

## **BOARD WORK SESSION**

Thursday, September 10, 2020, 6:00 PM

Boardroom of the Instructional Support Center  
10300 Jones Road  
Houston, TX 77065

## **AGENDA**

### **1. RECOGNITIONS**

A. The Board will recognize the new Assistant Superintendent for School Leadership.

**Presenter:** Roy Garcia

### **2. PUBLIC COMMENTS**

A. Patrons who have duly registered per policy BED (Local) may address the Board and make public comments on an agenda item during or before the board's consideration of the item. The Board may allow public comment on agenda items at all meetings. The Board will continue with the remaining agenda after the registered patrons have had an opportunity to speak. (To participate, registration is between 5:30 and 5:50 p.m. on the day of the Board meeting at the entrance to the CFISD Boardroom.)

**Presenter:** Leslie Francis

### **3. BOARD COMMENTS**

A. Any Board member may make a comment during this portion of the agenda, without prior posting being required. Comment items may not pertain to the character of any students, staff or Board member and may not be discussed or deliberated upon at this meeting.

**Presenter:** Board of Trustees

### **4. CITIZEN PARTICIPATION**

A. Patrons who have duly registered per policy BED (Local) may address the Board regarding matters of concern/interest to the district, other than the character of any student, staff or Board member. The Board may not act upon any matter that is not listed under the action item portion of the agenda. (To participate, registration is between 5:30 and 5:50 p.m. on the day of the Board meeting at the entrance to the CFISD Boardroom.)

**Presenter:** Leslie Francis

### **5. SIGNING OF RESOLUTION**

A. The Board will sign the resolution condemning racism and affirming the district's commitment of Opportunity for All.

**Presenter:** Board of Trustees

### **6. REPORTS**

A. The Administration will provide an update on the reopening of CFISD.

**Presenter:** Dr. Mark Henry, Administration

### **7. ACTION ITEMS - CONSENSUS**

A. The board will consider approving the minutes of the August 10, 2020 Regular Board Meeting.

**Presenter:** Holly Reichert

### **8. ACTION ITEMS - NON-CONSENSUS**

A. The Board will consider approving the 2020 certified tax rolls and the estimated collection rate for 2020 to be 100%, and the 2019 excess debt collections rate to be zero.

Presenter: Karen Smith

B. The Board will consider the 2020 Tax Rate Resolution to support the 2020-2021 Maintenance and Operations and Debt Service budgets by setting the 2020 M & O and Interest and Sinking tax rates.

**Presenter:** Karen Smith

C. The Board will consider approving the 2020-2021 Cypress-Fairbanks I.S.D. Student Code of Conduct.

Presenter: Dr. Ify Ogwumike, Dr. Deborah Stewart

D. The Board will consider awarding bids and contracts and/or authorizing purchase orders as recommended in the posted agenda item.

**Presenter:** Bill Powell, Paula Ross, Joel Weckerly

1. Purchase: CFISD Printer Quote

Budget: Technology Bond Funds

Est. Amount: \$402,356.00

To: Netsync

2. Purchase: Districtwide Copiers - Lease

Budget: M&O Funds

Est. Amount: \$128,791.20

To: Canon

3. Purchase: Print Center Copiers - Lease

Budget: M&O Funds

Est. Amount: \$388,260.00

To: Canon

4. Bid: External Website Design, Content Management and Web Hosting Services

Budget: M & O Funds

Est. Award: \$220,000.00

To: Blackboard, Inc.

5. Bid: Internal Website Design, Content Management and Web Hosting Services

Budget: M & O Funds

Est. Award: \$50,000.00

To: Blackboard, Inc.

6. Bid: Concrete Installation/Demolition and Bollards

Budget: M & O Funds

Est. Award: \$50,000.00

To: Rocktex Paving (Striping Unlimited Corp.)

Skyler Design Build

7. Bid: HVAC Parts and Supplies

Budget: M & O Funds

Est. Award: \$175,000.00

To: Applied Industrial Technologies

CAPP

Carrier Enterprise, LLC  
CP Distributors, LLP Control Products  
Johnson Supply Company  
Johnstone Supply (EMPA Corp.)  
Oslin Nation Co. (BABTEX)  
Winsupply, Inc. of Houston

8. Bid: Insulation Services

Budget: M & O Funds

Est. Award: \$100,000.00

To: FGH Insulation Co.

9. Bid: Plumbing Fixtures, Parts and Supplies

Budget: M & O Funds

Est. Award: \$800,000.00

To: Apple Specialties

Best Plumbing Specialties, Inc.

C&B Wholesale Plumbing Supplies (C&B Maintenance,

Inc.)

CAPP

City Supply Company, Inc.

Coburn Supply Company

LCR-M, dba Moore Supply Company

Oslin Nation Co. (BABTEX)

TMS South, Inc. (Total Maintenance Solutions South, Inc.)

10. Purchase: Recovering Moveable Air Walls and Gyp Walls – Berry Center

Budget: M & O Funds

Est. Amount: \$439,700.00

To: Hufcor

E. The Board will consider the approval and execution of the plat for the CFISD  
Holbrook Elementary School.

Presenter: Roy Sprague







**RESOLUTION CONDEMNING RACISM AND AFFIRMING THE DISTRICT’S COMMITMENT OF OPPORTUNITY FOR ALL**

**WHEREAS**, the Board of Trustees of the Cypress-Fairbanks Independent School District, the third largest school district in the state of Texas, deem it necessary for the respect and dignity of our employees, students, parents, business partners and community to promote the tenet prescribed in the Declaration of Independence, being, “all men are created equal.”

**WHEREAS**, recent events in our country have brought to the forefront the disturbing issues of racism, systemic racism, discrimination, injustice and inequality. These issues go against the motto of our district, *Opportunity for All*. It is our desire that this motto become ingrained in our culture and behavior so much so that CFISD is a district that does not tolerate racism.

**WHEREAS**, it has been 56 years since the Civil Rights Act of 1964;

**WHEREAS**, racism, systemic racism, discrimination, prejudice, injustice and inequality continue to exist and are antithetical to what CFISD strives to be;

**WHEREAS**, we have an obligation to help shape the lives of our students toward a better America, free of racism and systemic oppression;

**NOW, THEREFORE, BE IT RESOLVED** that we lead through policy and practice to eliminate racism, systemic racism, discrimination, injustice and inequality in any and all its forms. We desire all schools to be “No Place for Hate” schools as well as require the study of and celebration of the history of all races, ethnic groups, genders and differences.

We resolve to engage an outside entity to conduct an equity audit that will lead us to develop an equity policy/policies so we can better strive to close the gaps of opportunity and achievement among ethnic groups, races, genders and those of low socio-economic status and learning differences.

**FURTHER**, we resolve to encourage our district to be a place for transparent dialogue among our board, staff, school personnel, students and parents on the issue of race and racism, and there be no retribution for individuals or groups for sharing what is perceived, believed or experienced.

**WE PLEDGE**, as Board members, to engage in continuing education in the area of racism, discrimination, injustice and inequality.

In unity and agreement, we vote in affirmation and sign this Resolution to be a part of our permanent record as a Board of Trustees on this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Bob R. Covey, President

\_\_\_\_\_  
Don Ryan, Vice President

\_\_\_\_\_  
Debbie Blackshear, Secretary

\_\_\_\_\_  
Julie Hinaman, Trustee

\_\_\_\_\_  
Tom Jackson, Trustee

\_\_\_\_\_  
Dr. John Ogletree, Jr., Trustee

\_\_\_\_\_  
Gilbert Sarabia, Trustee



**CYPRESS-FAIRBANKS INDEPENDENT SCHOOL DISTRICT  
BOARD OF TRUSTEES**

**AUGUST 10, 2020  
REGULAR BOARD MEETING MINUTES**

The Cypress-Fairbanks Independent School District Board of Trustees convened in Regular Session on Monday, August 10, 2020, in the Boardroom of the Cypress-Fairbanks Independent School District Instructional Support Center, located at 10300 Jones Road, Houston, Texas.

**Call to Order**

Board President Bob Covey called the meeting to order at 6:00 p.m.

The following Board members were present: Debbie Blackshear, Bob Covey, Julie Hinaman, Tom Jackson, Dr. John Ogletree and Gilbert Sarabia. Board member Don Ryan was not present.

**Special Recognitions**

Board President Covey recognized CLC members Leslie Martone, Ryan Irving and Frances Romero who were in the audience.

**Invocation**

Matthew Hawkins, Lead Pastor of Houston First Church of Nazarene, delivered the invocation.

**Pledge of Allegiance**

Board President Covey led the Pledge of Allegiance.

**Vision and Mission Statement**

Board member Dr. John Ogletree read the District's Vision and Mission statement for the benefit of the audience.

Board President Covey announced that the Board would proceed with the **Recognitions** portion of the agenda.

**1. Recognitions**

**1A.** The Board recognized the following newly selected principals and administrators:

Andrea Lagard, New Principal for ALC-East  
Cesar Diaz, New Principal for Bane Elementary School  
Karen Richardson, New Principal for Reed Elementary School  
Michelle Lee, New Principal for Hairgrove Elementary School  
Harry Wright, Jr., Assistant General Counsel  
Amanda Boles, Assistant Superintendent Business & Financial Services

Board President Covey called for a recess at 6:26 p.m.

Board President Covey called the meeting back to order at 6:36 p.m.

Mr. Covey announced that the Board would proceed with the **Public Comments** portion of the agenda.

**2. Public Comments**

**2A.** Patrons who have duly registered per policy BED (Local) may address the Board and make public comments on an agenda item during or before the board's consideration of the item. The Board may allow public comment on agenda items at all meetings. The Board will continue with the remaining agenda after the registered patrons have had an opportunity to speak. (To participate, registration is between 5:30 and 5:50 p.m. on the day of the Board meeting at the entrance to the CFISD ISC Boardroom.)

1. Donna M. Lord, Cy-Fair TSTA/NEA, addressed the Board on the reopening of CFISD and accommodations for high-risk teachers.

2. Paul Langone, Cy-Fair TSTA membership chair and middle school teacher, addressed the Board on the reopening of CFISD.
3. Arabella Villanueva, CFISD teacher, addressed the Board on the reopening of CFISD.
4. Luc Billette, CFISD junior student at Cypress Ridge High School, addressed the Board on the reopening of CFISD.
5. Lauren Wells, former CFISD student and current Baylor University student, addressed the Board on the reopening of CFISD.
6. Lesley Guilmart, CFISD instructional coach, addressed the Board on the reopening of CFISD.
7. Dr. Tara Cummings, parent and community member, addressed the Board on the reopening of CFISD.
8. Gabriela Kulp, CFISD teacher and parent, addressed the Board on the reopening of CFISD.
9. Laura Nguyen, CFISD teacher and parent, addressed the Board on the lack of transparency on the reopening of CFISD.
10. Stacy Hunter, community member, addressed the Board on the reopening of CFISD.
11. Rachel Ryall, Jersey Village High School math teacher, addressed the Board on the reopening of CFISD.
12. Nikki Cowart, Cy-Fair AFT president, addressed the Board on the reopening of CFISD.
13. Perla Kohler, activist and navy combat disable veteran, addressed the Board on the reopening of CFISD.
14. Sherry Frank, Cypress-Falls High School teacher, addressed the Board on the reopening of CFISD.
15. Jon Rosenthal, Texas State Representative, District 135, commended the Board on the Resolution on racism and addressed the Board on the reopening of CFISD.
16. Sheri Fricke, CFISD SPED teacher, addressed the Board on the reopening of CFISD.
17. Meghan Brannon-Reese addressed the Board on the reopening of CFISD.
18. Mariah Najmuddin addressed the Board on racism within the district.
19. Ashlee Dodd, CFISD teacher and parent, addressed the Board on the reopening of CFISD.
20. Terri Harrel, CFISD SPED teacher, addressed the Board on the reopening of CFISD.
21. Rebecca Mousen, parent of high school senior, addressed the Board on the reopening of CFISD.

Mr. Covey announced that the Board would proceed with the **Board Comments** portion of the agenda.

### **3. Board Comments**

- 3A.** Any Board member may make a comment during this portion of the agenda, without prior posting being required. Comment items may not pertain to the character of any students, staff or Board member and may not be discussed or deliberated upon at this meeting.

Before Board members proceeded with their comments, Beth Wade, Director of the Berry Center, and her staff were honored by each Board member for the outstanding job they did with the 2020 graduation ceremonies. Flowers were presented to Ms. Wade in recognition of her leadership and performance.

**Board member Gilbert Sarabia** expressed his concerns on the current unprecedented time we are in and how the district will be seeing many changes on a week-to-week basis for some time to come. He shared how the district's administration is preparing for these changes and has our students, parents and staff's well-being in mind at all times. Mr. Sarabia congratulated the students who have been participating in the on and off athletics programs, along with other elective programs – for coming out and giving their all during this Covid-19 period. Mr. Sarabia thanked them for listening to the science of Covid-19, but also not letting Covid-19 dictate everything that they can or cannot do. Mr. Gilbert shared how he understands the mixed feelings in the community and throughout the country and how tough it is on everybody at this time. He wished Dr. Henry and his administration the very best with ongoing issues that will be here throughout the fall season. Mr. Sarabia uttered the word “patience” and asked everyone, along with himself, to remember this word. He also expressed hopes that there will be feel-good moments during the new school year and extended his prayers for everyone.

**Board member Tom Jackson** commented on how the Covid-19 twin viruses will be here for years to come. Mr. Jackson told an endearing story about his father, career Army, heavily decorated, combat veteran who was part of the reverse integration project in the Army in Korea, meaning when he walked into the mess tent, he was the only white man in the tent. “That was purposeful.” Mr. Jackson quoted his

father as saying, “Son, remember, we all bleed red and we all go to sleep at night.” Mr. Jackson shared how, as a child, he had found a cigar box in the garage filled with medals, some belonged to his father and some to his father’s kid brother. Mr. Jackson told his dad, “You must be very brave, you’re a hero.” And his dad said, “No son, I was scared almost all the time. I woke-up scared and I went to sleep at night scared. We just did what we had to do.” Mr. Jackson told how he is a stage-4 cancer survivor with active cancer now and that he is praying for our teachers and staff who have cancer. Mr. Jackson stressed how these are hard times right now and stated there will always be hard times. He went on to say that there are no good answers and we will follow the law – “Our flexibility, we push to the bounds, but our complete flexibility is, in fact, limited by the law and so we do have constraints. We must remember those constraints.” Mr. Jackson expressed his appreciation for patrons coming out, both last week and this week. He shared how six years ago when he went into treatment for cancer – knowing 50% make it two years – he stayed on the Board and asked senior management to make accommodations, and they did. “We’ve had teachers throughout the district with cancer, none lost their jobs, many were frightened they would lose their jobs, none did, and many came back after treatment. The Cy-Fair family welcomed them.” Mr. Jackson then shared how, as a Board, they have asked for accommodations for teachers. “Not all can have accommodations.” He went on to say that our students need to be taught and not all choices are ours. Mr. Jackson thanked everyone for coming out tonight.

**Board member Debbie Blackshear** expressed her appreciation for the teachers who came forward this evening to share their concerns. She also expressed her appreciation for the teachers who have contacted her that are ready to go back to work to be in the classroom. Ms. Blackshear assured the incoming seniors that the district is going to strive to make their senior year as positive as can be. She acknowledged that the seniors will have an unusual start to the new school year but prays that in their final semester, they will have a more normal experience. Ms. Blackshear stated how she wishes she could predict the future during this unprecedented time. She then shared how when she has tough decisions to make, she trusts the God whom she has faith in to lead her in those decisions. Ms. Blackshear will continue to do this and will continue to pray for our teachers, our staff and our students as she has done each school year in the past. Ms. Blackshear prays that the things that we are most anxious about will not be our reality. “Thank you.”

**Board member Dr. Ogletree** thanked everyone who spoke tonight and to everyone who spoke on Thursday evening. Dr. Ogletree expressed how thankful he was to have citizens speak on the district’s resolution on racial inequities. Dr. Ogletree stated that this is a start but stressed that the district has much work to do. He believes that the district is fit for the task and will accomplish the task. Dr. Ogletree shared that he has two years left to serve on the CFISD Board and wants to make sure that when he completes his time on the Board that this issue has, at least, been dealt with in a significant way. He stated that it will take a lot of time, conversations, a lot of brutal honesty, evaluations and a lot of change. Dr. Ogletree spoke of how the Board was faced tonight with a difficult decision. A situation that none of the Board desired. Dr. Ogletree shared that he has served on this Board for over 15 years and has never had to make a decision that is so heartfelt and critical to the health and safety and educational achievement of our students. He stated how in the Board’s decision, they are trying to support Dr. Henry and his administration. “Our decision has great ramifications, and I think much of which are beyond our control.” Dr. Ogletree expressed what a great Board, superintendent and administration we have in this district and how their main concern is for the well-being of all students, teachers, administrative staff, custodians, food service personnel and many others. Dr. Ogletree expressed that the Board has a genuine concern for all but are forced to shoulder everyone’s concerns and needs. The approach has been to survey our parents, of which 38 percent want their children in class, 43 percent prefer virtual and others we’ve not heard from. “This is not a simple issue, solution.” Dr. Ogletree stated that the administration has worked hard to come up with a workable solution. He asked patrons to please remember and think about how the district has been put in this uncomfortable situation in opening schools. Dr. Ogletree described the situation being due to our political leaders in the state who have put politics over science. “We are a school district focusing on education, promoting STEM, and we’re being told to ignore science for business. We’ve been told that as if one doesn’t affect the other. We have been presented with a false dichotomy. This is a national pandemic and many of you have given rates, figures and the numbers, but we are being forced to act as if science doesn’t matter. And science matters.” Dr. Ogletree asked patrons to please understand that elections also matter. He stated that people who hold office have put all districts across the state of

Texas in this position and left districts to deal with this “quagmire.” He went on to say state officials have been following this position from Washington and not focusing on what’s best for Texas. Dr. Ogletree shared how we have over 5,000,000 students in Texas and speaking as a grandfather of grandchildren in this district, he promises that if the numbers rise, keep escalating, we will do the right thing for our teachers, staff and our students. “I promise you that. Thank you.”

**Board member Julie Hinaman** began by saying how honored she is to serve on the CFISD Board of Trustees – a little over a year now. Ms. Hinaman shared that for three years prior to becoming a Board member, she too sat in the audience listening to Board meetings as an interested citizen and parent. Ms. Hinaman expressed her appreciation for everyone being here this evening as an “engaged constituency.” She appreciates everyone’s interest and wanting to be involved in how and why decisions are made by the elected officials. “An engaged constituency and active voters are critical components of our democracy, much like education, which is the cornerstone of our democracy.” Ms. Hinaman assured the audience that the Board, Dr. Henry and the administrative team hears the public. They read every email, every letter and all comments on social media. She went on to describe how the Board, Dr. Henry and the administrative team are tied to the community as they too are parents, grandparents of students, parents of teachers, grandchildren of teachers and that teachers are parents and grandparents themselves. “We are all connected. We are friends and neighbors with teachers, nurses and bus drivers, so it’s not us versus them or you versus us. We are all going to get through this together.” Ms. Hinaman stated that as a Board, they have tried to give parents choices, the best choices for families. For employees, the district has tried to give choices to employees where possible, meeting the requirements of the federal government, the state governor and the Texas Education Agency. Ms. Hinaman reiterated how it is required by the governor to provide students in-person learning for students who do not have access to technology. “It also happens to be the right thing to do.” Ms. Hinaman stated that the attendance requirement for on-line learners comes directly from TEA. “We are held accountable for that.” Ms. Hinaman stated that she is very pleased that the district is working towards the goal of one-to-one access for students as this is critical for the district to provide virtual learning opportunities for students. She stated how this will have a positive impact for our students and their families. Ms. Hinaman thanked all the departments who are working so hard on this effort, this huge project. She thanked those involved – transportation, IT group, the Berry Center staff, nutrition services – who are working so diligently to get the Chromebooks into the hands of students. Ms. Hinaman shared that CFISD is one of the largest employers in Texas and that so many families rely on CFISD for their financial security. She also shared that contrary to what has been shared on social media, the district is providing paid leave to employees by following federal and state laws. Ms. Hinaman encouraged employees with questions to reach out to their supervisor or the district’s human resources department. Ms. Hinaman assured the community that the Board is 100 percent focused on their core mission, their purpose, which is to provide an exceptional education to all students in CFISD. Ms. Hinaman gave credit for implementing this purpose by acknowledging teachers, nurses, paras, bus drivers, nutritional services, technology, counselors, psychologists, facilities, maintenance, architects and administrators who all care about students and each other. Ms. Hinaman encouraged everyone to continue to come to both Board meetings each month. She also shared how state officials meet for a short period of time once every two years. One of the things they meet about is the state budget. She shared how during that time elected officials set a state budget which we have to live with for two years. Ms. Hinaman also shared with the reduction in state revenues that there is a very good chance that public education will be cut. With that said, Ms. Hinaman hopes that everyone can bring the same passion, energy and fight for schools and students and for each other when it comes time to go to Austin. Ms. Hinaman closed by stating how school districts need resources and support from our local government as well.

**Board member Bob Covey** commented how Thursday evening and this evening we had some “amazing” comments before the Board. He stated how proud he was to see such a large attendance this evening. Mr. Covey expressed how saddened he was by some of the comments recently made about the district’s reopening committee. Mr. Covey shared there were 32 on the reopening committee – the district’s usual committee member count – consisting of assistant superintendents, health, emergency, safety, psychological, guidance and counseling, curriculum, principals from elementary, middle and high schools, four teachers (one being a CFISD parent), two paraprofessionals, extracurricular, three students and one more parent. Mr. Covey went on to say that administration met with TSTA, ATPE and AFT representatives, as well as the CLC, and many questions were answered. Furthermore, Mr. Covey

expressed how important it is that district teachers, support staff and administrators understand that the elected CFISD Board of Trustees that serve them have a vested interest in their health and safety while staying focused on the Cy-Fair students and their educational experience. Mr. Covey shared how this Board of Trustees is very active on CFISD campuses and understands what is going on, with their feet on the floor, and what is happening with the teachers and the principals and everyone else involved in CFISD. He shared how during the Public Comment portion of the Board meeting that the Board of Trustees are not permitted to react or to respond to statements being made. “That’s a law. The Board must adhere to these rules and regulations and only address and discuss agenda items that have been duly posted.” Mr. Covey offered a side note on “going full virtual” and stated that if the district cannot furnish enough technology for each student, by law the district has to offer face-to-face instruction as well. Mr. Covey stated that those who do not want to return to work in schools have valid reasons and those who want schools open so their children can return and learn have valid reasons as well. Mr. Covey stated, “I think it’s all right if we have different thoughts, but it is best when those thoughts can come together and find a solution.” Mr. Covey shared how he sees people working in grocery stores, hardware stores, hospitals, restaurants – and the list goes on – and how those people are working in similar conditions around many many people every day who may or may not be practicing social distancing. Mr. Covey asked patrons, “Can all of you that are against returning to teaching tell me that you have not been in one of those facilities since March 2020? I think it’s a question to ask of yourself; and I appreciate, I totally appreciate the desire and the depth of loyalty that you have to this district.” Mr. Covey asked everyone for patience, flexibility, collaborative cooperation, but most important, teamwork. He stated that whatever rules and regulations, included in the framework of public education, the State Board of Education determines, we will have to follow that. He went on to say that even though we are an independent school district – and there are many decisions, we, as a school district can make – we have to follow the rules and regulations. In closing, Mr. Covey recognized Dave DeJohn who has done a remarkable job for CFISD the past five years. Mr. Covey announced that Dave will be answering his calling to go back into teaching at Yates High School in HISD. Mr. Covey praised Dave for the great job he has done in CFISD and for his dedication to his calling of being a teacher.

Board President Covey called for a recess at 8:02 p.m.

Board President Covey called the meeting back to order at 8:11 p.m.

Mr. Covey announced that the Board would proceed with the **Citizen Participation** portion of the agenda.

#### **4. Citizen Participation**

**4A.** Patrons who have duly registered per policy BED (Local) may address the Board regarding matters of concern/interest to the district, other than the character of any student, staff or Board member. The Board may not act upon any matter that is not listed under the action item portion of the agenda. (To participate, registration is between 5:30 and 5:50 p.m. on the day of the Board meeting at the entrance to the CFISD ISC Boardroom.)

No citizen participation this evening.

Mr. Covey announced that the **Reports** portion of the agenda was presented at the Board Work Session on Thursday, August 6, 2020.

Mr. Covey announced that the Board would proceed with the **Consensus Action Items** portion of the agenda.

#### **6. Action Items – Consensus**

**6A.** The board will consider approving the minutes of the June 16, 2020 Regular Board Meeting.

**6B.** The board will consider approving the minutes of the July 7, 2020 Special-Called Board Meeting.

**6C.** The board will consider approving the minutes of the July 21, 2020 Special-Called Board Meeting.

Mr. Covey announced that the Board would proceed with the following **Non-Consensus Action Items** that were moved to **Consensus** at the Board Work Session on Thursday, August 6, 2020.

**7. Action Items – Non-Consensus**

- 7A.** The Board will consider approving Board members to serve as delegate and alternate delegate to the 2020 Texas Association of School Boards (TASB) Annual Delegate Assembly.

The Board selected Trustee Julie Hinaman as the TASB Delegate and Trustee Gilbert Sarabia as the TASB Alternate Delegate.

- 7D.** The Board will consider approving on dual reading additions, revisions or deletions to district policies:

1. FFH (Local) Student Welfare: Freedom from Discrimination, Harassment and Retaliation (Revise)

- 7E.** The Board will consider a request for a TEA Parent Notice Requirements for Students at Risk of Failure Waiver.

- 7F.** The Board will consider a request for a TEA Reading Diagnostic Instrument Waiver.

- 7G.** The Board will consider approving the attached list of facilities for Off-Campus Physical Education, Category I, for the 2020-2021 school year.

- 7H.** The Board will consider approving the CFISD Connect Asynchronous Plan as the remote option for the 2020-2021 school year.

- 7I.** The Board will consider approving the District instructional material recommendations for Anatomy and Physiology courses.

- 7J.** The Board will consider approving the issuance of Career and Technical Education (CTE) teaching permits to applicants in lieu of standard teaching certifications as established in law.

- 7K.** The Board will consider approving the shared service arrangement between Cypress-Fairbanks ISD and Region 4.

- 7L.** The Board will consider authorizing the superintendent to execute a memorandum of understanding with East Carolina University for Speech Pathology Field Placement and Texas A&M University for a Masters' Level Practicum for School Psychology.

- 7N.** The Board will consider approving construction proposals and contracts paid from Bond Funds to the recommended contractors and authorize the Superintendent or designee to execute all necessary documents related to such contracts as follows:

1. 2019 High School Band Tower Replacements
2. 2019 High School Band Tower Replacements – Infrastructure
3. 2019 Transportation Centers Propane Tank Replacement & New Fuel Dispensing Stations
4. 2019 Matzke Road: Site Improvement Package

- 7O.** The Board will consider approving the granting of a Water Meter Easement to Cypress Creek Utility District for water service to Bleyl Middle School and authorize the Superintendent or designee to negotiate the final terms and execute all related documents.

- 7P.** The Board will consider the approval and execution of the plat for the Owens Elementary School property.



- 7Q. The Board will consider the approval and execution of the replat for the CFISD Perry Road Section 5 for the Maintenance and Operations Center.
- 7R. The Board will consider approving the Amended and Restated Declaration of Covenants, Conditions and Restrictions for Legacy Park and authorize the Superintendent or Designee to negotiate the final terms and execute all related documents.
- 7S. The Board will consider approving the granting of a waterline and temporary construction easement to the North Harris County Regional Water Authority (NHCRWA) located along Mills Road at Matzke Elementary School and authorize the Superintendent or designee to negotiate the final terms and execute all related documents.
- 7T. The Board will consider approving the granting of a right-of-way easement to Harris County located along Mills Road at Matzke Elementary School and authorize the Superintendent or designee to negotiate the final terms and execute all related documents.

Mr. Covey asked if any Board member wished to remove one or more items for further discussion. No further discussion was needed, so Mr. Covey asked for a motion to approve the consensus items as recommended or amended.

Board member Dr. Ogletree made a motion to approve.  
 Board member Tom Jackson seconded.  
**Motion passed by a 6 to 0 vote.**

Mr. Covey announced that it was determined at the Board Work Session on Thursday, August 6, 2020, that the following **Non-Consensus Action Items** remain on **Non-Consensus**.

- 7B. The Board will consider the endorsement of candidacy for Darlene Breaux, Page Rander, Position B; Anne Sung, Position D and Rose Avalos, Position H for the TASB Board of Directors representing Region 4.

Mr. Covey stated that Anne Sung, Position D, and Rose Avalos, Position H, representing Region 4 for the TASB Board of Directors were unopposed.

Mr. Covey then called for a motion to consider the endorsement of candidacy for Darlene Breaux or Page Rander, Position B, for the TASB Board of Directors representing Region 4.

Board member Dr. Ogletree made a motion to endorse Darlene Breaux,  
 Position B, for the TASB Board of Directors representing Region 4.  
 Board member Tom Jackson seconded.

Mr. Covey came forward with his endorsement of candidate Page Rander, Position B, for the TASB Board of Directors representing Region 4.

Hearing no further discussion, Mr. Covey asked that “all in favor” of Darlene Breaux, Position B, for the TASB Board of Directors, to signify by raising their right hand.

**Ayes:** Blackshear, Hinaman, Jackson, Ogletree, Sarabia  
**Nays:** Bob Covey  
 Darlene Breaux, Position B, was endorsed by the  
 CFISD Board of Trustees for the TASB Board of Directors.  
**Motion passed by a 5-1 vote.**

- 7C. The Board will consider adopting a resolution condemning racism and affirming the district’s commitment of Opportunity for All.

Mr. Covey announced that Dr. Ogletree, Mr. Sarabia and Ms. Hinaman would be presenting on the resolution.

Mr. Covey then called for a motion to adopt a resolution condemning racism and affirming the district's commitment of Opportunity for All.

Board member Tom Jackson made a motion to adopt a resolution.  
Board member Julie Hinaman seconded.  
**Motion passed by a 6-0 vote.**

Mr. Covey asked the Board if they had any questions or would like to discuss the resolution.

Mr. Jackson called for a motion to amend the resolution, stating Board members shall take continuing education pertinent to the equity audit.

Dr. Ogletree agreed to add the following statement as a friendly amendment to the resolution: "As Board members, we pledge to engage in continuing education in the area of racism, discrimination, injustice and inequality."

Board member Debbie Blackshear seconded.  
**Motion passed by a 6-0 vote.**

**7M.** The Board will consider awarding bids and contracts and/or authorizing purchase orders as recommended in the posted agenda item.

1. Assorted Food for Nutrition Services 2020
2. Assorted Non-Food Items for Nutrition Services 2020
3. Contracted Educational Services and Professional Development Services
4. District Fundraiser Services
5. Roof Repair Services
6. Software License and Maintenance Renewal/Expansion

Board member Tom Jackson made a motion to approve.

Board member Debbie Blackshear stated, on advice from counsel, she would abstain from voting because her son is employed by Jake's Finer Foods, who is being awarded a part of the contract on this item. The appropriate documents have been filed with the District/Board of Trustees.

Board member Dr. Ogletree seconded.  
**Motion passed by a 5 to 0 vote.**

**7U.** The Board will consider authorizing the administration to declare certain undeveloped district property as surplus and advertise the property for sale in accordance with state law and board policy.

Board member Tom Jackson made a motion to authorize.  
Board member Debbie Blackshear seconded.  
**Motion passed by a 6-0 vote.**

**7V.** The Board will consider authorizing the superintendent or designee to finalize and execute a purchase and sale agreement for an approximate 16-acre tract directly north of Hoover Elementary School and negotiate and execute any necessary closing documents, contracts, easements, utility service, post-closing, and development agreements, etc. [This item may be discussed in closed session pursuant to Section 551.072.]

Mr. Covey called for a motion to move to Closed Session.

Board member Tom Jackson made a motion to move to Closed Session.  
Board member Debbie Blackshear seconded.  
**Motion passed by a 6-0 vote.**

The Board of Trustees convened in Closed Session at 8:51 p.m.

Mr. Covey called for a motion to reconvene in Open Session at 9:06 p.m.

Board member Tom Jackson made a motion to move to Closed Session.  
Board member Julie Hinaman seconded.  
**Motion passed by a 6-0 vote.**

Mr. Covey called for a motion to authorize the superintendent or designee to purchase property, per Item 7V above.

Board member Dr. Ogletree made a motion to authorize.  
Board member Julie Hinaman seconded.  
**Motion passed by a 6-0 vote.**

### **Adjournment**

Board President Covey thanked everyone for attending and adjourned the meeting at 10:02 p.m.

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Bob Covey  
President, Board of Trustees

---

Debbie Blackshear  
Secretary, Board of Trustees

Approved: September 14, 2020



**David Piwonka**  
Tax Assessor/Collector  
Cy-Fair Tax Office  
[David.Piwonka@lgbs.com](mailto:David.Piwonka@lgbs.com)

September 1, 2020

Mr. Bob Covey  
President, Board of Trustees  
Cypress-Fairbanks Independent School District  
10300 Jones Road  
Houston, Texas 77065

Dear Mr. Covey,

In compliance with Section 26.04 of the Texas Property Tax Code, I hereby submit to you the following information regarding the 2020 Certified Values, as presented to me by the Chief Appraiser of the Harris County Appraisal District.

TAXABLE VALUE OF NEW PROPERTY:	\$ 1,295,578,640
TOTAL MARKET VALUE:	\$ 67,266,794,173
TOTAL APPRAISED VALUE:	\$ 66,553,834,132
TOTAL TAXABLE VALUE BEFORE FREEZE:	\$ 51,232,421,735

To comply with Section 26.01 of the Texas Property Tax Code, the Chief Appraiser sent a letter to me certifying a 2020 Taxable Value of \$51,232,421,735. As required by Sections 26.01(c) & (d) of the Tax Code, the letter also included the Estimated Taxable Value of those properties under protest of \$5,588,686,737, and properties not under protest, but not yet certified of \$1,153,788,141, for an estimated total taxable value of \$6,742,474,878.

Please note that the Harris County Appraisal District will continuously make adjustments and corrections to the 2020 Certified Roll.

Sincerely,

David Piwonka  
Tax Assessor-Collector



CERTIFICATION OF 2020 TAX YEAR  
ANTICIPATED COLLECTION RATE

I, David Piwonka, Tax Assessor Collector for Cypress-Fairbanks Independent School District (CFISD), in compliance with Section 26.04 of the State Property Tax Code, certify the anticipated tax collection rate to be 100% for CFISD.

I also hereby certify the amount of excess debt collection for 2019 to be \$0.00 (zero).

A handwritten signature in blue ink that reads "David Piwonka".

\_\_\_\_\_  
David J. Piwonka, CTA

September 4, 2020

\_\_\_\_\_  
Date

HARRIS COUNTY APPRAISAL DISTRICT  
HOUSTON, TEXAS

THE STATE OF TEXAS, }  
COUNTY OF HARRIS. }

2020  
CERTIFICATION OF APPRAISAL ROLL AND  
LISTING OF PROPERTIES UNDER SECS. 26.01(c) AND (d)  
FOR  
Cypress-Fairbanks ISD

Pursuant to Section 26.01(a), Texas Tax Code, I hereby certify the 2020 appraisal roll of properties taxable by Cypress-Fairbanks ISD. The roll is delivered in electronic form.

The total appraised value now on the appraisal roll for this unit is: \$66,553,834,132

The taxable value now on the appraisal roll for this unit is: \$51,232,421,735

As required by Section 26.01(c), Texas Tax Code, I have included with your roll a listing of those properties which are taxable by the unit but which are under protest and are therefore not included in the appraisal roll values approved by the appraisal review board and certified above. My estimate of the total taxable value which will be assigned to such properties if the owners' claims are upheld by the appraisal review board is: \$5,588,686,737

Pursuant to Section 26.01(d), Texas Tax code, the estimated value of taxable property not under protest and not yet included on the certified appraisal roll, after hearing loss, is \$1,153,788,141

Signed this 4th day of September, 2020



*Roland Altinger*

Roland Altinger, CAE, RPA, CTA  
Chief Appraiser

ASSESSOR'S ACKNOWLEDGEMENT

As tax assessor/collector of the above-named taxing unit, I hereby acknowledge receipt of the certified 2020 appraisal roll on this the 4TH day of September, 2020

*David Kusonika*

004 CYPRESS-FAIRBANKS ISD  
 TAX YEAR: 2020

HARRIS COUNTY APPRAISAL DISTRICT  
 PROPERTY USE CATEGORY RECAP  
 CERTIFIED ROLL 00

LAST UPDATED: 08/21/2020  
 DELV DATE: 09/04/2020

PROPERTY USE CATEGORY	UNITS	ACREAGE	MARKET	APPRAISED	PRODUCTIVITY	EXEMPTIONS	TAXABLE VALUE
A1 Real, Residential, Single-Family	146,597	22,170.2236	34,806,257,451	34,559,965,617	0	9,192,056,453	25,367,909,164
A2 Real, Residential, Mobile Homes	716	322.5007	53,083,421	49,036,017	0	9,966,696	39,069,321
B1 Real, Residential, Multi-Family	192	2,106.7484	3,914,885,756	3,914,882,878	0	51,074	3,914,831,804
B2 Real, Residential, Two-Family	83	11.7109	17,151,718	16,999,228	0	703,418	16,295,810
B3 Real, Residential, Three-Family	2	0.4352	780,903	780,903	0	0	780,903
B4 Real, Residential, Four- or More-Family	1	0.2777	265,145	265,145	0	0	265,145
C1 Real, Vacant Lots/Tracts	521	223.7340	19,781,644	18,721,643	0	176,744	18,544,899
C2 Real, Vacant Commercial	1,467	3,800.1013	317,528,383	313,169,161	0	3,978,561	309,190,600
C3 Real, Vacant	5,983	3,478.2069	108,790,748	87,882,952	0	1,949,355	85,933,597
D1 Real, Qualified Agricultural Land	311	9,692.0844	407,514,050	0	6,529,846	41,673	6,488,173
D2 Real, Unqualified Agricultural Land	107	1,523.6972	25,334,101	21,418,724	0	0	21,418,724
E1 Real, Farm & Ranch Improved	50	107.1996	35,643,017	34,504,417	0	5,612,378	28,892,039
F1 Real, Commercial	4,558	13,874.8422	12,859,512,797	12,829,454,836	0	6,660,895	12,822,793,941
F2 Real, Industrial	131	2,525.6850	1,170,257,294	1,170,257,294	0	8,303,890	1,161,953,404
G1 Oil and Mineral Gas Reserves	51	0.0000	1,226,200	1,226,200	0	0	1,226,200
G2 Real Property Other Mineral Reserves	0	0.0000	0	0	0	0	0
H1 Tangible, Vehicles	0	0.0000	0	0	0	0	0
H2 Tangible, Goods In Transit	0	0.0000	0	0	0	0	0
I1 Real, Banks	0	0.0000	0	0	0	0	0
J1 Real & Tangible Personal, Utility water	18	5.6684	2,376,689	2,376,689	0	0	2,376,689

004 CYPRESS-FAIRBANKS ISD  
TAX YEAR: 2020

HARRIS COUNTY APPRAISAL DISTRICT  
PROPERTY USE CATEGORY RECAP  
CERTIFIED ROLL 00

LAST UPDATED: 08/21/2020  
DELV DATE: 09/04/2020

PROPERTY USE CATEGORY	UNITS	ACREAGE	MARKET	APPRAISED	PRODUCTIVITY	EXEMPTIONS	TAXABLE VALUE
J2 Gas Companies	3	97.4100	78,418,521	78,418,521	0	0	78,418,521
J3 Electric Companies	103	624.0474	268,339,761	268,339,761	0	7,760	268,332,001
J4 Telephone Companies	16	11.0819	67,814,353	67,814,353	0	0	67,814,353
J5 Railroads	51	353.2061	22,695,584	22,695,584	0	0	22,695,584
J6 Pipelines	292	6.1920	50,482,092	50,482,092	0	129,950	50,352,142
J7 Major Cable Television Systems	4	0.0000	72,571,300	72,571,300	0	0	72,571,300
L1 Tangible, Commercial	15,211	0.0000	3,577,532,053	3,577,532,053	0	470,844,613	3,106,687,440
L2 Tangible, Industrial	1,829	0.0000	5,520,953,911	5,520,953,911	0	2,020,561,301	3,500,392,610
M1 Tangible, Nonbusiness Watercraft	0	0.0000	0	0	0	0	0
M2 Tangible, Nonbusiness Aircraft	0	0.0000	0	0	0	0	0
M3 Tangible, Mobile Homes	1,787	0.0000	26,827,260	26,820,380	0	6,013,869	20,806,511
M4 Tangible, Miscellaneous	0	0.0000	0	0	0	0	0
N1 Intangibles	0	0.0000	0	0	0	0	0
O1 Inventory	1,232	17.7220	36,929,151	36,929,151	0	35,500	36,893,651
O2 Inventory	449	0.0000	74,563,325	74,563,325	0	611,661	73,951,664
S1 Dealer Inventory	154	0.0000	135,535,545	135,535,545	0	0	135,535,545
U0 Unknown	0	0.0000	0	0	0	0	0
XA Public Property for Housing Indigent Persons	0	0.0000	0	0	0	0	0
XB Income Producing Personal Property (<\$500)	0	0.0000	0	0	0	0	0
XC Mineral Interest (<\$500)	0	0.0000	0	0	0	0	0



004 CYPRESS-FAIRBANKS ISD

HARRIS COUNTY APPRAISAL DISTRICT

LAST UPDATED: 08/21/2020

TAX YEAR: 2020

PROPERTY USE CATEGORY RECAP

DELV DATE: 09/04/2020

CERTIFIED ROLL 00

PROPERTY USE CATEGORY	UNITS	ACREAGE	MARKET	APPRAISED	PRODUCTIVITY	EXEMPTIONS	TAXABLE VALUE
XD Improving Property for Housing w/ Volunteer Labor	0	0.0000	0	0	0	0	0
XE Community Housing Development Organizations	2	19.8482	19,400,090	19,400,090	0	19,400,090	0
XF Assisting Ambulatory Health Care Centers	0	0.0000	0	0	0	0	0
XG Primarily Performing Charitable Functions	3	4.9708	1,132,217	1,132,217	0	1,132,217	0
XH Developing Model Colonia Subdivisions	0	0.0000	0	0	0	0	0
XI Youth Spiritual, Mental and Physical Development	3	62.8643	19,586,609	19,586,609	0	19,586,609	0
XJ Private Schools	12	70.6932	38,462,118	38,462,118	0	38,462,118	0
XL Economic Development Services to Local Community	0	0.0000	0	0	0	0	0
XM Marine Cargo Containers	0	0.0000	0	0	0	0	0
XN Motor Vehicles Leased for Personal Use	0	0.0000	0	0	0	0	0
XO Motor Vehicles (Income Production & Personal Use)	0	0.0000	0	0	0	0	0
XP Offshore Drilling Equipment Not In Use	0	0.0000	0	0	0	0	0
XQ Intracoastal Waterway Dredge Disposal Site	0	0.0000	0	0	0	0	0
XR Nonprofit Water or Wastewater Corporations	1	0.0000	54,190	54,190	0	54,190	0
XS Raw Cocoa and Green Coffee Held in Harris County	0	0.0000	0	0	0	0	0
XT Limitation on Taxes in Certain Municipalities	0	0.0000	0	0	0	0	0
XU Miscellaneous Exemptions	5	1.2839	165,759	165,759	0	165,759	0
XV Other Exempt (Incl Public, Religious, Charitable)	8,231	25,784.2295	3,514,941,017	3,514,905,623	0	3,514,905,623	0
<b>JURISDICTION TOTALS:</b>	190,176	86,896.6648	<b>\$67,266,794,173</b>	\$66,547,304,286	\$6,529,846	\$15,321,412,397	<b>\$51,232,421,735</b>



### HISTORY OF CFISD TAX RATES

<b>CFISD TAX RATES</b>	<b>11-12</b>	<b>12-13</b>	<b>13-14</b>	<b>14-15</b>	<b>15-16</b>	<b>16-17</b>	<b>17-18</b>	<b>18-19</b>	<b>19-20</b>	<b>20-21</b>
<b>Maintenance &amp; Operations</b>	\$ 1.04	\$ 1.04	\$ 1.04	\$ 1.04	\$ 1.04	\$ 1.04	\$ 1.04	\$ 1.06	\$ 0.97	\$ 0.9555
<b>Interest and Sinking</b>	\$ 0.39	\$ 0.41	\$ 0.41	\$ 0.40	\$ 0.40	\$ 0.40	\$ 0.40	\$ 0.38	\$ 0.40	\$ 0.4000
<b>Total Tax Rate</b>	<b>\$ 1.43</b>	<b>\$ 1.45</b>	<b>\$ 1.45</b>	<b>\$ 1.44</b>	<b>\$ 1.44</b>	<b>\$ 1.44</b>	<b>\$ 1.44</b>	<b>\$ 1.44</b>	<b>\$ 1.37</b>	<b>\$ 1.3555</b>

# Cypress-Fairbanks Independent School District

## 2020 TAX RATE RESOLUTION

**A RESOLUTION OF THE CYPRESS-FAIRBANKS INDEPENDENT SCHOOL DISTRICT LEVYING TAXES UPON ALL TAXABLE PROPERTY WITHIN THE CYPRESS-FAIRBANKS INDEPENDENT SCHOOL DISTRICT OF HOUSTON, TEXAS, FOR THE YEAR 2020 AND PRESCRIBING THE PURPOSE FOR WHICH SAID TAXES SHALL BE LEVIED AND COLLECTED.**

Section 26.05 of the Texas Tax Code requires that the District include the following statement in this Resolution: **“THIS TAX RATE WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR’S TAX RATE.”**

**WHERE AS, THE BOARD WILL BE LEVYING AN ACTUAL TAX RATE FOR MAINTENANCE AND OPERATIONS AND AN ACTUAL TOTAL TAX RATE THAT IS \$0.0145 OR 1.45 CENTS LESS THAN THE ACTUAL TAX RATE LEVIED IN THE PRIOR YEAR.**

**BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE CYPRESS-FAIRBANKS INDEPENDENT SCHOOL DISTRICT:**

**THAT THERE IS HEREBY LEVIED A TAX UPON ALL TAXABLE PROPERTY WITHIN THE DISTRICT, AT A RATE OF \$1.3555 ON EACH ONE HUNDRED DOLLARS ASSESSED VALUATION FOR THE PURPOSE AND IN THE ALLOCATED AMOUNTS HEREINAFTER DESCRIBED, AND**

That there is hereby levied and there shall be collected for the use and support of the Cypress-Fairbanks Independent School District to provide for the local maintenance and operations of the general government and for interest and sinking funds for the year, 2020, upon all property, real, personal and mixed, within the limits of said District subject to taxation, a tax of \$1.3555 on each one hundred dollars (\$100.00) assessed valuation of property, said tax being so levied and apportioned to the specific purposes herein set forth:

- (a) For the local **Maintenance and Operations** of the general government (General Fund) \$0.9555 on each one hundred dollars (\$100.00) assessed valuation of property; and
- (b) For the **Interest and Sinking Funds**, \$0.40 on each one hundred dollars (\$100.00) assessed valuation of property to be apportioned as follows: As per bond ordinances previously adopted to which reference is hereby made.

**PASSED AND APPROVED** this the 14th day of September 2020. Voting for the Resolution:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Voting against the Resolution:

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\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
President Board of Trustees  
Cypress-Fairbanks Independent School District

ATTEST:

\_\_\_\_\_  
Secretary, Board of Trustees  
Cypress-Fairbanks Independent School District

(District Seal)





**CYPRESS-FAIRBANKS  
INDEPENDENT  
SCHOOL DISTRICT**

Proposed 2020  
Tax Rate

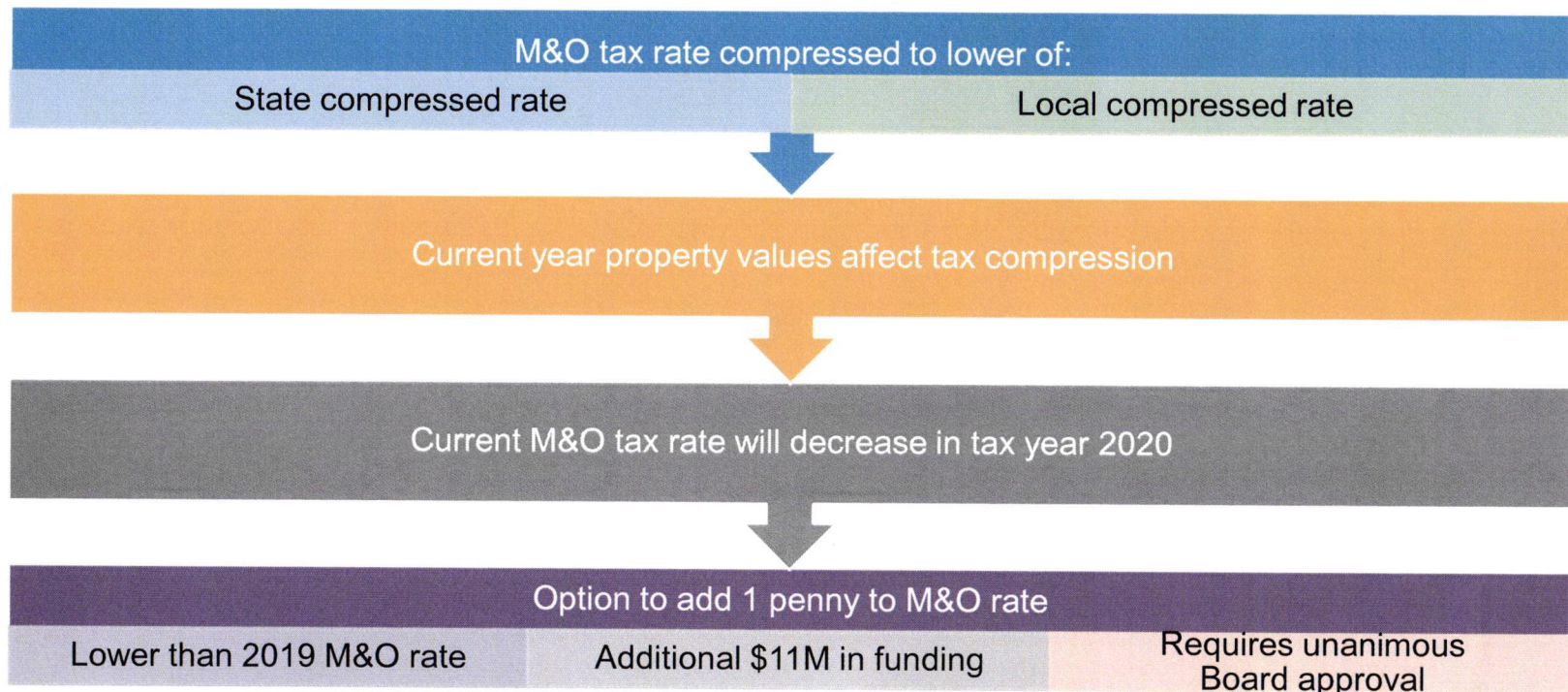




# 2020-2021 Tax Rate Calculation Method

- Maximum Compressed Rate
  - Maintenance & Operations
  - Determined by TEA
- No-New-Revenue Tax Rate (NNR)
  - Tax rate that would produce the same levy in the coming year
    - Adjust prior year for new exemptions, appeals, etc.
    - Remove new items not on appraisal roll in prior year

# Maximum Compressed Tax Rate





## Proposed Tax Rate

- Proposed total tax rate of \$1.3555
  - Less than 2019 total tax rate of \$1.37
  - More than 2020 total NNR tax rate of \$1.3455

- Board motion to adopt tax rate:

*“I move that the property tax rate be increased by the adoption of a tax rate of \$1.3555, which is effectively a 0.74 percent increase in the tax rate.”*

- Resolution must include:

*“This tax rate will raise more taxes for maintenance and operations than last year’s tax rate.”*



Total Tax Rate



\$0.0145



# History of Property Tax Rates

Year	Tax Rate
2011	\$1.4300
2012	\$1.4500
2013	\$1.4500
2014	\$1.4400
2015	\$1.4400
2016	\$1.4400
2017	\$1.4400
2018	\$1.4400
2019	\$1.3700
2020	\$1.3555*

\*Proposed

# Proposed Tax Rates 2020-2021

Description	Tax Rate
Maintenance & Operations	\$0.9555
Interest & Sinking	0.4000
Total Tax Rate	<u>\$1.3555</u>





QUESTIONS

**CYPRESS-FAIRBANKS ISD**

**STUDENT CODE OF CONDUCT**

**2020-2021**


## 2020-2021 Student Handbook/Student Code of Conduct

Dear Parents or Guardians,

This publication contains the Student Handbook and Student Code of Conduct for Cypress-Fairbanks ISD 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 behavior 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 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 that will reinforce the district's priority goal of safe schools for all students and staff.

Sincerely,

A handwritten signature in black ink that reads "Mark Henry". The signature is written in a cursive style with a large, looping "H" and "y".

Mark Henry, Ed. D.  
Superintendent of Schools

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**Glossary**



## **Major changes to the Code of Conduct**

The following changes have been made to the Code of Conduct:

Added:

- Expanded list of restorative corrective actions (CC-7&8)
- Remote Learning Etiquette & Expectations (CC-12)

In addition, based on committee recommendations, some descriptions have been rephrased to improve readability.

# STUDENT CODE OF CONDUCT

## Purpose

The Student Code of Conduct is the district's response to the requirements of Chapter 37 of the Texas Education Code.

The Code provides methods and options for managing students in the classroom, on school grounds, on school buses and vehicles owned or operated by the district, disciplining students, and preventing and intervening in student discipline problems.

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

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

In accordance with state law, the Code of Conduct shall be posted on each school campus or shall be available for review at the office of the principal, assistant principal, registrar, counselor, library and reception area. Additionally, the Code shall be posted on the district's website: [www.cfisd.net](http://www.cfisd.net). Parents shall be notified of any conduct violation that may result in a student being suspended, placed in a discipline management class (DMC), placed in a disciplinary alternative education program (DAEP), or expelled.

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

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

For the purposes of this document, campus principals, associate principals and assistant principals are the designated Campus Behavior Coordinators (CBC) and are responsible for maintaining student discipline. The district shall post on its website for each campus, the e-mail address and telephone number of the person serving as a campus behavior coordinator. Contact information may be found at [www.cfisd.net](http://www.cfisd.net).

**Purpose** *(continued)*

The Glossary, found at the end of the Code, provides definitions for misconduct and terminology used throughout the document; the Texas Education Code provides detailed discipline information and can be accessed through this link:

<https://statutes.capitol.texas.gov/Docs/ED/htm/ED.37.htm>

**Accessibility Assistance**

If you have difficulty accessing the information in this document because of a disability, please contact Student Services at 281-897-4147 or [studentservices@cfisd.net](mailto:studentservices@cfisd.net) for assistance.

**All students are expected to adhere to the Safety Pledge:**

**Elementary Safety Pledge**

I want my school to be a place where all students feel safe and treat each other with respect.  
I will keep my hands and feet to myself and not touch personal belongings of others.  
I will not bully, tease or hurt anyone. If I hear or see bullying/cyberbullying 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 respect and maintain personal space of others.  
I will not bully, tease or hurt anyone. If I hear or see bullying/cyberbullying 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 Standards for Conduct**

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.

Students are expected to:

1. abide by the Student Safety Pledge.
2. adhere to requirements of the Student Code of Conduct.

### **Student Standards for Conduct** *(continued)*

3. attend all classes, regularly and on time whether in-person or remote.
4. cooperate with or assist the school staff in maintaining safety, order, and discipline.
5. report any acts of bullying/cyberbullying, dangerous behaviors, and/or situations to school personnel.
6. 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.
7. respect the rights and privileges of other students, teachers and other district staff, and volunteers.

### **Parent Standards for Conduct**

Parents or legal guardians are expected to:

1. bring to the attention of school authorities any learning problem or condition that may relate to their child's education.
2. encourage their child to adhere to the Student Code of Conduct and school discipline policies.
3. ensure student safety by adhering to established drop-off and pick-up times and procedures.
4. act in a manner that is appropriate for the school setting and does not pose a substantial risk of harm to others.
5. refrain from photographing, audio or video recording other adults or students without permission.
6. provide appropriate identification when requested by school personnel and display required visitor identification while on school premises.
7. complete the Parent Acknowledgment Statement indicating that you are aware that the Student Code of Conduct and Student Handbook are available online and that a hard copy will be provided upon request to the campus.

### **Refusal of Entry, Ejection, Identification**

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

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

Appeals regarding refusal of entry or ejection from district property may be filed in accordance with Board policies FNG (LOCAL) or GF (LOCAL), as appropriate. However, the timelines for the district's grievance procedures shall be adjusted as necessary to permit the person to address the board in person within 90 days, unless the complaint is resolved before a board hearing.

### **School District Authority and Jurisdiction**

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

**School District Authority and Jurisdiction***(continued)*

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.

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 district 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 prohibits the use of corporal punishment.

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 or a school-sponsored or school-related activity on district transportation;
2. for offenses committed on school property, or while attending a school-sponsored or school-related activity of another district in Texas;
3. for offenses committed within 300 feet of school property as measured from any point on the school's real property boundary line;
4. when criminal mischief is committed on or off school property, or at a school-related event;
5. when retaliation against a school employee, board member, or volunteer occurs or is threatened, regardless of time or location;
6. when a student engages in bullying/cyberbullying, as provided by Texas Education Code 37.0832;

**Disciplinary Authority of the School District***(continued)*

7. when the student commits a felony, as provided by Texas Education Code Sections 37.006 or 37.0081;
8. when the student is required to register as a sex offender;
9. while the student is in attendance at any school-related activity, regardless of time or location;
10. for any school-related misconduct, regardless of time or location.

The district has the right:

1. to revoke the transfer of a student.
2. to search a vehicle driven to school by a student and parked on school property whenever there is reasonable suspicion to believe it contains articles or materials prohibited by the district.
3. to search or inspect at any time without notice desks, lockers, district-provided technology and similar items that are the property of the district and are provided for student use as a matter of convenience.
4. to limit a student's participation in graduation activities for violating the district's Student Code of Conduct. Participation might include a speaking role, as established by district policy and procedures.
5. to refuse entry onto school or district grounds to persons who do not have legitimate business at the school or the district facility.

**Parent Notification**

The assistant principal shall promptly notify a student's parent by phone or in person of any violation that may result in:

1. in-school suspension,
2. out-of-school suspension,
3. placement in a DAEP,
4. expulsion or
5. the student being taken into custody by a law enforcement officer under the disciplinary provisions of the Texas Education Code.

A good faith effort shall be made on the day the action was taken to provide to the student for delivery to the student's parent written notification of the disciplinary action. If the parent has not been reached by telephone or in person by 5 PM of the first business day after the day disciplinary action was taken, the assistant principal shall send notification via email or US mail. If the assistant principal is not able to provide notice to the parent, the principal or designee shall provide the notice.

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

**Discipline Assignment and Notification**

Assignment	Recommended or Assigned By	Notification / Due Process	Appeal To
Detention Hall (DH)	Teacher or Assistant Principal	Phone notification and conference* and written communication	Principal or designee
Discipline Management Class (DMC)	Assistant Principal	Phone notification and conference* and written communication	Principal or designee
Suspension	Assistant Principal	Phone notification and conference* and written communication	Principal or designee
Disciplinary Alternative Education Program (ALC/SAC/SOS)	Assistant Principal	Phone notification and conference* and written communication	Principal or designee Or <i>Office of Student Services when the placement extends beyond the end of the next grading period</i>
Expulsion (JJAEP)	Principal	Phone notification and conference* and written communication	<ul style="list-style-type: none"> <li>• Office of Student Services</li> <li>• Board of Trustees</li> <li>• District Court</li> </ul>

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

**Behavior Management Techniques**

In general, discipline will be designed to improve conduct and to encourage all students to adhere to their responsibilities as citizens of the school community. Disciplinary action shall draw on the professional judgment of teachers and administrators and on a range of behavior management techniques, including restorative practices. Discipline shall be based on the seriousness of the offense, the student’s age and grade level, the frequency of misbehavior, the student’s attitude, the effect of the misconduct on the school environment, and statutory requirements. Because of these factors, discipline for a particular offense, unless otherwise specified by law, may bring into consideration varying techniques and responses.

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 when deciding whether to suspend, place or expel 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,

**Behavior Management Techniques** *(continued)*

4. the student's disability (a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct),
5. a student's status in foster care, or
6. a student's status as homeless.

The district will provide, as appropriate for students at each grade level, restorative practices and behavior management including, but not limited to, options for:

1. managing students in the classroom, on school grounds, and on the school bus or vehicle owned and operated by the district;
2. disciplining students; and
3. preventing and intervening in student discipline problems, including bullying/cyberbullying, harassment, and making hit lists.

The following corrective action options include restorative practices and behavior management techniques and consequences which may be used alone or in combination for Student Code of Conduct and non-Student Code of Conduct violations:

1. administrator/BI/counselor/teacher/student conference
2. behavior coaching (anger management strategies, skill building, social skills lessons)
3. check-in/check-out
4. confiscation of nuisance items
5. conflict resolution (peer mediation, restorative circles, Stay Away Agreements)
6. contract
7. cooling-off time or "time-out"
8. counseling by school personnel
9. detention
10. expulsion (Level V violations only)
11. flexible scheduling
12. grade penalty for cheating
13. in-school suspension – discipline management class (DMC)
14. mentor program
15. oral or written correction
16. out-of-school suspension (Level III, Level IV, and Level V violations only)
17. parent contact: note, call or conference
18. parent outreach/training opportunities
19. Positive Behavioral Intervention and Support (PBIS)
20. prompting/ reminder of expectations
21. reflective activity (book/movie study, educational project)
22. removal from school bus/regular classroom in the form of a routine office referral
23. removal to a discipline alternative education program (DAEP) (Level III and Level IV violations only)
24. restoration or restitution, as applicable
25. rewards or demerits



### **Behavior Management Techniques***(continued)*

26. seating changes within the classroom or bus
27. service project (campus/community)
28. student support plan
29. withdrawal of privileges, such as attendance at or participation in extracurricular activities or school-sponsored or school-related events (i.e. homecoming, prom, or graduation), eligibility for seeking and holding honorary offices, or membership in school-sponsored clubs and organizations
30. other strategies and consequences as determined by school officials

### **Bus Conduct/Transportation**

1. School buses are provided to transport students to and from school and/or related activities and are considered an extended part of the school day.
2. In order to promote a safe and pleasant ride, video cameras may be used to assist the driver.
3. District rules and guidelines are applicable on the buses or vehicles owned, operated or controlled by the district.
4. Any violation of the rules will be reported by the bus driver to the respective principal or designee for corrective action. Restitution for any damages incurred must be made before returning to the bus.
5. Students violating bus rules are subject to disciplinary consequences, which may include having a re-assigned seat on the bus and/or suspension of bus riding privileges.
6. When a disruption occurs on a CFISD bus, students may be removed from the bus and transported to the CFISD Police Department where a parent/guardian will be contacted to pick up his/her child. In addition to school disciplinary action, students may receive written citations or criminal complaints filed against them by CFISD Police Department in accordance with state law. If a parent/guardian cannot be contacted, the student may be transported to the Department of Family and Protective Services (DFPS).
7. While students are suspended and/or removed from the bus, it will be the responsibility of the parents or guardians to transport students to and from school.
8. Serious misbehavior could result in immediate removal from the bus.

### **Student Expected Bus/Transportation Behavior**

**All students are expected to adhere to the following rules when being transported by buses or vehicles owned, operated or controlled by the district.** All administrators 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.

1. Boarding school buses:
  - a. Be at your stop at least 5 minutes prior to scheduled pick up time. The bus cannot wait.
  - b. Please wait for your bus in designated areas, away from the roadway.
  - c. Be seated and remain seated until the bus is released by your driver.
2. 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.

**Student Expected Bus/Transportation Behavior** *(continued)*

- b. Stay out of the bus 'danger zone' (within 10 feet of the bus). Never cross behind the bus.
3. 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.
4. Students must properly wear seat belts while being transported in any seat belt equipped vehicle that is owned, leased, or utilized by the district.
5. 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.
6. Students must not try to get on or off the bus or move about within the bus while it is in motion.
7. Students must not write on or deface any part of the bus. Any damage to the bus must be reported to the driver immediately. Students who write on or deface any part of the bus are subject to suspension from bus riding privileges, restitution and/or additional disciplinary action for all damages.
8. Glass containers of any type may not be brought on the school bus.
9. No live animals may be transported on school buses, with the exception of official service animals.
10. The emergency exits will be used only in emergencies.
11. Fighting in any form while riding on the bus may result in suspension of bus riding privileges.
12. Students must respect private property at each designated bus stop.
13. Students are not permitted to bring skateboards on the bus.
14. District cell phone policy applies to buses.
15. Unauthorized entry on the bus without driver's permission is strictly prohibited and could result in citation or arrest in accordance with state law.

**Parents, Guardians and Persons Acting in loco parentis will:**

1. be responsible and accountable for the conduct and safety of their children at all times prior to the arrival and after the departure of the school bus at the assigned school bus stop;
2. understand and support district guidelines, policies, regulations and principles of school bus safety;
3. assist students in understanding safety rules and encourage them to abide by them;
4. be cognizant of their own responsibilities for the actions of their children.

**Prohibition of Bullying/Cyberbullying**

The district prohibits bullying and cyberbullying 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.

Reports of bullying/cyberbullying shall be made as soon as possible after the alleged act or knowledge of the alleged act. A failure to immediately report may impair the district's ability to investigate and address the prohibited conduct.

**Prohibition of Bullying/Cyberbullying** *(continued)*

To obtain assistance and intervention, any student who believes that he or she has experienced bullying/cyberbullying or believes that another student has experienced bullying/cyberbullying should immediately report the alleged acts to a teacher, counselor, principal, or other district employee.

Any district employee who suspects or receives notice that a student or group of students has or may have experienced bullying/cyberbullying shall immediately notify the principal or designee.

A report may be made orally or in writing. A report may also be reported anonymously through the Cy-Fair Tip Line (<http://www.cfid.net/en/parents-students/safety/cyfair-tipline/>)  
The principal or designee shall reduce any oral report to written form.

**Bullying/Cyberbullying Transfer**

On the request of a parent or other person with authority to act on behalf of a student who is a victim of bullying, a board or its designee shall transfer the victim to:

1. another classroom at the campus to which the victim was assigned at the time the bullying occurred; or
2. a campus in the district other than the campus to which the victim was assigned at the time the bullying occurred.

For each transfer requested, the district shall explore transfer options, as appropriate. Contact a campus administrator for information regarding a bullying/cyberbullying transfer request.

**Prohibition of Hazing**

Students and organizations are prohibited from initiating or engaging in hazing or from encouraging or assisting any other person in hazing.

**Prohibition of Gangs/Gang Activity**

Gangs or gang activity will not be tolerated in Cypress-Fairbanks ISD 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, bandanas, jewelry, graffiti or drawings of gang symbols on notebooks or clothing, haircuts, tattoos, rosary beads or other religious symbols.

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. 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.

### **Prohibition of Telecommunication Devices**

Except as noted in this section, during the school day, students are generally prohibited from using all telecommunication devices such as, but not limited to, cellular phones. Such devices must not be visible and must remain turned off during the 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 photographing or videoing of the image of another without permission or in any way invades the person's privacy, casts the person in a negative or embarrassing light, or that disrupts the educational environment, is prohibited.

*Exception: Teachers have the authority to allow students to use telecommunication devices, such as, but not limited to, cell phones, netbooks, iPods, iPads, eBooks, for instructional purposes within the confines of the classroom.*

Individual campuses may adopt "telecommunication device" rules that are less restrictive than the aforementioned rules and these amended procedures may identify other non-instructional times during the school day where these devices may be in use without penalty. These procedures must be approved by the campus principal and must be clearly communicated to the students and parents prior to implementation. A copy of the amended procedures must be on file with the Office of Student Services.

A school day is defined as anytime students are under the direct supervision of a Cypress-Fairbanks ISD employee. This includes, but is not limited to, class time; before, during, or after any assessment; passing periods between classes; lunch time; recess; after school tutorials, 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 that are available for student use, upon request, and based on need.

Violation of the rules during any assessment such as, but not limited to, EOC, STAAR, or locally designed assessment, etc. prohibits an optimum testing environment and, therefore, may result in an invalid assessment. Use of a cell phone or any other unapproved telecommunication 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 these rules 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 telecommunication device to school personnel when asked to do so, or repeated violations of this section, may result in additional disciplinary action, including confiscation of the device for a period of time up to the remainder of the school year.

### **Prohibition of Telecommunication Devices***(continued)*

**Note: Parents are requested not to contact their child during the 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, including items that may have been confiscated.

Because telecommunication devices are brought at a student's own risk, the CFISD Police Department will not investigate or file theft reports for students or parents for the loss of a telecommunication device at school. In addition, the theft of any other item considered prohibited or contraband will not be investigated.

### **Remote Learning Etiquette & Expectations**

Online class meeting sessions are an important component of remote learning. In large measure, they provide the needed interaction of a live traditional class. Given the constraints of the medium, all participants in the online class session should adhere to the following rules and best practices in order to ensure the best possible learning environment. Remote instruction is a virtual classroom; therefore, all classroom rules apply.

1. Students should only enter, or attempt to enter, their regularly scheduled assigned class meeting session using their proper name and appropriate profile picture.
2. Class meeting IDs should not be shared with others outside of the class.
3. The background for a class meeting session should be appropriate to the school setting, clear of distractions, and offer enough light for the student's face to be visible.
4. Students should arrive on time for the class meeting session. The student will be admitted to the "waiting room" before being admitted to the class.
5. Students should log into the class meeting session using their CFISD student network user log-in.
6. Students should report to their class meeting session properly groomed and dressed for class. (see Student Handbook for guidelines)
7. Posture in front of the camera should be conducive to active learning and participation. The student's full face should be visible in the camera frame.
8. As expected of any class interaction, participants are to treat each other with courtesy and respect. Appropriate language should be used for all forms of communication including but not limited to emails, discussion postings, group projects, and submitted assignments which may be part of or an extension of the class meeting interaction.
9. Students should refrain from taking screenshots or screen recordings of virtual classrooms without the explicit permission from the teacher and class members.
10. Students should refrain from engaging in any disruptive or prohibited behavior during virtual learning activities.

### **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 that most frequently causes a disruption to the orderly educational process. The acts of misconduct listed in Levels I, II, III, IV and V are not exhaustive. The student who commits an act of misconduct that may be classified into any of the five levels will be subject to the disciplinary action assigned by the classroom teacher and/or campus administrator. When these assignments or recommendations occur, the administrator will consider the following factors:

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. the student's disability (a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct),
5. a student's status in foster care, or
6. a student's status as homeless.

### **Disciplinary Authority of the Campus Principal**

**The building principal has the final authority in determining the disciplinary assignment for a student's misconduct and discipline decisions of the principal may not be appealed, including through the use of one of the district's grievance policies, except as noted herein.**

The only 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.

## **LEVEL I**

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**Level I violations include infractions that are generally violations of classrooms (in-person or remote) school buses or vehicles owned or operated by the district, or campus rules on school property or during any school-sponsored or school-related activity. These are violations that can be corrected by the classroom teacher and other staff using restorative practices and strategies. Teachers and other staff members may keep a written record of the violation. However, certain violations may be elevated to Level II based on the severity or context of the misconduct.**

**Remote instruction is a virtual classroom; therefore, all classroom rules apply.**

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

1. being tardy to class
2. eating or drinking in an undesignated area
3. failure to deliver and/or return written communication between home and school
4. not bringing required classroom materials and/or assigned work to class, (including, but not limited to, network login ID and/or password, computer resources)
5. possessing and/or using nuisance items
6. refusing to follow classroom rules (participating in classroom activity, completing assigned work, etc.)
7. repeatedly sleeping in class
8. running and/or making excessive noise in the halls, building, and/or classroom
9. talking-out/unmuting yourself when the teacher has placed you on mute
10. any other act that impedes the orderly classroom procedure or interrupts the orderly operation of the classroom

The following corrective action options include restorative practices and behavior management techniques and consequences which may be used alone or in combination:

1. administrator/BI/counselor/teacher/student conference
2. behavior coaching (anger management strategies, skill building, social skills lessons)
3. check-in/check-out
4. confiscation of nuisance items
5. conflict resolution (peer mediation, restorative circles, Stay Away Agreements)
6. contract
7. cooling-off time or “time-out”
8. counseling by school personnel
9. detention
10. flexible scheduling
11. mentor program
12. oral or written correction
13. parent contact: note, call or conference
14. parent outreach/training opportunities
15. Positive Behavioral Intervention and Support (PBIS)
16. prompting/ reminder of expectations



**corrective action options** (*continued*)

17. reflective activity (book/movie study, educational project)
18. removal from school bus/regular classroom in the form of a routine office referral
19. restoration or restitution, as applicable
20. rewards or demerits
21. seating changes
22. service project (campus/community)
23. student support plan
24. withdrawal of privileges, such as attendance at or participation in extracurricular activities or school-sponsored or school-related events (i.e. homecoming, prom, or graduation), eligibility for seeking and holding honorary offices, or membership in school-sponsored clubs and organizations
25. other strategies and consequences as determined by school officials

**Level I Guidelines**

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, 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**

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**Level II violations include those infractions that are more serious in nature and/or a continuation of Level I. Infractions are generally violation of classrooms (in-person or remote), school buses or vehicles owned or operated by the district, or campus rules on school property or during any school-sponsored or school-related activity. These infractions may result in a referral to an administrator who will address the violation utilizing restorative practices and/or behavior management techniques. However, certain violations may be elevated to Level III violations based on the severity or context of the misconduct.**

**Remote instruction is a virtual classroom; therefore, all classroom rules apply.**

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

1. any repeated violation cited in the previous level or chronic or repeated instances of misbehavior
2. altering school records or signing another person's name on a school document
3. cheating and/or copying (plagiarism) the work of others from any source (Internet, library resources, other students, etc.)
4. altering, defacing, or refusing to wear ID badge
5. cutting class or other scheduled activities
6. engaging in an inappropriate public display of affection
7. exhibiting any unacceptable physical contact which could result in injury
8. failure to comply with assigned disciplinary consequences
9. leaving or returning to the classroom, building, or school grounds without permission
10. lunchroom or restroom misconduct
11. 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)
12. refusing to comply with reasonable requests of school personnel
13. throwing objects that can cause bodily injury or damage to property
14. truancy
15. unauthorized alteration or deletion of digital files
16. unwanted touching of others
17. verbally or physically taunting other students
18. violating the district or campus dress and grooming guidelines
19. violating the district or campus telecommunication devices rules
20. any other acts which interfere with the orderly educational process of the classroom and/or school

The following corrective action options include restorative practices and behavior management techniques and consequences which may be used alone or in combination:

1. administrator/BI/counselor/teacher/student conference
2. behavior coaching (anger management strategies, skill building, social skills lessons)
3. check-in/check-out

corrective action options (*continued*)

4. confiscation of nuisance items
5. conflict resolution (peer mediation, restorative circles, Stay Away Agreements)
6. contract
7. cooling-off time or “time-out”
8. counseling by school personnel
9. detention
10. flexible scheduling
11. grade penalty for cheating
12. in-school suspension – discipline management class (DMC)
13. mentor program
14. oral or written correction
15. parent contact: note, call or conference
16. parent outreach/training opportunities
17. reflective activity (book/movie study, educational project)
18. removal from school bus/regular classroom in the form of a routine office referral
19. restoration or restitution, as applicable
20. rewards or demerits
21. seating changes
22. service project (campus/community)
23. student support plan
24. withdrawal of privileges, such as attendance at or participation in extracurricular activities or school-sponsored or school-related events (i.e. homecoming, prom, or graduation), eligibility for seeking and holding honorary offices, or membership in school-sponsored clubs and organizations
25. other strategies and consequences as determined by school officials

**Level II Guidelines**

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, administrator or support personnel.
4. 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. 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 ALTERNATIVE  
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, or within 300 feet of school property (including school buses or vehicles owned or operated by the district), or while attending a school-sponsored or school-related activity on or off school property. A violation of this magnitude may result in a student being suspended and/or placed in a disciplinary alternative educational program (DAEP). A student below grade 3 or who is identified as homeless may not be placed in out-of-school suspension, except for certain conduct that involves an offense related to:**

- weapons
- violent crimes
- drugs and/or alcohol

**The principal or designee will address violations using restorative practices and/or behavior management techniques. If the disciplinary consequence results in suspension and/or placement to an alternative school (DAEP), the principal or designee will consider the following factors prior to the recommendation:**

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. the student's disability (a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct),
5. a student's status in foster care, or
6. a student's status as homeless.

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

1. any repeated violations cited in the previous level, chronic or repeated instances of misbehavior, or any other act that seriously disrupts the orderly process of the school (in-person or remote)
2. acts of disobedience or disorderly behavior that are detrimental to the school, harmful to health and safety, or inhibit the rights of others such as, but not limited to *bullying, cyberbullying, release or threat to release intimate visual material, creating or possessing a hit list, harassment, or online harassment*
3. being disrespectful toward school personnel or school visitors
4. causing an individual to act through the use of or threat of force (coercion) or blackmail
5. engaging in conduct that constitutes dating violence
6. engaging in a criminal offense that is not addressed in Level IV or V
7. exhibiting any unacceptable physical contact that results in injury
8. 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
9. 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
10. gang-related behavior, activity, or membership

**Level III violations** *(continued)*

11. giving false or misleading statements via tip line or to an administrator during a school investigation
12. hazing
13. interfering with school authorities or school operations, programs, or instruction through boycotts, sit-ins, or trespassing
14. misuse of district technology, including, but not limited to, the Internet, the district network, district-owned equipment or software, Learning Management System
15. misuse/distribution of over-the-counter medication or violating the district medication policy
16. notification of non-Title 5 off-campus felony
17. participation in an illegal organization such as a fraternity, sorority, secret society, gang, cult, or other criminal combination prohibited by law
18. possessing a device, object, or substance that could cause harm to property or persons, such as, but not limited to, a hand instrument designed to cut or stab another by being thrown, air gun, BB gun, ammunition, laser pens, knives, (pocket knives or any other small knife with blade 5½” or less), fireworks, razors, chains, taser, stun gun, pepper spray, mace, and knuckles
19. possessing obscene or pornographic material
20. possession of drug paraphernalia
21. possession of any device that has the appearance of a prohibited firearm, knife, club or (look alike) weapon
22. possession, use, sell, under the influence, or distribution of any substance represented to be a drug or alcohol or any item not suitable for human consumption that are used to simulate illegal drug use (including written or oral admission of the violation)
23. posting or distributing unauthorized communicative materials on the school grounds
24. stealing, burglary, robbery, extortion, gambling, forgery, or possession of stolen property
25. threaten a district student, employee, or volunteer, including off school property, if the conduct causes a substantial disruption to the educational environment
26. using profane, obscene, indecent remarks, or racially or ethnically offensive language and/or gestures directed toward others
27. 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
28. vandalism and/or defacing district or personal property
29. violating the district tobacco/smoking policy including, but not limited to, vaping, smoking, using or possessing tobacco, tobacco products, smokeless cigarettes, e-cigarettes, any component, part, or accessory for an e-cigarette device, any other nicotine delivery device or any substance for consumption containing nicotine, matches or lighters (including oral or written admission of the violation)

**Level III violations** *(continued)*

30. acts of sexual misconduct that are not considered a mandatory removal to the DAEP

The following corrective action options include restorative practices and behavior management techniques and consequences which may be used alone or in combination:

1. administrator/counselor/teacher/student conference
2. behavior coaching (anger management strategies, skill building, social skills lessons)
3. check-in/check-out
4. confiscation of nuisance items
5. conflict resolution (peer mediation, restorative circles, Stay Away Agreements)
6. contract
7. counseling by school personnel
8. detention
9. flexible scheduling
10. in-school suspension – discipline management class (DMC)
11. mentor program
12. oral or written correction
13. out-of-school suspension
14. parent contact: note, call or conference
15. parent outreach/training opportunities
16. reflective activity (book/movie study, educational project)
17. removal from school bus/regular classroom in the form of a routine office referral
18. removal to a discipline alternative education program (DAEP)
19. restoration or restitution, as applicable
20. rewards or demerits
21. seating changes
22. service project (campus/community)
23. student support plan
24. withdrawal of privileges, such as attendance at or participation in extracurricular activities or school-sponsored or school-related events (i.e. homecoming, prom, or graduation), eligibility for seeking and holding honorary offices, or membership in school-sponsored clubs and organizations
25. other strategies and consequences as determined by school officials



**Level III Guidelines**

1. Any staff member who observes a student violating school 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, administrator or support personnel.
4. All level III behavior violations shall result in a referral to a campus administrator. The disciplinary response depends on the offense, previous actions and the seriousness of the misbehavior.

**Discretionary Placement Chart**

NOTE: The principal has the discretion to amend placement length.

INFRACTION	PLACEMENT SITE			PLACEMENT LENGTH		
	High School	Middle School	Elem. School	High School	Middle School	Elem. School
Level III misconduct that seriously disrupts the orderly process of the school	ALC	ALC	SOS	5-45 days	5-45 days	5-30 days
The superintendent or superintendent’s designee has reasonable belief that the student has engaged in <b>conduct punishable as a felony, other than aggravated robbery or those listed as offenses in Title 5</b> of the Penal Code, that occurs off school property and not at a school- sponsored or school-related event, if the student’s presence in the regular classroom threatens the safety of other students or teachers or will be detrimental to the educational process.	ALC	ALC	SOS	5 days - until completion of graduation requirements	5 days - until completion of graduation requirements	5 days- until completion of graduation requirements

**LEVEL IV**

**BEHAVIORAL BASIS FOR REMOVAL  
TO A  
DISCIPLINARY ALTERNATIVE  
EDUCATION PROGRAM (DAEP)**

## **LEVEL IV: Mandatory Placement-Misconduct that Requires Placement in a Disciplinary Alternative Education Program**

### **Mandatory Placements**

According to Texas Education Code Section 37.006, a student shall be removed from class and placed in a disciplinary alternative education program based on the behaviors noted in Sections I, II, and III below.

When these recommendations occur, the administrator will consider the following factors prior to placement:

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. the student's disability (a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct),
5. a student's status in foster care, or
6. a student's status as homeless.

**Section I-ON OR OFF CAMPUS VIOLATIONS: Violations committed on or off campus, including school buses or any vehicle owned or operated by the district, and regardless of location or time:**

- a. false alarm or report involving a public school
- b. terroristic threat involving a public school
- c. retaliation against any school employee

**Section II-ON CAMPUS VIOLATIONS: Violations committed on or within 300 feet of school property, as measured from any point on the school's real property boundary line, or while attending a school-sponsored or school-related activity on or off of school property, including school buses or any vehicle owned and or operated by the district:**

- a. engages in conduct punishable as a **felony**;
- b. engages in conduct that contains elements of the offense of **assault** Penal Code 22.01(a)(1)
- c. **sells, gives, or delivers** to another person or **possesses, uses** or is **under the influence of marijuana, a controlled substance, or a dangerous drug** if the conduct is not punishable as a felony offense (including oral and/or written admission);  
*Note: Controlled substances and dangerous drugs include some, but not all, prescription medications. Examples of prohibited medications include, but are not limited to, Xanax, Adderall, Ritalin, Vyvanse, and medications that contain codeine, as well as many other prescriptions provided by a physician.*
- d. **sells, gives, or delivers to** another person an **alcoholic beverage**; commits a serious act or offense while under the influence of alcohol; or **possesses, uses,** or is **under the influence of an alcoholic beverage**, if the conduct is not punishable as a felony offense (including oral and/or written admission);

**Section II-ON CAMPUS VIOLATIONS** (continued)

*An assessment may be administered by school nurse or other trained personnel. If a student refuses to cooperate with the assessment and there is reasonable cause or suspicion to believe the student is under the influence, the student's parents will be notified, and the student becomes subject to disciplinary sanctions.*

- e. engages in conduct that contains the elements of an offense relating to an **abusable volatile chemical**;
- f. engages in conduct that contains the elements of the offense of **public lewdness or indecent exposure**;
- g. engages in conduct that contains the elements of the offense of **harassment against an employee of the school district**;
- h. engages in **expellable conduct** and is between six and nine years of age;
- i. commits a **federal firearms violation** and is younger than six years of age.

**Section III-OFF CAMPUS VIOLATIONS\*: Violations committed off campus and while the student is not in attendance at a school-sponsored or school-related activity.** A student must be removed from class and placed in a disciplinary alternative education program (DAEP) if the student engages in conduct punishable as **aggravated robbery or a felony listed under Title 5 of the Texas Penal Code** and:

- 1. the student receives deferred prosecution; or
- 2. a court or jury finds that the student has engaged in delinquent conduct; or
- 3. the superintendent or designee has a reasonable belief that the student engaged in the conduct.

After successful completion of the assigned DAEP placement and until final court disposition has been delivered to the Office of Student Services, the district reserves the right to:

- 1. return the student to the home campus
- 2. assign the student to a new home campus (without transportation)
- 3. extend the DAEP placement

**Section I Chart – Violations committed on or off campus**

ON OR OFF CAMPUS INFRACTION – MANDATORY PLACEMENT	PLACEMENT SITE			PLACEMENT LENGTH		
	High School	Middle School	Elem. School	High School	Middle School	Elem. School
<b>Level IV Infraction</b>						
<b>False Alarm or Report</b> involving a public school	ALC	ALC	SOS	5-45 days	5-45 days	5-30 days
<b>Retaliation</b> against a school employee						
<b>Terroristic Threat</b> involving a public school						

**Section II Chart – Violations committed on campus.**

ON CAMPUS INFRACTION – MANDATORY PLACEMENT	PLACEMENT SITE			PLACEMENT LENGTH		
	High School	Middle School	Elem. School	High School	Middle School	Elem. School
<b>Level IV Infraction</b>						
<b>Felony Activity/Conduct – excluding drug infractions that are punishable as a felony</b>	ALC	ALC	SOS	5-45 days	5-45 days	5-30 days
<b>Assault</b>						
<b>Marijuana, a controlled substance, or a dangerous drug-</b> sells, gives, delivers, possesses, use or under the influence (non-felony).						
<b>Alcoholic beverage –</b> sells, gives, delivers, possesses, use, or under the influence						
<b>Abusable volatile chemical</b>						
<b>Public Lewdness &amp; Indecent Exposure</b>						
<b>Harassment against an employee of the school district</b>						
<b>Student between 6 and 9 years of age and engages in expellable conduct</b>	N/A	N/A	SOS	N/A	N/A	5-30 days
<b>Student younger than 6 years of age commits a federal firearms violation</b>						Up to one (1) calendar year
<b>Level IV infractions occurring while assigned to the DAEP</b>	ALC	ALC	SOS	5-45 days	5-45 days	5-30 days

**Notes:**

- The principal has the discretion to amend placement length.
- Level IV infractions occurring while assigned to the DAEP 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.
- A principal may, but is not required to, remove a student to a DAEP for off-campus conduct for which removal is required if the principal does not have knowledge of the conduct before the first anniversary of the date the conduct occurred.

**Section III Chart – Violations committed off-campus. (See CC-29\*)**

OFF CAMPUS INFRACTION MANDATORY PLACEMENT	PLACEMENT SITE			PLACEMENT LENGTH		
	High School	Middle School	Elem. School	High School	Middle School	Elem. School
Aggravated Robbery	ALC/ JJAEP	ALC/ JJAEP	SOS/ JJAEP	5-45 days	5-45 days	5-30 days
Title 5 Felony						
Registered Sex Offender**	ALC	ALC	SOS	+5 days 1 semester or until appropriate placement is determined		

The district maintains the option to extend the placement or expulsion of students in violation of Title 5 off-campus felonies, aggravated robbery and registered sex offenders until: ~~the student~~

- 1) ~~the student~~ graduates from high school, ~~or~~
- 2) the charges are ~~dismissed~~ or reduced to a misdemeanor offense, ~~or~~
- 3) ~~is accepted into a pre-petition diversion program~~ the student completes the term of placement or is assigned to another program, or
- 4) ~~\*\*~~as permitted in TEC 37.306.

**LEVEL V**

**BEHAVIORAL BASIS FOR EXPULSION—  
REMOVAL TO THE JUVENILE JUSTICE  
ALTERNATIVE EDUCATION PROGRAM (JJAEP)**

**LEVEL V: MANDATORY EXPULSION TO JJAEP (Juvenile Justice Alternative Education Program) FOR SERIOUS OFFENSES OCCURRING ON OR OFF SCHOOL PROPERTY - 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 that 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 must be expelled from school to JJAEP if the student commits any of the following violations found in the list below on school property or at a school-sponsored or school-related activity.**

**When these recommendations occur, the administrator will consider the following factors prior to expulsion:**

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. the student's disability (a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct),
5. a student's status foster care, or
6. a student's status as homeless.

**Mandatory Expulsions**

A student shall be expelled from a school if the student, on school property or while attending a school-sponsored or school-related activity on or off of school property (including school buses or vehicles owned or operated by the district):

1. Bringing to school or possessing at school, including any setting that is under the district's control or supervision for the purpose of a school activity, a **firearm**, as defined by federal law 18 U.S.C. Section 921.
2. Unlawfully carrying (intentionally, knowingly, or recklessly) on or about the student's person the following, in the manner prohibited by Penal Code:
  - a. A **handgun**, defined by state law as any firearm designed, made, or adapted to be used with one hand. (Penal Code 46.02)
  - b. A **location-restricted knife**, as defined by state law. (Penal Code 46.02)
3. Possessing, manufacturing, transporting, repairing, or selling a **prohibited weapon**, as defined in state law. (Penal Code 46.05)
4. behaves in a manner that contains elements of the following offenses under the Texas Penal Code:
  - a. **aggravated assault**,
  - b. **sexual assault or aggravated sexual assault**
  - c. **arson**
  - d. **murder, capital murder, or criminal attempt to commit murder or capital murder**



e. **indecent with a child**

**Mandatory Expulsions** (*continued*)

f. **aggravated kidnapping**

g. **aggravated robbery**

h. **manslaughter**

i. **criminally negligent homicide**

j. **continuous sexual abuse of a young child or children**

k. **behavior punishable as a felony** that involves selling, giving, or delivering to another person or possessing, using, or being under the influence of marijuana, a controlled substance, a dangerous drug, or alcohol; or committing a serious act or offense while under the influence of alcohol

l. engages in **retaliation against a school employee or volunteer combined with one of the above-listed mandatory expulsion offenses**

**Under Age Ten**

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

**LEVEL V VIOLATIONS CHART**

Cypress-Fairbanks ISD reserves the right to modify Level V expulsions by combining an expulsion to the JJAEP with a placement at the DAEP (ALC/SAC/SOS).

ON CAMPUS INFRACTION	SITE			LENGTH		
	High School	Middle School	Elem. School	High School	Middle School	Elem. School
<b>Level V infraction which require mandatory expulsion</b>						
<b>Aggravated Kidnapping</b>	JJAEP	JJAEP	JJAEP	1 calendar year	1 calendar year	1 calendar year
<b>Aggravated Robbery</b>						
<b>Capital Murder</b>						
<b>Criminally Negligent Homicide</b>						
<b>Firearm</b>						
<b>Handgun – unlawful carry</b>						
<b>Manslaughter</b>						
<b>Murder</b>						
<b>Aggravated Assault</b>	JJAEP	JJAEP	JJAEP	45-180 days	45-180 days	15-45 days
<b>Aggravated Sexual Assault</b>						
<b>Arson</b>						
<b>Continuous Sexual Abuse of a Young Child or Children</b>						
<b>Criminal attempt to commit murder or capital murder</b>						
<b>Drug Infraction (punishable as a felony)</b>						
<b>Indecency with a Child</b>						
<b>Location-Restricted Knife - unlawful carry</b>						
<b>Prohibited Weapon</b>						
<b>Retaliation against a school employee or volunteer combined with an expellable offense</b>						
<b>Sexual Assault</b>						
<b>Serious Misbehavior while in a DAEP (Discretionary Assignment)</b>						
<b>Second Expulsion in the same school year</b>	JJAEP	JJAEP	JJAEP	1 calendar year	1 calendar year	Extended placement in SOS
<b>Student between 6 and 9 years of age and engages in expellable conduct</b>	N/A	N/A	SOS	N/A	N/A	15-30 days

**NOTE:** 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.

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

**For violations outlined in this section, when an expulsion recommendation is made, the administration will consider the following factors prior to expulsion:**

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. the student's disability (a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct),
5. a student's status in foster care, or
6. a student's status as homeless.

**Discretionary Expulsion**

**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** or
  2. **terroristic threat.**
  
- 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;** or
    - b) **a dangerous drug;** or
    - c) **an alcoholic beverage.**
  2. engages in conduct that contains the elements of an offense relating to an **abusable volatile chemical;** or
  3. engages in conduct that contains the element of an offense of **assault against a school district employee or a volunteer;** or
  4. engages in conduct that contains the elements of the offense of **deadly conduct;** or
  
- c. **while within 300 feet of school property as measured from any point on the school's real property boundary line, but not on school property:**
  1. unlawfully carrying (intentionally, knowingly, or recklessly) on or about the student's person a handgun, possesses a firearm (as defined by federal law 18 U.S.C. Section 921), or a **location-restricted knife**
  2. Intentionally or knowingly possessing, manufacturing, transporting, repairing, or selling a prohibited weapon, as defined by state law,
  3. engages in conduct that contains the elements of the offense of **indecenty with a child, continuous sexual abuse of a young child or children, aggravated kidnapping, aggravated robbery, manslaughter, criminally negligent homicide, aggravated assault, sexual assault, aggravated sexual assault, arson, murder, capital**

**Discretionary Expulsion** *(continued)*

- 4 **murder, or criminal attempt to commit murder or capital murder,** sells, gives, delivers, uses or possesses **marijuana, a controlled substance, a dangerous drug** or an **alcoholic beverage** if the conduct is punishable as a felony;
- 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. engages in conduct that contains the elements of the offense of **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;
  2. engages in an **assault against an employee or volunteer in retaliation** for or as a result of the person's employment or association with the district,
  3. engages in conduct that contains the elements of the offense of **criminal mischief** if punishable as a felony;
  4. engages in conduct that contains the elements of the offense of **breach of computer security.**
- e. **Students may be discretionarily expelled if they engage in:**
1. **bullying/cyberbullying** that encourages a student to commit or attempt to commit suicide;
  2. **inciting violence against a student through group bullying;** or
  3. **releasing or threatening to release intimate visual material** of a minor or a student who is 18 years of age or older without the student's consent
- f. **A student, while in the DAEP, who continues to engage in serious misbehavior while on the program campus despite documented behavioral interventions that violates the district's Student Code of Conduct may also be expelled for a minimum of 45 days.**
- g. **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:**
- Uses, exhibits, or possesses:
1. Firearm, location-restricted knife, or prohibited weapon
  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

**Discretionary Expulsion** *(continued)*

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

**Expulsion Site - Juvenile Justice Alternative Education Program (JJAEP)**

The Board of Trustees of Cypress-Fairbanks ISD 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 (JJAEP). 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 SCHOOL**

## **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 ISD 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.

### **Notification to Schools**

As stated in TEC 37.007, a school district shall provide notice as required under Article 15.27 of the Code of Criminal Procedure. A school district shall inform each educator who has responsibility for or is under the direction and supervision of an educator who has responsibility for, the instruction of a student who has engaged in any violation listed in TEC 37.007. Each educator shall keep the information received under this subsection confidential from any person not entitled to the information, except that the educator may share the information with the student's parent or guardian as provided for by state or federal law. The State Board for Educator Certification may revoke or suspend the certification of an educator who intentionally violates this subsection.

## **Procedural Requirements for Removal**

### **Removal from the Regular Educational Setting (in-person or remote)**

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

#### **Routine Referral**

A routine referral occurs when a teacher sends a student to the principal or other appropriate administrator's office as a discipline management technique. The administrator may then employ additional techniques.

#### **Formal Removal**

A teacher or administrator **may** remove a student from class for a behavior that violates this Code to maintain effective discipline in the classroom. A teacher may initiate a formal removal from class if:

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

**Formal Removal** *(continued)*

Each school shall have a Campus Placement Review Committee (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.

A teacher and/or an administrator must remove a student from class if the student engages in behavior that, under the Texas Education Code, requires or permits the student to be placed in a disciplinary alternative education program (DAEP) or expelled. When removing for those reasons, the procedures in the subsequent sections on DAEP or expulsion will be followed. Otherwise, within three school days of the formal removal, the appropriate administrator shall schedule a conference with the student's parent, the student, the teacher who removed the student from class and any other appropriate administrator.

At the conference, the appropriate administrator shall inform the student of the alleged misconduct and the proposed consequences. The administrator shall give the student an opportunity to respond to the allegations.

When a student is removed from the regular classroom by a teacher and a conference is pending, the principal may place the student in:

1. another appropriate instructional setting.
2. in-school suspension.
3. out-of-school suspension. A student below grade 3 or who is identified as homeless may not be placed in out-of-school suspension except for certain conduct that involves an offense related to weapons, violent crimes, drugs and/or alcohol.
4. the DAEP.

The district shall ensure a student receives access to coursework for foundation curriculum courses while the student is placed in in-school or out-of-school suspension, including at least one method of receiving this coursework that does not require the use of internet.

**Returning Student to Classroom**

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

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

**Removal by School Bus Driver**

The driver of a school bus transporting students to and from school or a school-sponsored or school-related activity may send a student to the principal or appropriate administrator's office to maintain effective discipline on the school bus. The administrator shall respond by employing appropriate behavior management techniques.



### **Out-of-School Suspension**

State law allows a student to be suspended for no more than three (3) school days per behavior violation, with no limit on the number of times a student may be suspended in a semester or school year. Students may be suspended for any misbehavior listed in the Code as a general conduct violation for Levels III, IV, and V.

Exception: A student below grade 3 or who is identified as homeless may not be placed in out-of-school suspension unless, while on school property or while attending a school-sponsored or school-related activity on or off school property, the student engages in certain conduct that involves an offense related to:

- weapons
- violent crimes
- drugs and/or alcohol

Before being suspended, a student shall have an informal conference with the appropriate campus administrator who shall advise the student of the alleged misconduct. The student shall have the opportunity to respond to the allegation before the administrator makes a decision.

The appropriate administrator shall determine the number of days of a student's suspension, **not to exceed three school days**. The term of suspension concludes at the end of the school day on the last day of suspension. 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.** 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.

## **Procedural Requirements for Removal to a DAEP**

### **Conference**

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

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

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

### **Consideration of Mitigating Factors**

In deciding whether to place a student in a DAEP, regardless of whether the action is a Level III, IV, or V violation, the district will consider

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. the student's disability (a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct),
5. a student's status in foster care, or
6. a student's status as homeless.

### **Placement Order**

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

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

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

### **Terms of DAEP Discipline Placements**

Students placed in a Disciplinary Alternative Education Program (DAEP) will be assigned by the campus administration and/or district administration for a designated length of time. The principal has the authority to amend the recommended placement provided the length of time as listed below is proven to be inappropriate.

1. Special Opportunity School (SOS) Elementary students: 5-30 successful attendance days. No transportation provided.
2. Alternative Learning Center East and West (ALC-E, ALC-W) Secondary students: 5-45 successful attendance days. Transportation provided.
3. Secondary Alternative Center East and West (SAC-E, SAC-W) Secondary students: 5-45 successful attendance days. Transportation provided.

During the final grading period of the school year, the Office of Student Services, in collaboration with the campus principal, may review and amend the length of placement.

**1. Disciplinary Alternative Education Program (DAEP)**

- ~~a. In deciding whether to place a student in a DAEP, regardless of whether the action is a Level III, IV, or V violation, the district will consider
  - ~~7. self defense,~~
  - ~~8. the student's disciplinary history,~~
  - ~~9. intent or lack of intent at the time the student engaged in the conduct,~~
  - ~~10. the student's disability (a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct),~~
  - ~~11. a student's status in foster care, or~~
  - ~~12. a student's status as homeless.~~~~
- ~~b.~~a. The DAEP shall be provided in a setting other than the student's home campus (in-person or remote):
  - 1. Special Opportunity School (S.O.S.), (Age 6 – Grade 5), Adam Elementary, 11303 Honey Grove Lane, Houston, TX 77065;
  - 2. Alternative Learning Center-East (ALC-E), (Grades 6-12), 12508 Windfern Road, Houston, TX 77064; telephone # 281-897-4171
  - 3. Alternative Learning Center-West (ALC-W), (Grades 6-12), 19350 Rebel Yell, Katy, TX 77449; telephone # 281-855-4310
- ~~b.~~b. The DAEP curriculum shall include English, language arts, mathematics, science, history, and self-discipline and shall provide for the student's educational and behavioral needs through supervision and counseling. The district is not required to provide courses other than those listed above.
- ~~c.~~c. Students assigned to a DAEP shall be permitted to continue enrollment in advanced courses. Advanced grade points will be awarded. Depending on the course, students may encounter different options to support their continuation in advanced courses:
  - 1. A student may enroll in an online version of the course when the particular course is available in the district's online course program.
  - 2. The home campus may facilitate the transport of assignments, tests, etc. the student at the DAEP.
  - 3. The student may be required to do additional and/or different assignments to earn advanced grade points in these courses.
- ~~d.~~d. The district will attempt to support students so that they may continue in courses that fulfill graduation requirements and endorsement choices.
- ~~e.~~e. —While assigned to a DAEP, the student is prohibited from being on any Cypress-Fairbanks Independent School District property or attending any school-sponsored or school-related activity, on or off school property. Activities 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.*
- ~~f.~~f. ~~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.~~

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**Disciplinary Alternative Education Program (DAEP) (continued)**

- hf. 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.
- hg. 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.
- hh. If a student enrolls in the district after having been placed in a DAEP by another district, in the state, out-of-state, 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.
- hi. Students assigned to a DAEP must complete all required days in a DAEP before returning to the home campus. Unless otherwise specified in the placement order, days absent from a DAEP shall not count toward fulfilling the total number of days required in a student's DAEP placement order.
- hj. Campus staff shall provide transition services to a student returning to the regular classroom from an alternative education program, including a DAEP.
- hk. 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.
- hl. If end of placement occurs during the last two weeks of a semester, students shall be provided the option of remaining at the DAEP for exams.

**2. Off-campus Felony Removals to a DAEP following Notice of Article 15.27(g):**

- a. On receipt of notice under Article 15.27(g), Texas Code of Criminal Procedure, the campus administration shall 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.
- b. After reviewing the notice and receiving information from the student's parent or guardian, the campus administrators may continue the student's placement in the DAEP if there is reason to believe that the presence of the student in the regular classroom threatens the safety of other students or teachers.
- c. The parent or student may appeal the decision of the campus administration to the Office of Student Services if the placement extends beyond the end of the next grading period.
- d. The parent or student may appeal the decision of the Office of Student Services to the Board of Trustees.

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

**Off-campus Felony Removals to a DAEP following Notice of Article 15.27(g) (continued)**

- e. student, the student's parent or guardian, and administration, then uphold, amend, or rescind the decision of the district administration.
- f. The board shall make a record of the proceedings and if upholding 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.
- g. 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 2.**

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.

**3. Removal to the DAEP NOT extending beyond the end of the next grading period:**

The board has designated the principal, associate principal and assistant principal the authority to assign a DAEP placement, suspension, DMC and all campus level discipline. A student will not be afforded a Level II hearing with the Office of Student Services on disciplinary consequences except for removals extending beyond the end of the next grading period to the DAEP and expulsion as provided for in other portions of this Code. The 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.**

**4. Removal to the DAEP extending beyond the end of the next grading period**

- a. If the term of the placement, as recommended by the campus administrator, extends beyond 60 calendar days or the end of the next grading period, the student's parent or guardian is entitled to a Level II appeal hearing 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 Student Services.
- b. The district shall not delay disciplinary consequences. The student will be assigned to the DAEP pending an appeal.
- c. 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.
- d. Procedures for an appeal to the Office of Student Services are:
  - 1) The parent shall contact the Office of Student Services at (281) 897-3879 or (281) 897-4147 to schedule an appeal hearing within three (3) business days following the campus decision to remove the student to a DAEP.
  - 2) Notice of the hearing (date/time/location) will be provided to the parent.

**Removal to the DAEP extending beyond the end of the next grading period** *(continued)*

- 3) Generally, the hearing shall be with a designated hearing officer and a review panel.
- 4) 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.
- 5) 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, amend, or rescind the campus recommendation. The decision will be communicated to the student's parent.
- 6) The decision of the hearing officer and the discipline review panel is final and may not be appealed.

**5. Removal to the DAEP extending beyond the end of the school year:**

- a. 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:
  - 1) 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
  - 2) the student has engaged in serious or persistent misbehavior that violates the district's previously communicated standards of student conduct.
- b. The student may appeal a removal extending beyond the end of the school year. (See 4 above)

## **Procedural Requirements 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 parent or guardian in writing. 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.

### **1. Expulsion Hearings**

- a. A hearing will be held as soon as is practical after notice of the proposed expulsion is provided to the student's parent or guardian.
- b. The student will receive prior notice of the alleged misconduct 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.
- c. The district shall not delay disciplinary consequences. The student will be assigned to the DAEP pending an appeal.
- d. The student has a right to a full and fair hearing before a competent forum.

### **Expulsion Hearings** *(continued)*

- e. 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.
- f. The student will be provided the opportunity to testify and to present evidence and witnesses in his/her defense.
- g. The student will have the opportunity to examine the evidence presented by the school administrator.
- h. Courtroom rules of evidence will not apply, but all evidence and testimony must be relevant to the hearing. An audio recording of the hearing will be made.
- i. 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 (in-person or remote).

### **2. Further Action at Board Level and Beyond**

- a. If the student/parent wishes to appeal the decision of the hearing officer, 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.
- b. The student will be assigned to the JJAEP pending an appeal to the Board of Trustees.
- c. 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.
- d. The appeal of the hearing officer's decision to expel will be placed on the agenda of the next regularly scheduled board meeting.
- e. The hearing before the board will be in closed session unless the parent requests in writing that the matter be held in an open meeting. 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.
- f. The district/campus administrator will be given ten (10) minutes to support his/her position.
- g. The decision of the Board of Trustees to uphold, amend, or rescind the administration's expulsion recommendation will be provided in writing to the student's parent or guardian
- h. A decision of the Board of Trustees to expel a student may be appealed in the District Court of Harris County.

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### **3. DAEP Campus-Level Expulsion Hearings and Appeals Process**

- a. A student may be expelled for serious misbehavior while placed in a DAEP.
- b. The DAEP campus principal recommends expulsion for students who engage in serious misbehavior while in a DAEP.
- c. 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 Student Services within three (3) business days of notification of the principal's decision to expel.

**DAEP Campus-Level Expulsion Hearings and Appeals Process** *(continued)*

- d. 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.
- e. The hearing will follow the general procedures as outlined in Section 1.
- f. 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 2.

**4. 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 or other chief administrative officer of the school district or of the other local educational agency, as defined by 20 U.S.C. Section 7801, 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 (6) 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.

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.

Campus staff shall provide transition services to a student returning to the regular classroom from an alternative education program, including a DAEP.

**Notes:**

1. Juvenile Justice Alternative Education Program (JJAEP) for expelled students age 10 and older; 45 successful days of attendance to one calendar year. Transportation provided.
2. If end of expulsion occurs during the last two weeks of a semester, students will be provided the option of remaining at JJAEP for exams.
3. All expulsions will be assigned for the designated length of time or one calendar year, whichever occurs first.
4. A second JJAEP expulsion in the same school year will result in a one (1) calendar year expulsion.
5. Level V mandatory expulsions for infractions occurring while student is assigned to the DAEP may result in an expulsion to JJAEP for up to one (1) calendar year.



### **Students Seeking Admission or Re-enrolling**

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) or expulsion to the Juvenile Justice Alternative Education Program (JJAEP) by Cypress-Fairbanks ISD 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 re-enrolls 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 re-entry assignment will be determined based on the student's date of withdrawal, the reason for the placement, the factors listed on page CC-7, the student's interim placement and progress, and any documented interventions.

### **ADDITIONAL PROCEDURES**

#### **Emergency Placement or Expulsion**

The Texas Education Code allows the principal 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. If a pattern of **Discipline of Special Education Students under Individuals with Disabilities Education Improvement Act (IDEIA)** *(continued)*

behavior exists that does constitute a change of placement, a Manifestation Determination Review (MDR) must be held.

After the 10<sup>th</sup> day of removal, members of the IEP Committee must staff to review the behavior(s), the IEP and/or Behavior Intervention Plan (BIP), and review programming. If one or more members of the committee believe that modifications are needed, an IEP Committee meeting must be held to ensure the student receives appropriate special education services.

For subsequent short-term removals after 10 days, which do not constitute a change of placement determined by the relevant members of the IEP Committee, the administrator must consult with one of the student's teachers to determine what services will be needed for the student to continue to receive FAPE during the removal period. Services are to be provided for this and each subsequent removal to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress towards meeting the goals and objectives set out in the student's IEP. If one or more members of the student's IEP committee believes that modifications are needed, an IEP Committee meeting must be held following the removal to ensure the student is receiving appropriate special education services.

For subsequent short-term removals after 10 days, which do constitute a change of placement, the IEP Committee will meet and conduct a MDR. In addition, the IEP Committee will develop or review the IEP, functional behavioral assessment (FBA), and BIP and its implementation to determine if modifications or additions are necessary. Based on the outcome of the MDR, the student will serve the short-term removal or remain in services.

For removals more than ten (10) consecutive days, an IEP meeting will be held to review the behavior(s), conduct a MDR, review/conduct a FBA, and review/develop a BIP, and review programming and IEP goals. The disciplinary alternative education program (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 a disciplinary alternative education program 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). In accordance with the Education Code, a student who receives special education services may not be disciplined for conduct meeting the definition of bullying, cyberbullying, harassment, or making hit lists until an ARD committee meeting has been held to review the conduct.

#### **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 Behavior 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 for up to ten (10) school days 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

**Discipline of Students Served Under Section 504 of the Rehabilitation Act** *(continued)*

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. The determination may be made by the same group of people who make placement decisions. The group must have evaluation data available 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.

**Sexual Assault and Campus Assignments**

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

**Violent Crime Transfer**

A student who becomes a victim of a violent criminal offense as defined by the Texas Penal Code and listed below, or who is assigned to a campus identified by TEA as persistently dangerous, shall be offered a transfer to another school within the district. For each transfer requested, the district shall explore transfer options, as appropriate. Contact a campus administrator for information regarding a violent crime transfer request. Criminal offenses include:

- Attempted murder
- Indecency with a child
- Aggravated kidnapping
- Aggravated assault
- Sexual assault
- Aggravated sexual assault
- Aggravated robbery
- Continuous sexual abuse of a young child or children

**Cypress-Fairbanks ISD Police Department**

The Cypress-Fairbanks ISD Police Department is a 24-hour a day full service law enforcement agency staffed by both TCOLE certified peace officers and civilian support personnel. They are dedicated to the safety and welfare of all students, faculty, staff and visitors to include the protection of both life and all district property and assets.

The Cypress-Fairbanks ISD Police Department's primary jurisdiction includes all the geographical territory within the contiguous boundaries of the district, as well as any property outside the district that is owned, leased, or otherwise under the control of the Board of Trustees.

District police officers have all the powers, privileges, and immunities of licensed peace officers in Texas, both on and off duty. The primary duties of District police officers, as guided by relevant articles of the Texas Code of Criminal Procedure and the Texas Education Code, are to:

### **Cypress-Fairbanks ISD Police Department** *(continued)*

1. Protect the safety and welfare of any person engaged in the educational process within the jurisdiction of the District and protect the property, real and personal, of the District.
2. Assist in the enforcement of District policies on District property, in school zones, at bus stops, or at District functions.
3. Investigate violations of District policy, rules, and regulations as requested by the chief of police or Superintendent and participate in administrative hearings concerning the alleged violations.
4. Enforcing all laws, including municipal ordinances, county ordinances, and state laws, and investigating violations of law as needed.
5. Arresting suspects consistent with state and federal statutory and constitutional standards governing arrests, including arrests without warrant, for offenses that occur in the officer's presence or under the other rules set out in the Texas Code of Criminal Procedure.
6. Coordinating and cooperating with commissioned officers of all other law enforcement agencies in the enforcement of this policy as necessary.
7. Carrying out all other duties as directed by the chief of police or Superintendent.

District police officers do not engage in routine or administrative matters related to students, such as student discipline or supervision of students that is unrelated to a law enforcement duty. However, as District employees, District police officers may have informal contact with students unrelated to either law enforcement duties, assigned duties of the officers, or student behavior.

Persons detained by CFISD Police for criminal charges, including juveniles 10-16 years of age, must be fingerprinted and photographed before being released back to a parent or being transported to a confinement facility.

#### **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.

Campus administrators shall have the responsibility and authority to determine when CFISD Police Department assistance may be needed within their respective jurisdiction. The CFISD Police Department 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. Officers may possess recording devices and may record conversations with students.

##### **Non-School-Related**

The district and school personnel will reasonably cooperate with outside law enforcement agencies (non-CFISD police 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 Non-School-Related (*continued*)

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 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 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 must confirm the officer's identity and authority. After the identity 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.

#### **Ticketing of Students**

In addition to school disciplinary action, students may receive written citations or criminal complaints filed against them by the CFISD Police Department in accordance with state law. Failure to appear in court may cause the driver's license application to be flagged by the Texas Department of Public Safety, preventing the issuance of a driver's license when an application is submitted or an arrest warrant may be issued by the court.

The ticketing of students by the CFISD Police Department or the filing of other charges through the Harris County District Attorney's office may not always occur on the date of the offense. This could include, but not be limited to, the following reasons: an ongoing investigation, gathering of statements, scheduled school holiday, illness/absence of the officer, illness/absence of the student(s) involved, or the later presentation of evidence to the District Attorney's Office.

Charges for misdemeanors may be filed for a period of up to two years after an offense has occurred. Felony charges may be filed beyond the two-year period, depending on the nature of the offense.

#### **Reports to CFISD Police Department**

According to Texas Education Code Section 37.015, principals are required to report to the CFISD Police Department the following offenses:

- Conduct that may constitute an offense listed under Section 508.149, Government Code
- Deadly conduct under Section 22.05, Penal Code
- Terroristic threat under Section 22.07, Penal Code

**Reports to CFISD Police Department** *(continued)*

- Use, sale or possession of a controlled substance, drug paraphernalia or marijuana under Chapter 481, Health and Safety Code
- 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
- Conduct that may constitute a criminal offense for which a student may be expelled under Section 37.007 (a), (d), or (e) of the Texas Penal Code
  - Engages in conduct that contains the elements of the offense of unlawfully carrying weapons under Section 46.02, Penal Code, or elements of an offense relating to prohibited weapons under Section 46.05, Penal Code
  - 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
  - Certain retaliatory acts against a volunteer or employee
  - 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 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**

- District officials may conduct searches of students, their belongings, and their vehicles in accordance with state and federal law and district policies. Searches of students shall be conducted in a reasonable and non-discriminatory manner. Refer to the district's policies at FNF (LEGAL) and FNF (LOCAL) for more information regarding investigations and searches.
- 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 suspicion or securing the student's voluntary consent. The official may ask the student to remove objects being stored or hidden in clothing.

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

**Searches Conducted by Authorities** *(continued)*

- d. Areas such as lockers, which are owned and jointly controlled by the district, may be searched if reasonable suspicion exists to believe that contraband is inside the locker.
- e. 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.
- f. School personnel are not to use physical restraint to conduct searches. If a student refuses to cooperate, where there is reasonable suspicion, the student's parents are to be notified, and the student becomes subject to disciplinary sanctions, and/or legal action.
- g. 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.
- h. The principal shall immediately make reasonable efforts to notify the student's parents that a search was conducted.
- i. Vehicles may be searched for drugs and weapons.

**Use of Security Cameras**

The district utilizes security cameras, audio, and video recording devices at school campuses and other district facilities. These may be located in instructional and non-instructional areas such as cafeterias, hallways, entryways, parking lots, and areas designated by law. 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.

- a. Schools have surveillance cameras, burglar alarm systems and fire alarm systems that are monitored around the clock by the CFISD Police Department.
- b. Entrances to schools will be limited after the beginning of school each day.
- c. Video surveillance cameras are installed on CFISD buses and located in all CFISD facilities. Facility video is monitored and surveillance records are created and maintained by the CFISD Police Department. The Transportation Department maintains digital video from the buses.
- d. Video surveillance may only be available to district administrators for 15 days after the date of the incident. Unless the video becomes an educational record, surveillance video from a bus or campus may only be viewed by district administrators.

**Use of Trained Dogs (Use of Police K-9's)**

In an effort to proactively address the growing threat of drugs and other illegal items in the schools, and in order to maintain a safe school environment conducive to the educational process, the district will use certified police K-9's to detect concealed drugs, explosives, and firearms on school property. The CFISD Police Department dog handlers will use specially certified Police K-9's trained to detect illicit substances such as drugs, firearms, and explosives. Visits to schools will be random and unannounced. Police K-9's will be utilized to conduct open air sniffs in classrooms, lockers, and vehicles parked on school property, as well as other common areas throughout the school building, to include but not limited to: cafeterias, open areas such as foyers, waiting areas, hallways, auditoriums, and gymnasiums.

If a K-9 alerts to a particular locker, a vehicle, or an item in a common area, it shall be searched. If the K-9 alerts to a vehicle, the student will be asked to unlock the vehicle and trunk for an

**Use of Trained Dogs (Use of Police K-9's)** *(continued)*

internal inspection. If the student refuses consent, the police department will enter the vehicle in order to conduct a probable cause search.

Notes:

- a. 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 any time. Students are responsible for anything found in their lockers.
- b. All vehicles parked in school parking lots shall be subject to an open-air sniff at any time. Students are responsible for anything found in their vehicles.
- c. Classroom and other common areas are subject to an open air sniff at any time, once students have been removed, and items such as personal belongings, backpacks, and purses are left.
- d. If any prohibited object or substance is found, the student **may** be subject to appropriate disciplinary action, including removal, suspension, expulsion, and lawful action by the Cypress Fairbanks ISD Police Department.

**Use of Metal Detectors**

Cypress-Fairbanks ISD 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**

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;
- control an irrational student.



Texas Education Code 37.0021 does not apply to a peace officer, while performing law enforcement duties, except as provided by Texas Education Code 37.0021(i). “Law Enforcement Duties” means activities of a peace officer relating to the investigation and

**Use of Physical Restraint** *(continued)*

enforcement of state criminal laws and other duties authorized by the Code of Criminal Procedure.

Further, Texas Education Code 37.0021 does not prevent a student’s locked, unattended confinement in an emergency situation while awaiting the arrival of law enforcement personnel if:

1. the student possesses a weapon; and
2. the confinement is necessary to prevent the student from causing bodily harm to the student or another person.

## GLOSSARY

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-39 for list of DAEP schools.)
ALC:	Alternative Learning Center
DMC:	Discipline Management Class
ISS:	In-School Suspension
JJAEF:	Juvenile Justice Alternative Education Program
SAC:	Secondary Alternative Center
SOS:	Special Opportunity School
TEC:	Texas Education Code

**Abuse** is improper or excessive use.

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

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

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

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

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

- a. Recklessly damages or destroys a building belonging to another, or
- b. Recklessly causes another person to suffer bodily injury or death.

**Article 15.27** is the official notification from a law enforcement agency notifying the school district that a student enrolled in the district has been arrested for certain types of offenses.

**Article 15.27(g)** is notification from a law enforcement agency when charges against a student are no-billed or dismissed for lack of prosecutorial merit.

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

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

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

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

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

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

**Campus Behavior Coordinator (CBC)** is primarily responsible for maintaining student discipline. CFISD has designated the principal, associate principal and assistant principals as Campus Behavior Coordinators.

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

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

**Classroom disruption** is any behavior that 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 assignment. This behavior may result in a Class C citation for "disruption of class" from the CFISD Police Department in accordance with state law.

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

**Controlled Substance** means a substance, including a drug, an adulterant, and a dilutant, listed in Schedules I through V or Penalty Group 1, 1A, 2, 2-A, 3, or 4 of the Texas Controlled Substances Act. The term includes the aggregate weight of any mixture, solution, or other substance containing a controlled substance. The term does not include hemp, as defined by Agriculture Code 121.001, or the tetrahydrocannabinols (THC) in hemp.

**Cyberbullying** means bullying that is done through the use of any electronic communication device, including through the use of a cellular or other type of telephone, a computer, a camera, electronic mail, instant messaging, text messaging, a social media application, an internet website, or any other internet-based communication tool.

**Dangerous Drug** is defined by health and Safety Code 483.001 as a device or a drug that is unsafe for self-medication and that is not included in Schedules I through V or penalty Groups 1 through 4 of the Texas Controlled Substances Act. The term includes a device or drug that federal law prohibits dispensing without prescription or restricts to use by or on the order of a licensed veterinarian.

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

**Deadly conduct** under Penal Code 22.05 occurs when a person recklessly engages in conduct that places another in imminent danger of serious bodily injury, such as knowingly discharging a firearm in the direction of an individual, habitation, building, or vehicle.

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

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

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

**Destructive Device** means any explosive, incendiary, or poison gas bomb, grenade, rocket having a propellant charge 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.

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

**Drugs and/or Alcohol offenses** as related to suspension of a student below grade 3 or who is identified as homeless pertains to selling, giving, or delivering to another person or possessing, using, or being under the influence of any amount of marijuana, an alcoholic beverage, or a controlled substance or dangerous drug as defined by federal or state law.

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

**Explosive weapon** is defined by Texas Penal Code 46.01 as any explosive or incendiary bomb, grenade, rocket, or mine, that is designed, made, or adapted for the purpose of inflicting serious bodily injury, death, or substantial property damage, or for the principal purpose of causing such a loud report as to cause undue public alarm or terror, and includes a device designed, made, or adapted for delivery or shooting an explosive weapon.

**Expulsion** means the removal of a student from the home campus to the Juvenile Justice Alternative Education Program for certain offenses listed under Level V of the Student Code of Conduct.

**False alarm or report** under Penal Code 42.06 occurs when a person knowingly initiates, communicates, or circulates a report of a present, past, or future bombing, fire, offense, or other emergency that he or she knows is false or baseless and that would ordinarily:

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

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

- 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**.

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

**Foster Care** means when children can't live safely at home and an appropriate non-custodial parent, relative, or close family friend is currently unable or unwilling to care for them, the court can give temporary legal possession to CPS and that agency temporarily places these children in foster care. Foster care settings include:

- Kinship Caregiver homes;
- Foster family homes;
- Foster family group homes;
- Residential group care facilities; and
- Facilities overseen by another state agency

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

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

**Harassment** is:

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

3. Conduct that is punishable as a crime under Penal Code 42.07, including the following types of conduct if carried out with the intent to harass, annoy, alarm, abuse, torment, or embarrass another:
  - a) Initiating communication and, in the course of the communication, making a comment, request, suggestion, or proposal that is obscene, as defined by law;
  - b) Threatening, in a manner reasonably likely to alarm the person receiving the threat, to inflict bodily injury on the person or to commit a felony against the person, a member of the person's family or household, or the person's property;
  - c) Conveying, in a manner reasonably likely to alarm the person receiving the report, a false report, which is known by the conveyor to be false, that another person has suffered death or serious bodily injury; and
  - d) Sending repeated electronic communications in a manner reasonably likely to harass, annoy, alarm, abuse, torment, embarrass, or offend another.

**Hazing** is defined by Section 37.151 of the Education Code as an intentional, knowing, or reckless act, occurring on or off the campus of an educational institution, by one person alone or acting with others, directed against a student for the purpose of pledging, being initiated into, affiliating with, holding office in, or maintaining membership in a student organization, if the act meets the elements in education code 37.151 including:

1. Any type of physical brutality;
2. An activity that subjects the student to an unreasonable risk of harm or that adversely affects the student's mental or physical health, such as sleep deprivation, exposure to the elements, confinement to small spaces, calisthenics, or consumption of food, liquids, drugs or other substances;
3. An activity that induces, causes, or requires the student to perform a duty or task that violates the Penal Code; and
4. Coercing a student to consume a drug or alcoholic beverage in an amount that would lead a reasonable person to believe the student is intoxicated

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

**Homeless Children and Youths** as stated in Federal definition- 42 U.S.C. Section 11434a means

1. individuals who lack a fixed, regular, and adequate nighttime residence; and
2. includes:
  - a) children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; or are abandoned in hospitals;
  - b) children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings;
  - c) children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
  - d) migratory children who qualify as homeless.

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

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

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

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

**Location-restricted knife** as defined by Texas Penal Code 46.01 is a knife with a blade over five and one-half (5½) inches.

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

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

**Non-illegal knife** is defined as any bladed hand instrument with a blade length of five and one-half (5 ½) inches or less that is capable of inflicting injury.

**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.

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

**Parent** – the term "parent" includes a parent, legal guardian, or other person having lawful control of the child.



**Possession** is defined as the actual or constructive 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.

**Prohibited Weapons** under Texas Penal Code 46.05(a) means:

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

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

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

**Reasonable belief** is that which an ordinary person of average intelligence and sound mind would believe. Chapter 37 requires certain disciplinary decisions when the superintendent or designee has a reasonable belief that a student engaged in conduct punishable as a felony offense. In forming such a reasonable belief, the superintendent or designee may use all available information, including the notice of a student's arrest under Article 15.27 of the Code of Criminal Procedure.

**Restorative Practices** is a relational approach to building school climate and addressing student behavior. Restorative practices focus on proactive approaches that facilitate respectful

classrooms, developing rapport with students, managing conflicts, establishing routines and expectations for positive student behavior.

**School day** is defined as anytime students are under the direct supervision of a Cypress-Fairbanks ISD employee. This includes, but is not limited to, class time; before, during, or after any assessment; passing periods between classes; lunch time; recess; after school tutorials, detentions; field trips; and participating in school events. Students who need to use a telephone during the school day may use one of the school phones that are available for student use, upon request, and based on need.

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

**Serious misbehavior** means:

1. Deliberate violent behavior that poses a direct threat to the health or safety of others;
2. Extortion, meaning the gaining of money or other property by force or threat;
3. Conduct that constitutes coercion, as defined by Section 1.07, Penal Code; or
4. Conduct that constitutes the offense of:
  - a. public lewdness under Section 21.07, Texas Penal Code;
  - b. indecent exposure under Section 21.08, Texas Penal Code;
  - c. criminal mischief under Section 28.03, Texas Penal Code;
  - d. personal hazing under Education Code Section 37.152; or
  - e. harassment under Section 42.07 (a) (1), Texas Penal Code, of a student or district employee.

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

- behavior that is grounds for permissible expulsion or DAEP placement.
- behavior identified by the district as grounds for discretionary DAEP placement.
- actions or demonstrations that substantially disrupt or materially interfere with school activities.
- refusal to attempt or complete schoolwork as assigned.
- insubordination.
- profanity, vulgar language or obscene gestures.
- leaving school grounds without permission.
- falsification of records, passes, or other school-related documents.
- refusal to accept discipline assigned by the teacher or principal

**Short-barrel firearm** is defined by Texas Penal Code 46.01 as a rifle with a barrel length of less than 16 inches or a shotgun with a barrel length of less than 18 inches, or any weapon made from a rifle or shotgun that, as altered, has an overall length of less than 26 inches.

**Smoking/Tobacco** violations, including smoking, using or possessing tobacco in any form by students is prohibited anywhere on the property of Cypress-Fairbanks ISD, in school vehicles, or on school-related trips. Class C tickets for minors in possession of alcohol and/or drugs/tobacco on school property may be issued by CFISD Police Department in accordance with state law.

**Switchblade** is any knife with a blade that folds, closes, or retracts into the handle or sheath and that opens automatically by pressing a button or by the force of gravity or centrifugal force. The term does not include a knife that has a spring, detent, or other mechanism designed to create a bias toward closure and that requires exertion applied to the blade by hand, wrist, or arm to overcome the bias toward closure and open the knife.

**Terroristic threat** is defined by Texas Penal Code 22.07 as a threat of violence to any person or property with intent to:

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

**Time-out** means a behavior management technique in which, to provide a student with an opportunity to regain self-control, the student is separated from other students for a limited period in a setting:

- that is not locked; and
- from which the exit is not physically blocked by furniture, a closed door held shut from the outside, or another inanimate object.

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

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

- murder, manslaughter, or homicide under Sections 19.02-19.05, Texas Penal Code;
- kidnapping under Section 20.03, Texas Penal Code;
- trafficking of persons under Section 20A.02, Texas Penal Code
- smuggling or continuous smuggling of persons under Sections 20.05-20.06, Texas Penal Code;
- assault under Section 22.01, Texas Penal Code;
- aggravated assault under Section 22.01, Texas Penal Code;

- sexual assault under Section 22.011, Texas Penal Code;
- aggravated sexual assault under Section 22.021, Texas Penal Code;
- unlawful restraint under Section 20.02, Texas Penal Code;
- continuous sexual abuse of a young child or children under Section 21.02, Texas Penal Code;
- bestiality under Section 21.09, Texas Penal Code
- improper relationship between educator and student under Section 21.12, Texas Penal Code;
- voyeurism under Section 21.17, Texas Penal Code
- indecency with a child under Section 21.11, Texas Penal Code;
- invasive visual recording under Section 21.15, Texas Penal Code;
- disclosure or promotion of intimate visual material under Section 21.16, Texas Penal Code;
- sexual coercion under Section 22.04, Texas Penal Code;
- injury to a child, an elderly person, or a disabled person of any age under Section 22.04 Texas Penal Code;
- abandoning or endangering a child under Section 22.041, Texas Penal Code;
- deadly conduct under Section 22.05, Texas Penal Code;
- terroristic threat under Section 22.07, Texas Penal Code;
- aiding a person to commit suicide under Section 22.08, Texas Penal Code; and
- tampering with a consumer product under Section 22.09, Texas Penal Code (See FOC [Exhibit])

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

An assessment may be administered by a school nurse. If a student refuses to cooperate with the assessment, where there is reasonable cause or suspicion, the student’s parents are to be notified, and the student becomes subject to disciplinary sanctions.

**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.

**Violent Crimes offenses** as related to suspension of a student below grade 3 or who is identified as homeless pertains to conduct that contains the elements of assault as provided by the Penal Code Section 22.01 Assault, Section 22.011 Sexual Assault, Section 22.02 Aggravated Assault, or Section 22.021 Aggravated Sexual Assault.

**Weapons offenses** as related to suspension of a student below grade 3 or who is identified as homeless pertains to conduct that contains the elements of a weapons offense, as provided in Penal Code Section 46.02 Unlawful Carry Weapons or 46.05 Prohibited Weapons.

**Zip gun** is defined by Texas Penal Code 46.01 as a device or combination of devices, not originally a firearm, but adapted to expel a projectile through a smooth-bore or rifled-bore barrel by using the energy generated by an explosion or burning substance.

# **CYPRESS-FAIRBANKS ISD**

## **STUDENT CODE OF CONDUCT**

**2020-2021**

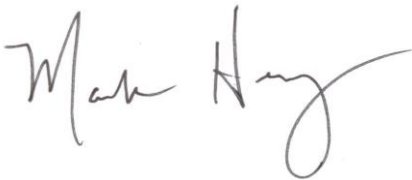
## 2020-2021 Student Handbook/Student Code of Conduct

Dear Parents or Guardians,

This publication contains the Student Handbook and Student Code of Conduct for Cypress-Fairbanks ISD 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 behavior 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 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 that will reinforce the district's priority goal of safe schools for all students and staff.

Sincerely,

A handwritten signature in black ink that reads "Mark Henry". The signature is written in a cursive style with a large, looping "H" and a long, sweeping underline.

Mark Henry, Ed. D.  
Superintendent of Schools

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## **Major changes to the Code of Conduct**

The following changes have been made to the Code of Conduct:

Added:

- Expanded list of restorative corrective actions (CC-7&8)
- Remote Learning Etiquette & Expectations (CC-12)

In addition, based on committee recommendations, some descriptions have been rephrased to improve readability.

# STUDENT CODE OF CONDUCT

## Purpose

The Student Code of Conduct is the district's response to the requirements of Chapter 37 of the Texas Education Code.

The Code provides methods and options for managing students in the classroom, on school grounds, on school buses and vehicles owned or operated by the district, disciplining students, and preventing and intervening in student discipline problems.

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

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

In accordance with state law, the Code of Conduct shall be posted on each school campus or shall be available for review at the office of the principal, assistant principal, registrar, counselor, library and reception area. Additionally, the Code shall be posted on the district's website: [www.cfisd.net](http://www.cfisd.net). Parents shall be notified of any conduct violation that may result in a student being suspended, placed in a discipline management class (DMC), placed in a disciplinary alternative education program (DAEP), or expelled.

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

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

For the purposes of this document, campus principals, associate principals and assistant principals are the designated Campus Behavior Coordinators (CBC) and are responsible for maintaining student discipline. The district shall post on its website for each campus, the e-mail address and telephone number of the person serving as a campus behavior coordinator. Contact information may be found at [www.cfisd.net](http://www.cfisd.net).

**Purpose** *(continued)*

The Glossary, found at the end of the Code, provides definitions for misconduct and terminology used throughout the document; the Texas Education Code provides detailed discipline information and can be accessed through this link:

<https://statutes.capitol.texas.gov/Docs/ED/htm/ED.37.htm>

### **Accessibility Assistance**

If you have difficulty accessing the information in this document because of a disability, please contact Student Services at 281-897-4147 or [studentservices@cfisd.net](mailto:studentservices@cfisd.net) for assistance.

### **All students are expected to adhere to the Safety Pledge:**

#### **Elementary Safety Pledge**

- I want my school to be a place where all students feel safe and treat each other with respect.
- I will keep my hands and feet to myself and not touch personal belongings of others.
- I will not bully, tease or hurt anyone. If I hear or see bullying/cyberbullying 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 respect and maintain personal space of others.
- I will not bully, tease or hurt anyone. If I hear or see bullying/cyberbullying 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 Standards for Conduct**

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.

Students are expected to:

1. abide by the Student Safety Pledge.
2. adhere to requirements of the Student Code of Conduct.

**Student Standards for Conduct** *(continued)*

3. attend all classes, regularly and on time whether in-person or remote.
4. cooperate with or assist the school staff in maintaining safety, order, and discipline.
5. report any acts of bullying/cyberbullying, dangerous behaviors, and/or situations to school personnel.
6. 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.
7. respect the rights and privileges of other students, teachers and other district staff, and volunteers.

### **Parent Standards for Conduct**

Parents or legal guardians are expected to:

1. bring to the attention of school authorities any learning problem or condition that may relate to their child's education.
2. encourage their child to adhere to the Student Code of Conduct and school discipline policies.
3. ensure student safety by adhering to established drop-off and pick-up times and procedures.
4. act in a manner that is appropriate for the school setting and does not pose a substantial risk of harm to others.
5. refrain from photographing, audio or video recording other adults or students without permission.
6. provide appropriate identification when requested by school personnel and display required visitor identification while on school premises.
7. complete the Parent Acknowledgment Statement indicating that you are aware that the Student Code of Conduct and Student Handbook are available online and that a hard copy will be provided upon request to the campus.

### **Refusal of Entry, Ejection, Identification**

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

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

Appeals regarding refusal of entry or ejection from district property may be filed in accordance with Board policies FNG (LOCAL) or GF (LOCAL), as appropriate. However, the timelines for the district's grievance procedures shall be adjusted as necessary to permit the person to address the board in person within 90 days, unless the complaint is resolved before a board hearing.

### **School District Authority and Jurisdiction**

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

### **School District Authority and Jurisdiction***(continued)*

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.

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 district 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 prohibits the use of corporal punishment.

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 or a school-sponsored or school-related activity on district transportation;
2. for offenses committed on school property, or while attending a school-sponsored or school-related activity of another district in Texas;
3. for offenses committed within 300 feet of school property as measured from any point on the school's real property boundary line;
4. when criminal mischief is committed on or off school property, or at a school-related event;
5. when retaliation against a school employee, board member, or volunteer occurs or is threatened, regardless of time or location;
6. when a student engages in bullying/cyberbullying, as provided by Texas Education Code 37.0832;

**Disciplinary Authority of the School District***(continued)*

7. when the student commits a felony, as provided by Texas Education Code Sections 37.006 or 37.0081;
8. when the student is required to register as a sex offender;
9. while the student is in attendance at any school-related activity, regardless of time or location;
10. for any school-related misconduct, regardless of time or location.

The district has the right:

1. to revoke the transfer of a student.
2. to search a vehicle driven to school by a student and parked on school property whenever there is reasonable suspicion to believe it contains articles or materials prohibited by the district.
3. to search or inspect at any time without notice desks, lockers, district-provided technology and similar items that are the property of the district and are provided for student use as a matter of convenience.
4. to limit a student's participation in graduation activities for violating the district's Student Code of Conduct. Participation might include a speaking role, as established by district policy and procedures.
5. to refuse entry onto school or district grounds to persons who do not have legitimate business at the school or the district facility.

### **Parent Notification**

The assistant principal shall promptly notify a student's parent by phone or in person of any violation that may result in:

1. in-school suspension,
2. out-of-school suspension,
3. placement in a DAEP,
4. expulsion or
5. the student being taken into custody by a law enforcement officer under the disciplinary provisions of the Texas Education Code.

A good faith effort shall be made on the day the action was taken to provide to the student for delivery to the student's parent written notification of the disciplinary action. If the parent has not been reached by telephone or in person by 5 PM of the first business day after the day disciplinary action was taken, the assistant principal shall send notification via email or US mail. If the assistant principal is not able to provide notice to the parent, the principal or designee shall provide the notice.

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

### **Discipline Assignment and Notification**



<b>Assignment</b>	<b>Recommended or Assigned By</b>	<b>Notification / Due Process</b>	<b>Appeal To</b>
Detention Hall (DH)	Teacher or Assistant Principal	Phone notification and conference* and written communication	Principal or designee
Discipline Management Class (DMC)	Assistant Principal	Phone notification and conference* and written communication	Principal or designee
Suspension	Assistant Principal	Phone notification and conference* and written communication	Principal or designee
Disciplinary Alternative Education Program (ALC/SAC/SOS)	Assistant Principal	Phone notification and conference* and written communication	Principal or designee Or <i>Office of Student Services when the placement extends beyond the end of the next grading period</i>
Expulsion (JJAEP)	Principal	Phone notification and conference* and written communication	<ul style="list-style-type: none"> <li>• Office of Student Services</li> <li>• Board of Trustees</li> <li>• District Court</li> </ul>

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

### **Behavior Management Techniques**

In general, discipline will be designed to improve conduct and to encourage all students to adhere to their responsibilities as citizens of the school community. Disciplinary action shall draw on the professional judgment of teachers and administrators and on a range of behavior management techniques, including restorative practices. Discipline shall be based on the seriousness of the offense, the student's age and grade level, the frequency of misbehavior, the student's attitude, the effect of the misconduct on the school environment, and statutory requirements. Because of these factors, discipline for a particular offense, unless otherwise specified by law, may bring into consideration varying techniques and responses.

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 when deciding whether to suspend, place or expel 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,

### **Behavior Management Techniques** (continued)

4. the student's disability (a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct),
5. a student's status in foster care, or
6. a student's status as homeless.

The district will provide, as appropriate for students at each grade level, restorative practices and behavior management including, but not limited to, options for:

1. managing students in the classroom, on school grounds, and on the school bus or vehicle owned and operated by the district;
2. disciplining students; and
3. preventing and intervening in student discipline problems, including bullying/cyberbullying, harassment, and making hit lists.

The following corrective action options include restorative practices and behavior management techniques and consequences which may be used alone or in combination for Student Code of Conduct and non-Student Code of Conduct violations:

1. administrator/BI/counselor/teacher/student conference
2. behavior coaching (anger management strategies, skill building, social skills lessons)
3. check-in/check-out
4. confiscation of nuisance items
5. conflict resolution (peer mediation, restorative circles, Stay Away Agreements)
6. contract
7. cooling-off time or "time-out"
8. counseling by school personnel
9. detention
10. expulsion (Level V violations only)
11. flexible scheduling
12. grade penalty for cheating
13. in-school suspension – discipline management class (DMC)
14. mentor program
15. oral or written correction
16. out-of-school suspension (Level III, Level IV, and Level V violations only)
17. parent contact: note, call or conference
18. parent outreach/training opportunities
19. Positive Behavioral Intervention and Support (PBIS)
20. prompting/ reminder of expectations
21. reflective activity (book/movie study, educational project)
22. removal from school bus/regular classroom in the form of a routine office referral
23. removal to a discipline alternative education program (DAEP) (Level III and Level IV violations only)
24. restoration or restitution, as applicable
25. rewards or demerits

**Behavior Management Techniques***(continued)*

26. seating changes within the classroom or bus
27. service project (campus/community)
28. student support plan
29. withdrawal of privileges, such as attendance at or participation in extracurricular activities or school-sponsored or school-related events (i.e. homecoming, prom, or graduation), eligibility for seeking and holding honorary offices, or membership in school-sponsored clubs and organizations
30. other strategies and consequences as determined by school officials

### **Bus Conduct/Transportation**

1. School buses are provided to transport students to and from school and/or related activities and are considered an extended part of the school day.
2. In order to promote a safe and pleasant ride, video cameras may be used to assist the driver.
3. District rules and guidelines are applicable on the buses or vehicles owned, operated or controlled by the district.
4. Any violation of the rules will be reported by the bus driver to the respective principal or designee for corrective action. Restitution for any damages incurred must be made before returning to the bus.
5. Students violating bus rules are subject to disciplinary consequences, which may include having a re-assigned seat on the bus and/or suspension of bus riding privileges.
6. When a disruption occurs on a CFISD bus, students may be removed from the bus and transported to the CFISD Police Department where a parent/guardian will be contacted to pick up his/her child. In addition to school disciplinary action, students may receive written citations or criminal complaints filed against them by CFISD Police Department in accordance with state law. If a parent/guardian cannot be contacted, the student may be transported to the Department of Family and Protective Services (DFPS).
7. While students are suspended and/or removed from the bus, it will be the responsibility of the parents or guardians to transport students to and from school.
8. Serious misbehavior could result in immediate removal from the bus.

### **Student Expected Bus/Transportation Behavior**

**All students are expected to adhere to the following rules when being transported by buses or vehicles owned, operated or controlled by the district.** All administrators 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.

1. Boarding school buses:
  - a. Be at your stop at least 5 minutes prior to scheduled pick up time. The bus cannot wait.
  - b. Please wait for your bus in designated areas, away from the roadway.
  - c. Be seated and remain seated until the bus is released by your driver.
2. 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.

### **Student Expected Bus/Transportation Behavior** *(continued)*

- b. Stay out of the bus ‘danger zone’ (within 10 feet of the bus). Never cross behind the bus.
3. 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.
4. Students must properly wear seat belts while being transported in any seat belt equipped vehicle that is owned, leased, or utilized by the district.
5. 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.
6. Students must not try to get on or off the bus or move about within the bus while it is in motion.
7. Students must not write on or deface any part of the bus. Any damage to the bus must be reported to the driver immediately. Students who write on or deface any part of the bus are subject to suspension from bus riding privileges, restitution and/or additional disciplinary action for all damages.
8. Glass containers of any type may not be brought on the school bus.
9. No live animals may be transported on school buses, with the exception of official service animals.
10. The emergency exits will be used only in emergencies.
11. Fighting in any form while riding on the bus may result in suspension of bus riding privileges.
12. Students must respect private property at each designated bus stop.
13. Students are not permitted to bring skateboards on the bus.
14. District cell phone policy applies to buses.
15. Unauthorized entry on the bus without driver’s permission is strictly prohibited and could result in citation or arrest in accordance with state law.

**Parents, Guardians and Persons Acting in loco parentis will:**

1. be responsible and accountable for the conduct and safety of their children at all times prior to the arrival and after the departure of the school bus at the assigned school bus stop;
2. understand and support district guidelines, policies, regulations and principles of school bus safety;
3. assist students in understanding safety rules and encourage them to abide by them;
4. be cognizant of their own responsibilities for the actions of their children.

**Prohibition of Bullying/Cyberbullying**

The district prohibits bullying and cyberbullying 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.

Reports of bullying/cyberbullying shall be made as soon as possible after the alleged act or knowledge of the alleged act. A failure to immediately report may impair the district’s ability to investigate and address the prohibited conduct.

**Prohibition of Bullying/Cyberbullying (continued)**

To obtain assistance and intervention, any student who believes that he or she has experienced bullying/cyberbullying or believes that another student has experienced bullying/cyberbullying should immediately report the alleged acts to a teacher, counselor, principal, or other district employee.

Any district employee who suspects or receives notice that a student or group of students has or may have experienced bullying/cyberbullying shall immediately notify the principal or designee.

A report may be made orally or in writing. A report may also be reported anonymously through the Cy-Fair Tip Line (<http://www.cfisd.net/en/parents-students/safety/cyfair-tipline/>)

The principal or designee shall reduce any oral report to written form.

### **Bullying/Cyberbullying Transfer**

On the request of a parent or other person with authority to act on behalf of a student who is a victim of bullying, a board or its designee shall transfer the victim to:

1. another classroom at the campus to which the victim was assigned at the time the bullying occurred; or
2. a campus in the district other than the campus to which the victim was assigned at the time the bullying occurred.

For each transfer requested, the district shall explore transfer options, as appropriate. Contact a campus administrator for information regarding a bullying/cyberbullying transfer request.

### **Prohibition of Hazing**

Students and organizations are prohibited from initiating or engaging in hazing or from encouraging or assisting any other person in hazing.

### **Prohibition of Gangs/Gang Activity**

Gangs or gang activity will not be tolerated in Cypress-Fairbanks ISD 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, bandanas, jewelry, graffiti or drawings of gang symbols on notebooks or clothing, haircuts, tattoos, rosary beads or other religious symbols.

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. 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.

### **Prohibition of Telecommunication Devices**

Except as noted in this section, during the school day, students are generally prohibited from using all telecommunication devices such as, but not limited to, cellular phones. Such devices must not be visible and must remain turned off during the 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 photographing or videoing of the image of another without permission or in any way invades the person's privacy, casts the person in a negative or embarrassing light, or that disrupts the educational environment, is prohibited.

*Exception: Teachers have the authority to allow students to use telecommunication devices, such as, but not limited to, cell phones, netbooks, iPods, iPads, eBooks, for instructional purposes within the confines of the classroom.*

Individual campuses may adopt "telecommunication device" rules that are less restrictive than the aforementioned rules and these amended procedures may identify other non-instructional times during the school day where these devices may be in use without penalty. These procedures must be approved by the campus principal and must be clearly communicated to the students and parents prior to implementation. A copy of the amended procedures must be on file with the Office of Student Services.

A school day is defined as anytime students are under the direct supervision of a Cypress-Fairbanks ISD employee. This includes, but is not limited to, class time; before, during, or after any assessment; passing periods between classes; lunch time; recess; after school tutorials, 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 that are available for student use, upon request, and based on need.

Violation of the rules during any assessment such as, but not limited to, EOC, STAAR, or locally designed assessment, etc. prohibits an optimum testing environment and, therefore, may result in an invalid assessment. Use of a cell phone or any other unapproved telecommunication 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 these rules 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 telecommunication device to school personnel when asked to do so, or repeated violations of this section, may result in additional disciplinary action, including confiscation of the device for a period of time up to the remainder of the school year.

**Prohibition of Telecommunication Devices***(continued)*

**Note: Parents are requested not to contact their child during the 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, including items that may have been confiscated.

Because telecommunication devices are brought at a student's own risk, the CFISD Police Department will not investigate or file theft reports for students or parents for the loss of a telecommunication device at school. In addition, the theft of any other item considered prohibited or contraband will not be investigated.

### **Remote Learning Etiquette & Expectations**

Online class meeting sessions are an important component of remote learning. In large measure, they provide the needed interaction of a live traditional class. Given the constraints of the medium, all participants in the online class session should adhere to the following rules and best practices in order to ensure the best possible learning environment. Remote instruction is a virtual classroom; therefore, all classroom rules apply.

1. Students should only enter, or attempt to enter, their regularly scheduled assigned class meeting session using their proper name and appropriate profile picture.
2. Class meeting IDs should not to be shared with others outside of the class.
3. The background for a class meeting session should be appropriate to the school setting, clear of distractions, and offer enough light for the student's face to be visible.
4. Students should arrive on time for the class meeting session. The student will be admitted to the "waiting room" before being admitted to the class.
5. Students should log into the class meeting session using their CFISD student network user log-in.
6. Students should report to their class meeting session properly groomed and dressed for class. (see Student Handbook for guidelines)
7. Posture in front of the camera should be conducive to active learning and participation. The student's full face should be visible in the camera frame.
8. As expected of any class interaction, participants are to treat each other with courtesy and respect. Appropriate language should be used for all forms of communication including, but not limited to, emails, discussion postings, group projects, and submitted assignments which may be part of, or an extension of, the class meeting interaction.
9. Students should refrain from taking screenshots or screen recordings of virtual classrooms without the explicit permission from the teacher and class members.
10. Students should refrain from engaging in any disruptive or prohibited behavior during virtual learning activities.

### **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 that most frequently causes a disruption to the orderly educational process. The acts of misconduct listed in Levels I, II, III, IV and V are not exhaustive. The student who commits an act of misconduct that may be classified into any of the five levels will be subject to the disciplinary action assigned by the classroom teacher and/or campus administrator. When these assignments or recommendations occur, the administrator will consider the following factors:

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. the student's disability (a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct),
5. a student's status in foster care, or
6. a student's status as homeless.

#### **Disciplinary Authority of the Campus Principal**

**The building principal has the final authority in determining the disciplinary assignment for a student's misconduct and discipline decisions of the principal may not be appealed, including through the use of one of the district's grievance policies, except as noted herein.**

The only 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.



# **LEVEL I**

**Level I violations include infractions that are generally violations of classrooms (in-person or remote) school buses or vehicles owned or operated by the district, or campus rules on school property or during any school-sponsored or school-related activity. These are violations that can be corrected by the classroom teacher and other staff using restorative practices and strategies. Teachers and other staff members may keep a written record of the violation. However, certain violations may be elevated to Level II based on the severity or context of the misconduct.**

**Remote instruction is a virtual classroom; therefore, all classroom rules apply.**

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

1. being tardy to class
2. eating or drinking in an undesignated area
3. failure to deliver and/or return written communication between home and school
4. not bringing required classroom materials and/or assigned work to class, (including, but not limited to, network login ID and/or password, computer resources)
5. possessing and/or using nuisance items
6. refusing to follow classroom rules (participating in classroom activity, completing assigned work, etc.)
7. repeatedly sleeping in class
8. running and/or making excessive noise in the halls, building, and/or classroom
9. talking-out/unmuting yourself when the teacher has placed you on mute
10. any other act that impedes the orderly classroom procedure or interrupts the orderly operation of the classroom

**Level I Corrective Action Options:**

The following corrective action options include restorative practices and behavior management techniques and consequences which may be used alone or in combination:

1. administrator/BI/counselor/teacher/student conference
2. behavior coaching (anger management strategies, skill building, social skills lessons)
3. check-in/check-out
4. confiscation of nuisance items
5. conflict resolution (peer mediation, restorative circles, Stay Away Agreements)
6. contract
7. cooling-off time or “time-out”
8. counseling by school personnel
9. detention
10. flexible scheduling
11. mentor program
12. oral or written correction
13. parent contact: note, call or conference
14. parent outreach/training opportunities
15. Positive Behavioral Intervention and Support (PBIS)
16. prompting/ reminder of expectations

**Corrective Action Options** *(continued)*

17. reflective activity (book/movie study, educational project)
18. removal from school bus/regular classroom in the form of a routine office referral
19. restoration or restitution, as applicable
20. rewards or demerits
21. seating changes
22. service project (campus/community)
23. student support plan
24. withdrawal of privileges, such as attendance at or participation in extracurricular activities or school-sponsored or school-related events (i.e. homecoming, prom, or graduation), eligibility for seeking and holding honorary offices, or membership in school-sponsored clubs and organizations
25. other strategies and consequences as determined by school officials

**Level I Guidelines**

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, 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. Infractions are generally violation of classrooms (in-person or remote), school buses or vehicles owned or operated by the district, or campus rules on school property or during any school-sponsored or school-related activity. These infractions may result in a referral to an administrator who will address the violation utilizing restorative practices and/or behavior management techniques. However, certain violations may be elevated to Level III violations based on the severity or context of the misconduct.**

**Remote instruction is a virtual classroom; therefore, all classroom rules apply.**

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

1. any repeated violation cited in the previous level or chronic or repeated instances of misbehavior
2. altering school records or signing another person's name on a school document
3. cheating and/or copying (plagiarism) the work of others from any source (Internet, library resources, other students, etc.)
4. altering, defacing, or refusing to wear ID badge
5. cutting class or other scheduled activities
6. engaging in an inappropriate public display of affection
7. exhibiting any unacceptable physical contact which could result in injury
8. failure to comply with assigned disciplinary consequences
9. leaving or returning to the classroom, building, or school grounds without permission
10. lunchroom or restroom misconduct
11. 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)
12. refusing to comply with reasonable requests of school personnel
13. throwing objects that can cause bodily injury or damage to property
14. truancy
15. unauthorized alteration or deletion of digital files
16. unwanted touching of others
17. verbally or physically taunting other students
18. violating the district or campus dress and grooming guidelines
19. violating the district or campus telecommunication devices rules
20. any other acts which interfere with the orderly educational process of the classroom and/or school

**Corrective Action Options:**

The following corrective action options include restorative practices and behavior management techniques and consequences which may be used alone or in combination:

1. administrator/BI/counselor/teacher/student conference
2. behavior coaching (anger management strategies, skill building, social skills lessons)
3. check-in/check-out

### **Corrective Action Options** *(continued)*

4. confiscation of nuisance items
5. conflict resolution (peer mediation, restorative circles, Stay Away Agreements)
6. contract
7. cooling-off time or “time-out”
8. counseling by school personnel
9. detention
10. flexible scheduling
11. grade penalty for cheating
12. in-school suspension – discipline management class (DMC)
13. mentor program
14. oral or written correction
15. parent contact: note, call or conference
16. parent outreach/training opportunities
17. reflective activity (book/movie study, educational project)
18. removal from school bus/regular classroom in the form of a routine office referral
19. restoration or restitution, as applicable
20. rewards or demerits
21. seating changes
22. service project (campus/community)
23. student support plan
24. withdrawal of privileges, such as attendance at or participation in extracurricular activities or school-sponsored or school-related events (i.e. homecoming, prom, or graduation), eligibility for seeking and holding honorary offices, or membership in school-sponsored clubs and organizations
25. other strategies and consequences as determined by school officials

### **Level II Guidelines**

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, administrator or support personnel.
4. 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. 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 ALTERNATIVE  
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, or within 300 feet of school property (including school buses or vehicles owned or operated by the district), or while attending a school-sponsored or school-related activity on or off school property. A violation of this magnitude may result in a student being suspended and/or placed in a disciplinary alternative educational program (DAEP). A student below grade 3 or who is identified as homeless may not be placed in out-of-school suspension, except for certain conduct that involves an offense related to:**

- weapons
- violent crimes
- drugs and/or alcohol

**The principal or designee will address violations using restorative practices and/or behavior management techniques. If the disciplinary consequence results in suspension and/or placement to an alternative school (DAEP), the principal or designee will consider the following factors prior to the recommendation:**

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. the student's disability (a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct),
5. a student's status in foster care, or
6. a student's status as homeless.

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

1. any repeated violations cited in the previous level, chronic or repeated instances of misbehavior, or any other act that seriously disrupts the orderly process of the school (in-person or remote)
2. acts of disobedience or disorderly behavior that are detrimental to the school, harmful to health and safety, or inhibit the rights of others such as, but not limited to *bullying, cyberbullying, release or threat to release intimate visual material, creating or possessing a hit list, harassment, or online harassment*
3. being disrespectful toward school personnel or school visitors
4. causing an individual to act through the use of or threat of force (coercion) or blackmail
5. engaging in conduct that constitutes dating violence
6. engaging in a criminal offense that is not addressed in Level IV or V
7. exhibiting any unacceptable physical contact that results in injury
8. 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
9. 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
10. gang-related behavior, activity, or membership



**Level III violations** *(continued)*

11. giving false or misleading statements via tip line or to an administrator during a school investigation
12. hazing
13. interfering with school authorities or school operations, programs, or instruction through boycotts, sit-ins, or trespassing
14. misuse of district technology, including, but not limited to, the Internet, the district network, district-owned equipment or software, Learning Management System
15. misuse/distribution of over-the-counter medication or violating the district medication policy
16. notification of non-Title 5 off-campus felony
17. participation in an illegal organization such as a fraternity, sorority, secret society, gang, cult, or other criminal combination prohibited by law
18. possessing a device, object, or substance that could cause harm to property or persons, such as, but not limited to, a hand instrument designed to cut or stab another by being thrown, air gun, BB gun, ammunition, laser pens, knives, (pocket knives or any other small knife with blade 5½” or less), fireworks, razors, chains, taser, stun gun, pepper spray, mace, and knuckles
19. possessing obscene or pornographic material
20. possession of drug paraphernalia
21. possession of any device that has the appearance of a prohibited firearm, knife, club or (look alike) weapon
22. possession, use, sell, under the influence, or distribution of any substance represented to be a drug or alcohol or any item not suitable for human consumption that are used to simulate illegal drug use (including written or oral admission of the violation)
23. posting or distributing unauthorized communicative materials on the school grounds
24. stealing, burglary, robbery, extortion, gambling, forgery, or possession of stolen property
25. threaten a district student, employee, or volunteer, including off school property, if the conduct causes a substantial disruption to the educational environment
26. using profane, obscene, indecent remarks, or racially or ethnically offensive language and/or gestures directed toward others
27. 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
28. vandalism and/or defacing district or personal property
29. violating the district tobacco/smoking policy including, but not limited to, vaping, smoking, using or possessing tobacco, tobacco products, smokeless cigarettes, e-cigarettes, any component, part, or accessory for an e-cigarette device, any other nicotine delivery device or any substance for consumption containing nicotine, matches or lighters (including oral or written admission of the violation)

**Level III violations** *(continued)*

30. acts of sexual misconduct that are not considered a mandatory removal to the DAEP

**Corrective Action Options:**

The following corrective action options include restorative practices and behavior management techniques and consequences which may be used alone or in combination:

1. administrator/counselor/teacher/student conference
2. behavior coaching (anger management strategies, skill building, social skills lessons)
3. check-in/check-out
4. confiscation of nuisance items
5. conflict resolution (peer mediation, restorative circles, Stay Away Agreements)
6. contract
7. counseling by school personnel
8. detention
9. flexible scheduling
10. in-school suspension – discipline management class (DMC)
11. mentor program
12. oral or written correction
13. out-of-school suspension
14. parent contact: note, call or conference
15. parent outreach/training opportunities
16. reflective activity (book/movie study, educational project)
17. removal from school bus/regular classroom in the form of a routine office referral
18. removal to a discipline alternative education program (DAEP)
19. restoration or restitution, as applicable
20. rewards or demerits
21. seating changes
22. service project (campus/community)
23. student support plan
24. withdrawal of privileges, such as attendance at or participation in extracurricular activities or school-sponsored or school-related events (i.e. homecoming, prom, or graduation), eligibility for seeking and holding honorary offices, or membership in school-sponsored clubs and organizations
25. other strategies and consequences as determined by school officials

**Level III Guidelines**

1. Any staff member who observes a student violating school 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, administrator or support personnel.
4. All level III behavior violations shall result in a referral to a campus administrator. The disciplinary response depends on the offense, previous actions and the seriousness of the misbehavior.

**Discretionary Placement Chart**

NOTE: The principal has the discretion to amend placement length.

INFRACTION	PLACEMENT SITE			PLACEMENT LENGTH		
	High School	Middle School	Elem. School	High School	Middle School	Elem. School
Level III - infractions that <u>may</u> result in a DAEP placement						
Level III misconduct that seriously disrupts the orderly process of the school	ALC	ALC	SOS	5-45 days	5-45 days	5-30 days
The superintendent or superintendent's designee has reasonable belief that the student has engaged in <b>conduct punishable as a felony, other than aggravated robbery or those listed as offenses in Title 5</b> of the Penal Code, that occurs off school property and not at a school- sponsored or school-related event, if the student's presence in the regular classroom threatens the safety of other students or teachers or will be detrimental to the educational process.	ALC	ALC	SOS	5 days - until completion of graduation requirements	5 days - until completion of graduation requirements	5 days- until completion of graduation requirements

**LEVEL IV**

**BEHAVIORAL BASIS FOR REMOVAL  
TO A  
DISCIPLINARY ALTERNATIVE  
EDUCATION PROGRAM (DAEP)**

## **LEVEL IV: Mandatory Placement-Misconduct that Requires Placement in a Disciplinary Alternative Education Program**

### **Mandatory Placements**

According to Texas Education Code Section 37.006, a student shall be removed from class and placed in a disciplinary alternative education program based on the behaviors noted in Sections I, II, and III below.

**When these recommendations occur, the administrator will consider the following factors prior to placement:**

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. the student's disability (a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct),
5. a student's status in foster care, or
6. a student's status as homeless.

**Section I-ON OR OFF CAMPUS VIOLATIONS: Violations committed on or off campus, including school buses or any vehicle owned or operated by the district, and regardless of location or time:**

- a. false alarm or report involving a public school
- b. terroristic threat involving a public school
- c. retaliation against any school employee

**Section II-ON CAMPUS VIOLATIONS: Violations committed on or within 300 feet of school property, as measured from any point on the school's real property boundary line, or while attending a school-sponsored or school-related activity on or off of school property, including school buses or any vehicle owned and or operated by the district:**

- a. engages in conduct punishable as a **felony**;
- b. engages in conduct that contains elements of the offense of **assault** Penal Code 22.01(a)(1)
- c. **sells, gives, or delivers** to another person or **possesses, uses** or is **under the influence of marijuana, a controlled substance, or a dangerous drug** if the conduct is not punishable as a felony offense (including oral and/or written admission);  
*Note: Controlled substances and dangerous drugs include some, but not all, prescription medications. Examples of prohibited medications include, but are not limited to, Xanax, Adderall, Ritalin, Vyvanse, and medications that contain codeine, as well as many other prescriptions provided by a physician.*
- d. **sells, gives, or delivers to** another person an **alcoholic beverage**; commits a serious act or offense while under the influence of alcohol; or **possesses, uses,** or is **under the influence of an alcoholic beverage**, if the conduct is not punishable as a felony offense (including oral and/or written admission);

**Section II-ON CAMPUS VIOLATIONS** (continued)

*An assessment may be administered by school nurse or other trained personnel. If a student refuses to cooperate with the assessment and there is reasonable cause or suspicion to believe the student is under the influence, the student's parents will be notified, and the student becomes subject to disciplinary sanctions.*

- e. engages in conduct that contains the elements of an offense relating to an **abusable volatile chemical**;
- f. engages in conduct that contains the elements of the offense of **public lewdness or indecent exposure**;
- g. engages in conduct that contains the elements of the offense of **harassment against an employee of the school district**;
- h. engages in **expellable conduct** and is between six and nine years of age;
- i. commits a **federal firearms violation** and is younger than six years of age.

**Section III-OFF CAMPUS VIOLATIONS\*: Violations committed off campus and while the student is not in attendance at a school-sponsored or school-related activity.** A student must be removed from class and placed in a disciplinary alternative education program (DAEP) if the student engages in conduct punishable as **aggravated robbery or a felony listed under Title 5 of the Texas Penal Code** and:

- 1. the student receives deferred prosecution; or
- 2. a court or jury finds that the student has engaged in delinquent conduct; or
- 3. the superintendent or designee has a reasonable belief that the student engaged in the conduct.

After successful completion of the assigned DAEP placement and until final court disposition has been delivered to the Office of Student Services, the district reserves the right to:

- 1. return the student to the home campus
- 2. assign the student to a new home campus (without transportation)
- 3. extend the DAEP placement

**Section I Chart – Violations committed on or off campus**

ON OR OFF CAMPUS INFRACTION – MANDATORY PLACEMENT	PLACEMENT SITE			PLACEMENT LENGTH		
	High School	Middle School	Elem. School	High School	Middle School	Elem. School
<b>Level IV Infraction</b>						
<b>False Alarm or Report</b> involving a public school	ALC	ALC	SOS	5-45 days	5-45 days	5-30 days
<b>Retaliation</b> against a school employee						
<b>Terroristic Threat</b> involving a public school						

**Section II Chart – Violations committed on campus.**

ON CAMPUS INFRACTION – MANDATORY PLACEMENT	PLACEMENT SITE			PLACEMENT LENGTH		
	High School	Middle School	Elem. School	High School	Middle School	Elem. School
<b>Level IV Infraction</b>						
<b>Felony Activity/Conduct – excluding drug infractions that are punishable as a felony</b>	ALC	ALC	SOS	5-45 days	5-45 days	5-30 days
<b>Assault</b>						
<b>Marijuana, a controlled substance, or a dangerous drug-</b> sells, gives, delivers, possesses, use or under the influence (non-felony).						
<b>Alcoholic beverage</b> – sells, gives, delivers, possesses, use, or under the influence						
<b>Abusable volatile chemical</b>						
<b>Public Lewdness &amp; Indecent Exposure</b>						
<b>Harassment against an employee of the school district</b>						
<b>Student between 6 and 9 years of age and engages in expellable conduct</b>	N/A	N/A	SOS	N/A	N/A	5-30 days
<b>Student younger than 6 years of age commits a federal firearms violation</b>						Up to one (1) calendar year
<b>Level IV infractions occurring while assigned to the DAEP</b>	ALC	ALC	SOS	5-45 days	5-45 days	5-30 days

**Notes:**

- The principal has the discretion to amend placement length.
- Level IV infractions occurring while assigned to the DAEP 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.
- A principal may, but is not required to, remove a student to a DAEP for off-campus conduct for which removal is required if the principal does not have knowledge of the conduct before the first anniversary of the date the conduct occurred.

**Section III Chart – Violations committed off-campus. (See CC-27\*)**

OFF CAMPUS INFRACTION MANDATORY PLACEMENT	PLACEMENT SITE			PLACEMENT LENGTH		
	High School	Middle School	Elem. School	High School	Middle School	Elem. School
Level IV Infraction						
Aggravated Robbery	ALC/ JJAEP	ALC/ JJAEP	SOS/ JJAEP	5-45 days	5-45 days	5-30 days
Title 5 Felony						
Registered Sex Offender**	ALC	ALC	SOS	1 semester or until appropriate placement is determined		

The district maintains the option to extend the placement or expulsion of students in violation of Title 5 off-campus felonies, aggravated robbery and registered sex offenders until:

- 1) the student graduates from high school,
- 2) the charges are dismissed or reduced to a misdemeanor offense,
- 3) the student completes the term of placement or is assigned to another program, or
- 4) \*\*as permitted in TEC 37.306.



**LEVEL V**

**BEHAVIORAL BASIS FOR EXPULSION—  
REMOVAL TO THE JUVENILE JUSTICE  
ALTERNATIVE EDUCATION PROGRAM (JJAEP)**

**LEVEL V: MANDATORY EXPULSION TO JJAEP (Juvenile Justice Alternative Education Program) FOR SERIOUS OFFENSES OCCURRING ON OR OFF SCHOOL PROPERTY - 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 that 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 must be expelled from school to JJAEP if the student commits any of the following violations found in the list below on school property or at a school-sponsored or school-related activity.**

**When these recommendations occur, the administrator will consider the following factors prior to expulsion:**

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. the student's disability (a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct),
5. a student's status foster care, or
6. a student's status as homeless.

**Mandatory Expulsions**

A student shall be expelled from a school if the student, on school property or while attending a school-sponsored or school-related activity on or off of school property (including school buses or vehicles owned or operated by the district):

1. Bringing to school or possessing at school, including any setting that is under the district's control or supervision for the purpose of a school activity, a **firearm**, as defined by federal law 18 U.S.C. Section 921.
2. Unlawfully carrying (intentionally, knowingly, or recklessly) on or about the student's person the following, in the manner prohibited by Penal Code:
  - a. A **handgun**, defined by state law as any firearm designed, made, or adapted to be used with one hand. (Penal Code 46.02)
  - b. A **location-restricted knife**, as defined by state law. (Penal Code 46.02)
3. Possessing, manufacturing, transporting, repairing, or selling a **prohibited weapon**, as defined in state law. (Penal Code 46.05)
4. Behaves in a manner that contains elements of the following offenses under the Texas Penal Code:
  - a. **aggravated assault**,
  - b. **sexual assault or aggravated sexual assault**
  - c. **arson**
  - d. **murder, capital murder, or criminal attempt to commit murder or capital murder**
  - e. **indecent with a child**

**Mandatory Expulsions** *(continued)*

- f. **aggravated kidnapping**
- g. **aggravated robbery**
- h. **manslaughter**
- i. **criminally negligent homicide**
- j. **continuous sexual abuse of a young child or children**
- k. **behavior punishable as a felony** that involves selling, giving, or delivering to another person or possessing, using, or being under the influence of marijuana, a controlled substance, a dangerous drug, or alcohol; or committing a serious act or offense while under the influence of alcohol
- l. engages in **retaliation against a school employee or volunteer combined with one of the above-listed mandatory expulsion offenses**

**Under Age Ten**

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

## LEVEL V VIOLATIONS CHART

Cypress-Fairbanks ISD reserves the right to modify Level V expulsions by combining an expulsion to the JJAEP with a placement at the DAEP (ALC/SAC/SOS).

ON CAMPUS INFRACTION	SITE			LENGTH		
	High School	Middle School	Elem. School	High School	Middle School	Elem. School
<b>Level V infraction which require mandatory expulsion</b>						
<b>Aggravated Kidnapping</b>	JJAEP	JJAEP	JJAEP	1 calendar year	1 calendar year	1 calendar year
<b>Aggravated Robbery</b>						
<b>Capital Murder</b>						
<b>Criminally Negligent Homicide</b>						
<b>Firearm</b>						
<b>Handgun – unlawful carry</b>						
<b>Manslaughter</b>						
<b>Murder</b>						
<b>Aggravated Assault</b>	JJAEP	JJAEP	JJAEP	45-180 days	45-180 days	15-45 days
<b>Aggravated Sexual Assault</b>						
<b>Arson</b>						
<b>Continuous Sexual Abuse of a Young Child or Children</b>						
<b>Criminal attempt to commit murder or capital murder</b>						
<b>Drug Infraction (punishable as a felony)</b>						
<b>Indecency with a Child</b>						
<b>Location-Restricted Knife - unlawful carry</b>						
<b>Prohibited Weapon</b>						
<b>Retaliation against a school employee or volunteer combined with an expellable offense</b>						
<b>Sexual Assault</b>						
<b>Serious Misbehavior while in a DAEP (Discretionary Assignment)</b>	JJAEP	JJAEP	JJAEP	Extended placement in JJAEP	Extended placement in JJAEP	Extended placement in SOS
<b>Second Expulsion in the same school year</b>	JJAEP	JJAEP	JJAEP	1 calendar year	1 calendar year	Extended placement in SOS
<b>Student between 6 and 9 years of age and engages in expellable conduct</b>	N/A	N/A	SOS	N/A	N/A	15-30 days

**NOTE:** 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.

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

**For violations outlined in this section, when an expulsion recommendation is made, the administration will consider the following factors prior to expulsion:**

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. the student's disability (a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct),
5. a student's status in foster care, or
6. a student's status as homeless.

**Discretionary Expulsion**

**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** or
  2. **terroristic threat.**
  
- 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;** or
    - b) **a dangerous drug;** or
    - c) **an alcoholic beverage.**
  2. engages in conduct that contains the elements of an offense relating to an **abusable volatile chemical;** or
  3. engages in conduct that contains the element of an offense of **assault against a school district employee or a volunteer;** or
  4. engages in conduct that contains the elements of the offense of **deadly conduct;** or
  
- c. **while within 300 feet of school property as measured from any point on the school's real property boundary line, but not on school property:**
  1. unlawfully carrying (intentionally, knowingly, or recklessly) on or about the student's person a handgun, possesses a firearm (as defined by federal law 18 U.S.C. Section 921), or a **location-restricted knife**
  2. Intentionally or knowingly possessing, manufacturing, transporting, repairing, or selling a prohibited weapon, as defined by state law,
  3. engages in conduct that contains the elements of the offense of **indecenty with a child, continuous sexual abuse of a young child or children, aggravated kidnapping, aggravated robbery, manslaughter, criminally negligent homicide, aggravated assault, sexual assault, aggravated sexual assault, arson, murder, capital**

**Discretionary Expulsion** *(continued)*

4. **murder, or criminal attempt to commit murder or capital murder,** sells, gives, delivers, uses or possesses **marijuana, a controlled substance, a dangerous drug or an alcoholic beverage** if the conduct is punishable as a felony;
- 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. engages in conduct that contains the elements of the offense of **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;
  2. engages in an **assault against an employee or volunteer in retaliation** for or as a result of the person's employment or association with the district,
  3. engages in conduct that contains the elements of the offense of **criminal mischief** if punishable as a felony;
  4. engages in conduct that contains the elements of the offense of **breach of computer security.**
- e. **Students may be discretionarily expelled if they engage in:**
  1. **bullying/cyberbullying** that encourages a student to commit or attempt to commit suicide;
  2. **inciting violence against a student through group bullying;** or
  3. **releasing or threatening to release intimate visual material** of a minor or a student who is 18 years of age or older without the student's consent
- f. **A student, while in the DAEP, who continues to engage in serious misbehavior while on the program campus despite documented behavioral interventions that violates the district's Student Code of Conduct may also be expelled for a minimum of 45 days.**
- g. **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:**

Uses, exhibits, or possesses:

  1. Firearm, location-restricted knife, or prohibited weapon
  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

**Discretionary Expulsion** *(continued)*

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

**Expulsion Site - Juvenile Justice Alternative Education Program (JJAEP)**

The Board of Trustees of Cypress-Fairbanks ISD 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 (JJAEP). 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 SCHOOL**



## **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 ISD 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.

### **Notification to Schools**

As stated in TEC 37.007, a school district shall provide notice as required under Article 15.27 of the Code of Criminal Procedure. A school district shall inform each educator who has responsibility for or is under the direction and supervision of an educator who has responsibility for, the instruction of a student who has engaged in any violation listed in TEC 37.007. Each educator shall keep the information received under this subsection confidential from any person not entitled to the information, except that the educator may share the information with the student's parent or guardian as provided for by state or federal law. The State Board for Educator Certification may revoke or suspend the certification of an educator who intentionally violates this subsection.

## **Procedural Requirements for Removal**

### **Removal from the Regular Educational Setting (in-person or remote)**

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

#### **Routine Referral**

A routine referral occurs when a teacher sends a student to the principal or other appropriate administrator's office as a discipline management technique. The administrator may then employ additional techniques.

#### **Formal Removal**

A teacher or administrator **may** remove a student from class for a behavior that violates this Code to maintain effective discipline in the classroom. A teacher may initiate a formal removal from class if:

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

**Formal Removal** *(continued)*

Each school shall have a Campus Placement Review Committee (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.

A teacher and/or an administrator must remove a student from class if the student engages in behavior that, under the Texas Education Code, requires or permits the student to be placed in a disciplinary alternative education program (DAEP) or expelled. When removing for those reasons, the procedures in the subsequent sections on DAEP or expulsion will be followed. Otherwise, within three school days of the formal removal, the appropriate administrator shall schedule a conference with the student's parent, the student, the teacher who removed the student from class and any other appropriate administrator.

At the conference, the appropriate administrator shall inform the student of the alleged misconduct and the proposed consequences. The administrator shall give the student an opportunity to respond to the allegations.

When a student is removed from the regular classroom by a teacher and a conference is pending, the principal may place the student in:

1. another appropriate instructional setting.
2. in-school suspension.
3. out-of-school suspension. A student below grade 3 or who is identified as homeless may not be placed in out-of-school suspension except for certain conduct that involves an offense related to weapons, violent crimes, drugs and/or alcohol.
4. the DAEP.

The district shall ensure a student receives access to coursework for foundation curriculum courses while the student is placed in in-school or out-of-school suspension, including at least one method of receiving this coursework that does not require the use of internet.

**Returning Student to Classroom**

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

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

**Removal by School Bus Driver**

The driver of a school bus transporting students to and from school or a school-sponsored or school-related activity may send a student to the principal or appropriate administrator's office to maintain effective discipline on the school bus. The administrator shall respond by employing appropriate behavior management techniques.

### **Out-of-School Suspension**

State law allows a student to be suspended for no more than three (3) school days per behavior violation, with no limit on the number of times a student may be suspended in a semester or school year. Students may be suspended for any misbehavior listed in the Code as a general conduct violation for Levels III, IV, and V.

Exception: A student below grade 3 or who is identified as homeless may not be placed in out-of-school suspension unless, while on school property or while attending a school-sponsored or school-related activity on or off school property, the student engages in certain conduct that involves an offense related to:

- weapons
- violent crimes
- drugs and/or alcohol

Before being suspended, a student shall have an informal conference with the appropriate campus administrator who shall advise the student of the alleged misconduct. The student shall have the opportunity to respond to the allegation before the administrator makes a decision.

The appropriate administrator shall determine the number of days of a student's suspension, **not to exceed three school days**. The term of suspension concludes at the end of the school day on the last day of suspension. 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.** 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.

## **Procedural Requirements for Removal to a DAEP**

### **Conference**

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

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

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

### **Consideration of Mitigating Factors**

In deciding whether to place a student in a DAEP, regardless of whether the action is a Level III, IV, or V violation, the district will consider

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. the student's disability (a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct),
5. a student's status in foster care, or
6. a student's status as homeless.

### **Placement Order**

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

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

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

### **Terms of DAEP Discipline Placements**

Students placed in a Disciplinary Alternative Education Program (DAEP) will be assigned by the campus administration and/or district administration for a designated length of time. The principal has the authority to amend the recommended placement provided the length of time as listed below is proven to be inappropriate.

1. Special Opportunity School (SOS) Elementary students: 5-30 successful attendance days. No transportation provided.
2. Alternative Learning Center East and West (ALC-E, ALC-W) Secondary students: 5-45 successful attendance days. Transportation provided.
3. Secondary Alternative Center East and West (SAC-E, SAC-W) Secondary students: 5-45 successful attendance days. Transportation provided.

During the final grading period of the school year, the Office of Student Services, in collaboration with the campus principal, may review and amend the length of placement.

## 1. Disciplinary Alternative Education Program (DAEP)

- a. The DAEP shall be provided in a setting other than the student's home campus (in-person or remote):
  1. Special Opportunity School (S.O.S.), (Age 6 – Grade 5), Adam Elementary, 11303 Honey Grove Lane, Houston, TX 77065;
  2. Alternative Learning Center-East (ALC-E), (Grades 6-12), 12508 Windfern Road, Houston, TX 77064; telephone # 281-897-4171
  3. Alternative Learning Center-West (ALC-W), (Grades 6-12), 19350 Rebel Yell, Katy, TX 77449; telephone # 281-855-4310
- b. The DAEP curriculum shall include English, language arts, mathematics, science, history, and self-discipline and shall provide for the student's educational and behavioral needs through supervision and counseling. The district is not required to provide courses other than those listed above.
- c. Students assigned to a DAEP shall be permitted to continue enrollment in advanced courses. Advanced grade points will be awarded. Depending on the course, students may encounter different options to support their continuation in advanced courses:
  1. A student may enroll in an online version of the course when the particular course is available in the district's online course program.
  2. The home campus may facilitate the transport of assignments, tests, etc. the student at the DAEP.
  3. The student may be required to do additional and/or different assignments to earn advanced grade points in these courses.
- d. The district will attempt to support students so that they may continue in courses that fulfill graduation requirements and endorsement choices.
- e. While assigned to a DAEP, the student is prohibited from being on any Cypress-Fairbanks Independent School District property or attending any school-sponsored or school-related activity, on or off school property. Activities 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.*
- f. 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.
- g. 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.
- h. If a student enrolls in the district after having been placed in a DAEP by another district, in the state, out-of-state, 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.

**Disciplinary Alternative Education Program (DAEP) (continued)**

- i. Students assigned to a DAEP must complete all required days in a DAEP before returning to the home campus. Unless otherwise specified in the placement order, days absent from a DAEP shall not count toward fulfilling the total number of days required in a student's DAEP placement order.
- j. Campus staff shall provide transition services to a student returning to the regular classroom from an alternative education program, including a DAEP.
- k. 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.
- l. If end of placement occurs during the last two weeks of a semester, students shall be provided the option of remaining at the DAEP for exams.

**2. Off-campus Felony Removals to a DAEP following Notice of Article 15.27(g):**

- a. On receipt of notice under Article 15.27(g), Texas Code of Criminal Procedure, the campus administration shall 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.
- b. After reviewing the notice and receiving information from the student's parent or guardian, the campus administrators may continue the student's placement in the DAEP if there is reason to believe that the presence of the student in the regular classroom threatens the safety of other students or teachers.
- c. The parent or student may appeal the decision of the campus administration to the Office of Student Services if the placement extends beyond the end of the next grading period.
- d. The parent or student may appeal the decision of the Office of Student Services to the Board of Trustees.
- e. 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 uphold, amend, or rescind the decision of the district administration.
- f. The board shall make a record of the proceedings and if upholding 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.
- g. 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 2.**

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.

**3. Removal to the DAEP NOT extending beyond the end of the next grading period:**

The board has designated the principal, associate principal and assistant principal the authority to assign a DAEP placement, suspension, DMC and all campus level discipline. A student will not be afforded a Level II hearing with the Office of Student Services on disciplinary consequences except for removals extending beyond the end of the next grading period to the DAEP and expulsion as provided for in other portions of this Code. The 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.**

**4. Removal to the DAEP extending beyond the end of the next grading period**

- a. If the term of the placement, as recommended by the campus administrator, extends beyond 60 calendar days or the end of the next grading period, the student's parent or guardian is entitled to a Level II appeal hearing 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 Student Services.
- b. The district shall not delay disciplinary consequences. The student will be assigned to the DAEP pending an appeal.
- c. 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.
- d. Procedures for an appeal to the Office of Student Services are:
  - 1) The parent shall contact the Office of Student Services at (281) 897-3879 or (281) 897-4147 to schedule an appeal hearing within three (3) business days following the campus decision to remove the student to a DAEP.
  - 2) Notice of the hearing (date/time/location) will be provided to the parent.
  - 3) Generally, the hearing shall be with a designated hearing officer and a review panel.
  - 4) 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.
  - 5) 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, amend, or rescind the campus recommendation. The decision will be communicated to the student's parent.
  - 6) The decision of the hearing officer and the discipline review panel is final and may not be appealed.

**5. Removal to the DAEP extending beyond the end of the school year:**

- a. 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:
  - 1) 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

**Removal to the DAEP extending beyond the end of the next grading period** *(continued)*

- 2) the student has engaged in serious or persistent misbehavior that violates the district's previously communicated standards of student conduct.
- b. The student may appeal a removal extending beyond the end of the school year.  
(See 4 above)

**Procedural Requirements 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 parent or guardian in writing. 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.

**1. Expulsion Hearings**

- a. A hearing will be held as soon as is practical after notice of the proposed expulsion is provided to the student's parent or guardian.
- b. The student will receive prior notice of the alleged misconduct 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.
- c. The district shall not delay disciplinary consequences. The student will be assigned to the DAEP pending an appeal.
- d. The student has a right to a full and fair hearing before a competent forum.
- e. 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.
- f. The student will be provided the opportunity to testify and to present evidence and witnesses in his/her defense.
- g. The student will have the opportunity to examine the evidence presented by the school administrator.
- h. Courtroom rules of evidence will not apply, but all evidence and testimony must be relevant to the hearing. An audio recording of the hearing will be made.
- i. 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 (in-person or remote).

**2. Further Action at Board Level and Beyond**

- a. If the student/parent wishes to appeal the decision of the hearing officer, 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.
- b. The student will be assigned to the JJAEP pending an appeal to the Board of Trustees.
- c. 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,



### **Further Action at Board Level and Beyond** *(continued)*

- and correspondence regarding the hearing. No additional evidence or testimony can be introduced at the board level.
- d. The appeal of the hearing officer's decision to expel will be placed on the agenda of the next regularly scheduled board meeting.
  - e. The hearing before the board will be in closed session unless the parent requests in writing that the matter be held in an open meeting. 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.
  - f. The district/campus administrator will be given ten (10) minutes to support his/her position.
  - g. The decision of the Board of Trustees to uphold, amend, or rescind the administration's expulsion recommendation will be provided in writing to the student's parent or guardian
  - h. A decision of the Board of Trustees to expel a student may be appealed in the District Court of Harris County.

### **3. DAEP Campus-Level Expulsion Hearings and Appeals Process**

- a. A student may be expelled for serious misbehavior while placed in a DAEP.
- b. The DAEP campus principal recommends expulsion for students who engage in serious misbehavior while in a DAEP.
- c. 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 Student Services within three (3) business days of notification of the principal's decision to expel.
- d. 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.
- e. The hearing will follow the general procedures as outlined in Section 1.
- f. 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 2.

### **4. 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 or other chief administrative officer of the school district or of the other local educational agency, as defined by 20 U.S.C. Section 7801, 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 (6) 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.

Campus staff shall provide transition services to a student returning to the regular classroom from an alternative education program, including a DAEP.

**Notes:**

1. Juvenile Justice Alternative Education Program (JJAEP) for expelled students age 10 and older; 45 successful days of attendance to one calendar year. Transportation provided.
2. If end of expulsion occurs during the last two weeks of a semester, students will be provided the option of remaining at JJAEP for exams.
3. All expulsions will be assigned for the designated length of time or one calendar year, whichever occurs first.
4. A second JJAEP expulsion in the same school year will result in a one (1) calendar year expulsion.
5. Level V mandatory expulsions for infractions occurring while student is assigned to the DAEP may result in an expulsion to JJAEP for up to one (1) calendar year.

**Students Seeking Admission or Re-enrolling**

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) or expulsion to the Juvenile Justice Alternative Education Program (JJAEP) by Cypress-Fairbanks ISD 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 re-enrolls 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 re-entry assignment will be determined based on the student's date of withdrawal, the reason for the placement, the factors listed on pages CC-6-7, the student's interim placement and progress, and any documented interventions.

## **ADDITIONAL PROCEDURES**

### **Emergency Placement or Expulsion**

The Texas Education Code allows the principal 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. If a pattern of behavior exists that does constitute a change of placement, a Manifestation Determination Review (MDR) must be held.

After the 10<sup>th</sup> day of removal, members of the IEP Committee must staff to review the behavior(s), the IEP and/or Behavior Intervention Plan (BIP), and review programming. If one or more members of the committee believe that modifications are needed, an IEP Committee meeting must be held to ensure the student receives appropriate special education services.

For subsequent short-term removals after 10 days, which do not constitute a change of placement determined by the relevant members of the IEP Committee, the administrator must consult with one of the student's teachers to determine what services will be needed for the student to continue to receive FAPE during the removal period. Services are to be provided for this and each subsequent removal to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress towards meeting the goals and objectives set out in the student's IEP. If one or more members of the student's IEP committee believes that modifications are needed, an IEP Committee meeting must be held following the removal to ensure the student is receiving appropriate special education services.

For subsequent short-term removals after 10 days, which do constitute a change of placement, the IEP Committee will meet and conduct a MDR. In addition, the IEP Committee will develop or review the IEP, functional behavioral assessment (FBA), and BIP and its implementation to determine if modifications or additions are necessary. Based on the outcome of the MDR, the student will serve the short-term removal or remain in services.

### **Discipline of Special Education Students under Individuals with Disabilities Education Improvement Act (IDEIA) (continued)**

For removals more than ten (10) consecutive days, an IEP meeting will be held to review the behavior(s), conduct a MDR, review/conduct a FBA, and review/develop a BIP, and review programming and IEP goals. The disciplinary alternative education program (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 a disciplinary alternative education program 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). In accordance with the Education Code, a student who receives special education services may not be disciplined for conduct meeting the definition of bullying, cyberbullying, harassment, or making hit lists until an ARD committee meeting has been held to review the conduct.

### **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 Behavior 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 for up to ten (10) school days 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. The determination may be made by the same group of people who make placement decisions. The group must have evaluation data available 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.

### **Sexual Assault and Campus Assignments**

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

### **Violent Crime Transfer**

A student who becomes a victim of a violent criminal offense as defined by the Texas Penal Code and listed below, or who is assigned to a campus identified by TEA as persistently dangerous, shall be offered a transfer to another school within the district. For each transfer requested, the district shall explore transfer options, as appropriate. Contact a campus administrator for information regarding a violent crime transfer request. Criminal offenses include:

- Attempted murder
- Indecency with a child
- Aggravated kidnapping

### **Violent Crime Transfer** *(continued)*

- Aggravated assault
- Sexual assault
- Aggravated sexual assault
- Aggravated robbery
- Continuous sexual abuse of a young child or children

## **Cypress-Fairbanks ISD Police Department**

The Cypress-Fairbanks ISD Police Department is a 24-hour a day full service law enforcement agency staffed by both TCOLE certified peace officers and civilian support personnel. They are dedicated to the safety and welfare of all students, faculty, staff and visitors to include the protection of both life and all district property and assets.

The Cypress-Fairbanks ISD Police Department's primary jurisdiction includes all the geographical territory within the contiguous boundaries of the district, as well as any property outside the district that is owned, leased, or otherwise under the control of the Board of Trustees. District police officers have all the powers, privileges, and immunities of licensed peace officers in Texas, both on and off duty. The primary duties of District police officers, as guided by relevant articles of the Texas Code of Criminal Procedure and the Texas Education Code, are to:

1. Protect the safety and welfare of any person engaged in the educational process within the jurisdiction of the District and protect the property, real and personal, of the District.
2. Assist in the enforcement of District policies on District property, in school zones, at bus stops, or at District functions.
3. Investigate violations of District policy, rules, and regulations as requested by the chief of police or Superintendent and participate in administrative hearings concerning the alleged violations.
4. Enforcing all laws, including municipal ordinances, county ordinances, and state laws, and investigating violations of law as needed.
5. Arresting suspects consistent with state and federal statutory and constitutional standards governing arrests, including arrests without warrant, for offenses that occur in the officer's presence or under the other rules set out in the Texas Code of Criminal Procedure.
6. Coordinating and cooperating with commissioned officers of all other law enforcement agencies in the enforcement of this policy as necessary.
7. Carrying out all other duties as directed by the chief of police or Superintendent.

District police officers do not engage in routine or administrative matters related to students, such as student discipline or supervision of students that is unrelated to a law enforcement duty. However, as District employees, District police officers may have informal contact with students unrelated to either law enforcement duties, assigned duties of the officers, or student behavior.

Persons detained by CFISD Police for criminal charges, including juveniles 10-16 years of age, must be fingerprinted and photographed before being released back to a parent or being transported to a confinement facility.

## **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.

Campus administrators shall have the responsibility and authority to determine when CFISD Police Department assistance may be needed within their respective jurisdiction. The CFISD Police Department 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. Officers may possess recording devices and may record conversations with students.

### **Non-School-Related**

The district and school personnel will reasonably cooperate with outside law enforcement agencies (non-CFISD police 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 **Non-School-Related** (*continued*)

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 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 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 must confirm the officer's identity and authority. After the identity 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.

### **Ticketing of Students**

In addition to school disciplinary action, students may receive written citations or criminal complaints filed against them by the CFISD Police Department in accordance with state law. Failure to appear in court may cause the driver's license application to be flagged by the Texas Department of Public Safety, preventing the issuance of a driver's license when an application is submitted or an arrest warrant may be issued by the court.

### **Ticketing of Students***(continued)*

The ticketing of students by the CFISD Police Department or the filing of other charges through the Harris County District Attorney's office may not always occur on the date of the offense. This could include, but not be limited to, the following reasons: an ongoing investigation, gathering of statements, scheduled school holiday, illness/absence of the officer, illness/absence of the student(s) involved, or the later presentation of evidence to the District Attorney's Office.

Charges for misdemeanors may be filed for a period of up to two years after an offense has occurred. Felony charges may be filed beyond the two-year period, depending on the nature of the offense.

### **Reports to CFISD Police Department**

According to Texas Education Code Section 37.015, principals are required to report to the CFISD Police Department the following offenses:

- Conduct that may constitute an offense listed under Section 508.149, Government Code
- Deadly conduct under Section 22.05, Penal Code
- Terroristic threat under Section 22.07, Penal Code
- Use, sale or possession of a controlled substance, drug paraphernalia or marijuana under Chapter 481, Health and Safety Code
- 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
- Conduct that may constitute a criminal offense for which a student may be expelled under Section 37.007 (a), (d), or (e) of the Texas Penal Code
  - Engages in conduct that contains the elements of the offense of unlawfully carrying weapons under Section 46.02, Penal Code, or elements of an offense relating to prohibited weapons under Section 46.05, Penal Code
  - 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
  - Certain retaliatory acts against a volunteer or employee
  - 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

### **Court Involvement** *(continued)*

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 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. District officials may conduct searches of students, their belongings, and their vehicles in accordance with state and federal law and district policies. Searches of students shall be conducted in a reasonable and non-discriminatory manner. Refer to the district's policies at FNF (LEGAL) and FNF (LOCAL) for more information regarding investigations and searches.
- b. 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 suspicion or securing the student's voluntary consent. The official may ask the student to remove objects being stored or hidden in clothing.
- c. Searches of the student's person or vehicle shall be conducted only if individualized suspicion exists to believe that the student possesses contraband (weapons, drugs, etc.).
- d. Areas such as lockers, which are owned and jointly controlled by the district, may be searched if reasonable suspicion exists to believe that contraband is inside the locker.
- e. 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.
- f. School personnel are not to use physical restraint to conduct searches. If a student refuses to cooperate, where there is reasonable suspicion, the student's parents are to be notified, and the student becomes subject to disciplinary sanctions, and/or legal action.
- g. 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.
- h. The principal shall immediately make reasonable efforts to notify the student's parents that a search was conducted.
- i. Vehicles may be searched for drugs and weapons.

### **Use of Security Cameras**

The district utilizes security cameras, audio, and video recording devices at school campuses and other district facilities. These may be located in instructional and non-instructional areas such as cafeterias, hallways, entryways, parking lots, and areas designated by law. 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.

- a. Schools have surveillance cameras, burglar alarm systems and fire alarm systems that are monitored around the clock by the CFISD Police Department.
- b. Entrances to schools will be limited after the beginning of school each day.
- c. Video surveillance cameras are installed on CFISD buses and located in all CFISD facilities. Facility video is monitored and surveillance records are created and maintained by the CFISD Police Department. The Transportation Department maintains digital video from the buses.



### Use of Security Cameras *(continued)*

- d. Video surveillance may only be available to district administrators for 15 days after the date of the incident. Unless the video becomes an educational record, surveillance video from a bus or campus may only be viewed by district administrators.

### Use of Trained Dogs (Use of Police K-9's)

In an effort to proactively address the growing threat of drugs and other illegal items in the schools, and in order to maintain a safe school environment conducive to the educational process, the district will use certified police K-9's to detect concealed drugs, explosives, and firearms on school property. The CFISD Police Department dog handlers will use specially certified Police K-9's trained to detect illicit substances such as drugs, firearms, and explosives. Visits to schools will be random and unannounced. Police K-9's will be utilized to conduct open air sniffs in classrooms, lockers, and vehicles parked on school property, as well as other common areas throughout the school building, to include but not limited to: cafeterias, open areas such as foyers, waiting areas, hallways, auditoriums, and gymnasiums.

If a K-9 alerts to a particular locker, a vehicle, or an item in a common area, it shall be searched. If the K-9 alerts to a vehicle, the student will be asked to unlock the vehicle and trunk for an internal inspection. If the student refuses consent, the police department will enter the vehicle in order to conduct a probable cause search.

#### Notes:

- a. 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 any time. Students are responsible for anything found in their lockers.
- b. All vehicles parked in school parking lots shall be subject to an open-air sniff at any time. Students are responsible for anything found in their vehicles.
- c. Classroom and other common areas are subject to an open air sniff at any time, once students have been removed, and items such as personal belongings, backpacks, and purses are left.
- d. If any prohibited object or substance is found, the student **may** be subject to appropriate disciplinary action, including removal, suspension, expulsion, and lawful action by the Cypress Fairbanks ISD Police Department.

### Use of Metal Detectors

Cypress-Fairbanks ISD 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

**Use of Metal Detectors** (continued)

possession of prohibited items, the district will administer discipline based on the Student Code of Conduct.

**Use of Physical Restraint**

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;
- control an irrational student.

Texas Education Code 37.0021 does not apply to a peace officer, while performing law enforcement duties, except as provided by Texas Education Code 37.0021(i). “Law Enforcement Duties” means activities of a peace officer relating to the investigation and enforcement of state criminal laws and other duties authorized by the Code of Criminal Procedure.

Further, Texas Education Code 37.0021 does not prevent a student’s locked, unattended confinement in an emergency situation while awaiting the arrival of law enforcement personnel if:

1. the student possesses a weapon; and
2. the confinement is necessary to prevent the student from causing bodily harm to the student or another person.

## GLOSSARY

- 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-39 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

**Abuse** is improper or excessive use.

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

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

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

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

1. A crime that involves starting a fire, regardless of whether the fire continues after ignition, or causes an explosion with intent to destroy or damage;
  - a. Any vegetation, fence, or structure on open-space land; or
  - b. Any building, habitation, or vehicle:
    - 1) Knowing that it is within the limits of an incorporated city or town,
    - 2) Knowing that it is insured against damage or destruction,
    - 3) Knowing that it is subject to a mortgage or other security interest,
    - 4) Knowing that it is located on property belonging to another,
    - 5) Knowing that it has located within it property belonging to another, or
    - 6) When the person starting the fire is reckless about whether the burning or explosion will endanger the life of some individual or the safety of the property of another.
2. A crime that involves recklessly starting a fire or causing an explosion while manufacturing or attempting to manufacture a controlled substance and the fire or explosion damages any building, habitation, or vehicle; or

3. A crime that involves intentionally starting a fire or causing an explosion and in so doing:
  - a. Recklessly damages or destroys a building belonging to another, or
  - b. Recklessly causes another person to suffer bodily injury or death.

**Article 15.27** is the official notification from a law enforcement agency notifying the school district that a student enrolled in the district has been arrested for certain types of offenses.

**Article 15.27(g)** is notification from a law enforcement agency when charges against a student are no-billed or dismissed for lack of prosecutorial merit.

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

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

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

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

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

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

**Campus Behavior Coordinator (CBC)** is primarily responsible for maintaining student discipline. CFISD has designated the principal, associate principal and assistant principals as Campus Behavior Coordinators.

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

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

**Classroom disruption** is any behavior that 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 assignment. This behavior may result in a Class C citation for "disruption of class" from the CFISD Police Department in accordance with state law.

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

**Controlled Substance** means a substance, including a drug, an adulterant, and a dilutant, listed in Schedules I through V or Penalty Group 1, 1A, 2, 2-A, 3, or 4 of the Texas Controlled Substances Act. The term includes the aggregate weight of any mixture, solution, or other substance containing a controlled substance. The term does not include hemp, as defined by Agriculture Code 121.001, or the tetrahydrocannabinols (THC) in hemp.

**Cyberbullying** means bullying that is done through the use of any electronic communication device, including through the use of a cellular or other type of telephone, a computer, a camera, electronic mail, instant messaging, text messaging, a social media application, an internet website, or any other internet-based communication tool.

**Dangerous Drug** is defined by health and Safety Code 483.001 as a device or a drug that is unsafe for self-medication and that is not included in Schedules I through V or penalty Groups 1 through 4 of the Texas Controlled Substances Act. The term includes a device or drug that federal law prohibits dispensing without prescription or restricts to use by or on the order of a licensed veterinarian.

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

**Deadly conduct** under Penal Code 22.05 occurs when a person recklessly engages in conduct that places another in imminent danger of serious bodily injury, such as knowingly discharging a firearm in the direction of an individual, habitation, building, or vehicle.

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

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

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

**Destructive Device** means any explosive, incendiary, or poison gas bomb, grenade, rocket having a propellant charge 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.

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

**Drugs and/or Alcohol offenses** as related to suspension of a student below grade 3 or who is identified as homeless pertains to selling, giving, or delivering to another person or possessing, using, or being under the influence of any amount of marijuana, an alcoholic beverage, or a controlled substance or dangerous drug as defined by federal or state law.

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

**Explosive weapon** is defined by Texas Penal Code 46.01 as any explosive or incendiary bomb, grenade, rocket, or mine, that is designed, made, or adapted for the purpose of inflicting serious bodily injury, death, or substantial property damage, or for the principal purpose of causing such a loud report as to cause undue public alarm or terror, and includes a device designed, made, or adapted for delivery or shooting an explosive weapon.

**Expulsion** means the removal of a student from the home campus to the Juvenile Justice Alternative Education Program for certain offenses listed under Level V of the Student Code of Conduct.

**False alarm or report** under Penal Code 42.06 occurs when a person knowingly initiates, communicates, or circulates a report of a present, past, or future bombing, fire, offense, or other emergency that he or she knows is false or baseless and that would ordinarily:

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

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

- 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**.

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

**Foster Care** means when children can't live safely at home and an appropriate non-custodial parent, relative, or close family friend is currently unable or unwilling to care for them, the court can give temporary legal possession to CPS and that agency temporarily places these children in foster care. Foster care settings include:

- Kinship Caregiver homes;
- Foster family homes;
- Foster family group homes;
- Residential group care facilities; and
- Facilities overseen by another state agency

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

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

**Harassment** is:

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

3. Conduct that is punishable as a crime under Penal Code 42.07, including the following types of conduct if carried out with the intent to harass, annoy, alarm, abuse, torment, or embarrass another:
  - a) Initiating communication and, in the course of the communication, making a comment, request, suggestion, or proposal that is obscene, as defined by law;
  - b) Threatening, in a manner reasonably likely to alarm the person receiving the threat, to inflict bodily injury on the person or to commit a felony against the person, a member of the person's family or household, or the person's property;
  - c) Conveying, in a manner reasonably likely to alarm the person receiving the report, a false report, which is known by the conveyor to be false, that another person has suffered death or serious bodily injury; and
  - d) Sending repeated electronic communications in a manner reasonably likely to harass, annoy, alarm, abuse, torment, embarrass, or offend another.

**Hazing** is defined by Section 37.151 of the Education Code as an intentional, knowing, or reckless act, occurring on or off the campus of an educational institution, by one person alone or acting with others, directed against a student for the purpose of pledging, being initiated into, affiliating with, holding office in, or maintaining membership in a student organization, if the act meets the elements in education code 37.151 including:

1. Any type of physical brutality;
2. An activity that subjects the student to an unreasonable risk of harm or that adversely affects the student's mental or physical health, such as sleep deprivation, exposure to the elements, confinement to small spaces, calisthenics, or consumption of food, liquids, drugs or other substances;
3. An activity that induces, causes, or requires the student to perform a duty or task that violates the Penal Code; and
4. Coercing a student to consume a drug or alcoholic beverage in an amount that would lead a reasonable person to believe the student is intoxicated

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

**Homeless Children and Youths** as stated in Federal definition- 42 U.S.C. Section 11434a means

1. individuals who lack a fixed, regular, and adequate nighttime residence; and
2. includes:
  - a) children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; or are abandoned in hospitals;
  - b) children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings;
  - c) children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
  - d) migratory children who qualify as homeless.



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

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

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

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

**Location-restricted knife** as defined by Texas Penal Code 46.01 is a knife with a blade over five and one-half (5½) inches.

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

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

**Non-illegal knife** is defined as any bladed hand instrument with a blade length of five and one-half (5 ½) inches or less that is capable of inflicting injury.

**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.

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

**Parent** – the term "parent" includes a parent, legal guardian, or other person having lawful control of the child.

**Possession** is defined as the actual or constructive 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.

**Prohibited Weapons** under Texas Penal Code 46.05(a) means:

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

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

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

**Reasonable belief** is that which an ordinary person of average intelligence and sound mind would believe. Chapter 37 requires certain disciplinary decisions when the superintendent or designee has a reasonable belief that a student engaged in conduct punishable as a felony offense. In forming such a reasonable belief, the superintendent or designee may use all available information, including the notice of a student's arrest under Article 15.27 of the Code of Criminal Procedure.

**Restorative Practices** is a relational approach to building school climate and addressing student behavior. Restorative practices focus on proactive approaches that facilitate respectful

classrooms, developing rapport with students, managing conflicts, establishing routines and expectations for positive student behavior.

**School day** is defined as anytime students are under the direct supervision of a Cypress-Fairbanks ISD employee. This includes, but is not limited to, class time; before, during, or after any assessment; passing periods between classes; lunch time; recess; after school tutorials, detentions; field trips; and participating in school events. Students who need to use a telephone during the school day may use one of the school phones that are available for student use, upon request, and based on need.

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

**Serious misbehavior** means:

1. Deliberate violent behavior that poses a direct threat to the health or safety of others;
2. Extortion, meaning the gaining of money or other property by force or threat;
3. Conduct that constitutes coercion, as defined by Section 1.07, Penal Code; or
4. Conduct that constitutes the offense of:
  - a. public lewdness under Section 21.07, Texas Penal Code;
  - b. indecent exposure under Section 21.08, Texas Penal Code;
  - c. criminal mischief under Section 28.03, Texas Penal Code;
  - d. personal hazing under Education Code Section 37.152; or
  - e. harassment under Section 42.07 (a) (1), Texas Penal Code, of a student or district employee.

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

- behavior that is grounds for permissible expulsion or DAEP placement.
- behavior identified by the district as grounds for discretionary DAEP placement.
- actions or demonstrations that substantially disrupt or materially interfere with school activities.
- refusal to attempt or complete schoolwork as assigned.
- insubordination.
- profanity, vulgar language or obscene gestures.
- leaving school grounds without permission.
- falsification of records, passes, or other school-related documents.
- refusal to accept discipline assigned by the teacher or principal

**Short-barrel firearm** is defined by Texas Penal Code 46.01 as a rifle with a barrel length of less than 16 inches or a shotgun with a barrel length of less than 18 inches, or any weapon made from a rifle or shotgun that, as altered, has an overall length of less than 26 inches.

**Smoking/Tobacco** violations, including smoking, using or possessing tobacco in any form by students is prohibited anywhere on the property of Cypress-Fairbanks ISD, in school vehicles, or on school-related trips. Class C tickets for minors in possession of alcohol and/or drugs/tobacco on school property may be issued by CFISD Police Department in accordance with state law.

**Switchblade** is any knife with a blade that folds, closes, or retracts into the handle or sheath and that opens automatically by pressing a button or by the force of gravity or centrifugal force. The term does not include a knife that has a spring, detent, or other mechanism designed to create a bias toward closure and that requires exertion applied to the blade by hand, wrist, or arm to overcome the bias toward closure and open the knife.

**Terroristic threat** is defined by Texas Penal Code 22.07 as a threat of violence to any person or property with intent to:

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

**Time-out** means a behavior management technique in which, to provide a student with an opportunity to regain self-control, the student is separated from other students for a limited period in a setting:

- that is not locked; and
- from which the exit is not physically blocked by furniture, a closed door held shut from the outside, or another inanimate object.

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

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

- murder, manslaughter, or homicide under Sections 19.02-19.05, Texas Penal Code;
- kidnapping under Section 20.03, Texas Penal Code;
- trafficking of persons under Section 20A.02, Texas Penal Code
- smuggling or continuous smuggling of persons under Sections 20.05-20.06, Texas Penal Code;
- assault under Section 22.01, Texas Penal Code;
- aggravated assault under Section 22.01, Texas Penal Code;

- sexual assault under Section 22.011, Texas Penal Code;
- aggravated sexual assault under Section 22.021, Texas Penal Code;
- unlawful restraint under Section 20.02, Texas Penal Code;
- continuous sexual abuse of a young child or children under Section 21.02, Texas Penal Code;
- bestiality under Section 21.09, Texas Penal Code
- improper relationship between educator and student under Section 21.12, Texas Penal Code;
- voyeurism under Section 21.17, Texas Penal Code
- indecency with a child under Section 21.11, Texas Penal Code;
- invasive visual recording under Section 21.15, Texas Penal Code;
- disclosure or promotion of intimate visual material under Section 21.16, Texas Penal Code;
- sexual coercion under Section 22.04, Texas Penal Code;
- injury to a child, an elderly person, or a disabled person of any age under Section 22.04 Texas Penal Code;
- abandoning or endangering a child under Section 22.041, Texas Penal Code;
- deadly conduct under Section 22.05, Texas Penal Code;
- terroristic threat under Section 22.07, Texas Penal Code;
- aiding a person to commit suicide under Section 22.08, Texas Penal Code; and
- tampering with a consumer product under Section 22.09, Texas Penal Code (See FOC [Exhibit])

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

An assessment may be administered by a school nurse. If a student refuses to cooperate with the assessment, where there is reasonable cause or suspicion, the student’s parents are to be notified, and the student becomes subject to disciplinary sanctions.

**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.

**Violent Crimes offenses** as related to suspension of a student below grade 3 or who is identified as homeless pertains to conduct that contains the elements of assault as provided by the Penal Code Section 22.01 Assault, Section 22.011 Sexual Assault, Section 22.02 Aggravated Assault, or Section 22.021 Aggravated Sexual Assault.

**Weapons offenses** as related to suspension of a student below grade 3 or who is identified as homeless pertains to conduct that contains the elements of a weapons offense, as provided in Penal Code Section 46.02 Unlawful Carry Weapons or 46.05 Prohibited Weapons.

**Zip gun** is defined by Texas Penal Code 46.01 as a device or combination of devices, not originally a firearm, but adapted to expel a projectile through a smooth-bore or rifled-bore barrel by using the energy generated by an explosion or burning substance.

## COVID FACE MASKS ADDENDUM

In order to protect the health and safety of other members of the school community, all staff and students (grades PK-12) must wear face masks on buses, in hallways, and in common areas. Students will wear a face mask when entering and/or exiting the gym, playground, or activity space and when not actively engaged in physical activity. Additionally, all staff and students (grades PK-12) will be required to wear face masks in the classroom when social distancing is not feasible and/or the teacher's method for delivery of instruction warrants the use of face masks. All visitors (including parents, contractors, and vendors) will also wear face masks. Face masks will be provided for staff and students if needed.

Face masks are defined to include non-medical and medical grade disposable face masks and cloth face coverings (over the nose and mouth) that meet the same protection standards as non-medical grade face masks. Additionally, face masks with exhalation valves (vents that allow air to be exhaled through a hole in the material) may only be worn in combination with full-face shields.

Limited exceptions to these rules will only be made for eating, drinking, therapy, or a medical condition or disability that prevents a person from wearing a face mask. Full-face clear shields as an accommodation may be used in place of a mask to protect eyes, nose, and mouth whenever a face mask is not feasible due to a medical condition or whenever the education context may benefit from the ability to see an individual's full face. Students seeking an exemption from these rules for a medical condition or disability may do so in accordance with Section 504 of the Rehabilitation Act of 1973. Written documentation from a medical provider will be required.

Face masks must meet the Student Code of Conduct and dress code requirements.

If a student arrives at school without a mask, a warning will be issued and a mask provided. If a student continues to arrive without a mask, parents or guardians will be contacted and a mandatory meeting with a campus administrator will be promptly held in order to develop a plan for ensuring the student arrives to school with a mask daily. Subsequent continued failure by the student to wear a mask will be considered a refusal to comply with the mask requirement.

A student who refuses to comply with the mask requirement will be placed in DMC and the student's parents or guardians will be required to pick up the student from school and meet with campus officials. The student, parents/guardians and campus officials will complete and sign a "Final Written Warning" for the student acknowledging that any subsequent failure or refusal to wear a mask as required will result in reassignment to CFISD Connect classrooms for a time period determined by the campus principal in his or her sole discretion. Assignments to CFISD Connect classrooms are made in accordance with Board Policy FDB, which grants a principal the discretion to assign or transfer any student from one school or classroom to another school or classroom within the District.


**CYPRESS FAIRBANKS**  
**INDEPENDENT SCHOOL DISTRICT**  
**LEARN • EMPOWER • ACHIEVE • DREAM**

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**To:** Paula Ross  
 Assistant Superintendent of Technology and Information Services

**From:** Kim Bowlin  
 Technology Project Specialist

**Date:** August 16, 2020

**Re:** CFISD Printer Quote for NIGP 204-76 Printers Inkjet, 207-77 Printers Laser and 207-78 Printers Pen Plotter  
 One Year Contract

The following quotes were received and opened at 1:00 p.m., Tuesday, July 14, 2020 as advertised and specified in documents concerning CFISD Printer Quote for NIGP 204-76 Printers Inkjet, 207-77 Printers Laser and 207-78 Printers Pen Plotter. The quotes received are located on page 2.

Netsync is a contracted vendor on the Texas DIR (Department of Information Resources) contract DIR-TSO-4159 and DIR-CPO-4430.

**Recommendation:** Netsync

**Funding:** Technology Bond Funds

<b>Estimated Expenditure:</b>	\$94,672.00 Yr. 1
	\$94,672.00 Yr. 2
	\$94,672.00 Yr. 3
	\$94,672.00 Yr. 4
	\$23,668.00 90 Day Extension
	<u>\$402,356.00</u>

**Contract Term:** September 15, 2020 - September 14, 2021

**Renewal:** Three (3) optional one (1) year terms with one (1) optional ninety (90) day extension

kb



Criteria	Points	Combined Score from all Evaluators							
		Archive Supplies	Imagenet	Intech SW	Netsync	Seamless	SMG Systems	Stargel	Virtucom
Purchase price of eligible goods and services	75	74.34	72.51	50.07	75.00	74.76	71.07	67.62	71.91
Reputation of vendor and of the vendor's goods and services	66	48.4	44.00	48.40	52.80	44.00	48.40	39.60	39.60
Quality of the vendor's goods or services	69	41.4	48.30	52.90	55.20	46.00	57.50	41.40	46.00
Goods and services meet the district's needs	60	32	44.00	44.00	48.00	36.00	46.00	32.00	40.00
Vendor's past relationship with district	15	7	7.50	6.00	9.00	6.00	6.00	8.00	5.00
Historically Underutilized Business	0	0	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Long term cost to the district	15	1.8	15.00	3.72	4.14	2.85	10.50	2.01	4.71
Principle place of business in Texas	0	0	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Employs at least 500 persons in Texas	0	0	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Other relevant factor	0	0	0.00	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Points</b>	<b>300</b>	<b>204.94</b>	<b>231.31</b>	<b>205.09</b>	<b>244.14</b>	<b>209.61</b>	<b>239.47</b>	<b>190.63</b>	<b>207.22</b>

Winning Vendor	<b>Netsync</b>	Estimated Base Contract Total	<b>\$94,672.00</b>
Evaluators	Doug Baker, Nancy Grella and Samara Rangel		
Evaluation Method	Combined Score Card Totals from Three Evaluators		
Date of Evaluation	14-Aug-20		

# CYPRESS FAIRBANKS

INDEPENDENT SCHOOL DISTRICT

LEARN • EMPOWER • ACHIEVE • DREAM

**To:** Bill Powell  
Assistant Superintendent of Support Services

**From:** Jennifer Chiu  
Director of Procurement Services

**Date:** August 19, 2020

**Re:** Districtwide Copiers - Lease  
Contract #20-07-1030

Item Description	<u>Canon*</u>	Function4	Image Net	Ricoh	Lexmark
<b>121 Multi-Functional Devices</b>					
<b>Monthly Lease Fee</b>	<b><u>\$10,732.60</u></b>	\$11,030.76	\$13,591.27	\$22,341.11	\$23,576.96
<b>36 Month Lease, All Inclusive</b>					
<b>Total Annual Price</b>	<b><u>\$128,791.20</u></b>	\$132,369.12	\$163,095.24	\$268,093.32	\$282,923.52

\* Canon is a contracted vendor on the DIR (Department of Information Resources) Purchasing Cooperative Contract No. DIR-CPO-4437.

**Recommendation:** Canon

**Funding:** M & O Funds

**Estimated Annual Expenditure:** \$128,791.20

**Contract Term:** 36 Months

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# CYPRESS FAIRBANKS

INDEPENDENT SCHOOL DISTRICT

LEARN • EMPOWER • ACHIEVE • DREAM

**To:** Bill Powell  
Assistant Superintendent of Support Services

**From:** Jennifer Chiu  
Director of Procurement Services

**Date:** August 21, 2020

**Re:** Print Center Copiers - Lease  
Contract #20-07-1030

Item Description	<u>Canon*</u>	Xerox	Ricoh
1 - Vario Print iX3200 Ink Jet P			
3 - VP6180 Titan Multi Functional Devices			
1 - Image Press C810			
PRISMA Prepared with Scanner			Did not meet specs
	Monthly Lease Fee	\$32,355.00	\$33,196.25
<b>60 Month Lease, All Inclusive</b>			
<b>Total Annual Price</b>	<b><u>\$388,260.00</u></b>	\$398,355.00	\$0.00

\* Canon is a contracted vendor on the DIR (Department of Information Resources) Purchasing Cooperative Contract No. DIR-CPO-4437.

**Recommendation:** Canon

**Funding:** M & O Funds

**Estimated Annual Expenditure:** \$388,260.00

**Contract Term:** 60 months with 3 months no charge.

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**To:** Bill Powell  
Assistant Superintendent of Support Services

**From:** Jennifer Chiu  
Director of Procurement Services

**Date:** August 21, 2020

**Re:** External Website Design, Content Management and Web Hosting Services  
Annual Contract #20-08-8200RFP

The following proposals were received and opened at 3:00 p.m., Thursday, June 25, 2020 as advertised and specified in documents concerning **Annual Contract #20-08-8200RFP External Website Design, Content Management and Web Hosting Services**. The proposals received are located on pages 2-10.

**Recommendation:** Blackboard, Inc.

**Funding:** M & O Funds

**Estimated Expenditure:** \$220,000.00

**Contract Term:** September 15, 2020 - September 14, 2023

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**EVALUATIONS MATRIX**  
**RFP - Request for Proposal**  
**Cypress-Fairbanks Independent School District**

**20-08-8200RFP External Website Design, Content Management and Web Hosting Services**

Instructions and directions for completing RFP Evaluation Matrix

1. Please enter your name on each evaluation sheet, and on the summary sheet on the line provided.
2. Each Respondent is to be scored by the following scale:
  - 5.0 to 4.5 = Exceptional, exceeds and fully meets all requirements*
  - 4.4 to 3.5 = Advantageous, exceeds some requirements*
  - 3.4 to 2.5 = Meets minimal requirements*
  - 2.4 to 1.5 = Addresses most of the minimal requirements*
  - 1.4 to 1.0 = Addresses part of minimal requirements*
3. Please enter your point (shown above) for each criterion being evaluated.

Proposal Scoring Matrix Criteria

<b>Step 1 Evaluation</b>	<b>Points</b>
Cost	30
Project Scope and Overall Functionality	50
Demonstrated Quality of Work and References	20
<b>Step 1 Evaluation</b>	
Interview (optional)	20

**20-08-8200RFP External Website Design, Content Management and  
Web Hosting Services**

<b>Company/Vendor Name</b>
Appetgy
Blackboard, Inc.
CherryRoad Technologies, Inc.
Domain7 Solutions, Inc.
eSiteful Corporation (eSiteful)
Finalsite (Active Internet Technologies)
Intrado Interactive Services Corporation
Satsyil Corp.
SchoolPointe

20-08-8200RFP External Website Design, Content Management and Web Hosting Services

TEAM SCORE SUMMARY

Company/Vendor Name	Evaluator 1	Evaluator 2	Evaluator 3	Evaluator 4	Evaluator 5	Evaluator 6	Average Score	Ranking
Appetgy	90.00	76.60	107.00	97.60	93.20	94.80	93.20	4
<b>Blackboard, Inc.</b>	<b>100.00</b>	<b>91.20</b>	<b>111.00</b>	<b>98.40</b>	<b>97.40</b>	<b>96.10</b>	<b>99.02</b>	<b>1</b>
CherryRoad Technologies, Inc.	77.00	54.60	85.00	60.40	76.80	67.40	70.20	6
Domain7 Solutions, Inc.	61.00	38.40	60.00	57.00	71.20	62.40	58.33	8
eSiteful Corporation (eSiteful)	90.00	56.60	80.00	60.00	79.60	69.20	72.57	5
Finalsite (Active Internet Technologies)	94.00	89.00	105.00	96.80	88.20	95.20	94.70	3
Intrado Interactive Services Corporation	104.00	93.00	96.00	96.20	91.20	90.80	95.20	2
Satsyl Corp.	21.00	38.00	63.60	51.60	65.00	55.00	49.03	9
SchoolPointe	71.00	55.40	59.00	68.40	72.80	69.20	65.97	7

**Evaluator 1**

**20-08-8200RFP External Website Design, Content Management and Web Hosting Services**

<b>Company/Vendor Name:</b>	<b>Cost</b>	<b>Project Scope and Overall Functionality</b>	<b>Demonstrated Quality of Work and References</b>	<b>Interview (optional)</b>	<b>Total</b>
Apptegy	18.00	44.00	16.00	12.00	90.00
Blackboard, Inc.	15.00	45.00	20.00	20.00	100.00
CherryRoad Technologies, Inc.	21.00	40.00	16.00	0.00	77.00
Domain7 Solutions, Inc.	6.00	45.00	10.00	0.00	61.00
eSiteful Corporation (eSiteful)	30.00	44.00	16.00	0.00	90.00
Finalsite (Active Internet Technologies)	12.00	46.00	16.00	20.00	94.00
Intrado Interactive Services Corporation	27.00	47.00	18.00	12.00	104.00
Satsyil Corp.	3.00	10.00	8.00	0.00	21.00
SchoolPointe	9.00	44.00	18.00	0.00	71.00



**Evaluator 2**

**20-08-8200RFP External Website Design, Content Management and Web Hosting Services**

<b>Company/Vendor Name:</b>	<b>Cost</b>	<b>Project Scope and Overall Functionality</b>	<b>Demonstrated Quality of Work and References</b>	<b>Interview (optional)</b>	<b>Total</b>
Apptegy	21.00	24.00	13.60	18.00	76.60
Blackboard, Inc.	21.00	33.00	18.00	19.20	91.20
CherryRoad Technologies, Inc.	21.00	24.00	9.60	0.00	54.60
Domain7 Solutions, Inc.	7.80	25.00	5.60	0.00	38.40
eSiteful Corporation (eSiteful)	24.00	23.00	9.60	0.00	56.60
Finalsite (Active Internet Technologies)	15.00	44.00	10.00	20.00	89.00
Intrado Interactive Services Corporation	18.00	43.00	14.00	18.00	93.00
Satsyil Corp.	6.00	24.00	8.00	0.00	38.00
SchoolPointe	7.80	34.00	13.60	0.00	55.40

**Evaluator 3**

**20-08-8200RFP External Website Design, Content Management and Web Hosting Services**

<b>Company/Vendor Name:</b>	<b>Cost</b>	<b>Project Scope and Overall Functionality</b>	<b>Demonstrated Quality of Work and References</b>	<b>Interview (optional)</b>	<b>Total</b>
Appetgy	27.00	44.00	20.00	16.00	107.00
Blackboard, Inc.	30.00	45.00	20.00	16.00	111.00
CherryRoad Technologies, Inc.	27.00	44.00	14.00	0.00	85.00
Domain7 Solutions, Inc.	12.00	30.00	18.00	0.00	60.00
eSiteful Corporation (eSiteful)	30.00	34.00	16.00	0.00	80.00
Finalsite (Active Internet Technologies)	21.00	46.00	18.00	20.00	105.00
Intrado Interactive Services Corporation	24.00	40.00	16.00	16.00	96.00
Satsyil Corp.	6.00	40.00	17.60	0.00	63.60
SchoolPointe	9.00	34.00	16.00	0.00	59.00

**Evaluator 4**

**20-08-8200RFP External Website Design, Content Management and Web Hosting Services**

<b>Company/Vendor Name:</b>	<b>Cost</b>	<b>Project Scope and Overall Functionality</b>	<b>Demonstrated Quality of Work and References</b>	<b>Interview (optional)</b>	<b>Total</b>
Appetgy	24.00	44.00	13.60	16.00	97.60
Blackboard, Inc.	20.40	44.00	18.00	16.00	98.40
CherryRoad Technologies, Inc.	14.40	34.00	12.00	0.00	60.40
Domain7 Solutions, Inc.	15.00	30.00	12.00	0.00	57.00
eSiteful Corporation (eSiteful)	24.00	24.00	12.00	0.00	60.00
Finalsite (Active Internet Technologies)	21.00	45.00	12.80	18.00	96.80
Intrado Interactive Services Corporation	27.00	40.00	16.00	13.20	96.20
Satsyil Corp.	12.00	30.00	9.60	0.00	51.60
SchoolPointe	19.80	35.00	13.60	0.00	68.40

**Evaluator 5**

**20-08-8200RFP External Website Design, Content Management and Web Hosting Services**

<b>Company/Vendor Name:</b>	<b>Cost</b>	<b>Project Scope and Overall Functionality</b>	<b>Demonstrated Quality of Work and References</b>	<b>Interview (optional)</b>	<b>Total</b>
Appetgy	25.20	40.00	13.60	14.40	93.20
Blackboard, Inc.	24.60	40.00	16.00	16.80	97.40
CherryRoad Technologies, Inc.	25.80	35.00	16.00	0.00	76.80
Domain7 Solutions, Inc.	22.20	35.00	14.00	0.00	71.20
eSiteful Corporation (eSiteful)	27.00	35.00	17.60	0.00	79.60
Finalsite (Active Internet Technologies)	21.00	39.00	13.00	15.20	88.20
Intrado Interactive Services Corporation	22.80	38.00	16.00	14.40	91.20
Satsyil Corp.	16.20	34.00	14.80	0.00	65.00
SchoolPointe	16.80	42.00	14.00	0.00	72.80

**Evaluator 6**

**20-08-8200RFP External Website Design, Content Management and Web Hosting Services**

<b>Company/Vendor Name:</b>	<b>Cost</b>	<b>Project Scope and Overall Functionality</b>	<b>Demonstrated Quality of Work and References</b>	<b>Interview (optional)</b>	<b>Total</b>
Appetgy	21.60	40.00	16.00	17.20	94.80
Blackboard, Inc.	18.00	38.00	20.50	19.60	96.10
CherryRoad Technologies, Inc.	18.00	33.00	16.40	0.00	67.40
Domain7 Solutions, Inc.	16.80	30.00	15.60	0.00	62.40
eSiteful Corporation (eSiteful)	24.00	30.00	15.20	0.00	69.20
Finalsite (Active Internet Technologies)	18.60	44.00	12.60	20.00	95.20
Intrado Interactive Services Corporation	21.00	35.00	16.00	18.80	90.80
Satsyil Corp.	9.00	30.00	16.00	0.00	55.00
SchoolPointe	19.20	34.00	16.00	0.00	69.20



**To:** Bill Powell  
Assistant Superintendent of Support Services

**From:** Jennifer Chiu  
Director of Procurement Services

**Date:** August 21, 2020

**Re:** Internal Website Design, Content Management and Web Hosting Services  
Annual Contract #20-08-8202RFP

The following proposals were received and opened at 3:00 p.m., Thursday, June 25, 2020 as advertised and specified in documents concerning **Annual Contract #20-08-8202RFP Internal Website Design, Content Management and Web Hosting Services**. The proposals received are located on pages 2-10.

**Recommendation:** Blackboard, Inc.

**Funding:** M & O Funds

**Estimated Expenditure:** \$50,000.00

**Contract Term:** September 15, 2020 - September 14, 2023

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**EVALUATIONS MATRIX**  
**RFP - Request for Proposal**  
**Cypress-Fairbanks Independent School District**

**20-08-8202RFP Internal Website Design, Content Management and Web Hosting Services**

Instructions and directions for completing RFP Evaluation Matrix

1. Please enter your name on each evaluation sheet, and on the summary sheet on
2. Each Respondent is to be scored by the following scale:
  - 5.0 to 4.5 = Exceptional, exceeds and fully meets all requirements*
  - 4.4 to 3.5 = Advantageous, exceeds some requirements*
  - 3.4 to 2.5 = Meets minimal requirements*
  - 2.4 to 1.5 = Addresses most of the minimal requirements*
  - 1.4 to 1.0 = Addresses part of minimal requirements*
3. Please enter your point (shown above) for each criterion being evaluated.

Proposal Scoring Matrix Criteria

<b>Step 1 Evaluation</b>	<b>Points</b>
Cost	30
Project Scope and Overall Functionality	50
Demonstrated Quality of Work and References	20
<b>Step 1 Evaluation</b>	
Interview (optional)	20

**20-08-8202RFP Internal Website Design, Content Management and  
Web Hosting Services**

<b>Company/Vendor Name</b>
Apptegy
Blackboard, Inc.
CherryRoad Technologies, Inc.
Domain7 Solutions, Inc.
eSiteful Corporation
Finalsite (Active Internet Technologies)
Intrado Interactive Services Corporation
Satsyil Corp.
The Downing Group Consulting



20-08-8202RFP Internal Website Design, Content Management and Web Hosting Services

TEAM SCORE SUMMARY

Company/Vendor Name	Evaluator 1	Evaluator 2	Evaluator 3	Evaluator 4	Evaluator 5	Evaluator 6	Average Score	Ranking
Apptegy	92.00	86.60	85.00	91.60	93.00	88.00	89.37	4
<b>Blackboard, Inc.</b>	111.20	93.40	105.00	96.40	91.80	90.20	98.00	1
CherryRoad Technologies, Inc.	69.00	53.00	68.00	64.00	74.60	65.80	65.73	6
Domain7 Solutions, Inc.	68.00	37.80	54.00	54.00	57.40	61.60	55.47	7
eSiteful Corporation	96.20	95.00	73.00	68.40	83.60	84.00	83.37	5
Finalsite (Active Internet Technologies)	105.20	90.20	96.00	99.00	87.00	96.00	95.57	2
Intrado Interactive Services Corporation	102.00	96.00	87.60	89.60	90.00	95.40	93.43	3
Satsyl Corp.	38.00	39.20	66.60	54.60	64.00	56.00	53.07	8
The Downing Group Consulting	20.00	28.00	51.00	51.60	68.60	58.80	46.33	9

**Evaluator 1**

**20-08-8202RFP Internal Website Design, Content Management and Web Hosting Services**

<b>Company/Vendor Name:</b>	<b>Cost</b>	<b>Project Scope and Overall Functionality</b>	<b>Demonstrated Quality of Work and References</b>	<b>Interview (optional)</b>	<b>Total</b>
Apptegy	24.00	40.00	16.00	12.00	92.00
Blackboard, Inc.	28.20	45.00	18.00	20.00	111.20
CherryRoad Technologies, Inc.	6.00	35.00	14.00	14.00	69.00
Domain7 Solutions, Inc.	12.00	40.00	16.00	0.00	68.00
eSiteful Corporation	21.00	48.00	19.20	8.00	96.20
Finalsite (Active Internet Technologies)	22.20	45.00	18.00	20.00	105.20
Intrado Interactive Services Corporation	27.00	45.00	18.00	12.00	102.00
Satsyil Corp.	3.00	25.00	10.00	0.00	38.00
The Downing Group Consulting	6.00	10.00	4.00	0.00	20.00

**Evaluator 2**

**20-08-8202RFP Internal Website Design, Content Management and Web Hosting Services**

<b>Company/Vendor Name:</b>	<b>Cost</b>	<b>Project Scope and Overall Functionality</b>	<b>Demonstrated Quality of Work and References</b>	<b>Interview (optional)</b>	<b>Total</b>
Apptegy	21.00	34.00	14.00	17.60	86.60
Blackboard, Inc.	26.40	33.00	16.00	18.00	93.40
CherryRoad Technologies, Inc.	21.60	25.00	6.40	0.00	53.00
Domain7 Solutions, Inc.	7.20	25.00	5.60	0.00	37.80
eSiteful Corporation	19.80	42.00	16.00	17.20	95.00
Finalsite (Active Internet Technologies)	19.80	34.00	17.20	19.20	90.20
Intrado Interactive Services Corporation	21.00	43.00	14.00	18.00	96.00
Satsyil Corp.	7.20	24.00	8.00	0.00	39.20
The Downing Group Consulting	7.80	15.00	5.20	0.00	28.00

**Evaluator 3**

**20-08-8202RFP Internal Website Design, Content Management and Web Hosting Services**

<b>Company/Vendor Name:</b>	<b>Cost</b>	<b>Project Scope and Overall Functionality</b>	<b>Demonstrated Quality of Work and References</b>	<b>Interview (optional)</b>	<b>Total</b>
Apptegy	27.00	30.00	12.00	16.00	85.00
Blackboard, Inc.	30.00	43.00	16.00	16.00	105.00
CherryRoad Technologies, Inc.	21.00	35.00	12.00	0.00	68.00
Domain7 Solutions, Inc.	6.00	30.00	18.00	0.00	54.00
eSiteful Corporation	15.00	30.00	12.00	16.00	73.00
Finalsite (Active Internet Technologies)	18.00	40.00	18.00	20.00	96.00
Intrado Interactive Services Corporation	24.00	34.00	13.60	16.00	87.60
Satsyil Corp.	9.00	40.00	17.60	0.00	66.60
The Downing Group Consulting	12.00	35.00	4.00	0.00	51.00

**Evaluator 4**

**20-08-8202RFP Internal Website Design, Content Management and Web Hosting Services**

<b>Company/Vendor Name:</b>	<b>Cost</b>	<b>Project Scope and Overall Functionality</b>	<b>Demonstrated Quality of Work and References</b>	<b>Interview (optional)</b>	<b>Total</b>
Apptegy	18.00	44.00	13.60	16.00	91.60
Blackboard, Inc.	20.40	44.00	16.00	16.00	96.40
CherryRoad Technologies, Inc.	18.00	34.00	12.00	0.00	64.00
Domain7 Solutions, Inc.	12.00	30.00	12.00	0.00	54.00
eSiteful Corporation	20.40	24.00	12.00	12.00	68.40
Finalsite (Active Internet Technologies)	18.00	45.00	18.00	18.00	99.00
Intrado Interactive Services Corporation	20.40	40.00	16.00	13.20	89.60
Satsyil Corp.	15.00	30.00	9.60	0.00	54.60
The Downing Group Consulting	18.00	24.00	9.60	0.00	51.60

**Evaluator 5**

**20-08-8202RFP Internal Website Design, Content Management and Web Hosting Services**

<b>Company/Vendor Name:</b>	<b>Cost</b>	<b>Project Scope and Overall Functionality</b>	<b>Demonstrated Quality of Work and References</b>	<b>Interview (optional)</b>	<b>Total</b>
Apptegy	20.40	43.00	16.00	13.60	93.00
Blackboard, Inc.	27.60	35.00	14.40	14.80	91.80
CherryRoad Technologies, Inc.	24.00	35.00	15.60	0.00	74.60
Domain7 Solutions, Inc.	14.40	27.00	16.00	0.00	57.40
eSiteful Corporation	26.40	40.00	17.20	0.00	83.60
Finalsite (Active Internet Technologies)	21.60	35.00	15.20	15.20	87.00
Intrado Interactive Services Corporation	25.80	35.00	15.20	14.00	90.00
Satsyil Corp.	15.00	35.00	14.00	0.00	64.00
The Downing Group Consulting	21.00	34.00	13.60	0.00	68.60

**Evaluator 6**

**20-08-8202RFP Internal Website Design, Content Management and Web Hosting Services**

<b>Company/Vendor Name:</b>	<b>Cost</b>	<b>Project Scope and Overall Functionality</b>	<b>Demonstrated Quality of Work and References</b>	<b>Interview (optional)</b>	<b>Total</b>
Apptegy	19.80	35.00	16.00	17.20	88.00
Blackboard, Inc.	20.40	35.00	16.00	18.80	90.20
CherryRoad Technologies, Inc.	19.80	30.00	16.00	0.00	65.80
Domain7 Solutions, Inc.	15.60	30.00	16.00	0.00	61.60
eSiteful Corporation	24.00	30.00	14.00	16.00	84.00
Finalsite (Active Internet Technologies)	18.00	42.00	16.00	20.00	96.00
Intrado Interactive Services Corporation	23.40	40.00	14.80	17.20	95.40
Satsyil Corp.	9.00	35.00	12.00	0.00	56.00
The Downing Group Consulting	16.80	30.00	12.00	0.00	58.80



**To:** Bill Powell  
Assistant Superintendent of Support Services

**From:** Jennifer Chiu  
Director of Procurement Services

**Date:** August 21, 2020

**Re:** Concrete Installation/Demolition and Bollards  
Annual Contract #20-10-5325R-RFP

The following proposals were received and opened at 2:00 p.m., Thursday, August 13, 2020 as advertised and specified in documents concerning **Annual Contract #20-10-5325R-RFP Concrete Installation/Demolition and Bollards**. The proposals received are located on pages 2-4.

<sup>a</sup> Primary vendor award.

<sup>b</sup> Secondary vendor award.

**Recommendation:** Rocktek Paving (Striping Unlimited Corp.)  
Skyler Design Build

**Funding:** M & O Funds

**Estimated Expenditure:** \$50,000.00

**Contract Term:** October 1, 2020 - September 30, 2021

**Renewal:** 2 Years

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**EVALUATIONS MATRIX**  
**RFP - Request for Proposal**

**Cypress-Fairbanks Independent School District**

**20-10-5325R-RFP Concrete Installation/Demolition and Bollards**

Instructions and directions for completing RFP Evaluation Matrix

1. Please enter your name on each evaluation sheet, and on the summary sheet on the line provided.
2. Each Respondent is to be scored by the following scale:
  - 5.0 to 4.5 = Exceptional, exceeds and fully meets all requirements*
  - 4.4 to 3.5 = Advantageous, exceeds some requirements*
  - 3.4 to 2.5 = Meets minimal requirements*
  - 2.4 to 1.5 = Addresses most of the minimal requirements*
  - 1.4 to 1.0 = Addresses part of minimal requirements*
3. Please enter your point (shown above) for each criterion being evaluated.

8. **Criteria-Determination of Successful Respondent and Award of Contract** – In determining the Selected Proposer, the Owner will evaluate the information derived from the Proposer's (Contractor's) Qualification Statement, information received from completed Proposer's reference surveys, direct experience with the Proposer by Selection Committee members, the Proposer's proposal including information requested with the proposals and post proposal information submitted by the Proposer relative to the following Selection Criteria. A maximum of one hundred (100) points may be scored to each proposal.
  - 8.1 The purchase price; forty (40) points (the purchase price will be scored mathematically as the ratio of proposals submitted by the weighted value of the criterion).
  - 8.2 The reputation of the Proposer and of the Proposer's goods or services; ten (10) points.
  - 8.3 The quality of the Proposer's goods or services; ten (10) points.
  - 8.4 The suitability for the intended use; ten (10) points.
  - 8.5 Vendor's service and delivery capabilities; ten (10) points.
  - 8.6 The Proposer's responsiveness to warranty work requests, the quality of the warranty work and the Proposer's ability to monitor and report back to the Owner, the progress of warranty work; ten (10) points.
  - 8.7 The Contractor's qualifications; ten (10) points.

**Responses Received for 20-10-5325R-RFP**

**Concrete Installation/Demolition and Bollards**

<b>Company/Vendor Name</b>
Corestone Construction Services (RMB Management, LLC)
Nash Industries, Inc.
Rocktek Paving (Striping Unlimited Corp.)
Skyler Design Build

**RESPONDENT SUMMARY**

**20-10-5325R-RFP Concrete Installation/Demolition and Bollards**

Company/Vendor Name:		The purchase price	The reputation of the Proposer and of the Proposer's goods and services	The quality of the Proposer's goods or services	The suitability for the intended use	Vendor's service and delivery capabilities	The Proposer's responsiveness to warranty work requests, the quality of the warranty work and the Proposer's ability to monitor and report back to the Owner, the progress of warranty work	The Contractor's qualifications	Total
Corestone Construction Services (RMB Management, LLC)		20.00	9.00	9.25	9.50	7.75	9.50	10.00	75.00
Nash Industries, Inc.		10.00	10.00	10.00	10.00	8.00	10.00	8.00	66.00
<b><u>Rocktek Paving (Striping Unlimited Corp.)</u></b>	b	30.00	9.83	9.69	9.88	9.75	9.75	9.69	<b>88.58</b>
<b><u>Skyler Design Build</u></b>	a	40.00	10.00	10.00	10.00	10.00	10.00	10.00	<b>100.00</b>

Evaluation Committee Recommends:

Primary Vendor	a
Secondary Vendor	b



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**To:** Bill Powell  
Assistant Superintendent of Support Services

**From:** Jennifer Chiu  
Director of Procurement Services

**Date:** August 19, 2020

**Re:** HVAC Parts and Supplies  
Annual Contract #20-10-6520

The following bids were received and opened at 3:00 p.m., Wednesday, July 29, 2020 as advertised and specified in documents concerning **Annual Contract #20-10-6520 HVAC Parts and Supplies**. The bids received are located on pages 2-5.

- <sup>a</sup> Primary vendor award.
- <sup>b</sup> Secondary vendor award.
- <sup>c</sup> Tertiary vendor award.
- <sup>d</sup> Does not meet District specifications.

**Recommendation:** Applied Industrial Technologies  
CAPP  
Carrier Enterprise, LLC  
CP Distributors, LLP Control Products  
Johnson Supply Company  
Johnstone Supply (EMPA Corp.)  
Oslin Nation Co. (BABTEX)  
Winsupply, Inc. of Houston

**Funding:** M & O Funds

**Estimated Expenditure:** \$175,000.00

**Contract Term:** October 1, 2020 - September 30, 2021

**Renewal:** 2 Years

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**Line 1 Percentage off of Capacitors - Made in USA**

SUPPLIER	PERCENT OFF	SUPPLIER NOTES
<u>Winsupply, Inc. of Houston</u>	<u>74.0%</u> <sup>a</sup>	Titan HD USAManufacturer does not provide list price but the mark-up on these items will be the same across the entire line. Thanks
<u>Johnson Supply Company</u>	<u>55.0%</u> <sup>b</sup>	
<u>Johnstone Supply (EMPA Corp.)</u>	<u>55.0%</u> <sup>b</sup>	
Carrier Enterprise, LLC	25.0%	

**Line 2 Percentage off of Filter Core, Dryer Liquid, Dryer Suction - Sporlan**

SUPPLIER	PERCENT OFF	SUPPLIER NOTES
<u>Johnson Supply Company</u>	<u>55.0%</u> <sup>a</sup>	
<u>Winsupply, Inc. of Houston</u>	<u>35.0%</u> <sup>b</sup>	
<u>Carrier Enterprise, LLC</u>	<u>25.0%</u> <sup>c</sup>	
CAPP	20.0%	
Oslin Nation Co. (BABTEX)	0.0%	

**Line 3 Percentage off of Pulleys, Single Groove - Browning**

SUPPLIER	PERCENT OFF	SUPPLIER NOTES
<u>Johnson Supply Company</u>	<u>55.0%</u> <sup>a</sup>	Browning not currently a vendor. We would be able to offer other pulleys. However, more specific to a model number of the equipment needing the part. That said, no price to display in corresponding lines below.  offered at Cost + 20%
<u>Johnstone Supply (EMPA Corp.)</u>	<u>55.0%</u> <sup>a</sup>	
Carrier Enterprise, LLC	25.0% <sup>d</sup>	
CAPP	20.0%	
<u>Applied Industrial Technologies</u>	<u>0.628%</u> <sup>b</sup>	
Oslin Nation Co. (BABTEX)	0.0%	

**Line 4 Percentage off of Pump Parts, VSC and VSCS Series - Bell and Gossett**

SUPPLIER	PERCENT OFF	SUPPLIER NOTES
<u>Winsupply, Inc. of Houston</u>	<u>82.0%</u> <sup>a</sup>	No List Price offered by Manufacturer, Flat 18% Mark Up across entire line.
<u>Johnson Supply Company</u>	<u>55.0%</u> <sup>b</sup>	
<u>Johnstone Supply (EMPA Corp.)</u>	<u>55.0%</u> <sup>b</sup>	Bell and Gossett not currently a vendor. We would be able to offer other pumps. However, more specific to a model number of the equipment needing the part. That said, no price to display in corresponding lines below.
<u>CAPP</u>	<u>39.5%</u> <sup>c</sup>	
Carrier Enterprise, LLC	25.0%	
Oslin Nation Co. (BABTEX)	25.0%	

**Line 5 Percentage off of Pump Parts - Taco**

SUPPLIER	PERCENT OFF	SUPPLIER NOTES
<u>Winsupply, Inc. of Houston</u>	<u>82.0%</u> <sup>a</sup>	No List Price offered by Manufacturer, Flat 18% Mark Up across entire line.
<u>Johnstone Supply (EMPA Corp.)</u>	<u>55.0%</u> <sup>b</sup>	
<u>CAPP</u>	<u>37.0%</u> <sup>c</sup>	
Oslin Nation Co. (BABTEX)	25.0%	

**Line 6 Percentage off of Pump Parts - Paco**

SUPPLIER	PERCENT OFF	SUPPLIER NOTES
<u>Winsupply, Inc. of Houston</u>	<u>82.0%</u> <sup>a</sup>	No List Price offered by Manufacturer, Flat 18% Mark Up across entire line.
<u>Johnson Supply Company</u>	<u>25.0%</u> <sup>b</sup>	have to check at the time of sale to see what discount would be provided by manufacture
<u>Oslin Nation Co. (BABTEX)</u>	<u>25.0%</u> <sup>b</sup>	Cost + 20%
CAPP	20.0%	

**Line 7 Percentage off of Pump Parts - Armstrong**

SUPPLIER	PERCENT OFF	SUPPLIER NOTES
<u>Winsupply, Inc. of Houston</u>	<b>82.0%</b> <sup>a</sup>	No List Price offered by Manufacturer, Flat 18% Mark Up across entire line.
<u>Johnstone Supply (EMPA Corp.)</u>	<b>55.0%</b> <sup>b</sup>	
<u>Oslin Nation Co. (BABTEX)</u>	<b>25.0%</b> <sup>c</sup>	
<u>Johnson Supply Company</u>	<b>25.0%</b> <sup>c</sup>	have to check at the time of sale to see what discount would be provided by manufacture
CAPP	17.0%	

**Line 8 Percentage off of Valves, Water and Air Vent - Hoffman**

SUPPLIER	PERCENT OFF	SUPPLIER NOTES
<u>Winsupply, Inc. of Houston</u>	<b>82.0%</b> <sup>a</sup>	No List Price offered by Manufacturer, Flat 18% Mark Up across entire line.
<u>Johnson Supply Company</u>	<b>55.0%</b> <sup>b</sup>	
<u>CAPP</u>	<b>30.0%</b> <sup>c</sup>	
Oslin Nation Co. (BABTEX)	25.0%	
Carrier Enterprise, LLC	25.0%	

**Line 9 Percentage off of Copper Fittings - Mueller**

SUPPLIER	PERCENT OFF	SUPPLIER NOTES
<u>Winsupply, Inc. of Houston</u>	<b>85.0%</b> <sup>a</sup>	Hailing America Brand Copper Fittings Price List dated: Jan. 23, 2017
<u>Johnson Supply Company</u>	<b>55.0%</b> <sup>b</sup>	
<u>Johnstone Supply (EMPA Corp.)</u>	<b>55.0%</b> <sup>b</sup>	
Carrier Enterprise, LLC	25.0%	Brand sold is Hailing. Applicable to lines 30-34.

**Line 10 Percentage off of York Parts**

SUPPLIER	PERCENT OFF	SUPPLIER NOTES
<u>Winsupply, Inc. of Houston</u>	<b>60.0%</b> <sup>a</sup>	We are a Johnson Controls Inc. Equipment and Parts Distributor.
<u>Johnstone Supply (EMPA Corp.)</u>	<b>55.0%</b> <sup>b</sup>	
<u>Johnson Supply Company</u>	<b>50.0%</b> <sup>c</sup>	jci penn controlsbut no jci York parts
CAPP	2.0%	
Oslin Nation Co. (BABTEX)	0.0%	

**Line 11 Percentage off of Carrier Parts**

SUPPLIER	PERCENT OFF	SUPPLIER NOTES
<u>Carrier Enterprise, LLC</u>	<b>40.0%</b> <sup>a</sup>	
<u>CAPP</u>	<b>33.0%</b> <sup>b</sup>	
<u>Oslin Nation Co. (BABTEX)</u>	<b>0.0%</b> <sup>c</sup>	

**Line 12 Percentage off of Trane Parts**

SUPPLIER	PERCENT OFF	SUPPLIER NOTES
<u>CAPP</u>	<b>22.0%</b> <sup>a</sup>	
<u>Oslin Nation Co. (BABTEX)</u>	<b>0.0%</b> <sup>b</sup>	

**Line 13 Percentage off of Refrigerant 150 Viscosity (CFISD# 61-000008) - Chevron Capella**

SUPPLIER	PERCENT OFF	SUPPLIER NOTES
<u>Winsupply, Inc. of Houston</u>	<b>41.0%</b> <sup>a</sup>	We Carry NuCalgon Brand Refrigeration Oils.
<u>Carrier Enterprise, LLC</u>	<b>25.0%</b> <sup>b</sup>	
<u>Oslin Nation Co. (BABTEX)</u>	<b>0.0%</b> <sup>c</sup>	

**Line 14 Percentage off of Vacuum Pump Oil (CFISD# 61-000006) - Nu Calgon**

SUPPLIER	PERCENT OFF	SUPPLIER NOTES
<u>Johnson Supply Company</u>	<b>55.0%</b> <sup>a</sup>	
<u>Johnstone Supply (EMPA Corp.)</u>	<b>55.0%</b> <sup>a</sup>	
<u>Winsupply, Inc. of Houston</u>	<b>41.0%</b> <sup>b</sup>	
Carrier Enterprise, LLC	25.0%	Totaline manufactured by Nu-Calgon
Oslin Nation Co. (BABTEX)	0.0%	

**Line 15 Percentage off of Compressor Oil, Grade 30 Grade 100 (CFISD# 61-001309) - Mobil Rarus**

SUPPLIER	PERCENT OFF	SUPPLIER NOTES
<u>Oslin Nation Co. (BABTEX)</u>	<b>\$0.00</b> <sup>a</sup>	

**Line 16 Percentage off of Synthetic Machine Oil, ISO 150 - Lubriplate**

SUPPLIER	PERCENT OFF	SUPPLIER NOTES
<u>Carrier Enterprise, LLC</u>	<b>25.0%</b> <sup>a</sup>	
<u>Applied Industrial Technologies</u>	<b>0.341%</b> <sup>b</sup>	
<u>Oslin Nation Co. (BABTEX)</u>	<b>0.0%</b> <sup>c</sup>	

**Line 17 Percentage off of Non-Synthetic Machine Oil, ISO 220 - Lubriplate**

SUPPLIER	PERCENT OFF	SUPPLIER NOTES
<u>Carrier Enterprise, LLC</u>	<b>25.0%</b> <sup>a</sup>	
<u>Applied Industrial Technologies</u>	<b>0.341%</b> <sup>b</sup>	
<u>Oslin Nation Co. (BABTEX)</u>	<b>0.0%</b> <sup>c</sup>	

**Line 18 Percentage off Honeywell Parts**

SUPPLIER	PERCENT OFF	SUPPLIER NOTES
<u>Winsupply, Inc. of Houston</u>	<b>86.0%</b> <sup>a</sup>	Honeywell has numerous list price sheets so we will agree to a flat 14% Mark Up on their best net cost to us.
<u>CAPP</u>	<b>63.0%</b> <sup>b</sup>	
<u>CP Distributors, LLP Control Products</u>	<b>62.0%</b> <sup>c</sup>	
Johnstone Supply (EMPA Corp.)	55.0%	
Johnson Supply Company	55.0%	
Carrier Enterprise, LLC	25.0%	
Oslin Nation Co. (BABTEX)	0.0%	

**Line 19 Percentage off Belimo Parts**

SUPPLIER	PERCENT OFF	SUPPLIER NOTES
<u>Winsupply, Inc. of Houston</u>	<b>82.0%</b> <sup>a</sup>	Flat 18% Mark Up
<u>CP Distributors, LLP Control Products</u>	<b>61.0%</b> <sup>b</sup>	
<u>CAPP</u>	<b>60.0%</b> <sup>c</sup>	
Johnson Supply Company	30.0%	
Carrier Enterprise, LLC	25.0%	
Oslin Nation Co. (BABTEX)	0.0%	

**Line 20 Percentage off Johnson Controls Parts**

SUPPLIER	PERCENT OFF	SUPPLIER NOTES
<u>CAPP</u>	<b>61.0%</b> <sup>a</sup>	
<u>Winsupply, Inc. of Houston</u>	<b>60.0%</b> <sup>b</sup>	We are a Johnson Controls Inc. Equipment and Parts Distributor.
<u>CP Distributors, LLP Control Products</u>	<b>59.0%</b> <sup>c</sup>	
Johnstone Supply (EMPA Corp.)	55.0%	
Johnson Supply Company	55.0%	
Oslin Nation Co. (BABTEX)	0.0%	

**Line 21 Percentage off Siemens Parts**

SUPPLIER	PERCENT OFF	SUPPLIER NOTES
<u>CAPP</u>	<b>69.5%</b> <sup>a</sup>	
<u>CP Distributors, LLP Control Products</u>	<b>69.0%</b> <sup>b</sup>	
<u>Johnstone Supply (EMPA Corp.)</u>	<b>55.0%</b> <sup>c</sup>	
Carrier Enterprise, LLC	25.0%	
Oslin Nation Co. (BABTEX)	0.0%	

Line 22 Percentage off for any other manufacturers

<u>SUPPLIER</u>	<u>PERCENT OFF</u>	<u>SUPPLIER NOTES</u>
<u>CAPP</u>	<u>37.0%</u>	Ashcroft
<u>CAPP</u>	<u>25.0%</u>	Baldor
<u>CAPP</u>	<u>34.0%</u>	Danfoss
<u>CAPP</u>	<u>56.0%</u>	Robert Shaw
<u>CAPP</u>	<u>62.1%</u>	Schneider Electric
<u>CP Distributors, LLP Control Products</u>	<u>5.0%</u>	Honeywell Analytics
<u>CP Distributors, LLP Control Products</u>	<u>57.0%</u>	Honeywell Thermal Solutions
<u>CP Distributors, LLP Control Products</u>	<u>63.0%</u>	KMC Controls
<u>Johnstone Supply (EPMA Corp.)</u>	<u>55.0%</u>	
<u>Oslin Nation Co. (BABTEX)</u>	<u>0.0%</u>	
<u>Winsupply, Inc. of Houston</u>	<u>75.0%</u>	Aprilaire
<u>Winsupply, Inc. of Houston</u>	<u>75.0%</u>	Aspen
<u>Winsupply, Inc. of Houston</u>	<u>75.0%</u>	Broan
<u>Winsupply, Inc. of Houston</u>	<u>75.0%</u>	C&D
<u>Winsupply, Inc. of Houston</u>	<u>75.0%</u>	Charlotte
<u>Winsupply, Inc. of Houston</u>	<u>75.0%</u>	Ecobee
<u>Winsupply, Inc. of Houston</u>	<u>75.0%</u>	Hart & Cooley
<u>Winsupply, Inc. of Houston</u>	<u>75.0%</u>	Jason Belts
<u>Winsupply, Inc. of Houston</u>	<u>75.0%</u>	LG Ductless
<u>Winsupply, Inc. of Houston</u>	<u>75.0%</u>	Malco
<u>Winsupply, Inc. of Houston</u>	<u>75.0%</u>	Nailor
<u>Winsupply, Inc. of Houston</u>	<u>75.0%</u>	Owens Corning
<u>Winsupply, Inc. of Houston</u>	<u>75.0%</u>	Packard
<u>Winsupply, Inc. of Houston</u>	<u>75.0%</u>	Rectorseal
<u>Winsupply, Inc. of Houston</u>	<u>75.0%</u>	Ritchie
<u>Winsupply, Inc. of Houston</u>	<u>75.0%</u>	Soler & Palau
<u>Winsupply, Inc. of Houston</u>	<u>75.0%</u>	Thermaflex
<u>Winsupply, Inc. of Houston</u>	<u>75.0%</u>	White Rogers





**To: Bill Powell**  
**Assistant Superintendent of Support Services**

**From: Jennifer Chiu**  
**Director of Procurement Services**

**Date: August 19, 2020**

**Re: Insulation Services**  
**Annual Contract #20-10-6557R**

The following bid was received and opened at 3:00 p.m., Thursday, July 30, 2020 as advertised and specified in documents concerning **Annual Contract #20-10-6557R Insulation Services**. The bid received is located on page 2.

**Recommendation: FGH Insulation Co.**

**Funding: M & O Funds**

**Estimated Expenditure: \$100,000.00**

**Contract Term: October 1, 2020 - September 30, 2021**

**Renewal: 2 Years**

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**Line 1 Insulation Service - Parts and Supplies**

<u>SUPPLIER</u>	<u>PERCENT OFF</u>
<b><u>FGH Insulation Co.</u></b>	<b><u>10.0%</u></b>

**Line 2 Labor rate per hour. Regular hours are Monday-Friday, 7:00 a.m. to 5:00 p.m.**

<u>SUPPLIER</u>	<u>UNIT PRICE</u>
<b><u>FGH Insulation Co.</u></b>	<b><u>\$42.00</u></b>

Overtime labor rate per hour. Overtime hours are Monday-Friday, 5:00 p.m. to 11:00 p.m. and

**Line 3 all hours during the weekends/holidays.**

<u>SUPPLIER</u>	<u>UNIT PRICE</u>
<b><u>FGH Insulation Co.</u></b>	<b><u>\$56.00</u></b>

**Line 4 Transportation rate per mile.**

<u>SUPPLIER</u>	<u>UNIT PRICE</u>
<b><u>FGH Insulation Co.</u></b>	<b><u>\$0.00</u></b>

**Line 5 Delivery charges per project.**

<u>SUPPLIER</u>	<u>UNIT PRICE</u>
<b><u>FGH Insulation Co.</u></b>	<b><u>\$35.00</u></b>



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**To:** Bill Powell  
Assistant Superintendent of Support Services

**From:** Jennifer Chiu  
Director of Procurement Services

**Date:** August 19, 2020

**Re:** Plumbing Fixtures, Parts and Supplies  
Annual Contract #20-10-6835

The following bids were received and opened at 3:00 p.m., Wednesday, July 29, 2020 as advertised and specified in documents concerning **Annual Contract #20-10-6835 Plumbing Fixtures, Parts and Supplies**. The bids received are located on pages 2-14.

- <sup>a</sup> Award contracts to each of the vendors listed at the discount noted.
- <sup>b</sup> Bidding error or no sample pricing.
- <sup>c</sup> Discount does not offer lowest net cost to the District.
- <sup>d</sup> Cost + Pricing.
- <sup>e</sup> Not approved brand for requested product.
- <sup>f</sup> No award.
- <sup>g</sup> No manufacture provided.

**Recommendation:** Apple Specialties  
Best Plumbing Specialties, Inc.  
C&B Wholesale Plumbing Supplies (C&B Maintenance, Inc.)  
CAPP  
City Supply Company, Inc.  
Coburn Supply Company  
LCR-M, dba Moore Supply Company  
Oslin Nation Co. (BABTEX)  
TMS South, Inc. (Total Maintenance Solutions South, Inc.)

**Funding:** M & O Funds

**Estimated Expenditure:** \$800,000.00

**Contract Term:** October 1, 2020 - September 30, 2021

**Renewal:** 2 Years

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**Line 1 Percentage off of American Standard Faucets**

<u>SUPPLIER</u>	<u>PERCENT OFF</u>
<b><u>TMS South, Inc. (Total Maintenance Solutions South, Inc.)</u></b>	<b><u>51.0%</u></b> <sup>a</sup>
<b><u>City Supply Company, Inc.</u></b>	<b><u>50.0%</u></b> <sup>a</sup>
<b><u>Coburn Supply Company</u></b>	<b><u>50.0%</u></b> <sup>a</sup>
<b><u>LCR-M dba Moore Supply Company</u></b>	<b><u>45.0%</u></b> <sup>a</sup>
Best Plumbing Specialties, Inc.	38.0% <sup>b</sup>
Ferguson Enterprises, Inc.	0.0% <sup>c</sup>

<sup>a</sup> **Line 2 Percentage off of Central Brass Faucets**

<u>SUPPLIER</u>	<u>PERCENT OFF</u>
<b><u>City Supply Company, Inc.</u></b>	<b><u>50.0%</u></b>
<b><u>TMS South, Inc. (Total Maintenance Solutions South, Inc.)</u></b>	<b><u>47.0%</u></b>
<b><u>Apple Specialties</u></b>	<b><u>40.0%</u></b>
<b><u>LCR-M dba Moore Supply Company</u></b>	<b><u>40.0%</u></b>
<b><u>Coburn Supply Company</u></b>	<b><u>30.0%</u></b>

<sup>a</sup> **Line 3 Percentage off of Chicago Faucets**

<u>SUPPLIER</u>	<u>PERCENT OFF</u>
<b><u>TMS South, Inc. (Total Maintenance Solutions South, Inc.)</u></b>	<b><u>49.0%</u></b>
<b><u>Apple Specialties</u></b>	<b><u>48.0%</u></b>
<b><u>C&amp;B Wholesale Plumbing Supplies (C&amp;B Maintenance, Inc.)</u></b>	<b><u>47.0%</u></b>
<b><u>Coburn Supply Company</u></b>	<b><u>46.0%</u></b>
<b><u>City Supply Company, Inc.</u></b>	<b><u>44.0%</u></b>
<b><u>LCR-M dba Moore Supply Company</u></b>	<b><u>40.0%</u></b>
<b><u>Best Plumbing Specialties, Inc.</u></b>	<b><u>34.0%</u></b>

**Line 4 Percentage off of Elkay Faucets**

<u>SUPPLIER</u>	<u>PERCENT OFF</u>
<b><u>LCR-M dba Moore Supply Company</u></b>	<b><u>52.0%</u></b> <sup>a</sup>
<b><u>C&amp;B Wholesale Plumbing Supplies (C&amp;B Maintenance, Inc.)</u></b>	<b><u>48.0%</u></b> <sup>a</sup>
<b><u>Coburn Supply Company</u></b>	<b><u>46.0%</u></b> <sup>a</sup>
<b><u>TMS South, Inc. (Total Maintenance Solutions South, Inc.)</u></b>	<b><u>45.0%</u></b> <sup>a</sup>
<b><u>Apple Specialties</u></b>	<b><u>40.0%</u></b> <sup>a</sup>
<b><u>City Supply Company, Inc.</u></b>	<b><u>40.0%</u></b> <sup>a</sup>
Ferguson Enterprises, Inc.	0.0% <sup>c</sup>

**Line 5 Percentage off of Symmons Faucets**

<u>SUPPLIER</u>	<u>PERCENT OFF</u>
<b><u>City Supply Company, Inc.</u></b>	<b><u>51.0%</u></b> <sup>a</sup>
<b><u>TMS South, Inc. (Total Maintenance Solutions South, Inc.)</u></b>	<b><u>45.2%</u></b> <sup>a</sup>
<b><u>Coburn Supply Company</u></b>	<b><u>45.0%</u></b> <sup>a</sup>
<b><u>Apple Specialties</u></b>	<b><u>40.0%</u></b> <sup>a</sup>
<b><u>LCR-M dba Moore Supply Company</u></b>	<b><u>30.0%</u></b> <sup>a</sup>
<b><u>Best Plumbing Specialties, Inc.</u></b>	<b><u>22.0%</u></b> <sup>a</sup>
CAPP	20.0% <sup>d</sup>

**Line 6 Percentage off of T & S Brass Faucets**

<u>SUPPLIER</u>	<u>PERCENT OFF</u>
<b><u>City Supply Company, Inc.</u></b>	<b><u>51.0%</u></b> <sup>a</sup>
<b><u>Coburn Supply Company</u></b>	<b><u>47.0%</u></b> <sup>a</sup>
<b><u>TMS South, Inc. (Total Maintenance Solutions South, Inc.)</u></b>	<b><u>47.0%</u></b> <sup>a</sup>
<b><u>Apple Specialties</u></b>	<b><u>40.0%</u></b> <sup>a</sup>
<b><u>Best Plumbing Specialties, Inc.</u></b>	<b><u>38.0%</u></b> <sup>a</sup>
<b><u>LCR-M dba Moore Supply Company</u></b>	<b><u>25.0%</u></b> <sup>a</sup>
CAPP	15.0% <sup>d</sup>

**Line 7 Percentage off of Zurn Faucets**

<u>SUPPLIER</u>	<u>PERCENT OFF</u>
<b><u>TMS South, Inc. (Total Maintenance Solutions South, Inc.)</u></b>	<b><u>60.0%</u></b> <sup>a</sup>
<b><u>LCR-M dba Moore Supply Company</u></b>	<b><u>58.0%</u></b> <sup>a</sup>
<b><u>Coburn Supply Company</u></b>	<b><u>55.0%</u></b> <sup>a</sup>
<b><u>City Supply Company, Inc.</u></b>	<b><u>48.0%</u></b> <sup>a</sup>
<b><u>Apple Specialties</u></b>	<b><u>35.0%</u></b> <sup>a</sup>
Ferguson Enterprises, Inc.	0.0% <sup>d</sup>

**Line 8 Percentage off of American Standard Fixtures**

<u>SUPPLIER</u>	<u>PERCENT OFF</u>
<b><u>City Supply Company, Inc.</u></b>	<b><u>55.0%</u></b> <sup>a</sup>
<b><u>Coburn Supply Company</u></b>	<b><u>50.0%</u></b> <sup>a</sup>
<b><u>TMS South, Inc. (Total Maintenance Solutions South, Inc.)</u></b>	<b><u>50.0%</u></b> <sup>a</sup>
<b><u>LCR-M dba Moore Supply Company</u></b>	<b><u>45.0%</u></b> <sup>a</sup>
Ferguson Enterprises, Inc.	0.0% <sup>c</sup>

**Line 9 Percentage off of Kohler Fixtures**

<u>SUPPLIER</u>	<u>PERCENT OFF</u>
<b><u>City Supply Company, Inc.</u></b>	<b><u>45.0%</u></b> <sup>a</sup>
<b><u>LCR-M dba Moore Supply Company</u></b>	<b><u>43.0%</u></b> <sup>a</sup>
<b><u>Coburn Supply Company</u></b>	<b><u>25.0%</u></b> <sup>a</sup>
<b><u>TMS South, Inc. (Total Maintenance Solutions South, Inc.)</u></b>	<b><u>25.0%</u></b> <sup>a</sup>
Ferguson Enterprises, Inc.	0.0% <sup>c</sup>

**Line 10 Percentage off of Sloan Fixtures**

<u>SUPPLIER</u>	<u>PERCENT OFF</u>
<b><u>Coburn Supply Company</u></b>	<b><u>45.0%</u></b> <sup>a</sup>
<b><u>TMS South, Inc. (Total Maintenance Solutions South, Inc.)</u></b>	<b><u>42.0%</u></b> <sup>a</sup>
<b><u>City Supply Company, Inc.</u></b>	<b><u>40.0%</u></b> <sup>a</sup>
<b><u>LCR-M dba Moore Supply Company</u></b>	<b><u>35.0%</u></b> <sup>a</sup>
CAPP	20.0% <sup>d</sup>
Ferguson Enterprises, Inc.	0.0% <sup>c</sup>

**Line 11 Percentage off of Toto Fixtures**

<u>SUPPLIER</u>	<u>PERCENT OFF</u>
<b><u>City Supply Company, Inc.</u></b>	<b><u>50.0%</u></b> <sup>a</sup>
<b><u>LCR-M dba Moore Supply Company</u></b>	<b><u>48.0%</u></b> <sup>a</sup>
<b><u>Coburn Supply Company</u></b>	<b><u>45.0%</u></b> <sup>a</sup>
<b><u>TMS South, Inc. (Total Maintenance Solutions South, Inc.)</u></b>	<b><u>45.0%</u></b> <sup>a</sup>
CAPP	25.0% <sup>d</sup>
Ferguson Enterprises, Inc.	0.0% <sup>c</sup>

**Line 12 Percentage off of American Standard Parts**

<u>SUPPLIER</u>	<u>PERCENT OFF</u>
<b><u>LCR-M dba Moore Supply Company</u></b>	<b><u>46.0%</u></b> <sup>a</sup>
<b><u>City Supply Company, Inc.</u></b>	<b><u>45.0%</u></b> <sup>a</sup>
<b><u>TMS South, Inc. (Total Maintenance Solutions South, Inc.)</u></b>	<b><u>40.0%</u></b> <sup>a</sup>
Best Plumbing Specialties, Inc.	38.0% <sup>b</sup>
<b><u>Coburn Supply Company</u></b>	<b><u>35.0%</u></b> <sup>a</sup>
Ferguson Enterprises, Inc.	0.0% <sup>c</sup>

**Line 13 Percentage off of Bemis Parts**

<u>SUPPLIER</u>	<u>PERCENT OFF</u>
<b><u>TMS South, Inc. (Total Maintenance Solutions South, Inc.)</u></b>	<b><u>51.0%</u></b> <sup>a</sup>
<b><u>City Supply Company, Inc.</u></b>	<b><u>50.0%</u></b> <sup>a</sup>
<b><u>Coburn Supply Company</u></b>	<b><u>47.0%</u></b> <sup>a</sup>
<b><u>LCR-M dba Moore Supply Company</u></b>	<b><u>44.0%</u></b> <sup>a</sup>
CAPP	25.0% <sup>d</sup>
Ferguson Enterprises, Inc.	0.0% <sup>c</sup>

<sup>a</sup> Line 14 Percentage off of Central Brass Parts

<u>SUPPLIER</u>	<u>PERCENT OFF</u>
<u>City Supply Company, Inc.</u>	<u>50.0%</u>
<u>TMS South, Inc. (Total Maintenance Solutions South, Inc.)</u>	<u>47.0%</u>
<u>LCR-M dba Moore Supply Company</u>	<u>42.0%</u>
<u>Coburn Supply Company</u>	<u>41.0%</u>

<sup>a</sup> Line 15 Percentage off of Chicago Parts

<u>SUPPLIER</u>	<u>PERCENT OFF</u>
<u>TMS South, Inc. (Total Maintenance Solutions South, Inc.)</u>	<u>49.1%</u>
<u>Apple Specialties</u>	<u>48.0%</u>
<u>C&amp;B Wholesale Plumbing Supplies (C&amp;B Maintenance, Inc.)</u>	<u>48.0%</u>
<u>Coburn Supply Company</u>	<u>45.0%</u>
<u>LCR-M dba Moore Supply Company</u>	<u>45.0%</u>
<u>City Supply Company, Inc.</u>	<u>44.0%</u>
<u>Best Plumbing Specialties, Inc.</u>	<u>34.0%</u>

Line 16 Percentage off of Elkay Parts

<u>SUPPLIER</u>	<u>PERCENT OFF</u>
<u>LCR-M dba Moore Supply Company</u>	<u>50.0%</u> <sup>a</sup>
<u>TMS South, Inc. (Total Maintenance Solutions South, Inc.)</u>	<u>47.0%</u> <sup>a</sup>
<u>Apple Specialties</u>	<u>40.0%</u> <sup>a</sup>
<u>City Supply Company, Inc.</u>	<u>40.0%</u> <sup>a</sup>
<u>Best Plumbing Specialties, Inc.</u>	<u>34.0%</u> <sup>a</sup>
<u>Coburn Supply Company</u>	<u>32.0%</u> <sup>a</sup>
Ferguson Enterprises, Inc.	0.0% <sup>c</sup>

<sup>a</sup> Line 17 Percentage off of Fisher Parts

<u>SUPPLIER</u>	<u>PERCENT OFF</u>
<u>LCR-M dba Moore Supply Company</u>	<u>55.0%</u>
<u>TMS South, Inc. (Total Maintenance Solutions South, Inc.)</u>	<u>45.0%</u>
<u>City Supply Company, Inc.</u>	<u>40.0%</u>
<u>Best Plumbing Specialties, Inc.</u>	<u>35.0%</u>
<u>Coburn Supply Company</u>	<u>35.0%</u>

Line 18 Percentage off of Kohler Parts

<u>SUPPLIER</u>	<u>PERCENT OFF</u>
<u>TMS South, Inc. (Total Maintenance Solutions South, Inc.)</u>	<u>42.0%</u> <sup>a</sup>
<u>City Supply Company, Inc.</u>	<u>40.0%</u> <sup>a</sup>
<u>LCR-M dba Moore Supply Company</u>	<u>40.0%</u> <sup>a</sup>
<u>Coburn Supply Company</u>	<u>25.0%</u> <sup>a</sup>
Ferguson Enterprises, Inc.	0.0% <sup>c</sup>

Line 19 Percentage off of Speakman Parts

<u>SUPPLIER</u>	<u>PERCENT OFF</u>
<u>City Supply Company, Inc.</u>	<u>52.0%</u> <sup>a</sup>
<u>TMS South, Inc. (Total Maintenance Solutions South, Inc.)</u>	<u>44.0%</u> <sup>a</sup>
<u>LCR-M dba Moore Supply Company</u>	<u>42.0%</u> <sup>a</sup>
<u>Coburn Supply Company</u>	<u>35.0%</u> <sup>a</sup>
<u>Best Plumbing Specialties, Inc.</u>	<u>34.0%</u> <sup>a</sup>
CAPP	25.0% <sup>d</sup>

**Line 20 Percentage off of Symmons Parts**

<u>SUPPLIER</u>	<u>PERCENT OFF</u>
<b>Apple Specialties</b>	<b>40.0%</b> <sup>a</sup>
<b>TMS South, Inc. (Total Maintenance Solutions South, Inc.)</b>	<b>37.2%</b> <sup>a</sup>
<b>City Supply Company, Inc.</b>	<b>35.0%</b> <sup>a</sup>
<b>Coburn Supply Company</b>	<b>30.0%</b> <sup>a</sup>
<b>LCR-M dba Moore Supply Company</b>	<b>30.0%</b> <sup>a</sup>
<b>Best Plumbing Specialties, Inc.</b>	<b>22.0%</b> <sup>a</sup>
CAPP	15.0% <sup>d</sup>

**Line 21 Percentage off of T & S Brass Parts**

<u>SUPPLIER</u>	<u>PERCENT OFF</u>
<b>Coburn Supply Company</b>	<b>47.0%</b> <sup>a</sup>
<b>TMS South, Inc. (Total Maintenance Solutions South, Inc.)</b>	<b>47.0%</b> <sup>a</sup>
<b>Apple Specialties</b>	<b>40.0%</b> <sup>a</sup>
<b>City Supply Company, Inc.</b>	<b>40.0%</b> <sup>a</sup>
<b>Best Plumbing Specialties, Inc.</b>	<b>38.0%</b> <sup>a</sup>
<b>LCR-M dba Moore Supply Company</b>	<b>34.0%</b> <sup>a</sup>
CAPP	15.0% <sup>d</sup>

**Line 22 Percentage off of Zurn Parts**

<u>SUPPLIER</u>	<u>PERCENT OFF</u>
<b>TMS South, Inc. (Total Maintenance Solutions South, Inc.)</b>	<b>45.2%</b> <sup>a</sup>
<b>LCR-M dba Moore Supply Company</b>	<b>43.0%</b> <sup>a</sup>
<b>City Supply Company, Inc.</b>	<b>40.0%</b> <sup>a</sup>
<b>Coburn Supply Company</b>	<b>33.0%</b> <sup>a</sup>
Ferguson Enterprises, Inc.	0.0% <sup>c</sup>

<sup>a</sup> **Line 23 Percentage off of Delany Flush Valves**

<u>SUPPLIER</u>	<u>PERCENT OFF</u>
<b>City Supply Company, Inc.</b>	<b>50.0%</b>
<b>LCR-M dba Moore Supply Company</b>	<b>50.0%</b>
<b>TMS South, Inc. (Total Maintenance Solutions South, Inc.)</b>	<b>50.0%</b>
<b>Coburn Supply Company</b>	<b>40.0%</b>

**Line 24 Percentage off of Sloan Flush Valves**

<u>SUPPLIER</u>	<u>PERCENT OFF</u>
<b>TMS South, Inc. (Total Maintenance Solutions South, Inc.)</b>	<b>50.5%</b> <sup>a</sup>
<b>LCR-M dba Moore Supply Company</b>	<b>50.0%</b> <sup>a</sup>
<b>Apple Specialties</b>	<b>40.0%</b> <sup>a</sup>
<b>City Supply Company, Inc.</b>	<b>40.0%</b> <sup>a</sup>
<b>Coburn Supply Company</b>	<b>40.0%</b> <sup>a</sup>
CAPP	20.0% <sup>d</sup>
Ferguson Enterprises, Inc.	0.0% <sup>c</sup>

**Line 25 Percentage off of Toto Flush Valves**

<u>SUPPLIER</u>	<u>PERCENT OFF</u>
<b>City Supply Company, Inc.</b>	<b>50.0%</b> <sup>a</sup>
<b>Coburn Supply Company</b>	<b>50.0%</b> <sup>a</sup>
<b>TMS South, Inc. (Total Maintenance Solutions South, Inc.)</b>	<b>48.0%</b> <sup>a</sup>
<b>LCR-M dba Moore Supply Company</b>	<b>45.0%</b> <sup>a</sup>
CAPP	15.0% <sup>d</sup>

<sup>a</sup> **Line 26 Percentage off of Zurn Flush Valves**

<u>SUPPLIER</u>	<u>PERCENT OFF</u>
<b>LCR-M dba Moore Supply Company</b>	<b>58.0%</b>
<b>TMS South, Inc. (Total Maintenance Solutions South, Inc.)</b>	<b>52.2%</b>
<b>City Supply Company, Inc.</b>	<b>50.0%</b>
<b>Coburn Supply Company</b>	<b>50.0%</b>

<sup>a</sup> **Line 27 Percentage off of Delany Flush Valve Parts**

<u>SUPPLIER</u>	<u>PERCENT OFF</u>
<u>City Supply Company, Inc.</u>	<u>60.0%</u>
<u>LCR-M dba Moore Supply Company</u>	<u>50.0%</u>
<u>TMS South, Inc. (Total Maintenance Solutions South, Inc.)</u>	<u>49.5%</u>
<u>Coburn Supply Company</u>	<u>45.0%</u>

**Line 28 Percentage off of Sloan Flush Valve Parts**

<u>SUPPLIER</u>	<u>PERCENT OFF</u>
<u>TMS South, Inc. (Total Maintenance Solutions South, Inc.)</u>	<u>52.0%</u> <sup>a</sup>
<u>Apple Specialties</u>	<u>50.0%</u> <sup>a</sup>
<u>LCR-M dba Moore Supply Company</u>	<u>50.0%</u> <sup>a</sup>
<u>Coburn Supply Company</u>	<u>47.5%</u> <sup>a</sup>
<u>City Supply Company, Inc.</u>	<u>45.0%</u> <sup>a</sup>
CAPP	20.0% <sup>d</sup>
Ferguson Enterprises, Inc.	0.0% <sup>c</sup>

**Line 29 Percentage off of Toto Flush Valve Parts**

<u>SUPPLIER</u>	<u>PERCENT OFF</u>
<u>TMS South, Inc. (Total Maintenance Solutions South, Inc.)</u>	<u>47.0%</u> <sup>a</sup>
<u>City Supply Company, Inc.</u>	<u>45.0%</u> <sup>a</sup>
<u>Coburn Supply Company</u>	<u>45.0%</u> <sup>a</sup>
<u>LCR-M dba Moore Supply Company</u>	<u>40.0%</u> <sup>a</sup>
CAPP	20.0% <sup>d</sup>

**Line 30 Percentage off of Zurn Flush Valve Parts**

<u>SUPPLIER</u>	<u>PERCENT OFF</u>
<u>City Supply Company, Inc.</u>	<u>50.0%</u> <sup>a</sup>
<u>TMS South, Inc. (Total Maintenance Solutions South, Inc.)</u>	<u>48.0%</u> <sup>a</sup>
<u>Coburn Supply Company</u>	<u>45.0%</u> <sup>a</sup>
<u>LCR-M dba Moore Supply Company</u>	<u>45.0%</u> <sup>a</sup>
Ferguson Enterprises, Inc.	0.0% <sup>c</sup>

<sup>a</sup> **Line 31 Percentage off of Elkay Drinking Coolers**

<u>SUPPLIER</u>	<u>PERCENT OFF</u>
<u>Coburn Supply Company</u>	<u>50.0%</u>
<u>C&amp;B Wholesale Plumbing Supplies (C&amp;B Maintenance, Inc.)</u>	<u>48.0%</u>
<u>TMS South, Inc. (Total Maintenance Solutions South, Inc.)</u>	<u>47.2%</u>
<u>Apple Specialties</u>	<u>40.0%</u>
<u>City Supply Company, Inc.</u>	<u>40.0%</u>
<u>LCR-M dba Moore Supply Company</u>	<u>36.0%</u>

<sup>a</sup> **Line 32 Percentage off of Halsey Taylor Drinking Coolers**

<u>SUPPLIER</u>	<u>PERCENT OFF</u>
<u>Coburn Supply Company</u>	<u>50.0%</u>
<u>TMS South, Inc. (Total Maintenance Solutions South, Inc.)</u>	<u>47.2%</u>
<u>LCR-M dba Moore Supply Company</u>	<u>43.0%</u>
<u>City Supply Company, Inc.</u>	<u>40.0%</u>

<sup>a</sup> **Line 33 Percentage off of Haws Drinking Coolers**

<u>SUPPLIER</u>	<u>PERCENT OFF</u>
<u>Coburn Supply Company</u>	<u>40.0%</u>
<u>TMS South, Inc. (Total Maintenance Solutions South, Inc.)</u>	<u>36.0%</u>
<u>City Supply Company, Inc.</u>	<u>35.0%</u>
<u>LCR-M dba Moore Supply Company</u>	<u>35.0%</u>



**<sup>a</sup> Line 34 Percentage off of Oasis Drinking Coolers**

<u>SUPPLIER</u>	<u>PERCENT OFF</u>
<u>City Supply Company, Inc.</u>	<u>55.0%</u>
<u>LCR-M dba Moore Supply Company</u>	<u>50.0%</u>
<u>Coburn Supply Company</u>	<u>40.0%</u>
<u>TMS South, Inc. (Total Maintenance Solutions South, Inc.)</u>	<u>40.0%</u>
<u>Apple Specialties</u>	<u>35.0%</u>

**<sup>a</sup> Line 35 Percentage off of Acorn/Murdock Drinking Fountains**

<u>SUPPLIER</u>	<u>PERCENT OFF</u>
<u>City Supply Company, Inc.</u>	<u>70.0%</u>
<u>Coburn Supply Company</u>	<u>25.0%</u>
<u>TMS South, Inc. (Total Maintenance Solutions South, Inc.)</u>	<u>6.0%</u>

**<sup>a</sup> Line 36 Percentage off of Elkay Drinking Fountains**

<u>SUPPLIER</u>	<u>PERCENT OFF</u>
<u>C&amp;B Wholesale Plumbing Supplies (C&amp;B Maintenance, Inc.)</u>	<u>48.0%</u>
<u>TMS South, Inc. (Total Maintenance Solutions South, Inc.)</u>	<u>47.2%</u>
<u>Coburn Supply Company</u>	<u>47.0%</u>
<u>LCR-M dba Moore Supply Company</u>	<u>43.0%</u>
<u>Apple Specialties</u>	<u>40.0%</u>
<u>City Supply Company, Inc.</u>	<u>40.0%</u>

**<sup>a</sup> Line 37 Percentage off of Halsey Taylor Drinking Fountains**

<u>SUPPLIER</u>	<u>PERCENT OFF</u>
<u>TMS South, Inc. (Total Maintenance Solutions South, Inc.)</u>	<u>47.2%</u>
<u>Coburn Supply Company</u>	<u>45.0%</u>
<u>LCR-M dba Moore Supply Company</u>	<u>43.0%</u>
<u>City Supply Company, Inc.</u>	<u>40.0%</u>

**<sup>a</sup> Line 38 Percentage off of Haws Drinking Fountains**

<u>SUPPLIER</u>	<u>PERCENT OFF</u>
<u>LCR-M dba Moore Supply Company</u>	<u>37.0%</u>
<u>TMS South, Inc. (Total Maintenance Solutions South, Inc.)</u>	<u>37.0%</u>
<u>Coburn Supply Company</u>	<u>35.0%</u>
<u>City Supply Company, Inc.</u>	<u>30.0%</u>

**<sup>a</sup> Line 39 Percentage off of Oasis Drinking Fountains**

<u>SUPPLIER</u>	<u>PERCENT OFF</u>
<u>LCR-M dba Moore Supply Company</u>	<u>50.0%</u>
<u>City Supply Company, Inc.</u>	<u>45.0%</u>
<u>Coburn Supply Company</u>	<u>40.0%</u>
<u>TMS South, Inc. (Total Maintenance Solutions South, Inc.)</u>	<u>40.0%</u>
<u>Apple Specialties</u>	<u>35.0%</u>

**<sup>a</sup> Line 40 Percentage off of Central Brass Drinking Fountains Parts**

<u>SUPPLIER</u>	<u>PERCENT OFF</u>
<u>LCR-M dba Moore Supply Company</u>	<u>50.0%</u>
<u>TMS South, Inc. (Total Maintenance Solutions South, Inc.)</u>	<u>48.0%</u>
<u>City Supply Company, Inc.</u>	<u>40.0%</u>
<u>Coburn Supply Company</u>	<u>40.0%</u>

<sup>a</sup> **Line 41 Percentage off of Elkay Drinking Fountains and Cooler Parts**

<u>SUPPLIER</u>	<u>PERCENT OFF</u>
<u>LCR-M dba Moore Supply Company</u>	<u>50.0%</u>
<u>C&amp;B Wholesale Plumbing Supplies (C&amp;B Maintenance, Inc.)</u>	<u>46.0%</u>
<u>TMS South, Inc. (Total Maintenance Solutions South, Inc.)</u>	<u>46.0%</u>
<u>City Supply Company, Inc.</u>	<u>40.0%</u>
<u>Coburn Supply Company</u>	<u>40.0%</u>
<u>Apple Specialties</u>	<u>35.0%</u>
<u>Best Plumbing Specialties, Inc.</u>	<u>35.0%</u>

<sup>a</sup> **Line 42 Percentage off of Halsey Taylor Fountains and Cooler Parts**

<u>SUPPLIER</u>	<u>PERCENT OFF</u>
<u>LCR-M dba Moore Supply Company</u>	<u>50.0%</u>
<u>TMS South, Inc. (Total Maintenance Solutions South, Inc.)</u>	<u>47.0%</u>
<u>City Supply Company, Inc.</u>	<u>40.0%</u>
<u>Apple Specialties</u>	<u>35.0%</u>
<u>Best Plumbing Specialties, Inc.</u>	<u>35.0%</u>
<u>Coburn Supply Company</u>	<u>35.0%</u>

<sup>a</sup> **Line 43 Percentage off of Haws Fountains and Cooler Parts**

<u>SUPPLIER</u>	<u>PERCENT OFF</u>
<u>LCR-M dba Moore Supply Company</u>	<u>40.0%</u>
<u>TMS South, Inc. (Total Maintenance Solutions South, Inc.)</u>	<u>37.0%</u>
<u>City Supply Company, Inc.</u>	<u>30.0%</u>
<u>Coburn Supply Company</u>	<u>30.0%</u>
<u>Best Plumbing Specialties, Inc.</u>	<u>22.0%</u>

<sup>a</sup> **Line 44 Percentage off of Oasis Drinking Fountains and Cooler Parts**

<u>SUPPLIER</u>	<u>PERCENT OFF</u>
<u>LCR-M dba Moore Supply Company</u>	<u>50.0%</u>
<u>City Supply Company, Inc.</u>	<u>30.0%</u>
<u>TMS South, Inc. (Total Maintenance Solutions South, Inc.)</u>	<u>30.0%</u>
<u>Coburn Supply Company</u>	<u>27.0%</u>
<u>Best Plumbing Specialties, Inc.</u>	<u>22.0%</u>

<sup>a</sup> **Line 45 Percentage off of Sunroc Fountains Parts**

<u>SUPPLIER</u>	<u>PERCENT OFF</u>
<u>TMS South, Inc. (Total Maintenance Solutions South, Inc.)</u>	<u>35.0%</u>
<u>City Supply Company, Inc.</u>	<u>30.0%</u>

<sup>a</sup> **Line 46 Percentage off of Acorn Shower and Mixing Valve Parts**

<u>SUPPLIER</u>	<u>PERCENT OFF</u>
<u>City Supply Company, Inc.</u>	<u>70.0%</u>
<u>Coburn Supply Company</u>	<u>25.0%</u>
<u>TMS South, Inc. (Total Maintenance Solutions South, Inc.)</u>	<u>10.0%</u>
<u>Apple Specialties</u>	<u>5.0%</u>

<sup>a</sup> **Line 47 Percentage off of Bradley Shower and Mixing Valve Parts**

<u>SUPPLIER</u>	<u>PERCENT OFF</u>
<u>LCR-M dba Moore Supply Company</u>	<u>45.0%</u>
<u>TMS South, Inc. (Total Maintenance Solutions South, Inc.)</u>	<u>26.0%</u>
<u>City Supply Company, Inc.</u>	<u>25.0%</u>
<u>Coburn Supply Company</u>	<u>25.0%</u>

**Line 48 Percentage off of Leonard Shower and Mixing Valve Parts**

<u>SUPPLIER</u>	<u>PERCENT OFF</u>
<u>LCR-M dba Moore Supply Company</u>	<u>50.0%</u> <sup>a</sup>
<u>TMS South, Inc. (Total Maintenance Solutions South, Inc.)</u>	<u>30.0%</u> <sup>a</sup>
<u>Coburn Supply Company</u>	<u>28.0%</u> <sup>a</sup>
<u>City Supply Company, Inc.</u>	<u>10.0%</u> <sup>a</sup>
CAPP	5.0% <sup>d</sup>

**Line 49 Percentage off of Powers Shower and Mixing Valve Parts**

<u>SUPPLIER</u>	<u>PERCENT OFF</u>
<u>City Supply Company, Inc.</u>	<u>60.0%</u> <sup>a</sup>
<u>LCR-M dba Moore Supply Company</u>	<u>50.0%</u> <sup>a</sup>
CAPP	35.0% <sup>d</sup>
<u>TMS South, Inc. (Total Maintenance Solutions South, Inc.)</u>	<u>32.0%</u> <sup>a</sup>
<u>Coburn Supply Company</u>	<u>30.0%</u> <sup>a</sup>

**Line 50 Percentage off of Symmons Shower and Mixing Valve Parts**

<u>SUPPLIER</u>	<u>PERCENT OFF</u>
<u>LCR-M dba Moore Supply Company</u>	<u>47.5%</u> <sup>a</sup>
<u>Apple Specialties</u>	<u>40.0%</u> <sup>a</sup>
<u>City Supply Company, Inc.</u>	<u>40.0%</u> <sup>a</sup>
<u>TMS South, Inc. (Total Maintenance Solutions South, Inc.)</u>	<u>38.0%</u> <sup>a</sup>
<u>Coburn Supply Company</u>	<u>35.0%</u> <sup>a</sup>
CAPP	15.0% <sup>d</sup>

<sup>a</sup> **Line 51 Percentage off of Acorn Wash Fountain Parts**

<u>SUPPLIER</u>	<u>PERCENT OFF</u>
<u>City Supply Company, Inc.</u>	<u>50.0%</u>
<u>Coburn Supply Company</u>	<u>25.0%</u>
<u>TMS South, Inc. (Total Maintenance Solutions South, Inc.)</u>	<u>10.0%</u>
<u>Apple Specialties</u>	<u>5.0%</u>

<sup>a</sup> **Line 52 Percentage off of Bradley Wash Fountain Parts**

<u>SUPPLIER</u>	<u>PERCENT OFF</u>
<u>LCR-M dba Moore Supply Company</u>	<u>45.0%</u>
<u>TMS South, Inc. (Total Maintenance Solutions South, Inc.)</u>	<u>26.0%</u>
<u>Coburn Supply Company</u>	<u>25.0%</u>
<u>City Supply Company, Inc.</u>	<u>10.0%</u>

<sup>a</sup> **Line 53 Percentage off of Josam Wall Hydrant Parts**

<u>SUPPLIER</u>	<u>PERCENT OFF</u>
<u>City Supply Company, Inc.</u>	<u>40.0%</u>
<u>TMS South, Inc. (Total Maintenance Solutions South, Inc.)</u>	<u>36.0%</u>
<u>Coburn Supply Company</u>	<u>30.0%</u>

**Line 54 Percentage off of J.R. Smith Wall Hydrant Parts**

<u>SUPPLIER</u>	<u>PERCENT OFF</u>
<u>City Supply Company, Inc.</u>	<u>80.0%</u> <sup>a</sup>
<u>LCR-M dba Moore Supply Company</u>	<u>50.0%</u> <sup>a</sup>
<u>Coburn Supply Company</u>	<u>40.0%</u> <sup>a</sup>
CAPP	20.0% <sup>d</sup>
<u>TMS South, Inc. (Total Maintenance Solutions South, Inc.)</u>	<u>20.0%</u> <sup>a</sup>

<sup>a</sup> **Line 55 Percentage off MIFAB Wall Hydrant Parts**

<u>SUPPLIER</u>	<u>PERCENT OFF</u>
<u>City Supply Company, Inc.</u>	<u>80.0%</u>
<u>TMS South, Inc. (Total Maintenance Solutions South, Inc.)</u>	<u>50.0%</u>
<u>LCR-M dba Moore Supply Company</u>	<u>45.0%</u>
<u>Coburn Supply Company</u>	<u>25.0%</u>

<sup>a</sup> **Line 56 Percentage off Wade Wall Hydrant Parts**

<u>SUPPLIER</u>	<u>PERCENT OFF</u>
<u>City Supply Company, Inc.</u>	<u>80.0%</u>
<u>Coburn Supply Company</u>	<u>60.0%</u>
<u>TMS South, Inc. (Total Maintenance Solutions South, Inc.)</u>	<u>54.0%</u>
<u>LCR-M dba Moore Supply Company</u>	<u>48.0%</u>

<sup>a</sup> **Line 57 Percentage off Woodford Wall Hydrant Parts**

<u>SUPPLIER</u>	<u>PERCENT OFF</u>
<u>LCR-M dba Moore Supply Company</u>	<u>35.0%</u>
<u>TMS South, Inc. (Total Maintenance Solutions South, Inc.)</u>	<u>35.0%</u>
<u>City Supply Company, Inc.</u>	<u>30.0%</u>
<u>Coburn Supply Company</u>	<u>30.0%</u>

<sup>a</sup> **Line 58 Percentage off Zurn Wall Hydrant Parts**

<u>SUPPLIER</u>	<u>PERCENT OFF</u>
<u>City Supply Company, Inc.</u>	<u>75.0%</u>
<u>Coburn Supply Company</u>	<u>46.0%</u>
<u>LCR-M dba Moore Supply Company</u>	<u>45.0%</u>
<u>TMS South, Inc. (Total Maintenance Solutions South, Inc.)</u>	<u>31.0%</u>

**Line 59 Percentage off Brass Fitting, Compression and Flare**

<u>SUPPLIER</u>	<u>PERCENT OFF</u>
<u>TMS South, Inc. (Total Maintenance Solutions South, Inc.)</u>	<u>50.0%</u> <sup>a</sup>
<u>Coburn Supply Company</u>	<u>45.0%</u> <sup>a</sup>
<u>City Supply Company, Inc.</u>	<u>40.0%</u> <sup>a</sup>
<u>LCR-M dba Moore Supply Company</u>	<u>15.0%</u> <sup>a</sup>
Ferguson Enterprises, Inc.	0.0% <sup>c</sup>

**Line 60 Percentage off Cooper Fittings, Pressure**

<u>SUPPLIER</u>	<u>PERCENT OFF</u>
<u>City Supply Company, Inc.</u>	<u>80.0%</u> <sup>a</sup>
<u>TMS South, Inc. (Total Maintenance Solutions South, Inc.)</u>	<u>75.0%</u> <sup>a</sup>
<u>Coburn Supply Company</u>	<u>70.0%</u> <sup>a</sup>
<u>LCR-M dba Moore Supply Company</u>	<u>25.0%</u> <sup>a</sup>
Ferguson Enterprises, Inc.	0.0% <sup>c</sup>

<sup>a</sup> **Line 61 Percentage off Cooper Fittings, DWV**

<u>SUPPLIER</u>	<u>PERCENT OFF</u>
<u>City Supply Company, Inc.</u>	<u>80.0%</u>
<u>TMS South, Inc. (Total Maintenance Solutions South, Inc.)</u>	<u>75.0%</u>
<u>Coburn Supply Company</u>	<u>71.0%</u>
<u>LCR-M dba Moore Supply Company</u>	<u>25.0%</u>

**Line 62 Percentage off of PVC Fittings, Schedule 40**

<u>SUPPLIER</u>	<u>PERCENT OFF</u>
<u>City Supply Company, Inc.</u>	<u>80.0%</u> <sup>a</sup>
<u>Coburn Supply Company</u>	<u>80.0%</u> <sup>a</sup>
<u>TMS South, Inc. (Total Maintenance Solutions South, Inc.)</u>	<u>75.0%</u> <sup>a</sup>
<u>LCR-M dba Moore Supply Company</u>	<u>50.0%</u> <sup>a</sup>
Ferguson Enterprises, Inc.	0.0% <sup>c</sup>

**Line 63 Percentage off of PVC Fittings, Schedule 80**

<u>SUPPLIER</u>	<u>PERCENT OFF</u>
<u>City Supply Company, Inc.</u>	<u>80.0%</u> <sup>a</sup>
<u>Coburn Supply Company</u>	<u>80.0%</u> <sup>a</sup>
<u>TMS South, Inc. (Total Maintenance Solutions South, Inc.)</u>	<u>75.0%</u> <sup>a</sup>
<u>LCR-M dba Moore Supply Company</u>	<u>50.0%</u> <sup>a</sup>
Ferguson Enterprises, Inc.	0.0% <sup>c</sup>

**Line 64 Percentage off of PVC Fittings, DWV**

<u>SUPPLIER</u>	<u>PERCENT OFF</u>
<u>City Supply Company, Inc.</u>	<u>85.0%</u> <sup>a</sup>
<u>Coburn Supply Company</u>	<u>75.0%</u> <sup>a</sup>
<u>TMS South, Inc. (Total Maintenance Solutions South, Inc.)</u>	<u>75.0%</u> <sup>a</sup>
<u>LCR-M dba Moore Supply Company</u>	<u>65.0%</u> <sup>a</sup>
Ferguson Enterprises, Inc.	0.0% <sup>c</sup>

**Line 65 Percentage off of Apolloxpress Press Fittings and Valves**

<u>SUPPLIER</u>	<u>PERCENT OFF</u>
<u>TMS South, Inc. (Total Maintenance Solutions South, Inc.)</u>	<u>53.0%</u> <sup>a</sup>
<u>Coburn Supply Company</u>	<u>52.5%</u> <sup>a</sup>
<u>City Supply Company, Inc.</u>	<u>50.0%</u> <sup>a</sup>
Ferguson Enterprises, Inc.	0.0% <sup>c</sup>

<sup>a</sup> **Line 66 Percentage off of Mueller Press Fittings and Valves**

<u>SUPPLIER</u>	<u>PERCENT OFF</u>
<u>City Supply Company, Inc.</u>	<u>25.0%</u>
<u>TMS South, Inc. (Total Maintenance Solutions South, Inc.)</u>	<u>20.0%</u>

<sup>a</sup> **Line 67 Percentage off of Viega Press Fitting and Valves**

<u>SUPPLIER</u>	<u>PERCENT OFF</u>
<u>City Supply Company, Inc.</u>	<u>50.0%</u>
<u>Coburn Supply Company</u>	<u>50.0%</u>
<u>TMS South, Inc. (Total Maintenance Solutions South, Inc.)</u>	<u>50.0%</u>
<u>LCR-M dba Moore Supply Company</u>	<u>42.0%</u>

<sup>a</sup> **Line 68 Percentage off of Backflow Prevention Valves and Repair Kits**

<u>SUPPLIER</u>	<u>PERCENT OFF</u>
<u>City Supply Company, Inc.</u>	<u>50.0%</u>
<u>Coburn Supply Company</u>	<u>30.0%</u>

**Line 69 Percentage off of Bronze Valves**

<u>SUPPLIER</u>	<u>PERCENT OFF</u>
<u>Coburn Supply Company</u>	<u>57.0%</u> <sup>a</sup>
<u>City Supply Company, Inc.</u>	<u>40.0%</u> <sup>a</sup>
<u>LCR-M dba Moore Supply Company</u>	<u>25.0%</u> <sup>a</sup>
Ferguson Enterprises, Inc.	0.0% <sup>c</sup>

**Line 70 Percentage off of B and K Bronze Gas Ball Valves, AGA Approved, UL Listed**

<u>SUPPLIER</u>	<u>PERCENT OFF</u>
<u>Coburn Supply Company</u>	<u>60.0%</u> <sup>a</sup>
<u>City Supply Company, Inc.</u>	<u>50.0%</u> <sup>a</sup>
<u>LCR-M dba Moore Supply Company</u>	<u>35.0%</u> <sup>a</sup>
Ferguson Enterprises, Inc.	0.0% <sup>c</sup>

**Line 71 Percentage off of Galvanized Malleable Fittings, 150# (Domestic only)**

<u>SUPPLIER</u>	<u>PERCENT OFF</u>
<u>Coburn Supply Company</u>	<u>75.0%</u> <sup>a</sup>
<u>City Supply Company, Inc.</u>	<u>70.0%</u> <sup>a</sup>
<u>LCR-M dba Moore Supply Company</u>	<u>15.0%</u> <sup>a</sup>
Ferguson Enterprises, Inc.	0.0% <sup>c</sup>

<sup>a</sup> **Line 72 Percentage off of Galvanized Steel Nipples, Schedule 40 (Domestic Only)**

<u>SUPPLIER</u>	<u>PERCENT OFF</u>
<u>Coburn Supply Company</u>	<u>75.0%</u>
<u>City Supply Company, Inc.</u>	<u>60.0%</u>
<u>LCR-M dba Moore Supply Company</u>	<u>15.0%</u>

**Line 73 Percentage off of A.O. Smith Water Heater**

<u>SUPPLIER</u>	<u>PERCENT OFF</u>
<b><u>LCR-M dba Moore Supply Company</u></b>	<b><u>38.0%</u></b> <sup>a</sup>
<b><u>CAPP</u></b>	<b><u>31.0%</u></b> <sup>a</sup>
<b><u>City Supply Company, Inc.</u></b>	<b><u>10.0%</u></b> <sup>a</sup>
Ferguson Enterprises, Inc.	0.0% <sup>c</sup>

**Line 74 Percentage off of Bradford White Water Heater**

<u>SUPPLIER</u>	<u>PERCENT OFF</u>
<b><u>City Supply Company, Inc.</u></b>	<b><u>10.0%</u></b> <sup>a</sup>
Ferguson Enterprises, Inc.	0.0% <sup>c</sup>

<sup>a</sup> **Line 75 Percentage off of Rheem-Ruud Water Heater**

<u>SUPPLIER</u>	<u>PERCENT OFF</u>
<b><u>LCR-M dba Moore Supply Company</u></b>	<b><u>42.0%</u></b>
<b><u>City Supply Company, Inc.</u></b>	<b><u>10.0%</u></b>

**Line 76 Percentage off of State Water Heater**

<u>SUPPLIER</u>	<u>PERCENT OFF</u>
<b><u>Coburn Supply Company</u></b>	<b><u>26.0%</u></b> <sup>a</sup>
CAPP	15.0% <sup>d</sup>
<b><u>City Supply Company, Inc.</u></b>	<b><u>10.0%</u></b> <sup>a</sup>

<sup>a</sup> **Line 77 Percentage off of A.O. Smith Water Heater Parts**

<u>SUPPLIER</u>	<u>PERCENT OFF</u>
<b><u>LCR-M dba Moore Supply Company</u></b>	<b><u>45.0%</u></b>
<b><u>CAPP</u></b>	<b><u>31.0%</u></b>
<b><u>City Supply Company, Inc.</u></b>	<b><u>30.0%</u></b>
<b><u>Coburn Supply Company</u></b>	<b><u>30.0%</u></b>

**Line 78 Percentage off of Bradford White Water Heater Parts**

<u>SUPPLIER</u>	<u>PERCENT OFF</u>
CAPP	20.0% <sup>d</sup>
<b><u>City Supply Company, Inc.</u></b>	<b><u>10.0%</u></b> <sup>a</sup>

**Line 79 Percentage off of Rheem-Ruud Water Heater Parts**

<u>SUPPLIER</u>	<u>PERCENT OFF</u>
<b><u>LCR-M dba Moore Supply Company</u></b>	<b><u>55.0%</u></b> <sup>a</sup>
CAPP	15.0% <sup>d</sup>
<b><u>City Supply Company, Inc.</u></b>	<b><u>10.0%</u></b> <sup>a</sup>

<sup>a</sup> **Line 80 Percentage off of State Water Heater Parts**

<u>SUPPLIER</u>	<u>PERCENT OFF</u>
<b><u>Coburn Supply Company</u></b>	<b><u>45.0%</u></b>
<b><u>CAPP</u></b>	<b><u>31.0%</u></b>
<b><u>City Supply Company, Inc.</u></b>	<b><u>10.0%</u></b>

**Line 81 Percentage off of Clamp-All Repair Couplings**

<u>SUPPLIER</u>	<u>PERCENT OFF</u>
<b><u>Coburn Supply Company</u></b>	<b><u>48.0%</u></b> <sup>a</sup>
<b><u>LCR-M dba Moore Supply Company</u></b>	<b><u>40.0%</u></b> <sup>a</sup>
<b><u>City Supply Company, Inc.</u></b>	<b><u>35.0%</u></b> <sup>a</sup>
Ferguson Enterprises, Inc.	0.0% <sup>c</sup>

**Line 82 Percentage off of Fernco Repair Couplings**

<u>SUPPLIER</u>	<u>PERCENT OFF</u>
<u>City Supply Company, Inc.</u>	<u>75.0%</u> <sup>a</sup>
<u>Coburn Supply Company</u>	<u>75.0%</u> <sup>a</sup>
<u>LCR-M dba Moore Supply Company</u>	<u>75.0%</u> <sup>a</sup>
CAPP	20.0% <sup>d</sup>
Ferguson Enterprises, Inc.	0.0% <sup>c</sup>

<sup>a</sup> **Line 83 Percentage off of Spartan Sewer Machines**

<u>SUPPLIER</u>	<u>PERCENT OFF</u>
<u>TMS South, Inc. (Total Maintenance Solutions South, Inc.)</u>	<u>6.0%</u>
<u>Coburn Supply Company</u>	<u>5.0%</u>
<u>City Supply Company, Inc.</u>	<u>0.0%</u>

<sup>a</sup> **Line 84 Percentage off of Spartan Sewer Machine Parts**

<u>SUPPLIER</u>	<u>PERCENT OFF</u>
<u>TMS South, Inc. (Total Maintenance Solutions South, Inc.)</u>	<u>11.0%</u>
<u>Coburn Supply Company</u>	<u>5.0%</u>
<u>City Supply Company, Inc.</u>	<u>0.0%</u>

<sup>f</sup> **Line 85 OTHER BRANDS NOT PREVIOUSLY LISTED**

<u>SUPPLIER</u>	<u>PRICE</u>
Oslin Nation Co. (BABTEX)	\$40.00 <sup>g</sup>
Apple Specialties	\$40.00 <sup>g</sup>
LCR-M dba Moore Supply Company	\$45.00 <sup>g</sup>

**Lines 86 through 95 Percentage off of OTHER BRANDS, Plumbing Parts and Supplies**

**Various Brands**

**ARMSTRONG PUMPS**

<u>CAPP</u>	<u>17%</u>
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**ASCO SOLENOID VALVES**

<u>CAPP</u>	<u>32%</u>
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**BELL & GOSSETT**

<u>CAPP</u>	<u>39.5%</u>
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<sup>f</sup> **DURAVENT**

City Supply Company, Inc.	87 <sup>e</sup>
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**GENERAL WIRE**

<u>Coburn Supply Company</u>	<u>15%</u>
<u>TMS South, Inc. (Total Maintenance Solutions South, Inc.)</u>	<u>20%</u>

**GOULDS PUMPS**

<u>CAPP</u>	<u>22%</u>
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**GRUNDFOS**

<u>Coburn Supply Company</u>	<u>40%</u>
CAPP	89 <sup>d</sup>

**INSINKERATOR**

<u>City Supply Company, Inc.</u>	<u>10%</u>
<u>Coburn Supply Company</u>	<u>45%</u>

<sup>f</sup> **LAARS**

CAPP	92 <sup>d</sup>
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**LOCHINVAR**

<u>Coburn Supply Company</u>	<u>25%</u>
CAPP	92 <sup>d</sup>

Lines 86 through 95 Percentage off of OTHER BRANDS, Plumbing Parts and Supplies, continued

Various Brands

OATEY

<u>Coburn Supply Company</u>	<u>40%</u>
<u>TMS South, Inc. (Total Maintenance Solutions South, Inc.)</u>	<u>51%</u>

<sup>f</sup> PARKER HANNIFIN REFRIG.

CAPP	94 <sup>d</sup>
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RECTORSEAL

<u>Coburn Supply Company</u>	<u>15%</u>
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RIDGID TOOLS

<u>TMS South, Inc. (Total Maintenance Solutions South, Inc.)</u>	<u>11%</u>
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<sup>f</sup> SELKIRK VENT PIPE

Coburn Supply Company	93 <sup>e</sup>
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TACO

<u>CAPP</u>	<u>47%</u>
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WATTS

<u>CAPP</u>	<u>35%</u>
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WILKINS

<u>Coburn Supply Company</u>	<u>60%</u>
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Line 96 Catalogs - Percentage off of all other offerings in vendor catalog

<u>SUPPLIER</u>	<u>PERCENT OFF</u>
<u>Coburn Supply Company</u>	<u>50%</u>
<u>Oslin Nation Co. (BABTEX)</u>	<u>40%</u>
<u>TMS South, Inc. (Total Maintenance Solutions South, Inc.)</u>	<u>25%</u>
<u>Best Plumbing Specialties, Inc.</u>	<u>20%</u>





**To:** Bill Powell  
 Assistant Superintendent of Support Services

**From:** Jennifer Chiu  
 Director of Procurement Services

**Date:** September 2, 2020

**Re:** Recovering Moveable Air Walls and Gyp Walls - Berry Center

Item Description	Hufcor*
Partitions Walls Strip Primer and Recover	\$ 89,825.00
Gyp Walls	<u>133,110.00</u>
All Inclusive, Labor & Equipment	
<b>Total:</b>	<b><u>\$439,700.00</u></b>

\* Hufcor is a sole provider for installation and manufacturer for vinyl wall coverings with CFISD soles source number 20-09-2339SS.

**Recommendation:** Hufcor

**Funding:** M & O Funds

**Estimated Expenditure:** \$439,700.00

ol

AUG, 2020

Quote expires 10/1/2020

Project: Recovering Moveable Air Walls and Gyp Walls

Richard E. Berry Center

Location: 8877 Barker Cypress Rd.

To: Lewis Fraley

**Scope- Recovering of all partition wall and gyp walls panels in conference room**

**Partitions walls Strip Prime and Recover**

- Strip, prep and prime all partition wall panel surfaces
- Supply Install 3200 yards of Hufcor 44-713 Drizzle
- Full PM of wall systems to include
  - Check all panels for proper operation
  - Inspect track systems
  - Clean and lubricate track systems as needed
  - Adjust all partitions for level and plumb
  - Adjust passdoors as needed
  - Tighten hinges as needed
  - Adjust and Inspect all bottom seals and top sweeps
  - Inspect and adjust all hardware on each panel
- All Labor and equipment needed for completion of scope
  - **Total sqft of wall covering: 38,400 sqft**
  - **Panel prep and PM: \$57,675.00**
  - **Price per sqft wallcovering: \$1.09**
  - **Material Freight: \$790.00**
  - **Price per sqft install: \$89,825.00**

**Gyp walls**

- Strip wainscot laminate.
- 15% prep all wall surfaces in room for new wallcovering
- Supply and Install 7000 yards of Hufor 44-713 Drizzle
- All labor and equipment needed for completion of scope
  - **Total Sqft of wallcovering: 84,000**
  - **Wall prep: \$23,490.00**
  - **Price per sqft wallcovering: \$1.09**
  - **Material Freight: \$1,394.00**
  - **Price Install: \$133,110.00**

**Total: \$439,700.00**

**Price Includes:**

- ✓ One mobilization (28 full working days + 24 hour set time)
- ✓ Completion of scope listed above
- ✓ Attic stock
- ✓ Floor protection in conference center ( deduct \$1,700.00 if not needed)
- ✓ 1 year warranty of wallcovering application\*



# HUF COR™

*shaping your experience*

**Price Excludes:**

- ✓ Any parts that may need to be replaced due to damage or are missing.
- ✓ Rust or adhesive abatement
- ✓ Repair of existing drywall walls
- ✓ Dumpsters for disposal of old wallcovering
- ✓ Sales Tax

**NOTES:** Any additional steps/costs incurred due to unexpected rust removal are not included. Should rust be found during the stripping process, Rust abatement will be done at \$3 per sqft and be provided as a changeorder.

Any additional steps/costs incurred due to unexpected adhesive removal or damaged drywall are not included. Should adhesive removal be required due to residual material remaining on the panels after covering removal, additional costs will be determined and provided as a change order.

\*Warranty for bubbles and defects due to application of the wall covering. Warranty does not cover damage done by others or operations of the wall system. Wallcovering must have a minimum of 24 hours set time before use of partition.

Prepared by Chase Hackenberg · HUF COR, Inc. · [chackenberg@hufcor.com](mailto:chackenberg@hufcor.com) 832-530-0521

**Acceptance of Approval:** The above prices, specifications, and conditions are satisfactory and accepted. You are hereby authorized to provide all items described above. Any balances not paid within thirty (45) days of the date of work. Any action to construe, declare or enforce this contract shall only be brought in a court of competent jurisdiction with venue lying solely and exclusively in Harris County, Texas. The prevailing party in any action brought to construe, declare or enforce this contract shall be entitled to recover its actual attorney's fees, attorney's travel time charges and expenses, paralegal fees, computer access and utilization charges, expert witness fees and expenses, costs, expenses and expenses of investigation, discovery, and litigation as allowed by Texas law. The parties to this contract expressly waive the right to trial by jury of any cause of action or defense pertaining to this contract as allowed by Texas law. The above prices, specifications, and conditions are satisfactory and accepted. You are hereby authorized to provide all items described above.

**Date:** \_\_\_\_\_ **Signature:** \_\_\_\_\_

11 Greenway Plaza, 22<sup>nd</sup> Floor  
Houston, Texas 77046  
Toll-free: 1-800-938-7272  
Fax: 713-961-4571  
PBK.com

August 28, 2020

**VIA: E-MAIL**



Mr. Matt Morgan  
Assistant Superintendent of Facilities & Construction  
Cypress-Fairbanks Independent School District  
11430-B Perry Road  
Houston, Texas 77064

RE: Berry Center, Conference Center  
Cypress-Fairbanks Independent School District

Dear Mr. Morgan,

The Berry Center Conference Center is replacing the existing vinyl wall covering on the Conference Center folding partitions. PBK is recommending that Hufcor Inc. is the sole installer and manufacturer for consideration of the new vinyl. The existing folding partitions were provided and installed by Hufcor Inc. and allowing them to install the new vinyl will preserve the existing warranty on the folding partitions. In order to ensure that the folding partitions can be maintained in the future, PBK recommends the sole consideration of Hufcor Inc.

Sincerely,  
PBK Architects, Inc.

A handwritten signature in blue ink, appearing to read 'B. Ross', is written over a faint, larger version of the signature.

Brandon Ross, AIA, LEED AP BD+C  
Partner

Cc: Mr. Bobby Galvan, Cypress-Fairbanks ISD  
Ms. Sarah Stolting, PBK  
File 4C

STATE OF TEXAS §  
 COUNTY OF HARRIS §

We, Cypress-Fairbanks Independent School District, acting by and through Bob R. Covey, President and Debbie Blackshear, Secretary, being officers of Cypress-Fairbanks Independent School District, owner, hereinafter referred to as Owners of the 10.101 acre tract described in the above and foregoing map of Cypress Fairbanks ISD Holbrook Elementary do hereby make and establish said subdivision and development plan of said property according to all lines, dedications, restrictions and notations on said map or plat and hereby dedicate to the use of the public forever, all streets (except those streets designated as private streets), alleys, parks, water courses, drains, easements and public places shown thereon for the purposes and considerations therein expressed, and do hereby bind ourselves, our heirs, successors and assigns to warrant and forever defend the title to the land so dedicated.

FURTHER, Owners have dedicated and by these presents do dedicate to the use of the public for public utility purpose forever unobstructed aerial easements. The aerial easements shall extend horizontally an additional eleven feet, six inches (11' 6") for ten feet (10' 0") perimeter ground easements or seven feet, six inches (7' 6") for fourteen feet (14' 0") perimeter ground easements or five feet, six inches (5' 6") for sixteen feet (16' 0") perimeter ground easements, from a plane sixteen feet (16' 0") above the ground level upward, located adjacent to and adjoining said public utility easements that are designated with aerial easements (U.E. and A.E.) as indicated and depicted hereon, whereby the aerial easement totals twenty one feet, six inches (21' 6") in width.

FURTHER, Owners have dedicated and by these presents do dedicate to the use of the public for public utility purpose forever unobstructed aerial easements. The aerial easements shall extend horizontally an additional ten feet (10' 0") for ten feet (10' 0") back-to-back ground easements, or eight feet (8' 0") for fourteen feet (14' 0") back-to-back ground easements or seven feet (7' 0") for sixteen feet (16' 0") back-to-back ground easements, from a plane sixteen feet (16' 0") above ground level upward, located adjacent to both sides and adjoining said public utility easements that are designated with aerial easements (U.E. and A.E.) as indicated and depicted hereon, whereby the aerial easement totals thirty feet (30' 0") in width.

FURTHER, Owners do hereby covenant and agree that all of the property within the boundaries of this plat is hereby restricted to prevent the drainage of any septic tanks into any public or private street, permanent access easement, road or alley, or any drainage ditch, either directly or indirectly.

FURTHER, Owners do hereby dedicate to the public a strip of land fifteen feet (15' 0") wide on each side of the center line of any and all bays, creeks, gullies, ravines, draws, sloughs or other natural drainage courses located in said plat, as easements for drainage purposes, giving the City of Houston, Harris County, or any other governmental agency, the right to enter upon said easement at any and all times for the purpose of construction and maintenance of drainage facilities and structures.

FURTHER, Owners do hereby covenant and agree that all of the property within the boundaries of this plat and adjacent to any drainage easement, ditch, gully, creek or natural drainage way shall hereby be restricted to keep such drainage ways and easements clear of fences, buildings, planting and other obstructions to the operations and maintenance of the drainage facility and that such abutting property shall not be permitted to drain directly into this easement except by means of an approved drainage structure.

FURTHER, Owners certify and covenant that they have complied with or will comply with existing Harris County Road Law, Section 31-C as amended by Chapter 614, Acts of 1973, 63rd Legislature and all other regulations heretofore on file with the Harris County Engineer and adopted by the Commissioners' Court of Harris County.

IN TESTIMONY WHEREOF, the Cypress-Fairbanks Independent School District has caused these presents to be signed by Bob R. Covey, its President, thereunto authorized, attested by its Secretary, Debbie Blackshear, this \_\_\_\_ day of \_\_\_\_\_, 2020.

Cypress-Fairbanks Independent School District

By: Bob R. Covey, President By: Debbie Blackshear, Secretary

STATE OF TEXAS §  
 COUNTY OF HARRIS §

BEFORE ME, the undersigned authority, on this day personally appeared Bob R. Covey, President and Debbie Blackshear, Secretary known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and considerations therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this \_\_\_\_ day of \_\_\_\_\_, 2020.

Notary Public in and for the State of Texas

(Print Name)

My Commission Expires:

I, Joel D. Walker, am registered under the laws of the State of Texas to practice the profession of surveying and hereby certify that the above subdivision is true and accurate; was prepared from an actual survey of the property made under my supervision on the ground; that, except as shown all boundary corners, angle points, points of curvature and other points of reference have been marked with iron (or other objects of a permanent nature) pipes or rods having an outside diameter of not less than five eighths (5/8) inch and a length of not less than three (3) feet; and that the plot boundary corners have been tied to the Texas Coordinate System of 1983, south central zone.

Joel D. Walker Date  
 Texas Registration No. 5189



Martha L. Stein, Chair or, M. Sonny Garza, Vice-Chair

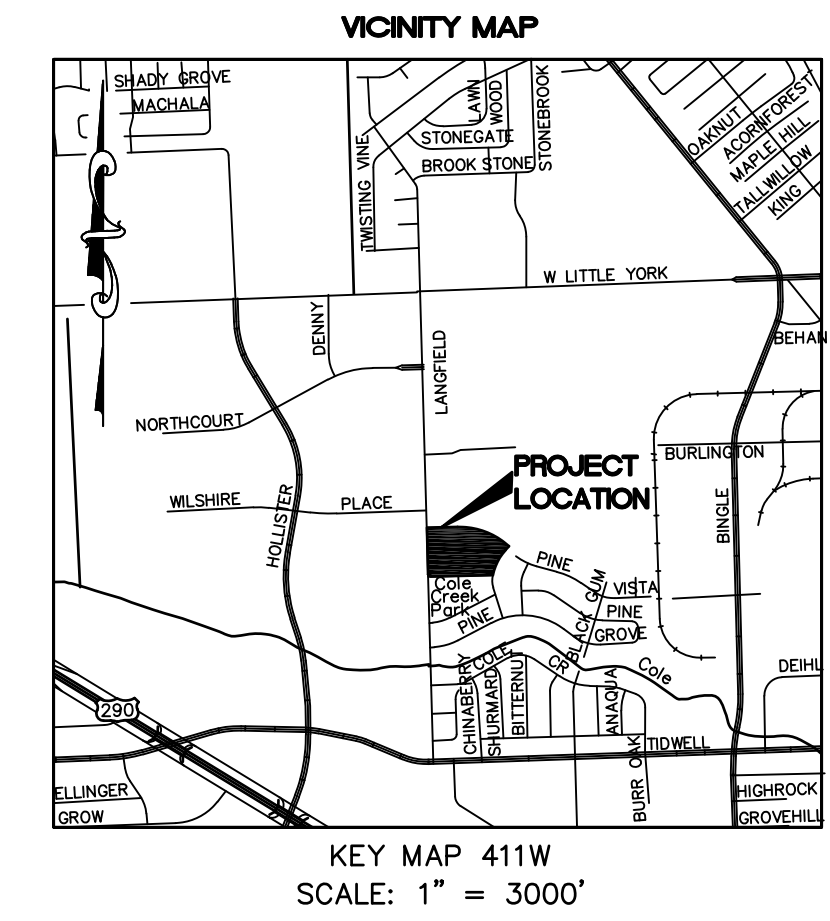
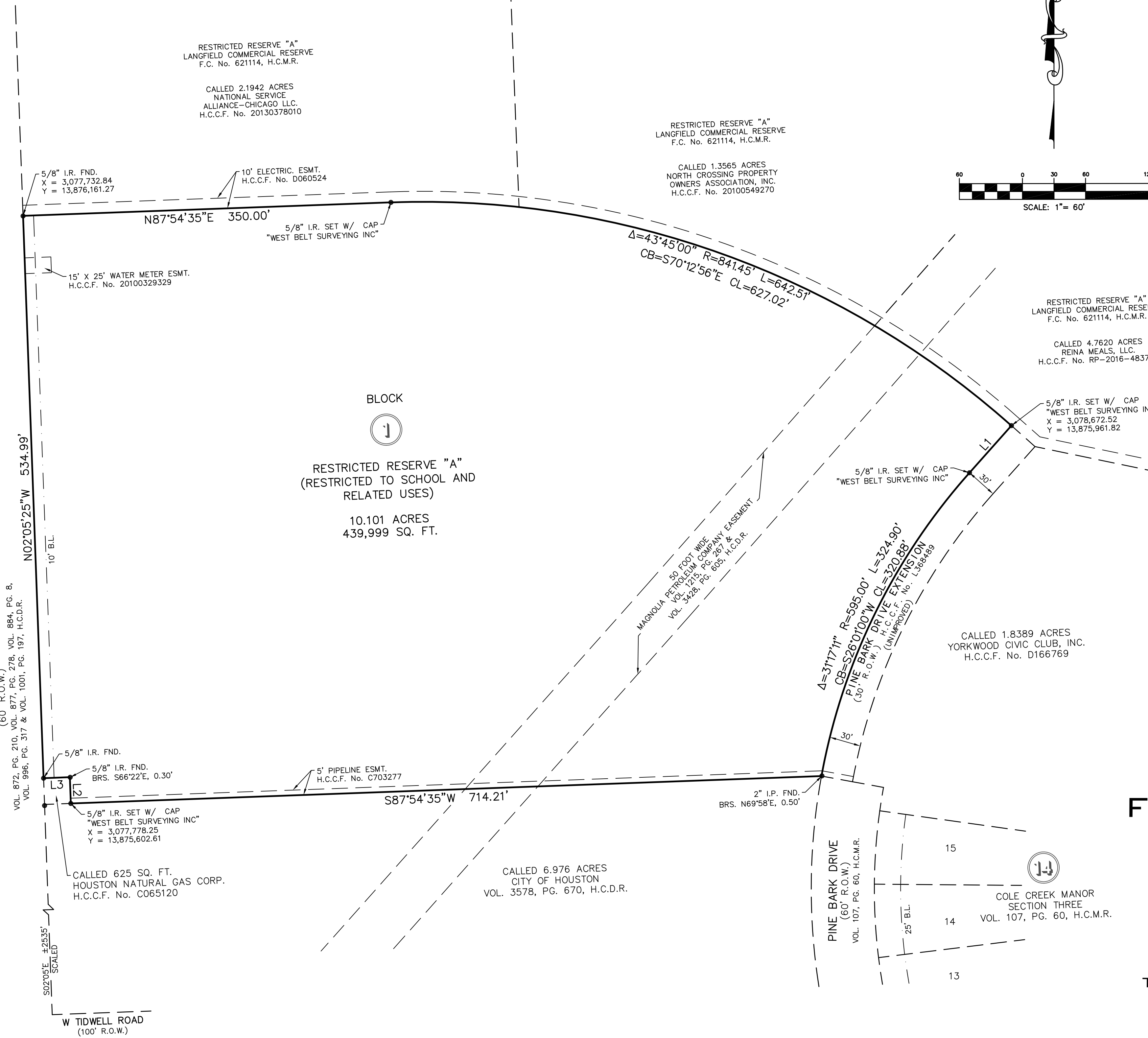
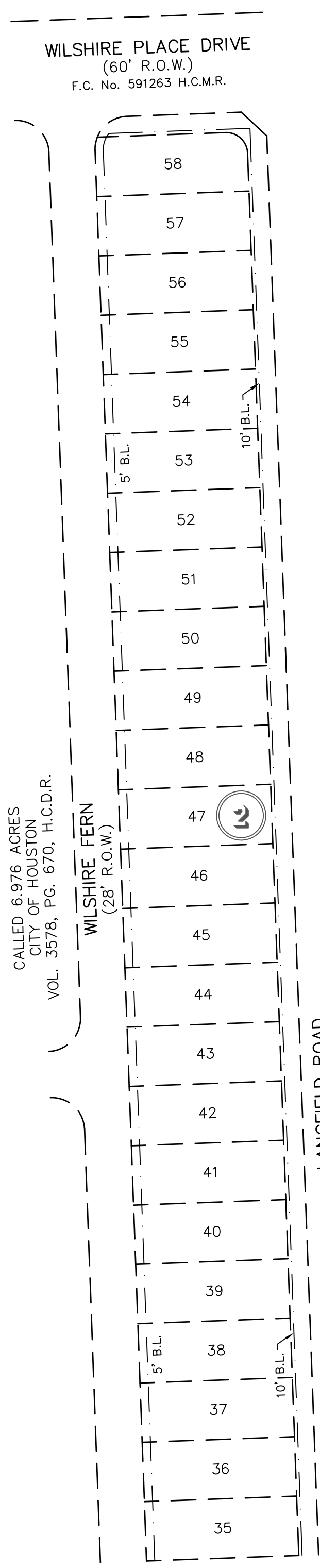
Margaret Wallace Brown, AICP, CNU-A, Secretary

I, Chris Hollins, County Clerk of Harris County, do hereby certify that the within instrument with its certificate of authentication was filed for registration in my office on \_\_\_\_\_, 2020, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., and duly recorded on \_\_\_\_\_, 2020, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., and at Film Code Number \_\_\_\_\_ of the Map Records of Harris County for said county.

Witness my hand and seal of office, at Houston, the day and date last above written.

Chris Hollins  
 County Clerk  
 Of Harris County, Texas

By: \_\_\_\_\_  
 Deputy



LINE	BEARING	LENGTH
L1	S41°39'35"W	60.00'
L2	N02°05'25"W	25.00'
L3	S87°54'35"W	25.00'

- ABBREVIATIONS:**
- B.L.—BUILDING LINE
  - BRS.—BEARS
  - ESMT.—EASEMENT
  - F.C.—FILM CODE
  - FND.—FOUND
  - FT.—FEET
  - H.C.C.F.—HARRIS COUNTY CLERK'S FILE
  - H.C.D.R.—HARRIS COUNTY DEED RECORDS
  - H.C.M.R.—HARRIS COUNTY MAP RECORDS
  - I.P.—IRON PIPE
  - I.R.—IRON ROD
  - No.—NUMBER
  - PG.—PAGE
  - R.O.W.—RIGHT-OF-WAY
  - SQ.—SQUARE
  - VOL.—VOLUME

# CYPRESS FAIRBANKS ISD HOLBROOK ELEMENTARY

A SUBDIVISION OF  
 10.101 ACRES  
 OUT OF THE  
 THOMAS HUBANKS SURVEY,  
 ABSTRACT NO. 370  
 CITY OF HOUSTON  
 HARRIS COUNTY, TEXAS

1 BLOCK 1 RESERVE

AUGUST 2020



21020 PARK ROW  
 KATY, TEXAS 77449  
 PHONE: (281) 509-8288  
 FAX: (281) 492-0026  
 CERTIFIED FIRM NO. 10073800  
 OWNER:  
 CYPRESS FAIRBANKS INDEPENDENT SCHOOL DISTRICT  
 10300 JONES ROAD  
 HOUSTON, TEXAS 77065  
 (281) 897-4000

- NOTES:**
- The coordinates shown hereon are Texas South Central Zone No. 4204, State Plane Coordinates (NAD83) and may be brought to surface (Local Coordinates) by dividing the depicted coordinate by the following combined scale factor of 0.99990496287 (X=S.F.=SURFACE VALUE).
  - Bearings depicted hereon are based on Texas State Plane Coordinate System, South Central Zone (NAD83).
  - Unless otherwise indicated, the building lines [B.L.], whether one or more, shown on this subdivision plat are established to evidence compliance with applicable provisions of Chapter 42, Code of Ordinances, City of Houston, Texas, in effect at the time this plat was approved, which may be amended from time to time.
  - Absent written authorization by the affected utilities, all utility and aerial easements must be kept unobstructed from any non-utility improvements or obstructions by the property owner. Any unauthorized improvements or obstructions may be removed by any public utility at the property owner's expense. While wooden posts and paneled wooden fences along the perimeter and back to back easements and alongside rear lots lines are permitted, they too may be removed by public utilities at the property owner's expense should they be an obstruction. Public Utilities may put said wooden posts and paneled wooden fences back up, but generally will not replace with new fencing.
  - The subject tract may be affected by the unlocatable pipe line easement recorded under Volume 1103, Page 98 of the Harris County Deed Records.