's classmates' ability to learn; or
3. the operation of the school or school-sponsored activity.

At the time of emergency placement or emergency expulsion, the student will be given oral notice for the reason of the action. Within ten (10) days after the action, notice shall be provided to the student's parents or guardian concerning the student's rights and entitlement to a conference or hearing as described in the sections on Disciplinary Alternative Education Program or expulsion.

Discipline of Special Education Students Under Individuals with Disabilities Education Improvement Act (IDEIA)

Students with disabilities served under IDEIA will be disciplined in accordance with state and federal law, Commissioner's Rules for Special Education, the Student Code of Conduct, and the student's Individual Education Program (IEP), as it exists at the time of discipline. Students with disabilities may be subject to a series of removals for disciplinary reasons for up to ten (10) days so long as these removals do not constitute a change in placement for the student and the disciplinary consequences are those applied to non-disabled students. For removals after ten (10) days or for more than ten (10) days, an admission, review, and dismissal (ARD) meeting will be held to review the behavior(s), conduct a manifestation determination review (MDR), review/conduct a functional behavioral assessment (FBA), and review/develop a behavioral improvement plan (BIP), review programming and IEP goals. The DAEP shall provide the necessary supports and services for the student to access the general education curriculum and make progress toward achieving his/her IEP goals.

Students with disabilities who receive special education services may not be placed in disciplinary alternative education programs solely for education purposes if the student does not meet the criteria for alternative placement in Texas Education Code Sections 37.006(a) or 37.007(a).

Discipline of Students Served Under Section 504 of the Rehabilitation Act

Students with disabilities served pursuant to Section 504 will be disciplined in accordance with state and federal laws. The Discipline Management Plan and Student Code of Conduct apply to all students, including Section 504 students. Section 504 students may be subject to a series of removals for disciplinary reasons, each one of which may be for up to ten (10) school days at a time, for different acts of misconduct. So long as the series of removals does not constitute a change of placement, and the disciplinary consequences are those applicable to non-disabled students, there is a requirement that the Section 504 Committee determine whether the misbehavior is a manifestation of the disability. A Section 504 student shall not be subject to disciplinary removal for more than ten (10) consecutive school days or expelled unless the District first determines that the misbehavior is not a manifestation of the student's disability. That determination may be made by the same group of people who make placement decisions. The group must have available to it evaluation data that is recent enough to afford an understanding of the student's current behavior. At a minimum, the group shall include persons knowledgeable about the student and the meaning of the evaluation data.

General Authority of the School District

The Texas legislature, through the Texas Education Code, Chapter 37.001, has delegated the authority of managing independent school districts and disciplining of those students attending school within the District to the Board of Trustees and those persons employed by the Board of Trustees. If a particular type of conduct has the effect of disrupting the learning atmosphere, it should be subject to regulations. The Board of Trustees possesses considerable leeway in promulgating regulations for the proper conduct of students. It is the policy of the Board of Trustees and employees of Cypress-Fairbanks Independent School District to maintain a safe and secure learning environment for our students. In striving to do so, the District takes a strong position against weapons, illegal drugs, any violent or abusive behavior in any school environment, which includes all district facilities or any school-sponsored activity. Any person violating this policy will be subject to administrative and/or legal action, including possible citations and/or arrest by local law enforcement agencies.

Cooperation With Law Enforcement Agencies

School-Related

In order to maintain a safe and orderly environment, school personnel have the authority and responsibility to question students regarding their conduct and conduct of others. The school district may contract with local law enforcement to provide law enforcement officers to assist school personnel with the maintenance of a safe and orderly school environment (these law enforcement officers are known as "school resource officers" (SRO)).

Campus administrators shall have the responsibility and authority to determine when the campus SRO's assistance may be needed within their respective jurisdiction. The SRO may be summoned to keep or restore order at school or school-related activities, or to assist or conduct an investigation of alleged criminal conduct on school premises or at school-related activities. The SROs may possess recording devices and may record conversations with students.

Non-School-Related

The District and school personnel will cooperate with outside law enforcement agencies (non-SRO officers) and/or other legal authorities who are acting in conjunction with a valid subpoena, court order, warrant, or directive to apprehend, or who has indicated an intent to take a student into custody and remove the student from campus for an investigation regarding a non-school-related matter under Texas Family Code Section 52.01. Absent one of these provisions, however, an outside law enforcement officer or official may interview a student at school only under the following circumstances:

1. The principal or other administrator has viewed and verified the identity of the officer or other authority, and has requested and received an explanation of the necessity for questioning the student during school hours.
2. Unless the law enforcement officer or other authority raises what the principal or other administrator considers to be a valid objection, the administrator shall make reasonable efforts to contact the student's parent(s) and obtain parental permission for the interview.
3. Reasonable efforts are made to interview the student out of the view of other students and in the presence of an administrator.

Arrest of Students on Campus

If a student at school is subject to arrest or apprehension by law enforcement officials, the principal or appropriate administrator must confirm the officer's identity and authority. After this is confirmed, the administrator of the campus will deliver the student into the officer's custody. The principal shall immediately make reasonable efforts to notify the student's parents and the appropriate district administrator. A written record of the occurrence will be made by the campus administrator.

Reports to Local Law Enforcement

According to Texas Education Code Section 37.015, principals are required to report to local law enforcement the following offenses:

- Deadly conduct
- Terroristic threat
- Use, sale or possession of a controlled substance, drug paraphernalia or marijuana
- Possession of any weapon or device listed under Sections 46.01 (1) (14) or 46.01 (16) of the Texas Penal Code
- Conduct that may constitute a criminal offense under Section 71.02 of the Texas Penal Code

Reports to Local Law Enforcement (continued)
Principals must report to local police, if they have reason to believe that a student engaged in any conduct on school property or at a school-related activity that may constitute a criminal offense for which the student may be expelled under Sections 37.007 (a), (d), or (e) of the Texas Penal Code. These offenses are:

37.007(a)
- Uses, exhibits or possesses, a firearm, illegal knife, club or weapon
- Aggravated assault, sexual aggravated assault, or sexual assault
- Arson
- Murder, capital murder, criminal attempt to commit murder or capital murder
- Indecency with a child
- Aggravated kidnapping
- Aggravated robbery
- Manslaughter
- Criminally negligent homicide

37.007 (d)
- Offense under (a) above against a volunteer or employee in retaliation

37.007 (e)
- Federal firearm offense

Court Involvement
Not later than the second business day after the date a hearing is held in which a student is expelled or placed in an alternative educational program, the board of trustees of a school district or the board's designee shall deliver a copy of the order placing a student in a disciplinary alternative education program under Texas Education Code Section 37.006, or expelling the student under Section 37.007, along with any information required by Section 52.04, Texas Family Code, to the authorized officer of the juvenile court of Harris County. An expelled student shall, to the extent provided by law or the memorandum of understanding, immediately attend the educational program from the date of expulsion. If the student is expelled for serious and persistent misbehavior while in a DAEP, the District shall refer the student to the authorized officer of the juvenile court for appropriate proceedings under Title 3, Texas Family Code.

Searches Conducted by Authorities
a. Students shall be free from unreasonable search and seizure by school officials. School officials may search a student's outer clothing, pockets, or property by establishing reasonable cause or securing the student's voluntary consent. The official may ask the student to remove objects being stored or hidden in clothing.

b. Searches of the student's person shall be conducted only if individualized suspicion exists to believe that the student possesses contraband (weapons, drugs, etc.).

c. Areas such as lockers, which are owned and jointly controlled by the District, may be searched if reasonable cause exists to believe that contraband is inside the locker.

c. If outside law enforcement authorities are involved in a search, the search shall be conducted under criminal law standards rather than under the provisions of this policy.

Searches Conducted by Authorities (continued)

e. School personnel are not to use physical restraint to conduct searches. If a student refuses to cooperate, where there is reasonable cause, the student's parents are to be notified, and the student becomes subject to disciplinary sanctions, and/or legal action.

f. If a student leaves the scene of a search without permission, the student will become subject to disciplinary sanctions and/or legal action. The student may also be held responsible for reimbursement or restitution.

g. The principal or designee shall immediately make reasonable efforts to notify the student's parents that a search was conducted.

Use of Security Cameras

The District utilizes security cameras and video recording devices at the school campuses and other district facilities. These are located in cafeterias, hallways, designated areas, entryways, and parking areas. Information provided by reviewing the video tapes will be utilized, as needed, to help maintain a safe and orderly environment. The District also randomly places video cameras on school buses to record student behavior. The District may view recordings to aid in the investigation of student misconduct and violations of the Code of Conduct.

Use of Trained Dogs

In order to respond to the drug and alcohol abuse problems in the schools and maintain a safe school environment conducive to education, the District shall use specially trained dogs to sniff out concealed contraband, drugs, or alcohol on school property.

The District-contracted dog handler shall use non-aggressive dogs trained to alert to illicit substances such as drugs, alcohol, and gun powder. Visits to schools shall be random and unannounced. The dogs shall be used to sniff the air in vacant classrooms and other common areas and around student lockers and vehicles parked on school property.

If the dog alerts to a particular locker, a vehicle, or item in classrooms or other common areas, it may be searched. If the dog alerts to a vehicle, the student shall be asked, if necessary, to unlock the car doors and trunk for an internal inspection. If the student refuses, the parents shall be notified. If the parent does not allow the search, an officer may obtain and execute a search warrant, if appropriate.

Students shall be notified at the beginning of each school year that:

a. The lockers remain under the jurisdiction of the District which maintains ownership and are subject to search at any time. A student does not have any expectation or right to privacy in the locker at anytime. Students are responsible for anything found in their lockers.

b. All vehicles parked in school parking lots shall be subject to a sniff search at any time. Students are responsible for anything found in their vehicles.

c. Classroom and other common areas are subject to a sniff search at any time when students are not present.

d. If any prohibited object or substance are found, the student **may** be subject to appropriate disciplinary action, including removal, suspension, expulsion, and notification of law enforcement agencies.

Use of Metal Detectors

The Cypress-Fairbanks Independent School District has a compelling interest:

- to educate and train its students in an environment conducive to learning;
- to maintain discipline in the classroom, on school grounds, and at school activities;
- to provide a safe environment for its students, employees, and patrons; and
- to deter weapons on school property and at school-related activities.

The District finds that incidents involving the presence of weapons or contraband have occurred on school property and at school-related activities. The District is authorized to use metal detectors to screen for weapons and other contraband.

The student's parent or guardian shall be notified if any prohibited items are found on the student's person or in his/her possession as a result of a search conducted in accordance with this policy. If students are found to be in possession of prohibited items, the District will administer discipline based on the Student Code of Conduct.

Use of Physical Restraint [FO (Local)]

Any district employee may, within the scope of the employee's duties, use physical restraint with a student if the employee reasonably believes it is necessary in order to:

- protect a person from physical injury;
- obtain possession of a weapon or other dangerous objects;
- protect property from serious damage;
- remove from a specific location a student refusing a lawful request of a school employee, including removal from a classroom or other school property, in order to restore order or to impose disciplinary measures;
- restrain an irrational student; and
- restrain students who receive services under IDEA will be in accordance with Texas Education Code Section 37.0021 and the Commissioner's Rules Concerning Special Education Section 89.1053 of the Texas Administration Code.

Prohibition of Electronic Communication Devices

During the **instructional school day**, students are prohibited from using all telecommunication devices such as, but not limited to, cellular phones, camera/video phones, and pagers/beepers. Such devices must not be visible and must remain turned off during the instructional school day. Placing the cell phone into silent/vibrate mode and text messaging is not considered "turned off" and is prohibited. Using any device that permits recording the voice or image of another in any way that either disrupts the educational environment, invades the privacy of others, or is made without the prior consent of the individuals being recorded is prohibited.

Prohibition of Electronic Communication Devices (continued)
Exception*: Teachers have the authority to allow students to use electronic devices, such as, but not limited to, cell phones, netbooks, iPods, iPads, ebooks, for instructional purposes within the confines of the classroom.*

Instructional school day is defined as anytime students are under the direct supervision of a Cypress-Fairbanks I.S.D. employee. This includes, but is not limited to: riding the bus to and from school; students waiting in the campus bus loading zone (morning and afternoon); in the building before and after school; class time; before, during, or after any state assessment or district testing; passing periods between classes; lunch time; after school tutorials, practices for extracurricular events, detentions; field trips; and participating in school events. Examples of non-instructional time are: waiting outside of the school building for a parent ride; outdoor athletic events; and, walking to and from school or bus stop. Students who need to use a telephone during the school day may use one of the school phones which are available for student use, upon request, and based on need.

Violation of this policy during any state assessment such as TAKS, TAKS-A, etc. prohibits an optimum testing environment and, therefore, may result in an invalid assessment. Use of a cell phone or any other unapproved electronic device during the administration of these tests will be regarded as cheating, and the student's test will be invalidated with appropriate disciplinary action to follow.

A person who discovers a student in violation of this policy shall report the infraction to the appropriate school administrator. In accordance with Texas Education Code Section 37.082, the device will be confiscated and returned to the owner after a $15.00 administrative fee is collected. A student's parent, guardian, or non-student owner may pick up the device after showing proof of ownership. If the device is not claimed, the student's parent, guardian, or company whose name and address appears on the device shall be given 30 days prior notice of the district's intent to dispose of the device.

Failure to relinquish the communication device to school personnel when asked to do so or repeated violations may result in additional disciplinary action, including confiscation of the device for a period of time up to the remainder of the school year.

Note: Parents are requested not to contact their child during the instructional school day via cell phone. If an emergency occurs and parents need to speak to their child, please contact the school for assistance.

Students may not possess items at school that school personnel deem to be a distraction to the general learning environment or the student's own learning environment. Belongings that might be lost or stolen, such as, but not limited to, cell phones, headphones, cameras, games, iPods, iPads, netbooks, or CD players are the responsibility of the student. **District personnel will not assume responsibility for damaged, lost or stolen items.**