

Bowie
INDEPENDENT SCHOOL DISTRICT

2008-2009
STUDENT
CODE OF CONDUCT

ADOPTED BY THE BOWIE ISD BOARD OF TRUSTEES

JULY 21, 2008

Table of Contents

STUDENT CODE OF CONDUCT	1
Purpose.....	1
School District Authority and Jurisdiction	2
Reporting Crimes	2
Revoking Transfers.....	2
Standards for Student Conduct	3
General Conduct Violations.....	4
Disregard for Authority.....	4
Mistreatment of Others	4
Property Offenses.....	5
Possession of Prohibited Items	5
Possession of Telecommunications Devices	6
Illegal, Prescription, and Over-the-Counter Drugs	6
Misuse of Computers and the Internet.....	6
Safety Transgressions	7
Miscellaneous Offenses	7
Discipline Management Techniques.....	8
Students with Disabilities	8
Techniques	8
Notification	9
Appeals	9
Removal from the Regular Educational Setting	10
Routine Referral.....	10
Formal Removal.....	10
Returning Student to Classroom.....	11
Suspension	11
Misconduct.....	11
Process	11
Disciplinary Alternative Education Program (DAEP) Placement.....	12

Discretionary Placement: Misconduct That May Result in DAEP Placement 12

 Misconduct Identified in State Law 12

Mandatory Placement: Misconduct That Requires DAEP Placement..... 13

Sexual Assault and Campus Assignments 14

Emergencies 14

Process 14

 Conference 14

 Placement Order..... 14

Length of Placement 15

 Exceeds One Year..... 15

 Exceeds School Year 15

 Exceeds 60 Days 15

Appeals 15

Restrictions during Placement 16

Placement Review..... 16

Additional Misconduct..... 16

Notice of Criminal Proceedings..... 16

Withdrawal during Process 17

Newly Enrolled Students 17

Emergency Placement Procedure 18

Placement and/or Expulsion for Certain Serious Offenses..... 18

 Registered Sex Offenders 18

 Review Committee..... 18

 Newly Enrolled Student..... 19

 Appeal..... 19

 Certain Felonies 19

 Hearing and Required Findings 19

 Length of Placement 20

 Newly Enrolled Students 20

Expulsion 20

 Discretionary Expulsion: Misconduct That May Result in Expulsion 20

 Any Location 20

At School, Within 300 Feet, or at School Event..... 21

 Within 300 Feet of School 21

 Property of Another District 22

 While in DAEP 22

Mandatory Expulsion: Misconduct That Requires Expulsion 22

 Federal Law 22

 Texas Penal Code..... 22

Under Age Ten..... 23

Emergency 23

Process 23

 Hearing..... 24

 Board Review of Expulsion 24

 Expulsion Order 24

Length of Expulsion..... 25

Withdrawal during Process 25

Additional Misconduct..... 25

Restrictions during Expulsion..... 25

Newly Enrolled Students 26

Emergency Expulsion Procedures 26

DAEP Placement of Expelled Students 26

Glossary 27

APPENDICES:

I. Vehicles On Campus Policy.....31

II. Guidelines for Bus Students.....32

III. Notice of Pest Control Services.....36

IV. Drug Testing Policy.....37

V. Drug Testing Consent Form.....44

VI. Code of Conduct Acknowledgement.....46

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 and on school grounds, disciplining students, and preventing and intervening in student discipline problems.

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

This Student Code of Conduct has been adopted by the Bowie ISD Board of Trustees and developed with the advice of the district-level committee. This Code provides information to parents and students regarding standards of conduct, consequences of misconduct, and procedures for administering discipline.

In accordance with state law, the Code will be posted at each school campus or will be available for review at the office of the campus principal. Parents will be notified of any conduct violation that may result in a student being suspended, placed in a 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 will prevail.

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

School District Authority and Jurisdiction

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

The district has disciplinary authority over a student:

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

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

District administrators conduct routine blanket inspections and searches of lockers.

Reporting Crimes

School administrators will report crimes as required by law and will call local law enforcement when an administrator suspects that a crime has been committed on campus.

Revoking Transfers

The district has the right to revoke the transfer of a nonresident student for violating the district's Code.

Standards for Student Conduct

Each student is expected to:

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

General Conduct Violations

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

Disregard for Authority

Students shall not:

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

Mistreatment of Others

Students shall not:

- Use profanity or vulgar language or make obscene gestures.
- Fight or scuffle. (For assault see DAEP Placement and Expulsion)
- Threaten a district student, employee, or volunteer, including off school property if the conduct causes a substantial disruption to the educational environment.
- Engage in bullying, harassment, or making hit lists. (See glossary for all three terms)
- Engage in conduct that constitutes sexual harassment or sexual abuse, whether by word, gesture, or any other conduct, directed toward another person, including a district student, employee, or volunteer.
- Engage in conduct that constitutes dating violence, including the intentional use of physical, sexual, verbal, or emotional abuse to harm, threaten, intimidate, or control another person with whom the student has or has had a dating relationship.
- Engage in inappropriate or indecent exposure of private body parts.
- Participate in hazing. (See glossary)
- Cause an individual to act through the use of or threat of force (coercion).
- Commit extortion or blackmail (obtaining money or an object of value from an unwilling person).
- Engage in inappropriate verbal, physical, or sexual conduct directed toward another person, including a district student, employee, or volunteer.

- Record the voice or image of another without the prior consent of the individuals being recorded or in any way that disrupts the educational environment or invades the privacy of others.

Property Offenses

Students shall not:

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

Possession of Prohibited Items

Students shall not:

- Possess or use:
 - fireworks of any kind, smoke or stink bombs, or any other pyrotechnic device;
 - a razor, box cutter, chain, or any other object used in a way that threatens or inflicts bodily injury to another person;
 - a “look-alike” weapon;
 - an air gun or BB gun;
 - ammunition;
 - a stun gun;
 - a pocketknife or any other small knife;
 - mace or pepper spray;
 - pornographic material;
 - tobacco products;
 - matches or a lighter;
 - a laser pointer for other than an approved use; or
 - any articles not generally considered to be weapons, including school supplies, when the principal or designee determines that a danger exists. (For weapons and firearms see DAEP Placement and Expulsion)

Possession of Telecommunications Devices

Students shall not:

- Possess a cellular telephone or other telecommunications device at school during the school day.

The first offense will result in a warning being given to the student with a copy of the policy. The second offense will result in the confiscation of the device, the device taken to the principal's office and held for a period of ten school days. After the ten day period, a parent or guardian must come to the school and pay a \$15 fee to take possession of the device. Any further violations may result in the confiscation of the device and keeping of the device for the remainder of the school year, as provided for in Chapter 37.082 of the Texas Education Code:

Illegal, Prescription, and Over-the-Counter Drugs

Students shall not:

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

Misuse of Computers and the Internet

Students shall not:

- Violate computer use policies, rules, or agreements signed by the student or the student's parent.
- Attempt to access or circumvent passwords or other security-related information of the district, students, or employees or upload or create computer viruses, including off school property if the conduct causes a substantial disruption to the educational environment.

- Attempt to alter, destroy, or disable district computer equipment, district data, the data of others, or other networks connected to the district's system, including off school property if the conduct causes a substantial disruption to the educational environment.
- Use the Internet or other electronic communications to threaten district students, employees, or volunteers, including off school property if the conduct causes a substantial disruption to the educational environment.
- Send or post electronic messages that are abusive, obscene, sexually oriented, threatening, harassing, damaging to another's reputation, or illegal, including off school property if the conduct causes a substantial disruption to the educational environment.
- Use e-mail or Web sites at school to encourage illegal behavior or threaten school safety.

Safety Transgressions

Students shall not:

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

Miscellaneous Offenses

Students shall not:

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

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

Discipline Management Techniques

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

Because of these factors, discipline for a particular offense (unless otherwise specified by law) may bring into consideration varying techniques and responses.

Students with Disabilities

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

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

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

Techniques

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

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

- Sending the student to the office or other assigned area, or to in-school suspension.
- Assignment of school duties such as cleaning or picking up litter.
- Withdrawal of privileges, such as participation in extracurricular activities, eligibility for seeking and holding honorary offices, or membership in school-sponsored clubs and organizations.
- Penalties identified in individual student organizations' extracurricular standards of behavior.
- Withdrawal or restriction of bus privileges.
- School-assessed and school-administered probation.
- Corporal punishment
- Out-of-school suspension, as specified in the Suspension section of this Code.
- Placement in a DAEP, as specified in the DAEP section of this Code.
- Placement and/or expulsion in an alternative educational setting, as specified in the Placement and/or Expulsion for Certain Serious Offenses section of this Code.
- Expulsion, as specified in the Expulsion section of this Code.
- Referral to an outside agency or legal authority for criminal prosecution in addition to disciplinary measures imposed by the district.
- Other strategies and consequences as determined by school officials.

Notification

The principal or appropriate administrator will notify a student's parent by phone or in writing of any violation that may result in a suspension, placement in a DAEP, or expulsion. Notification will be made within three school days after the administrator becomes aware of the violation.

Appeals

Parental questions or complaints regarding disciplinary measures should be addressed to the teacher or campus administration, as appropriate, and in accordance with policy FNG(LOCAL). A copy of the policy may be obtained from the principal's office or the central administration office or through the Policy on line web-site @ <http://www.tasb.org/policy/pol/private/169901/>.

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

Removal from the Regular Educational Setting

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

Routine Referral

A routine referral occurs when a teacher sends a student to the principal's office as a discipline management technique. The principal 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** also initiate a formal removal from class if:

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

A teacher or administrator **must** remove a student from class if the student engages in behavior that under the Education Code requires or permits the student to be placed in a DAEP or expelled. When removing for those reasons, the procedures in the subsequent sections on DAEP or expulsion will be followed. Otherwise, within three school days of the formal removal, the appropriate administrator will schedule a conference with the student's parent; the student; the teacher, in the case of removal by a teacher; and any other administrator.

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

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

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

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.

Suspension

Misconduct

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:

1. Self-defense (see glossary),
2. Intent or lack of intent at the time the student engaged in the conduct, and
3. The student's disciplinary history.

Process

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

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

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

The appropriate administrator will determine any restrictions on participation in school-sponsored or school-related extracurricular and co-curricular activities.

Disciplinary Alternative Education Program (DAEP) Placement

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

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

1. Self-defense (see glossary),
2. Intent or lack of intent at the time the student engaged in the conduct, and
3. The student's disciplinary history.

Discretionary Placement: Misconduct That May Result in DAEP Placement

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

Misconduct Identified in State Law

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

- Involvement in a public school fraternity, sorority, or secret society, including participating as a member or pledge, or soliciting another person to become a pledge or member of a public school fraternity, sorority, secret society, or gang. (See glossary)
- Involvement in criminal street gang activity. (See glossary)
- Any criminal mischief, including a felony.

In accordance with state law, a student **may** be placed in a DAEP if the superintendent or the superintendent's designee has reasonable belief (see glossary) that the student has engaged in conduct punishable as a felony, other than those listed as offenses involving injury to a person in Title 5 (see glossary) of the Texas Penal Code, that occurs off school property and not at a school-sponsored or school-related event, if the student's presence in the regular classroom threatens the safety of other students or teachers or will be detrimental to the educational process.

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

Mandatory Placement: Misconduct That Requires DAEP Placement

A student **must** be placed in a DAEP if the student:

- Engages in conduct relating to a false alarm or report (including a bomb threat) or a terroristic threat involving a public school. (See glossary)
- Commits the following offenses on school property or within 300 feet of school property as measured from any point on the school's real property boundary line, or while attending a school-sponsored or school-related activity on or off school property:
 - Engages in conduct punishable as a felony.
 - Commits an assault (see glossary) under Texas Penal Code 22.01(a)(1).
 - Sells, gives, or delivers to another person, or possesses, uses, or is under the influence of marijuana, a controlled substance, or a dangerous drug in an amount not constituting a felony offense. (School-related felony drug offenses are addressed in the Expulsion section.) (See glossary for "under the influence")
 - Sells, gives, or delivers to another person an alcoholic beverage; commits a serious act or offense while under the influence of alcohol; or possesses, uses, or is under the influence of alcohol, if the conduct is not punishable as a felony offense. (School-related felony alcohol offenses are addressed in the Expulsion section.)
 - Behaves in a manner that contains the elements of an offense relating to abusable volatile chemicals.
 - Behaves in a manner that contains the elements of the offense of public lewdness or indecent exposure.
- Engages in expellable conduct and is between six and nine years of age.
- Commits a federal firearms violation and is younger than six years of age.
- Engages in conduct that contains the elements of the offense of retaliation against any school employee or volunteer on or off school property. (Committing retaliation in combination with another expellable offense is addressed in the Expulsion section of this Code.)
- Engages in conduct punishable as a felony listed under Title 5 (see glossary) of the Texas Penal Code when the conduct occurs off school property and not at a school-sponsored or school-related event and:
 1. The student receives deferred prosecution (see glossary),
 2. A court or jury finds that the student has engaged in delinquent conduct (see glossary), or

3. The superintendent or designee has a reasonable belief (see glossary) that the student engaged in the conduct.

Sexual Assault and Campus Assignments

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

Emergencies

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

Process

Removals to a DAEP will be made by the campus principal or designee.

Conference

When a student is removed from class for a DAEP offense, the appropriate administrator will 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 appropriate administrator will inform the student, orally or in writing, of the reasons for the removal and will 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.

Placement Order

After the conference, if the student is placed in the DAEP, the appropriate administrator will write a placement order. A copy of the DAEP placement order will be sent to the student and the student's parent.

Not later than the second business day after the conference, the board's designee will 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 will give notice of the inconsistency.

Length of Placement

The duration of a student's placement in a DAEP will be determined by the campus principal or designee.

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

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

Exceeds One Year

Placement in a DAEP may exceed one year when a review by the district determines that:

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

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

Exceeds School Year

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

For placement in a DAEP to extend beyond the end of the school year, the superintendent or designee must determine that:

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

Exceeds 60 Days

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

Appeals

Questions or complaints from parents regarding disciplinary measures should be addressed to the campus administration, in accordance with policy FNG(LOCAL). A copy of this policy may be obtained from the principal's office or the central administration office or through the Policy on line web-site @ <http://www.tasb.org/policy/pol/private/169901/>.

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

Restrictions during Placement

The district does not permit a student who is placed in a DAEP to participate in any school-sponsored or school-related extracurricular or cocurricular activity, including seeking or holding honorary positions and/or membership in school-sponsored clubs and organizations.

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

For seniors who are eligible to graduate and are assigned to a DAEP at the time of graduation, the last day of placement in the program will be the last instructional day, and the student will be allowed to participate in the graduation ceremony and related graduation activities unless otherwise specified in the DAEP placement order.

Placement Review

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

Additional Misconduct

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

Notice of Criminal Proceedings

The office of the prosecuting attorney will notify the district if a student was placed in a DAEP for certain offenses including any felony, unlawful restraint, indecent exposure, assault, deadly conduct, terroristic threats, organized crime, certain drug offenses, or possession of a weapon, and:

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

If a student was placed in a DAEP for such conduct, on receiving the notice from the prosecutor, the superintendent or designee will review the student's placement and schedule a review with the student's parent not later than the third day after the

superintendent or designee receives notice from the prosecutor. The student may not be returned to the regular classroom pending the review.

After reviewing the notice and receiving information from the student's parent, the superintendent or designee may continue the student's placement if there is reason to believe that the presence of the student in the regular classroom threatens the safety of other students or teachers.

The student or the student's parent may appeal the superintendent's decision to the board. The student may not be returned to the regular classroom pending the appeal. In the case of an appeal, the board will, at the next scheduled meeting, review the notice from the prosecutor and receive information from the student, the student's parent, and the superintendent or designee, and confirm or reverse the decision of the superintendent or designee. The board will make a record of the proceedings.

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

Withdrawal during Process

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

Newly Enrolled Students

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

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

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

Emergency Placement Procedure

When an emergency placement occurs, the student will be given oral notice of the reason for the action. Not later than the tenth day after the date of the placement, the student will be given the appropriate conference required for assignment to a DAEP.

Placement and/or Expulsion for Certain Serious Offenses

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

Registered Sex Offenders

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

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

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

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

Review Committee

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

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

Newly Enrolled Student

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

Appeal

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

Certain Felonies

Regardless of whether placement or expulsion is required or permitted by one of the reasons in the DAEP Placement or Expulsion sections, in accordance with Education Code 37.0081, a student **may** be expelled and placed in either DAEP or JJAEP if the board or its designee makes certain findings and the following circumstances exist in relation to a felony offense under Title 5 (see glossary) of the Texas Penal Code. The student must:

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

The district may expel the student and order placement under these circumstances regardless of:

1. The date on which the student's conduct occurred,
2. The location at which the conduct occurred,
3. Whether the conduct occurred while the student was enrolled in the district, or
4. Whether the student has successfully completed any court disposition requirements imposed in connection with the conduct.

Hearing and Required Findings

The student must first have a hearing before the board or its designee, who must determine that in addition to the circumstances above that allow for the expulsion, the student's presence in the regular classroom:

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

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

Length of Placement

The student is subject to the placement until:

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

Newly Enrolled Students

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

Expulsion

In deciding whether to order expulsion, the district will take into consideration:

1. Self-defense (see glossary),
2. Intent or lack of intent at the time the student engaged in the conduct, and
3. The student's disciplinary history.

Discretionary Expulsion: Misconduct That May Result in Expulsion

Any Location

A student **may** be expelled for:

- Engaging in the following, no matter where it takes place:
 - Conduct that contains the elements of assault under Penal Code 22.01(a)(1) in retaliation against a school employee or volunteer.
 - Criminal mischief, if punishable as a felony.
- Engaging in conduct that contains the elements of one of the following offenses against another student, without regard to where the conduct occurs:
 - Aggravated assault.
 - Sexual assault.
 - Aggravated sexual assault.

- Murder.
- Capital murder.
- Criminal attempt to commit murder or capital murder.
- Aggravated robbery.
- Engaging in conduct relating to a false alarm or report (including a bomb threat) or a terroristic threat involving a public school.

At School, Within 300 Feet, or at School Event

- Committing any of the following offenses on or within 300 feet of school property, as measured from any point on the school’s real property boundary line, or while attending a school-sponsored or school-related activity on or off school property:
 - Selling, giving, or delivering to another person, or possessing, using, or being under the influence of marijuana, a controlled substance, or a dangerous drug, if the conduct is not punishable as a felony.
 - Selling, giving, or delivering to another person, or possessing, using, or being under the influence of alcohol; or committing a serious act or offense while under the influence of alcohol, if the conduct is not punishable as a felony.
 - Engaging in conduct that contains the elements of an offense relating to abusable volatile chemicals.
 - Engaging in conduct that contains the elements of assault under Section 22.01(a)(1) against an employee or a volunteer.
 - Engaging in deadly conduct. (See glossary)

Within 300 Feet of School

- Engaging in the following conduct while within 300 feet of school property, as measured from any point on the school’s real property boundary line:
 - Aggravated assault, sexual assault, or aggravated sexual assault.
 - Arson.
 - Murder, capital murder, or criminal attempt to commit murder or capital murder.
 - Indecency with a child, aggravated kidnapping, manslaughter, criminally negligent homicide, or aggravated robbery.
 - Continuous sexual abuse of a young child or children.
 - Felony drug- or alcohol-related offense.
 - Use, exhibition, or possession of a firearm (as defined by state law), an illegal knife, a club, or prohibited weapon, or possession of a firearm (as defined by federal law).

Property of Another District

- Committing any offense that is a state-mandated expellable offense if the offense is committed on the property of another district in Texas or while the student is attending a school-sponsored or school-related activity of a school in another district in Texas.

While in DAEP

- Engaging in serious offenses or persistent misbehavior (see glossary) that violates the district's Code, while placed in a DAEP.

Mandatory Expulsion: Misconduct That Requires Expulsion

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

Federal Law

- Bringing to school a firearm, as defined by federal law. "Firearm" under federal law includes:
 - Any weapon (including a starter gun) that will, is designed to, or may readily be converted to expel a projectile by the action of an explosive.
 - The frame or receiver of any such weapon.
 - Any firearm muffler or firearm weapon.
 - Any destructive device, such as any explosive, incendiary or poison gas bomb, or grenade.

Texas Penal Code

- Using, exhibiting, or possessing the following, as defined by the Texas Penal Code:
 - A firearm (any device designed, made, or adapted to expel a projectile through a barrel by using the energy generated by an explosion or burning substance or any device readily convertible to that use).
 - An illegal knife, such as a knife with a blade over 5½ inches; hand instrument, designed to cut or stab another by being thrown; dagger, including but not limited to a dirk, stiletto, and poniard; bowie knife; sword; or spear.
 - A club (see glossary) such as an instrument specially designed, made, or adapted for the purpose of inflicting serious bodily injury or death by striking a person with the instrument, including a blackjack, nightstick, mace, and tomahawk.
 - A prohibited weapon, such as an explosive weapon, a machine gun, a short-barrel firearm, a firearm silencer, a switchblade knife, knuckles, armor-piercing ammunition, a chemical dispensing device, or a zip gun. (See glossary)

- Behaving in a manner that contains elements of the following offenses under the Texas Penal Code:
 - Aggravated assault, sexual assault, or aggravated sexual assault.
 - Arson. (See glossary)
 - Murder, capital murder, or criminal attempt to commit murder or capital murder.
 - Indecency with a child.
 - Aggravated kidnapping.
 - Aggravated robbery.
 - Manslaughter.
 - Criminally negligent homicide.
 - Continuous sexual abuse of a young child or children.
 - Behavior punishable as a felony that involves selling, giving, or delivering to another person, or possessing, using, or being under the influence of marijuana, a controlled substance, a dangerous drug, or alcohol; or committing a serious act or offense while under the influence of alcohol.
- Engaging in retaliation against a school employee or volunteer combined with one of the above-listed mandatory expulsion offenses, with the exception of a federal firearm offense, on or off school property or at a school-related activity.

Under Age Ten

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

Emergency

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

Process

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

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

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

- DAEP

Hearing

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

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

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

The board of trustees delegates to the superintendent authority to conduct hearings and expel students.

Board Review of Expulsion

After the due process hearing, the expelled student may request that the board review the expulsion decisions. The student or parent must submit a written request to the superintendent within seven days after receipt of the written decision. The superintendent must provide the student or parent written notice of the date, time, and place of the meeting at which the board will review the decision.

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

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

Expulsion Order

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

Not later than the second business day after the hearing, the campus principal or designee will deliver to the juvenile court a copy of the expulsion order and the information required by Section 52.04 of the Family Code.

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

Length of Expulsion

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

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

An expulsion may not exceed one year unless, after review, the district determines that:

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

State and federal law require a student to be expelled from the regular classroom for a period of at least one calendar year for bringing a firearm, as defined by federal law, to school. However, the superintendent or other appropriate administrator may modify the length of the expulsion on a case-by-case basis.

Students who commit offenses that require expulsion at the end of one school year may be expelled into the next school year to complete the term of expulsion.

Withdrawal during Process

When a student has violated the district's Code in a way that requires or permits expulsion from the district and the student withdraws from the district before the expulsion hearing takes place, the district may conduct the hearing after sending written notice to the parent and student.

If the student then reenrolls in the district during the same or subsequent school year, the district may enforce the expulsion order at that time, less any expulsion period that has been served by the student during enrollment in another district.

If the appropriate administrator or the board fails to issue an expulsion order after the student withdraws, the next district in which the student enrolls may complete the proceedings.

Additional Misconduct

If during the expulsion, the student engages in additional conduct for which placement in a DAEP or expulsion is required or permitted, additional proceedings may be conducted, and the appropriate administrator or the board may issue an additional disciplinary order as a result of those proceedings.

Restrictions during Expulsion

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

No district academic credit will be earned for work missed during the period of expulsion unless the student is enrolled in a JJAEP or another district-approved program.

Newly Enrolled Students

The district 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.

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

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

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

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

Emergency Expulsion Procedures

When an emergency expulsion occurs, the student will be given verbal notice of the reason for the action. Within ten days after the date of the emergency expulsion, the student will be given appropriate due process required for a student facing expulsion.

DAEP Placement of Expelled Students

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

Glossary

The glossary provides legal definitions and locally established definitions and is intended to assist in understanding terms related to the Student Code of Conduct.

Abuse is improper or excessive use.

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

Arson is a crime that involves starting a fire or causing an explosion with intent to destroy or damage:

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

Assault is defined in part by Texas Penal Code 22.01(a)(1) as intentionally, knowingly, or recklessly causing bodily injury to another.

Bullying is written or oral expression or physical conduct that a school district's board of trustees or the board's designee determines:

1. To have the effect of physically harming a student, damaging a student's property, or placing a student in reasonable fear of harm to the student's person or of damage to the student's property; or
2. To be sufficiently severe, persistent, or pervasive to create an intimidating, threatening, or abusive educational environment for a student.

Chemical dispensing device is a device designed, made, or adapted for the purpose 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 an instrument specially designed, made, or adapted for the purpose of inflicting serious bodily injury or death. A blackjack, mace, and tomahawk are in the same category.

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

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

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

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

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

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

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

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

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

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

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

Harassment is:

1. Conduct that meets the definition established in district policies DIA(LOCAL) and FFH(LOCAL); or
2. Conduct that threatens to cause harm or bodily injury to another student, 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.

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

Hit list is 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.

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

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

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

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

Persistent misbehavior is two or more violations of the Code in general or repeated occurrences of the same violation.

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

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

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

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

Serious offenses include but are not limited to:

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

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

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

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.

Terroristic threat is a threat of violence to any person or property with intent to:

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

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

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

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

Zip gun is 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.

Appendix I

Bowie High School

VEHICLES ON CAMPUS POLICY

All students driving vehicles to school will use Houston Street, at all times, for entering and exiting the student parking lot. Violation of this will lead to suspension of campus parking privileges.

Vehicles are not to be parked in bus loading zones, driveways, fire zones, or surrounding streets. From the time a student arrives at school until 4:00 PM, parking in restricted areas or in an improper manner on campus will subject the vehicle to a “tow-away” at the owner’s expense.

Vehicles parked on school property are under the jurisdiction of the school. The school reserves the right to search any vehicle if reasonable cause exists to do so. Students have full responsibility for the security of their vehicles and will make certain they are locked and that the keys are not given to others. Students will be held responsible for any prohibited objects or substances, such as alcohol, tobacco, drugs, and weapons, that are found in their cars and will be subject to disciplinary action. Searches of vehicles may be conducted at any time there is reasonable cause to do so, with or without the presence of the student. See also Student Code of Conduct.

A fee will be charged for lost stickers. A parking sticker may be obtained from the office. Parking regulations are as follows:

1. Student vehicles shall never enter and exit the parking lot only by way of Houston Street.
2. The speed limit on school grounds is not to exceed 5 mph.
3. The pedestrian always has the right of way, except for emergency vehicles.
4. Vehicles shall be parked in an orderly manner and in designated locations.
5. Upon arriving at school, students shall park and lock their vehicles and proceed immediately to class.
6. The parking lot is off limits during school hours. Students are not permitted to go to the parking lot for any reason during the school day other than leaving campus.
7. Students leaving school for any reason shall leave the parking lot immediately.
8. Operating a vehicle in an unsafe or reckless manner on school property, or failure to comply with the above parking regulation, may result in loss of vehicular privileges on campus.

Any vehicle not parked in its appropriate spot will be ticketed or towed at owners expense.

APPENDIX II

Bowie ISD **GUIDELINES FOR BUS STUDENTS** **2008 – 2009**

Bus drivers shall be directly responsible to the transportation supervisor for reporting discipline problems on the buses. For SAFETY, each student shall observe the following school bus guidelines.

1. The bus driver is in full charge of the bus and riders. Pupils must obey the driver promptly. Disobedience and disrespect will not be tolerated.
2. The driver has the authority to seat pupils in assigned seats and to change the assignment as needed.
3. All students must ride their assigned bus on both morning and afternoon routes.

Rules For Loading Onto The Bus

1. Be at the designated school bus stop on time. The driver cannot wait for late students.
2. Students should wait off the road for the bus.
3. Do not move toward or attempt to enter the bus until the bus comes to a complete stop.
4. Students shall enter the bus only when the driver is present and has given permission.
5. Students must load and unload from the front door only. The emergency door(s)

is/are used for emergency only.

Rules For Students While On The Bus

1. Classroom conduct shall be followed except for conversation in ordinary tones.
2. Students must sit down in their seat as soon as they get on the bus.
3. Students must keep all parts of their body inside the bus and their feet on the floor.
4. Keep aisle clear of books, packages, band instruments, and etc. that blocks the pathway to enter or exit the bus.
5. Do not eat or drink while on the bus. Cans, bottles, and cups are not allowed on the bus.
6. All students must remain seated while the bus is in motion.
7. The student shall not talk with the driver while the bus is in motion except when necessary.
8. Students must be absolutely quiet while the bus is approaching and stopped at a railroad crossing.
9. In the event of a road emergency, students must remain in the bus unless directed by the driver to leave the bus.

Rules after unloading the bus

1. Cross the road in front of the bus only after checking traffic and after receiving a signal from the driver to proceed.
2. Do not attempt to re-board the bus after leaving it.
3. Be alert for danger signals from the driver.
4. If a bus student is getting off at a different location on the route, he/she must have a note by the parent(s) or legal guardian to give to the driver or contact the transportation supervisor or designee prior to unloading the bus.

Bus Discipline and Behavioral Management

When imposing bus discipline measures, district personnel shall adhere to the following guidelines:

1. Discipline shall be administered when necessary to protect students, bus drivers, or property in order to maintain essential order and discipline.
2. Discipline shall be fair and equitable as stated in the Consequences Section in the Student Code of Conduct.

When a student receives a notice, he/she must have this notice signed by their parent/legal guardian and return it to the campus administrator(s) the next day. If the student does not return the signed notice, the parent/legal guardian of the student will be informed that the child will not be allowed to ride the bus until the signed notice has been returned. In the event the notice has been lost, the parent/legal guardian must write a note to this effect and send it to the campus administrator(s) by the student.

Levels of bus discipline are:

- 1st notice -- Warning or one day suspension depending on the type of violation.
- 2nd notice – May be suspended up to 6 days, and
- 3rd notice – May be suspended for an indefinite period.

* Any repeated violation listed in this Guideline for Bus Students shall result in a suspension of bus riding privileges for the entire school year at any one time and could be continued into the following school year. Other violations not listed in these guidelines will fall under the B.I.S.D. Student Code of Conduct.

Note: Upon receipt of the bus discipline notice to the student, the parent(s) or legal guardian have one (1) school day to meet with the campus administrator(s) in a parent conference.

If desired, appeals, in writing, can be made to the Director of Transportation or Administrative Assistant within one (1) school day after the parent/campus administrator conference and before the actual disciplinary action to begin. The written form for an appeal can be picked up at the Central Administration Office immediately after the parent/campus administrator conference and must be returned by the next school day.

If the appeal form is not completed and returned within the required time, then the appeal shall be dismissed. However, once the completed appeal form is received on time by the Transportation Director or the Administrative Assistant, the appeal process begins.

UNLOADING / LOADING TIMES

Morning unloading times are between 7:30 – 7:45 at the following locations:

Bowie Elementary School ----- Back of Campus

Bowie Intermediate School ----- Back of Junior High Gym

Bowie Junior High School ----- Back of Gym

Bowie High School ----- Back of Main Building

Afternoon loading times and location are:

Bowie Elementary School----- 3:20 at Back of Campus

Bowie Junior High School ----- 3:30 at Back of Gym

Bowie Intermediate School ----- 3:35 at Rock Street

Bowie High School ----- 3:40 Back of Main Building

- **No shuttle buses will run between campuses. Only eligible bus riders can ride a bus. Please note that school transportation of students is a privilege and students are encouraged to cooperate and follow these guidelines.**

APPENDIX III

NOTICE OF PEST CONTROL SERVICE

Bowie ISD conducts regular pest management inspections and service. These service calls may include bait and occasional pesticide spray application.

Planned pest management service calls for all campuses to be treated on the second of each month.

Extenuation circumstances may require unplanned or unscheduled treatments. To confirm treatment dates, please contact the following numbers below:

District IPM Coordinator:

Bobby Green

940-531-1164

National Pesticide Information Center

1-800-858-7378

<http://npic.orst.edu>

A consumer information sheet may be obtained from the district IPM coordinator.

Pest control applicators are licensed by:

Texas Structural Pest Control Board

P.O. Box 1927

Austin, TX. 78767-1927

1-512-305-8250

APPENDIX IV

BOWIE ISD

Random Student Drug Testing Policy

STUDENT DRUG TESTING PROGRAM

RATIONALE

The District has determined that the use of illegal drugs and alcohol among students in grades 7-12 is a problem of increasing proportions. Information gathered from surveys of the student body and from other reliable sources within the community would indicate that such use is prevalent within all segments of the student population. Because many of the extracurricular activities as offered by the District are considered to be "safety-sensitive," and because the use of illegal drugs or alcohol may well pose a significant threat to the health and safety of all students who participate in extracurricular activities, the District has determined to implement a program of random testing in grades 7-12 beginning August 1, 2004.

OBJECTIVES

The drug-testing program shall not be designed as a punitive measure with the intent of identifying and punishing those who may use alcohol or illegal drugs. Rather, the following objectives shall serve as the foundation for the program.

1. To serve as a deterrent to the use of alcohol and/or illegal drugs among the student body;
2. To offer students a credible means to resist peer pressure as it relates to the use of alcohol and/or illegal drugs;
3. To ensure the health and safety of all students who represent the school in an extracurricular activity;
4. To provide a ready resource for support and assistance to any student who may be using illegal drugs and/or

alcohol.

APPLICABILITY	This policy shall apply to all District students in grades 7-12 who choose to participate in any extracurricular activity as defined in policy FM(LEGAL). The Board, upon recommendation of the Superintendent, shall make final determination as to the scope of the program.
VOLUNTARY PARTICIPATION	Any student in grades 7-12 to whom the policy may not apply, as specified above, shall be allowed to participate voluntarily in the student drug-testing program.
STUDENT AND PARENT CONSENT	Before a student is allowed to participate in any extracurricular activity, the student and the parent and/or person otherwise in lawful control of the student must present written consent to the testing. This requirement shall apply as well to any student who chooses to participate on a voluntary basis.
TESTING REQUIREMENTS	All students in grades 7-12 who participate in an extracurricular activity or who may choose to participate voluntarily in the student drug-testing program shall be subject to random testing at a frequency and at a rate to be determined by the school administration.
TESTING PROCEDURES AND PROTOCOL	<p>The District shall contract for drug-screening services through an independent laboratory that has met all standards for certification as established by the Substance Abuse and Mental Health Services Administration (SAMHSA), and all testing shall be conducted by qualified laboratory personnel in accordance with accepted practices and procedures established by the contracted laboratory. Testing shall be accomplished by using accepted immunological screening procedures; chain of custody documentation shall be maintained throughout the collection and testing processes.</p> <p>Any positive samples shall be confirmed by a Gas Chromatography/Mass Spectrometry (GC/MS) testing methodology. All initial screening and any secondary analysis required to confirm a positive test shall be performed at District expense.</p> <p>The vendor with whom the District contracts for drug testing shall provide the services of a Medical Review Officer (MRO) who is certified by the Medical Review Officer Certification Council or by the American Association of Medical Review Officers as having proven by examination to have the appropriate medical training to properly interpret and evaluate</p>

the results of any drug testing authorized by the District. The MRO shall, as well, agree to abide by the procedures established by the District for the evaluation and timely reporting of any positive tests.

In the case of a confirmed positive test, the MRO or an authorized representative shall attempt to contact the parent, or person otherwise in lawful control of the student, within one school day of having received the results. Should the MRO be unsuccessful in initial attempts to contact the parent within the time specified, the District shall provide assistance in locating the parent or person otherwise in lawful control of the student. In such cases, the parties should only assume that the contact is for the purpose of responding to routine questions associated with the follow-up of any test. Upon verification of a positive test, the MRO or representative shall report the result to the Superintendent or designee within one school day after confirmation with the parent or person otherwise responsible for the student.

CONFIDENTIALITY

The collection and coding of saliva samples shall be executed in a manner that ensures proper identification and total confidentiality.

Test results shall be made known to the Superintendent or designee, the student, and the parent or person otherwise in lawful control of the student. All other parties involved in case of a confirmed positive test shall be notified only with respect to the level of the offense.

Test results shall be released only upon written request of a parent or person otherwise in lawful control of the student or to a student who is of legal age. Test results shall be destroyed once the student is no longer of school age.

The vendor, laboratory, and MRO shall be prohibited from releasing any statistical information relating to the nature or rate of any positive tests that result from the testing program to any person, organization, news publication, or the media without the expressed written consent of the District. The vendor shall, however, provide the District with a report, at least quarterly, that includes the number of tests performed during the specified period, the rate of both positive and negative results, and a list of the substances identified from any positive samples.

SCREENING

For purposes of this policy, the term *drug* shall be defined as

PARAMETERS

any substance considered illegal by either federal or Texas law or that is controlled by the United States Food and Drug Administration including but not limited to the following:

Amphetamines/methamphetamines (speed, uppers, diet pills)

Barbiturates (downers, sleeping pills)

Benzodiazepines (Valium, Librium)

Cannabinoid (marijuana)

Cocaine metabolite

Ethanol (alcohol)

Hallucinogens (LSD)

Methadone

Opiates (heroin, morphine, codeine)

Phencyclidine (PCP, angel dust)

Propoxyphene (Darvon)

Steroids (performance enhancing drugs)

The District shall reserve the right to test for any and all illegal or controlled substances, including adulterants used to mask test results, as determined at the discretion of the District.

SUSPENSION

For purposes of this policy, a suspension shall require that a student forfeit, for the period specified, participation in or attendance of any extracurricular activities including but not limited to athletics, cheerleading, band, choir, dance team, all UIL-sanctioned academic competitions, journalism programs (yearbook and newspaper), drama, agriculture or school clubs, Student Council, National or National Junior Honor Society, class officers, and any school sponsored activities regardless of location including but not limited to athletic competitions, proms and school dances.

Any suspension that is not completed during the course of the school year shall be extended into the following school year.

SANCTIONS-FIRST OFFENSE

For a first offense, the following consequences shall be imposed:

NOTIFICATION

The student, parent, or person otherwise in lawful control of the student shall be promptly notified and a conference shall be

scheduled to discuss the results of the test.

CONFERENCING	The student and parent or person otherwise in lawful control of the student shall participate in a conference with the principal or designee and any coaches or activity sponsors deemed appropriate to discuss the conditions for continued participation.
SUSPENSION	The student shall be suspended from all extracurricular activities for a period of not less than 10 school days from the date of the first positive test during which time the student shall be required to attend all regularly scheduled practices or meetings but shall not be allowed to participate in performances or competitions.
ADDITIONAL TESTING	The student shall be required to submit to retesting on all random testing dates as determined by the District for a period of one calendar year from the date of the initial positive test.
SECOND OFFENSE	For a second offense, the following consequences shall be imposed:
NOTIFICATION	The student, parent, or person otherwise in lawful control of the student, and the principal or designee shall be promptly notified and a conference shall be scheduled to discuss the results of the test.
CONFERENCING	The student and parent or person otherwise in lawful control of the student shall participate in a conference with the principal or designee and any other coaches or activity sponsors as deemed appropriate to discuss the conditions for reinstatement to the program or activity.
COUNSELING	The student shall be required to participate in a District-approved substance abuse/counseling program.
SUSPENSION	The student shall be suspended from all extracurricular activities for a period of not less than 20 school days from the date of the second positive test during which time the student shall be required to attend all regularly scheduled practices or meetings but shall not be allowed to participate in performances or competitions.
ADDITIONAL TESTING	The student shall be required to submit to retesting on all random testing dates as may be determined by the District for a period of one calendar year from the date of the second positive test.

THIRD OFFENSE	For a third offense, the following consequences shall be imposed:
NOTIFICATION	The student, parent, or person otherwise in lawful control of the student, and the principal or designee shall be promptly notified and a conference shall be scheduled to discuss the results of a test.
CONFERENCING	The student and parent or person otherwise in lawful control of the student shall participate in a conference with the principal or designee and any other coaches or activity sponsors as deemed appropriate to discuss the conditions for reinstatement to the program or activity.
COUNSELING	The student shall be required to participate in a District-approved substance abuse/counseling program.
SUSPENSION	<p>The student shall be suspended from all extracurricular activities for the remainder of his/her Bowie ISD attendance.</p> <p>Students who have had three offenses may apply to the sponsor of an individual extracurricular activity for reinstatement to that activity after one calendar year. The building principal will make all reinstatement decisions. The principal will consult with the sponsor and consider the sponsor's recommendation and other factors such as, but not limited to, attendance records and disciplinary referrals.</p> <p>Prior to participation after three offenses, the student will have to pass a drug test, and submit to additional testing each time it is offered for the remainder of his/her school attendance. Any failed drug test after three offenses will result in suspension for the balance of the student's school attendance period.</p>
FAILURE OR REFUSAL TO SUBMIT TO DRUG TESTING	Any student identified for random testing but who, because of illness or any other legitimate reason, leaves school during the day before the test is performed shall be included in the next random screen. Refusal on the part of any student to participate in a scheduled or random drug test shall be considered as having tested positive.
STUDENT SUPPORT SERVICES	The District shall support and assist any student who may be required to participate in a substance abuse education and/or counseling program, with identification of and referral to reputable social services agencies as appropriate. Any cost of such services, however, shall be the responsibility of the

student and/or parent or person otherwise in lawful control of the student.

APPEALS
PROCEDURE

Should a student and/or parent or person otherwise in lawful control of the student elect to appeal a positive test result, a third test of the specimen in question may be requested by the student and/or parent to be conducted by a laboratory mutually agreed upon by both parties. In such cases, the student and/or parent or person otherwise in lawful control of the student shall assume responsibility for payment of all fees related to a third test.

A student and/or parent or person otherwise in lawful control of the student may appeal a suspension under this policy to the Superintendent by filing a written complain according to the provisions and timelines as set forth in policy FNG(LOCAL) as related to STUDENT AND PARENT COMPLAINTS.

APPENDIX V

Bowie Independent School District Drug/Alcohol Screening Test Student/Parent Consent

I, _____ (print name of parent/guardian) am a parent/guardian of _____ (print name of student) a student enrolled in the Bowie Independent School District.

I represent that I have the authority to consent to drug/alcohol testing of my child. I understand the Bowie Independent School District's policy regarding illegal substance use and participation in extra-curricular activities sponsored by BISD. I understand that it is the practice of BISD to conduct random drug/alcohol tests for the purpose of carrying out this policy, and before allowing students to participate in, or continue participation in extra-curricular activities as represented by my initials in this blank _____.

(parent/guardian initials)

Voluntary Participation

**My child does not participate in extra-curricular activities at this time, but I want to volunteer him/her to participate in the voluntary portion of the BISD drug/alcohol testing program as indicated by my signature on this blank _____.

I understand that my child cannot be compelled to give a saliva or urine sample. **I UNDERSTAND THAT IF HE/SHE GIVES A SALIVA OR URINE SAMPLE IT WILL BE TESTED FOR DRUGS AND/OR ALCOHOL.** I understand that the giving of a saliva or urine sample, when requested by BISD is a condition of my child's continued participation in extra-curricular activities. I understand that if a test of my child's saliva or urine sample reveals an unexplained presence of a drug or alcohol, BISD may take action against him/her up to and including suspension from participation in all extra-curricular activities, clubs, student organizations and offices. An exception will be made for the use of legally prescribed medications taken under the direct supervision of a physician. **BASED ON MY UNDERSTANDING OF THE ABOVE, I HEREBY AUTHORIZE SAMHSA (Substance Abuse and Mental Health Services Administration) APPROVED REPRESENTATIVES OF BISD TO COLLECT SALIVA OR URINE SAMPLES FROM MY CHILD FOR THE PURPOSE OF TESTING FOR THE PRESENCE OF DRUGS AND/OR ALCOHOL.**

I further authorize SAMHSA approved representatives of BISD and BISD to communicate my child’s drug/alcohol test results both orally and in writing to each other, to me, and to BISD administrators and personnel responsible for administering the testing program. I also authorize my child’s drug/alcohol test results to be communicated at any BISD administrative or legal proceeding. I also authorize SAMHSA approved representatives of BISD and BISD to have continued access to my child’s sample/test results for the purpose of any further analysis or study that may be necessary, and require the results be communicated to me prior to any BISD administrative proceedings or disciplinary actions. I understand that no physician/patient relationship is established by the collection of this saliva or urine sample by SAMHSA approved representatives of BISD, and that no privilege of confidentiality will attach to these test results.

Listed below are the prescription drugs and dosages my son/daughter takes on a regular permanent basis:

_____	_____
Drug Name	Dosage
_____	_____
Drug Name	Dosage
_____	_____
Drug Name	Dosage

I HEREBY RELEASE AND HOLD HARMLESS BISD, ITS SAMHSA APPROVED TESTING REPRESENTATIVES, AND THEIR TRUSTEES, OFFICERS, EMPLOYEES, AGENTS, AND MEDICAL STAFF MEMBERS FROM ANY AND ALL LIABILITY, CLAIMS, DAMAGES AND COSTS THAT MAY ARISE AS A RESULT OF ANY ACTION TAKEN ON AN UNFAVORABLE OUTCOME THAT OCCURS AS A RESULT OF THIS DRUG/ALCOHOL TEST.

THIS IS A LEGAL CONSENT AND RELEASE OF LIABILITY FORM. PLEASE READ IT CAREFULLY AND BE SURE YOUR QUESTIONS HAVE BEEN ANSWERED BEFORE SIGNING.

_____	_____
Parent/Guardian Signature	Date
_____	_____
Printed Name of Parent/Guardian	Witness
_____	_____
Student Signature	Student Social Security #

*Special Note: This authorization will be valid for the duration of the student’s enrollment in Bowie ISD.

APPENDIX VI

ACKNOWLEDGMENT

Student Code of Conduct Acknowledgment

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 the page to the student's school.

Thank you.

Greg Evans

.....
We acknowledge that we have received a copy of the Bowie ISD Student Code of Conduct for the 2008–2009 school year and understand that students will be held accountable for their behavior and will be subject to the disciplinary consequences outlined in the Code.

Print name of student: _____

Signature of student: _____

Print name of parent: _____

Signature of parent: _____

Date: _____

School: _____

Grade level: _____

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