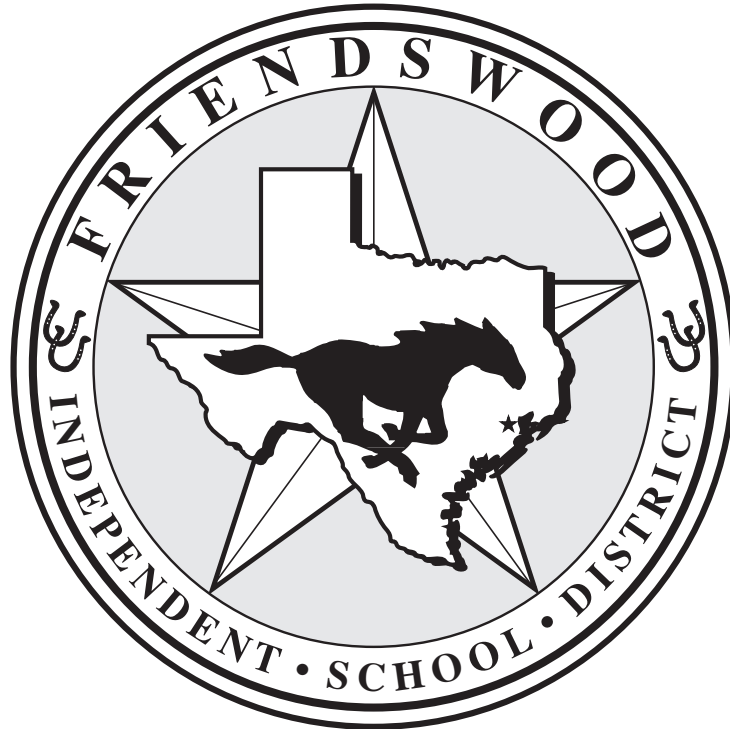


STUDENT CODE OF CONDUCT



2010-2011

FRIENDSWOOD ISD

website address: www.fisd12.net

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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 Friendswood Independent School District 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. However, administrators will consider implications of behaviors and misbehaviors when considering discipline and application to specific situations. Disciplinary action will draw on the professional judgment of teachers and administrators and on a range of discipline management techniques. Disciplinary action will be based on one or more of the following: the seriousness of the offense, the student's age and grade level, the effect of the misconduct on the school environment and school programs and activities, whether the student acted in self-defense, intent or lack of intent at the time the student engaged in the conduct, the student's disciplinary history, and/or a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct.

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.

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

The use of sniff dogs, sometimes referred to as drug dogs, is limited only to objects under the school's control or situated at school, such as lockers, desks, cars and backpacks. Periodically, dogs will be brought into classrooms to search rooms, desks, and student belongings once students have been removed from the room. The sniffing of objects on school property by the dogs does not constitute a search under the Fourth Amendment to the Constitution. *Horton v. Goose Creek ISD*, 690 F.2d471(5th Cir. 1982), cert. denied, 103 S. Ct. 3536 (1983). Therefore, an alert by a sniff dog can provide the basis for a further search of the object.

Under the law, school officials can search objects if they have reasonable suspicion that contraband lies therein. *New Jersey v. T.L.O.*, 105 S. Ct. 733 (1985). Objects upon which dogs have alerted can be searched without the necessity of consent, including the student's consent. If a student refuses to give his/her consent for his/her vehicle to be searched, a master locksmith will be called upon to open the vehicle. Every effort will be taken to insure the vehicle is not damaged if a search is made.

Reporting Crimes / School Resource Officers

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.

School Resource Officer:

Through a memorandum of understanding involving the Friendswood Police Department and the Friendswood Independent School District, the School Resource Officer Program is available at Friendswood High School and Friendswood Junior High. These officers also assist with situations on other campuses within the District as requested. The School Resource Officer (SRO) serves students as a mentor and liaison to create a positive environment and relationship between the school and the police department.

Additionally, the SRO provides security for students and staff while serving in his/her capacity as a police officer in the enforcement of the laws of the state of Texas and the city of Friendswood. This may include issuing citations for infractions such as, but not limited to illegal drugs, fighting, theft, truancy, profanity and assault.

Questioning of Students by Law Enforcement Authorities

School officials are expected to cooperate to the fullest extent possible with law enforcement. Before the campus administrator permits the questioning or taking into custody of a student by law enforcement officials other than the school resource officer (SRO), over a non-school related matter, the officer must state the necessity for taking the student into custody or questioning of the student while in school. Campus administration will document the name and badge or identification number of the law enforcement official as well as make copies of any official documents presented by law enforcement officials.

Taking a student into custody: A student may be taken into custody if a law is violated on campus and the law enforcement officer or SRO determines that it is appropriate to take the student into custody. For a non-school related matter, a student may be taken into custody if an officer presents the administrator with a warrant or custody order. If a child is removed from school by law enforcement, it is the officer's responsibility to notify the child's parents; however, the school will also notify parents as soon as practicable to alert them of the removal so long as it does not impede the officer's ability to perform his / her duties.

Questioning a student at school over a criminal matter: School officials will gain parental permission for an interview at school by law enforcement officials other than the SRO. Written consent should be obtained from the parent prior to the interview. Parents may consent or may request that an administrator be present, refuse the interview, or reschedule for a time when the parent can be present.

Child abuse investigations: If the police are investigating a claim of child abuse or neglect, the officer has the right interview the child at school and school officials are prohibited from interfering with the investigation. A school official may not insist that a school employee accompany the child during the interview.

Revoking Transfers

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

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, *cyberbullying* or making hit lists. (See glossary for all three terms)

- Make ethnic, racial, or religious slurs
- Verbally abuse or make derogatory or offensive remarks addressed to include another person's race, color, religion, national origin, or disability.
- 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.

The policy of FISD is that all students and employees be free from bullying, racial or religious harassment, sexual harassment, dating violence, and sexual violence. Allegations of any bullying or harassment will be taken very seriously by students, faculty, staff, administration, and parents/guardians. The District will make every reasonable effort to handle and respond to every charge and complaint filed by students and employees in a fair, thorough, and just manner.

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:

- Display, turn on, or use a cellular telephone or other telecommunications device on school property during the school day. See FISD Cellular Phone/Paging Device Policy located in the Administrative Procedures section

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 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 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 Issues

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, regardless of whether the action is mandatory or discretionary 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 defined under the cheating policy in the Administrative Procedures section.
- 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.
- 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.
- Restitution
- Other strategies and consequences as determined by school officials.

Notification

The principal or appropriate administrator will notify a student's parent by phone within one day or in writing within three days, of any violation that may result in a suspension, placement in a DAEP, or expulsion.

Appeals

The decision to place a student in detention, Saturday detention, in school suspension, out of school suspension, or assign any other disciplinary measures with the exception of expulsion cannot be appealed beyond the Superintendent's designee.

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 Policy On Line at the following address: www.fisd12.net.

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.

Notification

The principal or appropriate administrator will notify a student's parent by phone within one day or in writing within three days, of any violation that may result in a suspension, placement in a DAEP, or expulsion.

Disciplinary Alternative Education Program (DAEP) Placement

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

For purposes of DAEP, elementary classification shall be kindergarten-grade 5 and secondary classification shall be grades 6-12.³⁴

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)
- Criminal mischief, not punishable as 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 nonemergency basis.

Process

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

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, principal or principal'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.

The duration of a student's placement will be determined on a case-by-case basis. Placement in DAEP will be for a minimum of 45 school days. *A student has the ability to reduce to 30 days with certain positive behaviors.* 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 campus principal 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 superintendent's designee.

Appeals

Questions or complaints from parents regarding disciplinary measures relating to placement in a DAEP should be addressed to the campus administration, in accordance with policy FOC (LEGAL). A copy of this policy may be obtained from the principal's office or the central administration office or through Policy On Line at the following address: www.fisd12.net.

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 superintendent's designee.

Restrictions during Placement

State law prohibits a student placed in a DAEP for reasons specified in state law from attending or participating in school-sponsored or school-related extracurricular activities. The student will also be prohibited from coming on school district grounds at any FISD campus or facility unless scheduled through the principal's office.

The district will provide transportation to students in a DAEP.

For seniors who are eligible to graduate and are assigned to a DAEP at the time of graduation, the 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 re-enrolls in the district during the same or a subsequent school year, the district may enforce the order at that time, less any period of the placement that has been served by the student during enrollment in another district. If the 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. Students who withdraw during DAEP process or do not complete DAEP assignment will be prohibited from coming on school district property or grounds unless approved by principal.

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 any new information, 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, charter school, private school or home school must complete the term of the placement.

Expulsion

In deciding whether to order expulsion, regardless of whether the conduct requires or allows for a mandatory or discretionary action, 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:

While in DAEP

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

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). Unless the use, exhibition, or possession of the firearm occurs at an off-campus approved target range facility while participating in or preparing for a school-sponsored shooting sports competition or a shooting sports educational activity that is sponsored or supported by the Parks and Wildlife Department or a shooting sports sanctioning organization working with the department.⁶²
 - An illegal knife, such as a knife with a blade over 5 1/2 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 not later than the tenth day after the date of notification or 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.

Expulsion Proceedings

Before a student may be expelled, the board or its designee shall provide the student a hearing at which the student is afforded appropriate due process.

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. 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 superintendent's 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 period of expulsion is for a minimum of seventy-five days. 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 re-enrolls in the district during the same or subsequent school year, the district may enforce the expulsion order at that time, less any expulsion period that has been served by the student during enrollment in another district.

If the appropriate administrator, the board or its designee 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, the board or its designee 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.

FISD Administrative Procedures

ATTENDANCE AND PUNCTUALITY

Regular attendance is required by Texas law and necessary if satisfactory schoolwork is to be done. Pupils should not stay out of school for trivial reasons. The education of youth is far too important to be put in second place. The school is held accountable for students residing within its district boundaries and must submit reports of attendance regularly to the Texas Education Agency.

Parents should only contact the school to inform the attendance office when his/her child is absent if the child is going to miss, or has missed, 3 or more days consecutively.

Following any absence from school, the student must bring a written statement from the parent, medical professional, or court explaining the absence. The written statement from the parent/guardian, medical professional, or court must be presented to the attendance office within three (3) days of the students return to school. If the written statement is not brought by the third day, the absence will be considered unexcused. Notes turned in after the three (3) day time limit will be dated and kept on file, but the absence will remain unexcused unless the principal excuses the absence because of extenuating circumstances.

COMPULSORY SCHOOL ATTENDANCE/FAILURE TO ATTEND SCHOOL

Unless specifically exempted by the Texas Education Code Section 25.086, a child who is at least 6 years of age and who has not yet reached the child's 18th birthday shall attend school each school day for the entire period the program of instruction is offered. *See Texas Education Code Section 25.094.*

Truancy is the unlawful absence from school. A child who is required to attend school commits an offense, a class C misdemeanor, if the child fails to attend school for ten (10) or more days or parts of days in a six-month period or three (3) or more days or parts of days in a four-week period of time without medical documentation, court documentation and/or an excuse from a parent or person standing in parental relation to the child having been timely turned in to the school. This offense may be prosecuted in the justice court for the precinct in which the child resides or in which the school is located. *See Texas Education Code Section 25.094.*

A person who voluntarily enrolls in school or voluntarily attends school after the person's 18th birthday shall attend school each school day for the entire period that the program of instruction is offered and must attend school until the end of the school year. Such students may be prosecuted for failing to attend school under the Texas Education Code Section 25.094. Additionally, the school district may revoke for the remainder of the school year the enrollment of a person who has more than five (5) absences in a semester that are not excused absences. *See Texas Education Code Section 25.085.*

THWARTING COMPULSORY ATTENDANCE OF A CHILD

It is the parent or legal guardian's duty to monitor the student's school attendance and require the student to attend school. A parent or person standing in parental relation to a child commits an offense, a class C misdemeanor, if the parent fails to require a child of compulsory school age to attend school, i.e., the child misses ten (10) or more days or parts of days within a six-month period in the same school year or the child misses three (3) or more days or parts of days within a four-week period. *See Texas Education Code Sections 25.093 and 25.095.* This offense may be prosecuted in the justice court for the precinct in which the child resides or in which the school is located.

EXCUSED ABSENCES

A person required to attend school, may be excused for temporary absence resulting from any cause acceptable to the principal, teacher, or superintendent of the school in which the person is enrolled. A school district shall excuse a student from attending school for the following purposes, including travel for those purposes: Observing religious holidays; or attending a required court appearance or a temporary absence resulting from health care professionals if that student commences classes or returns to school on the same day of the appointment. *Texas Education Code Section 25.087(b).*

The following are recognized by the school administration as proper reasons for an excused absence:

1. Sickness of pupil
2. Sickness or death in the immediate family
3. Quarantine
4. Weather or road conditions making traveling dangerous
5. Religious holidays (make-up work in advance)
6. Assignment to other duties by principal
7. Days of suspension
8. Imperative necessity as determined by principal. This must be approved in advance of absence.
9. Court appearances

PROCEDURE FOR DOCUMENTING MEDICAL/ILLNESS ABSENCES

Each time a student is absent for any part of a day, one, two or three days for illness/medical reasons, the student must bring a note signed by a parent or guardian (or a medical professional) and turn the note in to the attendance office on the day he/she returns. **If a note is not provided within three (3) days of the student's return to school, the absence will remain unexcused.** If a student is absent for more than three consecutive days, the student must provide medical documentation from a health care professional stating the date and time of appointment as well as a statement from the health care professional requesting that the student refrain from attending school for X days. This documentation must also be presented to the attendance office within three (3) days of the student's return to school.

Notes turned in after the three (3) day time limit will be dated and kept on file, but the absence will remain unexcused unless the principal gives his/her approval to accept the late note as an excused absence because of extenuating circumstances.

ATTENDANCE FOR CREDIT

Except as provided below, a student shall not be given credit for a class unless the student is in attendance 90 percent of the days the class is offered. This restriction does not affect a student's right to excused absences to observe religious holy days. (FEB LEGAL). A student who is in attendance for at least 75 percent but less than 90 percent of the days a class is offered may be given credit if the student completes a plan approved by the school's principal that provides for the student to meet the instructional requirements of the class. An attendance committee at each campus may grant credit to a student based on the existence of extenuating circumstances. Credit may also be awarded based on successfully meeting specific conditions as determined by the attendance committee. (See FEC LOCAL and FEC LEGAL.)

DISTRICT CELLULAR PHONE/PAGING DEVICE POLICY

Students are prohibited from displaying or using cellular phones or paging devices on school property during regular school hours. (A “paging device” means a telecommunications device that emits an audible signal, vibrates, displays a message or otherwise summons or delivers a communication to the possessor, including cellular phones.) School hours will be determined by each individual campus.

Cell phones/ paging devices must be turned off during school hours. A school telephone is available for students to use during regular school hours. No text messaging, taking pictures, internet usage or video with cellular phones is allowed. FISD administration will not look for or investigate lost or stolen phones. Any violation of this policy during school hours will result in the following discipline.

First Offense

- Cell phone confiscated and returned to parent only upon payment of a \$15.00 administration fee.

Second Offense

- Cell phone confiscated and returned to parent only after 3 school days and payment of a \$15.00 administration fee.
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Third Offense

- Cell phone confiscated and returned to parent only after 5 school days and payment of a \$15.00 administration fee.

Fourth Offense and All Subsequent Offenses

Subject to above and additional disciplinary action as determined by the designated administrator.

*Unclaimed cellular phones/paging devices will be disposed of at the end of the school year.

*The District is not responsible for missing or lost equipment.

*Should the parent decide not to pick up the confiscated cell phone the \$15.00 administrative fee will be assigned to the student as an obligation.

Students will be disciplined for insubordination if, upon confiscation of the cellular phone/paging device, the student refuses to give the device to school personnel or the student attempts to remove the SIM card, the battery, or erase data before handing over the cell phone/paging device. School personnel may review data on a confiscated cell phone only if a student is involved in an administrative investigation and the administrator has a reasonable suspicion that a search of the cell phone data will turn up evidence that the student has violated the law or school standards of student conduct. Failure to provide an access code, any of the components, or anything else needed to view the necessary data will be considered insubordination.

FRIENDSWOOD I.S.D.

SCHOOL BUS SAFETY REGULATIONS 2009 - 2010

"Bus Rider Rules and Regulations Agreement"

The Friendswood Independent School District has a legal responsibility to provide safe and efficient transportation to and from school. In order to provide for more effective bus safety, the superintendent or his designee is hereby directed to publish rules of conduct for pupils riding school buses and deliver this communication to parents advising of the policy and established rules of conduct for bus riders.

Students shall observe the following school bus rules of conduct in addition to appropriate behavioral expectations the schools require. Any violation of these rules, such as serious or continuing misconduct, can result in a student's suspension from the bus.

The Transportation Director manages bus safety and discipline issues. Any questions or concerns in reference to student safety or discipline should be addressed to the transportation center.

GENERAL RULES

1. The driver is in full charge of the bus and its occupants. Pupils must obey the driver promptly. Disobedience and disrespect will not be tolerated.
2. The driver has the authority to seat students in assigned seats and to change their assignments, as needed.
3. The possession of a weapon/knife or any dangerous instrument is prohibited.
4. The possession of alcoholic beverages, tobacco products or illicit narcotics is not allowed.
5. The use of obscene, profane speech or gestures is prohibited.

RULES FOR LOADING THE BUS

1. Be at the designated school bus stop 5 minutes before the scheduled bus arrival time. The driver is on a time schedule and cannot wait for students who are late.

2. Students should wait in view of the driver, but off of the roadway for the bus where possible.
3. Students are not to move toward the bus or attempt to enter the bus until the bus comes to a complete stop and the door is opened.
4. Students shall enter the bus only when the driver is present and has given permission. After entering the bus, the student must stay on the bus because of safety considerations for the other students who are boarding the bus. If the bus driver determines that it is necessary for the student to exit the bus, then the bus driver will give permission to the student to leave the bus.
5. Students may ride the school bus to and from their designated bus stop only. According to state law, students may only be picked up or dropped off at the scheduled bus stop closest to their residence, the residence of a grandparent, or a licensed child-care facility. Parents should designate the scheduled bus stop. For the security, safety and protection of our students we will not accept requests to either pick up or drop off a student at a different bus stop. The only exception to this is that the parent may provide an advance written request to the Transportation Office (not the bus driver) to have a student either picked up and/or dropped off at a different location at a designated bus stop on the same bus route.
6. For the safety of our students, when the bus doors are closed at the schools, then the bus doors will not be reopened unless authorized by an FISD representative.

RULES FOR STUDENTS WHILE ON THE BUS

1. While on the bus, classroom conduct shall be followed except for conversation in ordinary tones.
2. Students must load and unload from the front door only. The use of the Emergency Exit Door shall only be used when directed by the driver.
3. Students must sit down in assigned seat as soon as they board the bus.
4. Students must sit in their assigned seat each day. The driver may change the seating arrangement at any time, as he/she deems necessary.
5. The Transportation Department follows District guidelines regarding use of cell phones and pagers. Use of these devices are not permitted on FISD buses. **See District Cell Phone Policy**

6. Students must keep all parts of their body inside the bus and feet on the floor.
7. Students shall treat bus equipment appropriately. Damage to seats or other equipment must be paid for by the person(s) responsible.
8. Students must keep the aisle clear of books, packages, band instruments, etc.
9. Students will not throw anything onto or out of the bus.
10. Students are not allowed to eat or drink while on the bus. (Cans, bottles, and cups are not allowed on the bus unless part of a lunch container.)
11. Students are not allowed to have gum while on the bus. This will eliminate gum being stuck on the seats, on the floor and other places on the bus.
12. Students must remain seated while the bus is in motion.
13. Students shall not talk with the driver while the bus is in motion, except when necessary.
14. Students must be absolutely quiet while approaching and while stopped at a railroad crossing.
15. In the event of a road emergency, students must remain in the bus unless directed by the driver to leave the bus and then students shall follow the instructions of the driver.
16. The Transportation Department follows the District guidelines regarding the use of cell phones and pagers.

First Offense

- Cell phone confiscated and returned to parent only upon payment of a \$15.00 administration fee.

Second Offense

- Cell phone confiscated and returned to parent only upon completion of suspension from bus privileges and payment of a \$15.00 administration fee.
- 3 days suspension from bus privileges.

Third Offense and All Subsequent Offenses

- Cell phone confiscated and returned to parent only upon completion of suspension from bus privileges and payment of a \$15.00 administration fee.
- 5 days suspension from bus privileges.

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 reboard the bus after unloading.
3. Be alert for the danger signal from the driver.
4. For the safety of our students, the driver is not permitted to let students off the bus at any other place than their designated bus stop. If an emergency arises, then the parent must contact both the school and the Transportation Office in order to remove a student from the bus.

RULES FOR EXTRA-CURRICULAR TRIPS

1. The aforementioned rules and regulations apply to any school-sponsored trip.
2. The bus driver is charged with the full responsibility for the safe operation of the bus while on extra trips and is to follow the assigned route for the trip.
3. The driver will expect the full cooperation and assistance of assigned sponsors and students.

PROCEDURES FOR DEALING WITH MISBEHAVIOR

By and large, the majority of our students will act within the established rules. There are, of course, some who will misbehave and require some type of response or action from the driver.

When a student's behavior interferes with safe transportation (physical or emotional) and it is not a serious offense, then the driver will go by the following procedures:

1. Hold a conference with the student. Inform the student of the behavior that needs to be corrected. Give the student an opportunity to correct the behavior. If the conference with the student does not result in the expected behavior, then go to step 2.
2. Reassign the student's seat for a limited period of time. If possible, the first two seats at the front of the bus should be available for the reassignment. If the seat reassignment does not result in the expected behavior, then go to step 3.
3. Contact a parent and inform the parent of their student's behavior that is interfering with safe transportation. If the contact with the parent does not work, then go to step 4.
4. Hold a meeting with the Safety Coordinator at which both the lead driver and you are present. The Safety Coordinator will contact the parent, explain why the student's behavior is interfering with safe transportation, and inform the parent that the next step by the driver will be to complete a School Bus Safety Report. If the Safety Coordinator's contact with the parent does not result in the expected behavior, then go to step 5.
5. Complete and follow the procedures for a School Bus Safety Report.

SCHOOL BUS SAFETY REPORT

The bus driver is hereby authorized to issue "Bus Safety Reports" for rider violations. The following are penalties that may be invoked for serious and/or continuing misconduct in violation of established rules. When a student receives a "Bus Safety Report", he/she must have the notice signed by the parent or legal guardian and return it to the bus driver on the next date the student rides the bus in order for bus rider privileges to be restored.

1st Offense – Warning and/or bus probation

2nd Offense – 3 day suspension of riding privileges

3rd Offense – 5 day suspension of riding privileges

4th Offense – 10 day suspension of riding privileges

5th Offense – Suspension of riding privileges for remainder of the school year

Second semester - Students previously denied riding privilege for semester will begin with 3rd offense if there are additional rule(s) infractions.

SEVERE DISRUPTION – If any student is involved in a severe disruption that jeopardizes or threatens the safety of others, any subsequent step may be ignored and immediate suspension of bus privileges may be initiated by either the Transportation Director or the Transportation Safety Coordinator.

APPEAL PROCEDURES (SUSPENSIONS)

Either the Transportation Director or the Transportation Safety Coordinator shall report each bus suspension to the parent(s) and the appropriate Assistant Principal. In the event a parent believes the punishment is unjust, the parent should use the following procedure:

1. Discuss the incident with the Transportation Safety Coordinator for a full account of the circumstances.
2. If the parent, after discussion with the Transportation Safety Coordinator, is not satisfied with the results then the parent can request a conference with the Transportation Director to resolve the matter.

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

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

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.

Cyberbullying or e-bullying is using email, text messages, blogs, videos, websites, cell phones, social networking or gaming sites to embarrass, harass, or bully another person. This includes, but is not limited to the following: spreading rumors or posting embarrassing photos, making rude or threatening comments, forwarding something that was meant to be private, or pretending to be someone else.

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.

Fighting: Physical conflict between two or more individuals.

Firearm silencer means any device designed, made, or adapted to muffle the report of a firearm.

Graffiti are markings with paint, 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.