

Shiner Independent School District



Student Code of Conduct

2010-2011

SHINER INDEPENDENT SCHOOL DISTRICT

Student Code of Conduct

And
Discipline Management Plan
2010-2011

P r e a m b l e

Administrators, teachers, parents, and community members of the district have developed the Student Code of Conduct for the Shiner Independent School District. It is based on the premise that one's education begins with discipline and ends in self-discipline. Basic to this premise is the belief that effective learning situations can best be provided and positive behavioral patterns enforced when unacceptable behavioral patterns and their consequences are outlined, communicated and understood by students, parents, and school personnel. When discord does arise, adherence to this code will assure that all parties are treated with courtesy, respect, and fairness, yet with a firmness that will direct students to conduct themselves in an acceptable manner.

I. Implementation of the Code of Conduct

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

1. The building principal and/or other appropriate administrator shall have the responsibility of implementing the code of conduct.
2. Assignment of a student to a disciplinary alternative education program, in accordance with the code, may be made by the principal or other appropriate administrator.
3. Suspension of a student from school, not to exceed three days, who engages in conduct for which one may be placed in the disciplinary alternative education program, may be imposed by the principal or other appropriate administrator.
4. The superintendent shall have the authority to expel a student for disciplinary infractions and/or violations of the law in accordance with this code and state and federal law.
5. The superintendent, principal, or appropriate administrator may order the immediate suspension, expulsion, or placement in a disciplinary alternative education program of a student whose behavior is so unruly, disruptive, or abusive, that it seriously interferes with school operations or activities, and/or the administrator reasonably believes that such action is necessary to protect persons or property from imminent harm.
6. The school administration shall provide each certified employee a copy of subchapter A of Chapter 37 on alternative settings for behavior management, and a copy of the local discipline policies.
7. Inform each teacher of a student who has committed an expellable offense.

B. Role and Responsibilities of Certified Personnel in Maintaining Acceptable Conduct

1. Administrators have the responsibility to:
 - a. Assure a safe and orderly climate for teaching and learning.
 - b. Enforce the Student Code of Conduct.
 - c. Provide appropriate support for teachers who seek help in discipline management.
 - d. Notify parents within 24 hours of receipt of a report of violation of the Student Code of Conduct.
 - e. Provide campus in-service related to the code of conduct.
 - f. Communicate with parents when their child becomes a discipline problem.
 - g. Secure a signed statement from parents acknowledging receipt of a copy of the code of conduct, and knowledge of the code.

- h. Report firearm offenses to TEA in accordance with 37.001(e).
 - i. Schedule hearings within 3 days after a formal teacher removal of a student.
 - j. Provide parents with notice of and an opportunity to participate in a proceeding before the board or board designee when student placement in a disciplinary alternative education program (DAEP) extends beyond the end of the next grading period.
 - k. Provide minimal due process for suspensions and DAEP placements.
 - l. Provide 120-day reviews of a student placed in a DAEP.
 - m. Make appropriate reports to law enforcement.
2. Teachers and other certified personnel have the responsibility to:
- a. Be knowledgeable of the code of conduct and sign a statement to that effect.
 - b. Develop, maintain, and communicate classroom rules and discipline management procedures.
 - c. Remove from class a student who commits certain offenses.
 - d. Maintain an orderly classroom and atmosphere.
 - e. Establish rapport and an effective working relationship with parents.
 - f. Report in writing, up to one page, to the principal or other appropriate administrator any known violation of the Student Code of Conduct.
 - g. Maintain confidentiality upon receipt of information that a student has committed an expellable offense.

C. Responsibility of Parents

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

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

D. Placement Review Committee

Each school shall establish a 3-member committee. The campus faculty shall select two teachers to serve as members of the committee, and one additional teacher shall serve as alternate. The principal shall serve or select one member from the professional staff. The committee shall have the responsibility to:

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

E. Parent Teacher Conferences

It is recognized that a close and cordial relationship between parents and school personnel will enhance student achievement. District personnel will communicate and work closely with parents in an effort to improve academic performance and/or establish workable solutions to student behavior problems.

All schools will schedule at least one general conference for parents to provide an overview of district and classroom behavior expectations. This conference may be accomplished through open house, meeting of the parent teacher organization or through a general meeting of parents and district or campus personnel.

Other conferences may be held at the request of the parent or school personnel when:

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

F. Student Records

Certain information about District students is considered directory information and will be released to anyone who follows procedures for requesting it, unless the parent objects to the release of any or all directory information about the child. This objection must be made in writing to the principal within ten school days after the issuance of this handbook. Directory information includes: a student's name, address, telephone number, date and place of birth, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, awards received in school, and most recent previous school attended.

By law, both parents, whether married, separated, or divorced, have access to the records of a student who is under 18 or a dependent for tax purposes. A parent whose rights have been legally terminated will be denied access to the records if the school is given a copy of the court order terminating these rights.

The District's complete policy regarding student records is available from the principal's or superintendent's office.

G. Textbooks

State-approved textbooks are provided free of charge for each subject or class; a student is required to use these books carefully. The student, as directed by the teacher, must cover books; a student who is issued a damaged book should report that fact to the teacher. Any student failing to return a book issued by the school shall lose the right to have free textbooks assigned until the book is returned or paid for by the parent or guardian. A student shall be provided textbooks for use at school during the school day.

H. Visitors

Parents and other visitors are welcome to visit the school. All visitors must first report to the principal's office. Visits to individual classrooms during instructional time are permitted only with the principal's approval, and such visits are not permitted if their duration or frequency interferes with the delivery of instruction or disrupts the normal school environment.

II. Student Code of Conduct

A. Philosophy

The mission of Shiner ISD will create an educational environment that develops and enhances the personal and educational skills of all students enabling them to flourish in a global society. These objectives may be met only when there is a school climate free from disruptions that interfere with the learning process. The purpose of this code is to communicate the expectations for responsible student behavior, and the consequences of irresponsible and disruptive behavior. It is expected that individual students will assume responsibility for self-discipline in accordance with stated expectations. However, when violations of the Code of Conduct do occur, discipline will be administered in order to correct disruptive behavior, to protect other students, school employees, or property, and/or to maintain a positive learning environment. 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 will prevail.

Student discipline shall be administered fairly and equitably, and based on a careful assessment of the circumstances of each case. Factors to be considered shall include:

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

B. Jurisdiction

The District has jurisdiction over its students during the regular school day and while going to and from school on District transportation. The District's jurisdiction includes any activity during the school day on school grounds, or adjacent to school grounds, attendance at any school-related activity, regardless of time or location, and any school-related misconduct, including retaliation against an employee, regardless of time or location. The district also has the right to search a student's desk or backpack when there is a reasonable cause to believe it contains articles or materials prohibited by the district.

C. Abiding by the Law

Every student is expected to abide by federal laws and the laws of the State of Texas. Violation of certain federal and state laws shall constitute a violation of the Code of Conduct and appropriate discretionary or mandatory disciplinary measures will be imposed.

D. End of Semester/Year Offenses

Certain student offenses may result in long-term assignment to an alternative education program for the remainder of the semester or year. Such placement may extend beyond the school year in accordance with TEC 37.009(c).

E. Rights and Responsibilities of Students

All students are entitled to enjoy the basic rights of citizenship recognized and protected by law for persons of their age and maturity. The school will foster a climate of mutual respect for the rights of others. Students are expected to respect the rights and privileges of other students, teachers, and District staff. The District's rules of conduct and discipline are established to achieve and maintain order in the school. Students who violate the rights of others or who violate District or school rules will be subject to disciplinary measures designed to correct the misconduct and to promote adherence by all students to their responsibilities as citizens in the school community.

Student responsibilities for achieving a positive learning environment at school or school-related activities include:

1. Attending all classes, daily and on time.
2. Being prepared for each class with appropriate materials and assignments.
3. Being properly dressed.
4. Exhibiting respect toward others.
5. Behaving in a responsible manner.
6. Paying required fees and fines, unless they are waived.
7. Refraining from violations of the code of student conduct.
8. Obeying all school rules, including safety rules.
9. Exhibiting responsible conduct at school, on school buses, and at all school functions on or off campus.
10. Cooperating with staff in investigation of disciplinary cases and volunteering information relating to a serious offense.

F. Students at School or School-Related Activities are Prohibited From:

1. Cheating or copying the work of another student.
2. Throwing objects that can cause bodily injury or damage to property.
3. Leaving school-sponsored events without permission.
4. Directing profanity, vulgar language, or obscene gestures toward other students.
5. Insubordination, such as disobeying directives from school personnel or school policies, rules, and regulations.
6. Being disrespectful or directing profanity, vulgar language, or obscene gestures toward teachers or other school employees.
7. Playing with matches or fire, or committing arson.
8. Committing robbery or theft.
9. Damaging or vandalizing property owned by the District, other students, or District employees.
10. Disobeying school rules about conduct on school buses.

11. Fighting, committing physical abuse, or threatening physical abuse.
12. Committing extortion, coercion, or blackmail; that is obtaining money or other objects of value from an unwilling person, or forcing an individual to act through the use of force or threat of force.
13. Engaging in verbal abuse, i.e., name-calling, ethnic or racial slurs, or derogatory statements that may substantially disrupt the school program or incite violence.
14. Engaging in inappropriate physical or sexual contact disruptive to the school environment or disturbing to other students.
15. Engaging in any other conduct that disrupts the school environment or educational process.
16. Committing indecent exposure.
17. Being tardy or leaving school grounds when not permitted to do so.
18. Engaging in any conduct constituting felony criminal mischief as defined by law.
19. Engaging in any unruly, disruptive, or abusive behavior that seriously interferes with teacher's communications, with students, with students' ability to learn, or with the educational process.

G. Dress Code

High School – See Student Handbook

Elementary School – See Student Handbook

H. Attendance

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

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

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

1. An excused absence based on personal sickness, sickness or death in the family, quarantine, weather or road conditions making travel dangerous, or any other unusual cause acceptable to the principal.
2. Days of suspension.
3. Participation in court proceedings or child abuse/neglect investigation.
4. A migrant student's late enrollment or early withdrawal.
5. Days missed as a runaway.
6. Completion of a competence-based program for at-risk students.

7. Late enrollment or early withdrawal of a student under Texas Youth Commission.
8. Teen parent absences to care for his or her child.
9. Participation in a substance abuse rehabilitation program.
10. Homelessness, as defined in federal law.

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

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

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

I. Compulsory Attendance

Students will be required to attend school if they are 6 years old on or before September 1, and until student has completed the school year in which their 17th birthday occurs.

Upon enrollment in school, pre-kindergarten and kindergarten students will be required to attend school.

J. Saturday School

An attendance committee for excessive absences that are not acceptable may assign students in grades 6-12 to Saturday School. Saturday School will be required for students who are truant from school. Students may be required to make up time missed before or after school.

K. Vandalism/Damage to School Property

Students shall not vandalize or otherwise damage or deface any property, including furniture and other equipment, belonging to or used by the District or District schools. Parents or guardians of students guilty of damaging school property shall be liable for damages in accordance with law. Students shall be responsible for the care and return of state-owned textbooks and may be charged for replacement of lost textbooks.

L. Sexual Harassment

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

All students are expected to treat one another courteously, with respect for the other person's feelings; to avoid any behaviors known to be offensive; and to stop these behaviors when asked or told to stop. All students are prohibited from engaging in offensive verbal or physical conduct of a sexual nature directed toward another student. This prohibition applies whether the conduct is by word, gesture, or any other intimidating sexual conduct, including requests for sexual favors that the other student regards as offensive or provocative.

Students and/or parents are encouraged to discuss their questions or concerns about the expectations in this area with the teacher, the principal or designee, who serves as the District's Title IX coordinator for students.

A complaint alleging sexual harassment by another student or sexual harassment or sexual abuse by a staff member may be presented by a student and/or parent in a conference with the principal or designee or with the Title IX coordinator. The first conference with the student ordinarily will be held by a person who is the same gender as the student. The conference will be scheduled and held as soon as possible within five days of the request. The principal or Title IX coordinator will coordinate an appropriate investigation, which ordinarily will be completed within 10 days. The student or parent will be informed if extenuating circumstances delay completion of the investigation.

The student will not be required to present a complaint to a person who is the subject of the complaint.

If the resolution of the complaint is not satisfactory to the student or parent, the student or parent within 10 days may request a conference with the Superintendent or designee by following the procedure set out in Board Policy FNCJ (LOCAL). If the resolution by the Superintendent or designee is not satisfactory, the student or parent may present the complaint to the Board as provided by policy.

M. Hazing

Hazing includes any willful act done by a student, either individually or with others, to another student for the purpose of subjecting the other student to indignity, humiliation, intimidation, physical abuse or threats of abuse, social or other ostracism, shame, or disgrace.

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

N. Tobacco Use

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

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

O. Paging Devices, Including Cellular Telephones

Students may not use paging devices nor cell phones while on school property between 7:30 a.m. and 3:30 p.m. Students may carry cell phones during the day provided that they are turned off and not used. Students violating this rule will have the phone confiscated. The first time a device is confiscated, a parent must retrieve the device from the principal. Second offense, the parent will retrieve the device and pay a \$15. fine. Third offense will be the same procedure as the second offense and further administrative action may be taken if necessary based of the student's behavior.

P. Drug-Alcohol Use

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

1. Any controlled substance or dangerous drug as defined by law, without regard to amount, including but not limited to marijuana, any narcotic drug, hallucinogen, stimulant, depressant, amphetamine, or barbiturate.
2. Alcohol or any alcoholic beverage.

3. Any abusable glue, aerosol paint, or any other chemical substance for inhalation.
4. Any other intoxicant, or mood-changing, mind-altering, or behavior-altering drugs prohibited under the Texas Controlled Substance Act or Federal Drug Abuse Prevention Control Act.

"Use" means a student has smoked, ingested, injected, imbibed, inhaled, drunk, or otherwise taken internally a prohibited substance recently enough that it is detectable by the student's physical appearance, actions, breath, or speech.

"Under the influence" means a student's faculties are noticeably impaired, but the student need not be legally intoxicated.

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

Q. Weapons

A student shall not be in possession of any prohibited weapon at school, on school premises, or at any school-related activity, unless pursuant to written regulations or written authorization of the District. A student shall not possess or use articles not generally considered to be weapons when the principal or designee determines that a danger exists for any student, school employee, or school property by virtue of possession or use.

Weapons include, but are not limited to:

1. Firearms of any kind
2. Fireworks or concussion devices of any kind
3. Knives of any size, including pocketknives
4. Razors
5. Clubs or nightsticks
6. Metallic or hard surfaced knuckles
7. Chains
8. Pellet guns, BB guns, air guns, stun guns or slingshots
9. Any other object used in a way that threatens to inflict harm to another person

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

R. Assaults

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

1. Intentionally, knowingly, or recklessly causing bodily injury to another.

2. Intentionally or knowingly threatening another with imminent bodily injury.
3. Intentionally or knowingly causing physical contact with another when the student knows or reasonably believes that the other will regard the contact as offensive or provocative.

S. Disturbing School or Classes

For purpose of this rule, school property includes the public school campuses or school grounds upon which any public school is located, and any grounds or buildings used by District schools for assemblies or other school-related activities, and public property includes any street, highway, alley, public park, or sidewalk.

No student shall be permitted, on school property or on public property within 500 feet of school property, to willfully disrupt, alone or in concert with others, the instructional program or other school activities. Conduct that disrupts the educational activities of a school includes:

1. Emitting noise of an intensity that prevents or hinders classroom instruction.
2. Enticement or attempted enticement of students away from classes or other school activities that students are required to attend.
3. Prevention or attempted prevention of students from attending classes or other school activities that students are required to attend.
4. Entrance into a classroom without consent of either the principal or teacher and either through acts of misconduct and/or use of loud or profane language causing disruption of class activities.

T. Disruption of Lawful Assembly

No student or group of students acting in concert may willfully engage in disruptive activity or disrupt a lawful assembly on the campus or property of any school in the District. Disruptive activity means:

1. Obstructing or restraining the passage of persons in an exit, entrance, or hallway of any building without the authorization of the administration of the school.
2. Seizing control of any building or portion of a building for the purpose of interfering with any administrative, educational, research, or other authorized activity.
3. Preventing or attempting to prevent by force or violence or the threat of violence any lawful assembly authorized by the school administration.
4. Disrupting by force or violence or the threat of force or violence a lawful assembly in progress.
5. Obstructing or restraining the passage of any person at an exit or entrance to said campus or property, or preventing or attempting to prevent by force or violence or by threats thereof the entrance or exit of any person to or from said property or campus without the authorization of the administration of the school.

A lawful assembly is disrupted when any person in attendance is rendered incapable of participating in the assembly due to the use of force or violence or due to a reasonable fear that force or violence is likely to occur.

Conduct by students, either in or out of class, that for any reason - whether because of time, place, or manner of behavior - materially disrupts class work or involves substantial disorder or invasion of the rights of other students or employees at school or school-related activities, is prohibited.

Student demonstrations and similar activities shall be prohibited when there is evidence that may reasonably lead school authorities to forecast substantial disruption of, or material interference with, normal school operations or approved school activities.

U. School Materials

Publications prepared by and for the school may be posted or distributed, with prior approval by the principal, sponsor, or teacher. Such items may include school posters, brochures, murals, etc.

The school newspaper and the yearbook are available to students.

All school publications are under the supervision of the teacher, sponsor, and the principal.

Non-school Materials ...from students

Unless a student obtains specific prior approval from the principal, written materials, handbills, photographs, pictures, petitions, films, tapes, posters, or other visual or auditory materials that were not developed under the oversight of the school may not be posted, sold, circulated, or distributed on any school campus. To be considered, any nonschool material must include the name of the sponsoring organization or individual. The decision regarding approval will be made in two school days.

The principal has designated the bulletin board as the location for approved nonschool materials to be placed for voluntary viewing by students. See policy FNAA.

The student may appeal the principal's decision in accordance with policy FNG(LOCAL). Any student who posts material without approval will be subject to disciplinary action in accordance with the Student Code of Conduct. Materials displayed without his approval will be removed.

Nonschool Materials...from others

Written or printed materials, handbills, photographs, pictures, films, tapes, or other visual or auditory materials not sponsored by the District or by a District-affiliated school-support organization will not be sold, circulated, distributed, or posted on any District premises by any District employee or by persons or groups not associated with the District except as permitted by policy GKDA. To be considered, any nonschool material must meet the limitations on content established in the policy, include the name of the sponsoring organization or individual, and be submitted to the principal for specific review. The principal will approve or reject the materials within two school days of the time the materials are received. The requestor may appeal a rejection in accordance with the appropriate District complaint policy. [See policy DGBA, FNG, or GF.]

Prior review will not be required for:

- Distribution of materials by an attendee to other attendees of a school sponsored meeting intended for adults and held after school hours.
- Distribution of materials by an attendee to other attendees of a community group meeting held after school hours in accordance with policy GKD(LOCAL).
- Distribution for electioneering purposes during the time a school facility is being used as a polling place, in accordance with state law.

All nonschool materials distributed under these circumstances must be removed from District property immediately following the event at which the materials are distributed.

V. Student Conduct on School Buses

School buses shall be considered an extension of the classroom and students are expected to conduct themselves accordingly. Students being transported in school-owned vehicles shall comply with the Student Code of Conduct. Behavior which is not permitted includes but is not limited to the following:

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

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

. **First Bus Report**

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

The parent **will be notified** of the offense, the conference, or other disciplinary action**

. **Second Bus Report**

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

. **Third Bus Report**

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

. **Fourth Bus Report**

The student may lose bus privileges for the remainder of the semester. After returning to the bus in the second semester, if the student receives another bus report, he/she will lose bus privileges for the remainder of the school year. In each instance the parents will be notified.**

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

W. Closed Campuses

Students attending District schools shall not be allowed to leave campus during the lunch hour, unless the parent signs a permission form. The principal or designee shall consider special circumstances on a case-by-case basis.

Students leaving campus without administrative approval shall be subject to disciplinary action.

X. Secret or Self-Perpetuating Societies

Students shall not become members or promise to become members of any organization composed wholly or in part of students in public schools which seeks to perpetuate itself by taking in additional members from the students enrolled in such school on the basis of the decision of its members, rather than upon the free choice of any student in the school, who is qualified under the rules of the school, to fill the special aims of the organization.

III. General Guidelines for Assessing Discipline

A. Definitions

The following words and terms, when used in this code, shall have the stated meaning unless the context clearly indicates otherwise:

Class Disruption: Any behavior which violates the rules of a particular classroom and interferes with a teacher's opportunity to present or other students' opportunity to concentrate on the presentation or assignment.

Discipline Management: Any action, which is intended to promote proper behavior and/or discourage misconduct.

In-School Suspension: An on-campus setting, apart from the regular classroom, where the student continues to receive instruction in each course to the extent possible, for students who commit disciplinary infractions.

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

Disciplinary Alternative Education Program (DAEP): An instructional setting other than the regular classroom, completely apart from students who are not assigned to the program, located on or off the regular campus, with instruction that focuses on English language arts, mathematics, science, history, and self-discipline, and provides for behavioral needs through supervision and counseling. A DAEP may be operated by the District in cooperation with other school districts, juvenile agencies, or other entities. The length of student placement in a DAEP will be determined by the building principal.

Expulsion: Suspension of a student from school for more than three consecutive days. Expulsion for periods up to one year is required by law for certain student offenses and may contain a provision that prohibits attendance to school activities.

Parents: Includes single parent, legal guardian, or person in lawful control.

School Premises: Any property owned by the school district or over which the school district or its personnel exert lawful control, including property visited by students in connection with a school-operated activity, such as a field trip or an extracurricular activity.

Reassignment of Classes: A student may be removed from the assigned classroom and placed in another class on the same campus. To the extent possible the student should continue to receive instruction in the course from which removed. The purpose of this type of removal is to remove the student from a potentially dangerous or explosive situation. The administrator shall determine length of removal or stay.

B. Listing of Offenses and Consequences by Level

Level I Offenses

Level I acts of misconduct include repeated infractions of classroom management procedures or rules, or other misconduct that disrupts the educational process to the extent that the classroom teacher needs administrative support to correct the problem. The following is a noninclusive list of behavior infractions:

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

Level I Disciplinary Options

Any one or any combination of consequences may be used:

1. Teacher/student or administrator/student conference.
2. Parent conference or call.
3. In-class disciplinary actions or assignment.
4. Withdrawal of student privileges.
5. Detention.
6. Counselor/student conference.
7. Confiscation of nuisance items or materials.
8. Supervised campus service assignment.

C. **Level II Offenses**

When a student's behavior does not change as a result of action taken on Level I, and the student is being seen for a second time in the principal's office for repeated Level I infractions, the student is moved to Level II for discipline purposes.

Level II Disciplinary Options

Any one or any combination may be applied:

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

D. Level III Offenses

Level III acts of misconduct include those student infractions which are somewhat more serious than those in Levels I and II in their effect on the orderly process of the school program. Examples of misconduct include but are not limited to the following:

1. Cheating or copying the work of another student.
2. Leaving the classroom, building, grounds, or assigned activity without permission.
3. Cutting class or other scheduled activity.
4. Violation of the dress code.
5. Using profane, obscene, indecent, or racially or ethnically offensive language and/or physical gestures to other students.
6. Failure to comply with lawful directives issued by school personnel.
7. Truancy.
8. Altering school records or documents, or forgery of a name on school documents.
9. Vandalism to or defacing school property.
10. Excessive absences or tardies.
11. Inappropriately engaging in acts of familiarity with other students.
12. Possession of electronic paging device(s) or cellular telephones.
13. Throwing or irresponsible use of objects that can cause bodily injury or damage to property.
14. Possession or use of tobacco products
15. Exhibiting any unacceptable or unwanted physical contact that could, but does not result in injury.
16. Recklessness in an automobile
17. Possession of Laser Pointers (Pointers will be confiscated.)

Level III Disciplinary Options

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

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

E. Level IV Serious Offenses

Level IV offenses include those acts of misconduct that seriously disrupt the educational process, endanger or seriously affect other students, and perhaps violate the law. Examples include but are not limited to the following:

1. Any repeated offense of Level III, or a new violation while being disciplined for a Level III offense.
2. Repeated acts of disobedience or disorderly behavior which may prove to be detrimental to the school, harmful to health and safety, or inhibiting to the rights of others.
3. Being disrespectful toward school personnel or refusing to comply with lawful requests or directions of school personnel.
4. Threats, oral or written, to do bodily harm to another, or to the property of another.
5. Interfering with school authorities or school programs through boycotts, sit-ins, or trespassing.
6. Fighting, which is defined as physical conflict between two or more individuals. A fight has occurred if a student who is attacked strikes back. To avoid penalty, a student under attack should seek to detach himself/herself from the situation and get school personnel or adult help.
7. Stealing, robbery, extortion, gambling, or arson.
8. Using profane, obscene, indecent, immoral, or offensive language and/or gestures directed toward school personnel.
9. Failure to comply with assigned disciplinary consequences.
10. Possessing a device, object, or substance that could cause bodily harm to individuals in any school setting.

11. Failure to report to school personnel the knowledge of an event, device, object, or substance that could cause bodily harm to individuals in any school setting.
12. Possession, use, or distribution of any substance represented to be a drug or alcohol.
13. Possession or use of tobacco products.
14. Indecent exposure, sexual misconduct, and/or sexual harassment.
15. Hazing.
16. Gang-related behavior or activity, or gang membership.
17. Possession of drug paraphernalia.
18. Burglary of a school facility or major vandalism to District property.
19. Posting or distributing unauthorized communicative materials on school premises.
20. Assault.
21. Placing or discharging fireworks.
22. Pledges to join, solicit membership in a public school fraternity, sorority, secret society, or gang as defined in TEC 37.121.

Level IV Disciplinary Options

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

1. Any discipline technique outlined in Level III.
2. Suspension from school not to exceed three days at a time.
3. Citation by law enforcement personnel.
4. Disciplinary Alternative education placement.
5. Reassignment of classes.
6. A student may be expelled if the student:
 - a. Continues to engage in serious or persistent misbehavior that violates the code of conduct or AEP classroom rules after being placed in an alternative education program for disciplinary reasons.
 - b. Engages in criminal mischief under Penal Code 28.03, if the conduct is punishable as a felony, whether committed on or off of school property or at a school-related activity, (intentional or knowing damage to school property resulting in a loss of \$1,500 or more).
 - c. Making a false alarm or report or a terroristic threat.

F. Level V Mandatory Removal or Expulsion Offenses

Mandatory Removal

If a student commits any of the following acts while on school property, or while attending a school-sponsored or school-related activity on or off the property, he or she shall be removed to a disciplinary alternative education program:

1. Commits assault as defined by Penal Code 22.01(a)(1).
2. Engages in conduct punishable as a felony.
3. Makes a terroristic threat as defined by Penal Code 22.07.
4. Sells, gives, delivers, uses, or possesses marijuana, a controlled substance as defined by Chapter 481, Health and Safety Code, or by 21 U.S.C. 801 et seq., a dangerous drug as defined by Chapter 483, Health and Safety Code, or an alcoholic beverage as defined by 1.04 of the Alcoholic Beverage Code.
5. Commits a serious offense under the influence of alcohol.
6. Commits an offense relating to abusable glue or aerosol paint under 485.031 through 483.035, Health and Safety Code, or other volatile chemicals under Chapter 484, Health and Safety Code.
7. Engages in public lewdness under Penal Code 21.07.
8. Engages in indecent exposure under Penal Code 21.08
9. Engages in retaliation against a school employee under Penal Code 36.06 except, if the student commits a mandatory expellable offense against any employee in retaliation for or as a result of the employee's employment with the school district, the student must be expelled under 37.007(c).
10. Making a false alarm or report.

A student **shall** also be removed from the regular classroom and placed in a disciplinary alternative education program if the student engages in any conduct that would be punishable as a felony if prosecuted, regardless of the time or place of the conduct.

The terms of removal **will** prohibit the student from attending or participating in school-sponsored or school-related activities.

Mandatory Expulsion

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

1. A firearm.
2. An illegal knife, as defined in Penal Code 46.01(6). A pocketknife shall not be considered a bladed instrument if not opened or exhibited in a threatening manner, and not otherwise illegal under the penal code.
3. A club as defined by Penal Code 46.01(1).
4. A weapon listed as a prohibited weapon under Penal Code 46.05, including:
 - a. explosive weapons
 - b. a machine gun

- c. a short-barreled firearm
- d. a switchblade knife
- e. knuckles
- f. armor-piercing ammunition
- g. a chemical dispensing device
- h. a stun gun
- i. any weapon that is designed to, or may readily be converted to expel a projectile by the action or an explosive.

A student shall be expelled from school for a period of time determined by the Superintendent if the student, on school property or while attending a school-related activity on or off of school property commits:

1. Aggravated assault under Penal Code 22.02.
2. Sexual assault under Penal Code 22.011.
3. Aggravated sexual assault under Penal Code 22.021.
4. Arson under Penal Code 28.02.
5. Murder under Penal Code 19.02.
6. Capital murder under Penal Code 19.03.
7. Criminal attempt to commit murder or capital murder under Penal Code 15.01.
8. Indecency with a child under Penal Code 21.11.
9. Aggravated kidnapping under Penal Code 20.04.
10. The offense of selling, giving, or delivering, using, or possessing marijuana, and/or a controlled substance as defined by Chapter 481, Health and Safety Code, or by 21 U.S.C. 801 et seq., a dangerous drug as defined by Chapter 483, Health and Safety Code, or an alcoholic beverage as defined by 1.04 of the Alcoholic Beverage Code if the conduct is punishable as a felony.
11. An offense relating to abusable glue, aerosol paint under 485.031 through 485.035, Health and Safety Code, or other volatile chemicals under Chapter 484, Health and Safety Code if the conduct is punishable as a felony.
12. Any of the above offenses against any school employee in retaliation for or as a result of the employee's employment with a school district.

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

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 year, subject to individual modifications made by the superintendent.

G. Procedural Due Process

Disciplinary Alternative Education Program (DAEP)

Before placing a student in a disciplinary alternative education program, the principal or appropriate school administrator shall conduct an informal hearing at which the student shall be advised of the conduct with which he or she is charged and shall be given the opportunity to explain his or her version of the incident. The District shall make reasonable efforts to notify the parent prior to placing a student in a disciplinary alternative education program. If the parent cannot be notified prior to placement, the parent shall be notified as soon as possible of the placement and the reason for the placement.

If the placement extends beyond the end of the next grading period, the student or student's parents have a right to notice and participation in a hearing before the Board or designee. A decision to place a student in a DAEP beyond the end of a grading period may not be appealed beyond the Board. After hearing the appeal the Board or its designee shall set the terms for the student's placement in a DAEP and deliver a copy of the order placing the student in the DAEP to the student and the student's parent. The superintendent must review the student's status at intervals of not more than 120 days.

For placement in a DAEP to extend beyond the end of the school year, Superintendent must determine that

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

In deciding whether to order placement in a DAEP, the district will take into consideration.

- a. Self-defense
- b. Intent or lack of intent at the time the student engaged in the conduct, and
- c. The student's disciplinary history.

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

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

Expulsion

Before a student is expelled he or she shall have the right to a hearing before the Board or its designee that meets the standards for due process under the federal constitution, which includes the following:

1. Prior written notice of the charges and the proposed sanctions so as to afford a reasonable opportunity for preparation.
2. Right to a full and fair hearing before the Board or its designee.
3. Right to representation by legal counsel, by a parent or guardian, or by any other adult who is not an employee of the school district.
4. Opportunity to testify and present evidence and witnesses in one's defense.

5. Opportunity to examine the evidence presented by school administrators and right to question school administration witnesses. Special consideration may be given the victim or witnesses depending on the age, health, sensitivity and well being of the witness or victim.

A notice of the hearing and an invitation to attend shall be sent to the student's parent or guardian. The written notice shall advise of the nature of evidence and the names of any witnesses whose testimony may be used against the student. The Board decision shall be based exclusively on evidence presented at the hearing.

The final decision of the Board shall be communicated promptly to the student and parent. If the decision to expel is made, the superintendent shall provide a written order outlining terms of and length of the expulsion. The expulsion may not extend beyond the end of the school year unless the conduct leading to the expulsion occurred during the final grading period. If the unacceptable conduct occurs during the final grading period of the year the expulsion may extend into the next school year, but not beyond the end of the first semester.

Not later than the second business day after the date of a hearing, a copy of the expulsion order will be delivered to the authorized officer of the juvenile court of the county in which the student resides. Parents are responsible for supervision of the student during the expulsion term.

H. Appeal of Board's Decision to Expel

If a student appeals a Board's decision to expel, the student shall remain expelled pending further appeal. No educational service will be provided, except as determined by the ARD or 504 committee for disabled students. The Board's decision may be appealed to the district court of the county in which the school administration office is located.

I. Emergency Placement or Expulsion

Emergency Placement

The principal or appropriate administrator may order a student to be immediately placed in a disciplinary alternative education program if it is reasonably believed that the student's behavior is so unruly, disruptive, or abusive that it interferes with:

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

At the time of the emergency placement the student shall be given oral notice of the reasons for emergency placement in a DAEP. Within a reasonable time the student will be afforded Procedural Due Process as outlined in this code. The principal or appropriate administrator shall not be liable for civil damages for an emergency placement.

Emergency Expulsion

The principal or appropriate administrator has the right to order the immediate expulsion of a student if the administrator reasonably believes that the action is necessary to protect persons or property from imminent harm.

At the time of the emergency expulsion the student shall be given a notice of the reason for the emergency expulsion. A due process hearing for expulsion will be provided within 10 days, unless the parent or guardian agrees in writing to an extension of time. The principal or appropriate administrator is not liable for civil damages for an emergency expulsion.

The conditions of an emergency placement or emergency expulsion may restrict the student's extracurricular activities according to the Student Code of Conduct.

J. Teacher Removal of a Student

Informal Discretionary Removal

A teacher may seek the help of the principal in an effort to maintain effective discipline. When a student is sent to the principal's office under this provision, the principal shall employ appropriate discipline management techniques consistent with Levels I, II, III, IV, or V of this Student Code of Conduct.

If the behavior is a violation of the Student Code of Conduct, the teacher before leaving school that day must file a written report, not to exceed one page in length, with the principal or appropriate administrator, and a copy will be sent to the parent or guardian within 24 hours.

Formal Discretionary Removal

A teacher may remove a student from class:

1. If a student behaves in a way that is documented by the teacher to repeatedly interfere with classroom learning; or
2. The teacher determines the student to be so unruly, disruptive, or abusive that it seriously interferes with the teacher's ability to communicate effectively with the students in the class or with the ability of the student's classmates to learn.

If the behavior is a violation of the Student Code of Conduct the teacher must file a written report that day, not to exceed one page in length, with the principal, and a copy will be sent to the parent or guardian within 24 hours.

When a teacher under this provision removes a student from class, the principal shall schedule a hearing within three class days. The hearing shall include the principal, parent/guardian, student, and the teacher who removed the student, when appropriate. Even if all persons are not present, the principal may still order the appropriate placement and the duration of that placement. At the hearing, the student shall be advised of the conduct with which he or she is charged and given an opportunity to explain his or her version of the incident.

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

1. Place the student into another appropriate classroom, or
2. Place the student into in-school suspension, or
3. Place the student into a disciplinary alternative education program (DAEP).

If the principal's decision is that the student should be returned to that teacher's classroom and the teacher withholds his or her consent for that return, the placement review committee shall determine the student's placement. The committee shall not return the student to that teacher's classroom unless it determines that placement is the best or only alternative available.

Terms of removal may prohibit the student from attending or participating in school sponsored or school related activities.

Mandatory Removal by a Teacher

A teacher **shall** remove from the classroom a student who engages in conduct described under Level V of the Student Code of Conduct. The principal shall either place a student removed under this provision into an alternative education program or expel the student, as appropriate. When a teacher under this provision removes a student from class, the principal shall schedule a hearing within three

days. The hearing shall include the principal, parent/guardian, student, and the teacher who removed the student, when appropriate. Even if all persons are not present, the principal may still order the appropriate placement and the duration of that placement.

If the principal's decision is that the student should be expelled, the student shall be provided a due process hearing for expulsion consistent with this Code of Student Conduct.

If the principal's decision is that the student should be returned to that teacher's classroom following completion of the assignment to a disciplinary alternative education program and the teacher withholds his or her consent for that return, the placement review committee shall determine the student's placement. The committee shall not return the student to that teacher's classroom unless it determines that placement is the best or only alternative available.

Terms of removal **shall** prohibit the student from attending or participating in school-sponsored or school-related activities.

K. Suspension

The principal or other appropriate administrator may suspend a student who commits a Level IV offense. A suspension may not exceed three school days, and the student shall be responsible for all class work missed during the period of suspension. Multiple suspensions for subsequent offenses are permissible.

Before suspending the student, the principal shall conduct an informal hearing at which:

1. The student is advised of the conduct of which he or she is charged.
2. The student is given the opportunity to explain his or her version of the incident.

District personnel shall make every effort to notify the parent prior to suspending a student from school. If the parent cannot be contacted prior to removal, the parent shall be notified as soon as possible and shall be informed of the reasons for suspension.

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

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

In deciding whether to order suspension, the district will take into consideration.

- a. Self-defense
- b. Intent or lack of intent at the time the student engaged in the conduct, and
- c. The student's disciplinary history

Committing any of the following offences 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 may result in a DAEP placement or suspension:

1. Selling, giving, or delivering to another person, or possessing, using, or being under the influence of marijuana, a controlled substance, or a dangerous drug, if the conduct is not punishable as a felony.
2. Selling, giving, or delivering to another person, or possessing, using, or being under the influence of alcohol: or committing a serious act or offense while under the influence of alcohol, if the conduct is not punishable as a felony.
3. Engaging in conduct that contains the elements of an offence relating to abusable volatile chemicals.

L. Placement of Students with Disabilities

Placement of Students with Disabilities in a DAEP

The long term placement of a student with a disability who receives special education services may be made only by a constituted admissions, review and dismissal (ARD) committee. Such student may not be placed in a disciplinary alternative education program solely for educational purposes if the student does not also meet the criteria for alternative placement in TEC 37.006(a) or 37.007(a). Due process or minimal due process procedures as appropriate shall apply.

Emergency Removal of Students with Disabilities

The principal or appropriate administrator may order the immediate suspension of a student with a disability for emergency reasons if it is believed that such action is necessary to protect the student, other persons or property from imminent harm. Removal shall be made only in emergency situations and shall not exceed three days unless the ARD or 504 committee determines that the student poses an immediate threat to himself/herself or others, or disrupts the safety of the learning environment.

If emergency removals, suspensions, or removal to alternative education programs total sixteen school days in a year, the ARD or 504 committee shall review the student's IEP, unless the discipline management portion of the IEP specifies otherwise.

Suspension of Students with Disabilities

A student with a disability may be suspended for a period not to exceed three consecutive school days for each separate offense. Before such students are suspended members of the special education support staff, qualified to determine whether a link exists between the misconduct and the disability or placement, may be contacted for advice on whether or not a connection exists between the disability and the conduct.

A student with a disability shall not be removed to a disciplinary alternative education program for more than ten days unless the ARD or 504 committee first determines whether the alleged behavior in question was related to the disabling condition. If the ARD or 504 committee determines there is a connection, they must also determine what action is appropriate. Removal for more than ten consecutive school days requires ARD or 504 committee action, subject to the parents' right to appeal.

If a student with a disability is removed from school premises for any reason for a total of 16 days or more in the school year, the ARD or 504 committee shall review the student's IEP, unless the IEP specifies otherwise.

Expulsion of Students with Disabilities

A student with a disability may be expelled for engaging in conduct that would warrant such action for a non-disabled student only if the ARD or 504 committee determines the misconduct is not related to the disabling condition or inappropriate placement.

In determining whether a student's disruptive behavior was related to a student's disabling condition, the ARD or 504 committee shall base its decision on currently effective evaluation and assessment data and on review of the current IEP documentation rather than on established eligibility or previous committee decisions. The ARD or 504 committee shall consider whether the student's behavior indicates the need for new assessment or evaluation data. Unless the parents agree otherwise, the student must be returned to his current placement after ten days while additional assessments are being made.

The ARD or 504 committee shall determine the instructional and related services to be provided during the time of expulsion. The student's IEP shall include goals and objectives designed to assist in returning the student to school and preventing significant regression.

If the ARD or 504 committee determines that the student's disruptive behavior is related to the disabling condition or inappropriate placement, the student shall not be expelled. If the disruptive behavior on the part of the student indicates an inappropriate placement, the ARD or 504 committee shall review the placement and recommend alternatives. If the ARD or 504 committee determines that the behavior was related to the disabling condition, it shall either rewrite the IEP to address the student's behavioral and educational needs or, when appropriate, consider the extension of an emergency removal.

M. Appeal of A Student with Disabilities Expulsion

A decision of the Principals or Superintendent to expel a student may be appealed to the Board. A student may be denied the privileges of the home campus pending appeal of an expulsion.

A student with a disability shall not be excluded from school pending appeal to the Board for more than ten days without ARD or 504 committee action. During an appeal to a special education hearing officer, the student shall remain in his current classes unless the District and parent agree otherwise or the hearing officer grants an interim order to authorize the exclusion.

Request for a Board hearing to appeal a decision to expel a student shall be made in writing to the superintendent within three school days after receipt of the written decision. The superintendent shall provide the parent written notice of the date, time, and place of the review within five days of receipt of the appeal request. The Board shall conduct a hearing that complies with required due process for expulsion hearings outlined in this code and shall base its decision on the evidence presented at that hearing.

If the decision to expel the student with the disability is upheld by the Board, the superintendent shall mail a copy of the expulsion order to the student and the student's parent. A copy of the order shall also be mailed to the authorized officer of the juvenile court of the county in which the student resides.

N. Corporal Punishment

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

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

1. The student will be informed of the reason(s) for corporal punishment.
2. Corporal punishment may be administered by the school principal.
3. The instrument to be used in administering corporal punishment shall be approved by the principal.
4. The administration of corporal punishment shall be performed in the presence of one other professional employee of the district, and in a designated place out of view of other students.

A record shall be maintained on each administration of corporal punishment.

O. Detention

For minor infractions of the code of conduct or other policies or regulations, teachers or administrators may detain students after school hours. Before assigning one to detention the teacher or administrator

shall inform the student of the conduct that allegedly constitutes a rules violation, and the student shall be given an opportunity to explain his or her version of the incident.

When detention is used, notice shall first be given to the student's parent or guardian to inform them of the reasons for detention and to permit arrangements for necessary transportation of the student. Except in the case of a student who is 18 years of age, or older, detention shall not begin until after the parent has been notified. If the student is a minor the parent or guardian will be required to provide necessary transportation when a student has been assigned to detention.

P. Readmission of Expelled Students

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

Q. Newly Enrolled Students

A student assigned to a DAEP in an open-enrollment charter school or another district, including a district in another state (if the behavior committed is a reason for DAEP placement in the receiving district), at the time he or she enrolls in the district will be placed directly into the district's DAEP.

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

Q. Interrogations and Searches

Searches of a student and/or property of the student may be conducted based on a reasonable suspicion of the presence of an item violating Board policy, the Student Code of Conduct, or criminal laws, and that the search could reasonably be expected to produce evidence of that violation. School officials may search a student or a student's property upon reasonable suspicion or with the student's free and voluntary consent. However, consent obtained through threat of contacting law enforcement agents is not considered to be free and voluntarily given. Vehicles on school property are subject to search under the same standard.

Lockers are property of the school and remain under school jurisdiction when assigned to an individual student. The school reserves the right to inspect all lockers at any time. A student has full responsibility for security of his or her locker. Searches of lockers may be conducted at any time there is reasonable suspicion to do so whether or not the student is present.

Searches of student's outer clothing and pockets may be conducted if reasonable suspicion exists. Certified school personnel have the authority to question students regarding their conduct or the conduct of others.

Reasonable suspicion for search exists if there is reasonable suspicion that the student is currently possessing, ingesting, or under the influence of alcohol or other controlled substances. The following are a few, but not all of the examples of circumstances supporting reasonable suspicion:

1. Smell of alcohol on breath.
2. Present inability to communicate coherently.
3. Dilated pupils.
4. Odor of marijuana.
5. Habitually sleeping in class.

6. Bloodshot eyes.
7. Canine alert on one's locker, books, car, backpack, gym bag, or purse, etc.

R. Physical Restraint

Any District employee may, within the scope of the employee's duties, use and apply physical restraint to a student that the employee reasonably believes is necessary in order to:

1. Protect a person, including the employee, from physical injury.
2. Obtain possession of a weapon or dangerous object.
3. Protect property from serious damage.
4. Restrain an irrational student.
5. Remove from a specific location a student refusing a lawful command of a school employee, including from a classroom or other school property, in order to restore order or impose disciplinary measures.

S. Cooperation with Law Enforcement Officials

The District and district personnel will cooperate with law enforcement agencies within reason. Law enforcement officials may be summoned to keep or restore order at school or school related activities. They may also be summoned to conduct an investigation of alleged criminal conduct on school premises or at school sponsored activities. Administrators shall have the responsibility and authority to determine when law enforcement officers' assistance is needed within their respective jurisdiction. However, district administrators shall at all times act in a manner that protects and guarantees the rights of students and parents.

T. Police Questioning of Students

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

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

U. Arrested Students

If a student at school is subject to arrest or apprehension by law enforcement officer(s), the principal or appropriate administrator, after consultation, shall deliver the student into the officer's custody. The principal shall immediately make reasonable efforts to notify the student's parents and the superintendent.

Acknowledgement

Student Code of Conduct Acknowledgement

Dear Student and Parent:

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

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

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

Thank you,
Brad Oden High School Principal
Sue Gottwald, Elementary School Principal

We acknowledge that we have received a copy of the Shiner ISD Student Code of Conduct for the 2010-2011 school year and understand that students will be held accountable for their behavior and be subject to the disciplinary consequences outlines in the Code.

Print name of student: _____

Signature of student: _____

Print name of parent: _____

Signature of parent: _____

Date: _____

School: _____

Grade level: _____

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