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SECTION I. PURPOSE OF THE STUDENT CODE OF CONDUCT

Accessibility

If you have difficulty accessing the information in this document because of disability, please contact (Rogelio N. Gonzalez, Human Resources Director, email: rgonzalez@zcisd.org, phone: 956-765-6546 ext. 1010).

The Student Code of Conduct ("Code") is the Zapata County Independent School District’s ("District") 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, out-of-school suspension, placement in a disciplinary alternative education program (DAEP), placement in a juvenile justice alternative education program (JJAEP), or expulsion from school.

This Student Code of Conduct has been adopted by the Zapata County 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. It remains in effect during summer school and at all school-related events and activities outside of the school year until an updated version adopted by the board becomes effective for the next school year.

In accordance with state law, the Code shall be posted at each school campus or shall be available for review at the office of the campus principal. Additionally, the Code shall be available at the office of the campus behavior coordinator and posted on the District’s website www.zcisd.org. Parents shall be notified of any conduct violation that may result in a student being suspended, placed in a DAEP, or expelled, or taken into custody by a law enforcement officer under Chapter 37 of the Education Code. **Additionally, the Code shall be posted on the District’s webpage [www.zcisd.org](http://www.zcisd.org).** The Zapata County ISD has adopted a Student Code of Conduct that will enhance a more positive and safe environment in our schools. Its main purpose is to:

- Describe behavior that promotes a positive environment for learning;
- Provide and implement for District wide uniformity in dealing with student discipline;
- Define the rights and responsibilities of each member of the school community (students, parents, teachers, administrators) in establishing and maintaining good discipline at District schools;
- Describe behavior that is expected of all students;
- Describe specific examples of student misbehavior;
- Specify the circumstances, under which a student may be removed from a classroom, campus, or disciplinary alternative education program;
- Specify conditions that authorize or require a principal or other appropriate administrator to transfer a student to a disciplinary alternative education program;
- Outline conditions under which a student may be suspended as provided by Section 37.005 or expelled as provided by Section 37.007;
- Specify the consideration given to: (1) self-defense; (2) intent or lack of intent at the time the student engaged in the conduct; (3) a student’s disciplinary history; or (4) a disability that substantially impairs the student’s capacity to appreciate the wrongfulness of the student’s conduct, as factors in a decision to order suspension, removal to a disciplinary alternative education program, or expulsion;
- Provide guidelines for setting the length of a term of a removal or expulsion;
- Address the notification of a student’s parent or guardian of a violation of the student code of conduct committed by the student that results in suspension, removal to a disciplinary alternative education program, or expulsion;
- Prohibit bullying, harassment, and making hit list and ensure that District employees enforce prohibitions;
- Provide, as appropriate for students at each grade level, methods for managing students in the classroom and on school grounds; and
- Communicate policies of the Board of Trustees regarding appropriate student behavior.
SECTION II: STATEMENT OF NON-DISCRIMINATION

It is the policy of Zapata County ISD not to discriminate on the basis of race, religion, color, national origin, sex, handicap, or age in its employment practices as required by Title VI of the Civil Rights Act of 1964, as amended; Title IX of the Education Amendments of 1972; the Age Discrimination Act of 1975, as amended; and Section 504 of the Rehabilitation Act of 1973, as amended. (See Full Notice DAA-(Legal)).

Any questions or concerns about the District’s compliance with these federal programs should be brought to the attention of the Special Instructional Services Director or the Student Services Director which may be reached by calling the District’s Central Administration Office at 956-765-6546.

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. Section 504 or Special Education committees must address manifestation determination in accordance with the laws and the individual student needs.

The Student Code of Conduct is adopted by the District’s Board of Trustees, therefore has the force of policy; in case of conflict between the Code and the student handbook, the Code shall prevail.

SECTION III: 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 or a school-sponsored or school-related activity 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, board member, or volunteer occurs or is threatened, regardless of time or location;
6. When a student engages in cyberbullying, as provided by Education Code 37.0832;
7. When criminal mischief is committed on or off school property or at a school-related event;
8. For certain offenses committed within 300 feet of school property as measured from any point on the school’s real property boundary line;
9. For certain offenses committed while on school property or while attending a school sponsored or school-related activity of another district in Texas;
10. When the student commits a felony, as provided by Education Code 37.006 or 37.0081; and
11. 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 desk when there is reasonable cause to believe it contains articles or materials prohibited by the District.
**Campus Behavior Coordinator**
As required by law, a person at each campus must be designated to serve as the campus behavior coordinator. ZCISD holds a designation as a District of Innovation (TEC §12A.001) to obtain exemption from certain provisions of the Texas Education Code. All certified campus administration will serve as joint behavior coordinators and work collaboratively with campus and district staff to promote campus goals. The campus behavior coordinator is primarily responsible for maintaining student discipline. The District from the application of TEC §37.0012, any responsibility or duty of parental/guardian notification shall be exercised by appropriate school officials as per ZCISD Board Policy.

**Threat Assessment and Safe and Supportive School Team**
The campus behavior coordinator or other appropriate administrator will work closely with the campus threat assessment safe and supportive school team to implement the district’s threat assessment policy and procedures, as required by law, and shall take appropriate disciplinary action in accordance with the Code of Conduct.

**Searches**
District officials may conduct searches of students, their belongings, and their vehicles in accordance with state and federal law and district policy. Searches of students shall be conducted in a reasonable and nondiscriminatory manner. Refer to the district’s policies at FNF(LEGAL) and FNF(LOCAL) for more information regarding investigations and searches.

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

Desks, lockers, district-provided technology, and similar items are the property of the district and are provided for student use as a matter of convenience. District property is subject to search or inspection at any time without notice.

**Parent Notification of Prohibited Items**
If prohibited articles or materials are found in the student’s vehicle parked on school property, or on the student’s person as a result of a search conducted in accordance with District policy, the student’s parents or guardian will be notified as soon as possible.

**Use of Trained Dogs**
The District shall use specially trained non-aggressive dogs to sniff out and alert to the immediate presence of concealed prohibited items, illicit substances mentioned in FNCF (Legal), explosives or incendiary items and alcohol. This program is implemented in response to drug and alcohol use problems in our District and to maintain a safe school environment conducive to education. K-9s will be used to sniff out and alert officials to search personal belongings (purse, backpacks, etc.) and vehicles parked on school premises and all areas owned, operated and controlled by the District.

**Reporting Crimes**
School administrators will report crimes as required by law and will contact ZCISD Police Department and/or local law enforcement when the administrator suspects that a crime has been committed on campus.

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

**Security Personnel**
To ensure sufficient security and protection of students, staff, and property, the board employs police officers and security personnel. In accordance with law, the board has coordinated with the campus behavior coordinator and other district employees to ensure appropriate law enforcement duties are assigned to security staff. The law enforcement duties of district peace officers are listed in policy CKE(LOCAL).

**Unauthorized Persons**
In accordance with Education Code 37.105, a school administrator or district police officer shall have the authority to refuse entry or eject a person from district property if the person refuses to leave peaceably on request and:
1. The person poses a substantial risk of harm to any person; or
2. The person behaves in a manner that is inappropriate for a school setting, and the person persists in the behavior after being given a verbal warning that the behavior is inappropriate and may result in refusal of entry or ejection.
Appeals regarding refusal of entry or ejection from district property may be filed in accordance with policies FNG(LOCAL) or GF(LOCAL), as appropriate. However, the timelines for the district’s grievance procedures shall be adjusted as necessary to permit the person to address the board in person within 90 days, unless the complaint is resolved before a board hearing.

**SECTION IV: 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. (See ZCISD Policy – FEA (Local)/(Legal) Student Compulsory Attendance Law)
- Prepare for each class and 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.
- Dress in accordance with the District’s Dress Code Guidelines.

Students are under the direct supervision of school administrators, classroom teachers or designated personnel at all times. They are expected to conform to school policies and to class regulations. In order to create an atmosphere for learning, order must be maintained at all times. Students are to conduct themselves properly and in a manner prescribed by the administration, teachers and designated personnel. Failure to comply with the regulations set forth by District policy and enforced by designated personnel, teachers and administrators will result in disciplinary action. Students participating in school-sponsored activities are representatives of the District. Their conduct is expected to conform to the regulation set forth by the District and the sponsor.

**SECTION V: GENERAL INFORMATION**

Report on Zapata County ISD code of conduct violations reports/discipline Referral

The Zapata County ISD will report the number of full and partial days a student is assigned and attends a DAEP on the 425 record/Discipline Referral. Also, the District will report the number of expulsions that are found to be inconsistent with the guidelines set forth in the Student Code of Conduct.

Note: It is mandatory that Zapata County ISD Student Code of Conduct violation reports/discipline referrals be reported to the Zapata County ISD PEIMS database in a timely manner.

Unless otherwise specified in the placement order, days absent from a DAEP shall not count toward fulfilling the total number of days required in a student’s DAEP placement order.

**Action Code 28 – (Mandatory disciplinary action not taken (TEC 37.001(a) (4))**

Under Action Code 28, the administrator is granted the opportunity not to take action against a student that commits a violation that requires mandatory disciplinary action because the District’s Student Code of Conduct includes one or more of the TEC 37.001(a) (4) provisions that allows the District to consider self-defense, intent or lack of intent, student’s disciplinary history, or disability that substantially impairs the student’s capacity to appreciate the wrongfulness of the student’s conduct as a factor in a decision to order suspension, removal to a disciplinary alternative education program, or expulsion.

Prior to selecting code 28 mandatory disciplinary action not taken, the administrator shall provide substantial documentation for considering the provision under TEC 37.001 (a) (4) such as self-defense, intent or lack of intent, student’s disciplinary history, or disability that substantially impairs the student’s capacity to appreciate the wrongfulness of the student’s conduct as a factor in a decision to order suspension, removal to a disciplinary alternative education program or expulsion.
Credit during Disciplinary Process
Students shall receive full credit for assignments completed in a DAEP, including in-school suspension. A student suspended from his or her regular classes will receive an excused absence if the student satisfactorily completes the assignments for the period of suspension within a time designated by the teacher. A grade adjustment may be imposed on work made up for a period of suspension according to board policy.

Truancy
School employees must investigate and report violations of the state compulsory attendance law to the Director of Student Services in charge of District attendance. A student absent from school without permission from any required class shall be considered truant and subject to disciplinary action. Truancy may also result in assessment of penalties by a court of law against both the student and his or her parents. A complaint against the parent may be filed in the appropriate court if the student:

- is absent from school on ten or more days or parts of days within a six-month period in the same school year, or
- is absent on three or more days or parts of days within a four-week period. 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. However, if the student attends the Credit Recovery Program and meets all requirements, (passing grades, and make up the necessary number of hours) the student will receive credit for the class.

In accordance with District policy (FEA Local), students under the age of 19 may be withdrawn from school for non-attendance after being absent ten consecutive school days and repeated efforts by the attendance officer and or principal to locate student have been unsuccessful or exhausted.

Questioning Students
Administrators, teachers, and other professional personnel may question a student regarding the student’s own conduct or the conduct of other students. In the context of school discipline, students have no claim to the right not to incriminate themselves.

Detentions
For minor infractions of the Student Code of Conduct, or campus/classroom rules, teachers or administrators may detain students after school hours on one or more days. Before being assigned to detention, a student will be informed of the behavior that allegedly constitutes the violation, and will be given an opportunity to explain his or her version of the incident. The period of time for which a student is assigned to detention will be used for educational purposes.

Notice of Assignment to Detention
When detention is used, notice will first be given to the student’s parent to inform him or her of the reason for the detention and permit arrangements for the necessary transportation of the student. Except in the case of a student who is 18 years of age or older, the detention will not begin until the parents have been notified. The student’s parents, if the student is a minor may be required to provide transportation when the student has been assigned to detention.

Student without a Driver’s License
Student operating a motor vehicle without a driver’s license or not meeting insurance requirements shall be cited by ZCISD Police Department law enforcement officials. The vehicle shall be towed away at the owner’s expense. Parent shall be notified of the student’s driving violation.

Parental Liability for School Property
A parent or other person who has the duty of control and reasonable discipline of a child is liable for any property damage proximately caused by:

- the negligent conduct of the child if the conduct is reasonably attributable to the negligent failure of the parent or other person to exercise that duty; or
- the willful and malicious conduct of a child who is at least ten years of age but less than 18 years of age.
Failure to comply in paying damages will result in legal proceedings to recover school property.

**Parent Responsibilities**

Ensure that their child complies with District and school policies, rules and regulations.

- assist their child to attend school well-groomed and dressed appropriately in accordance to Section IX
- communicate regularly with the school concerning their child’s academic progress and conduct
- provide for the physical needs of the child
- participate in parent-teacher conferences and other activities in which their child is involved
- cooperate with and support the teachers and the school administrators in their efforts to achieve and maintain a quality school system
- discuss report cards and classroom assignments with their child
- inform the school of any problems or conditions in the home, which affect their child
- provide a work area free of interruption where their child may study and do homework
- maintain up-to-date home, work, and emergency telephone numbers at the school
- prepare the child emotionally and socially to be receptive to learning and discipline
- encourage the child to develop proper study habits at home
- send their child to school on time and on a daily basis
- teach their child to respect authority
- insist that the child spend a minimum period of time studying each day
- assist the child to assume responsibility for appropriate behavior and to accept the consequences of inappropriate behavior
- cooperate with the school in assisting their child to grow into a self-disciplined, mature and responsible individual
- provide transportation in a timely manner if student does not utilize District transportation.

**Teacher Responsibilities**

Provide an effective program of instruction.

- maintain an orderly classroom, conducive to learning
- serve as a model for students by showing respect for themselves, students, parents, and other school personnel
- be in regular attendance
- be punctual
- communicate regularly with parents regarding their child’s progress
- maintain a well-groomed appearance and dress appropriately to serve as a role model for students
- indicate a genuine interest and concern for the welfare of students
- assist students to follow the rules of expected behavior
- teach students responsibility for their actions by enforcing the rules of conduct and discipline fairly and appropriately for those students who violate these rules
- recognize the growth, success, and achievement of students
- obey District and school policies and regulations
- establish rapport and an effective working relationship with parents, students, and other staff members
- encourage work habits that will lead to the accomplishment of both short-term and long-term goals

**Administrator Responsibilities**

Establish a climate for learning conducive to good teacher performance and maximum student growth.

- provide appropriate support for teachers in dealing with students who are sent to the office for behaving inappropriately
- implement a flexible curriculum within the limits provided by the District and the state to meet the needs of all students
- promote effective training and discipline based upon fair and impartial treatment of all students using the Student Code of Conduct as a reference point
- encourage parents to keep in regular communication with the school and encourage parental participation in required parent-teacher conferences
• develop a cooperative working relationship among staff and students
• assist students by providing appropriate assistance in learning self-discipline
• assume responsibility and instructional leadership for discipline and for evaluation of the discipline management plan
• ensure students’ safety through maintenance of the school grounds
• manage human and physical resources in a manner supportive to the overall goals of the educational program
• maintain a well-groomed and appropriately dressed appearance

School Bus Standards of Safety and Conduct:
School bus transportation is provided for all students who live two miles or more from their corresponding school zone. In addition, students who live in areas that have been designated as hazardous also receive bus service. Special Education students who have been granted transportation services and stipulated in their IEP shall receive bus service. An ARD meeting shall be held to address Special Education student needs. Zapata County ISD adheres to transportation eligibility policies as defined in the Texas Education Code.

Discipline Management Plan for School Buses
The school bus is an extension of the classroom and student discipline will be administered by the transportation supervisor or a school administrator with the assistance from the bus driver. All school District policies that apply to student conduct and other student related activities apply to the school bus.

**Procedures/Consequences** Whenever a student ignores one of the School Bus Standards of Safety and Conduct or commits any violation jeopardizing the safety of student passengers or the driver, action must be taken using provisions of the plan. Alternative behavior management techniques included but not limited to counseling, seat assignment, placing student in silence may be used to alter the student’s behavior. Should that fail, more severe measures will be taken in accordance with the step process described below.

1st incident: the driver will verbally warn the student and document the incident which led to the warning.

2nd incident: the driver will send the bus conduct report and forward it to the bus transportation supervisor. The transportation supervisor will forward the bus conduct report to the campus principal to take action and contact the parents. (Depending on the severity of the offense, action could lead to a three (3) day suspension).

3rd incident: this will lead to a ten (10) day suspension of bus transportation services.

Any subsequent incident may result in the suspension of the student’s transportation services for an additional (10) ten days or the remainder of the school year.

Any other conduct not specifically listed that substantially disrupts the safe operation of the bus may also result in suspension of school bus transportation services or other disciplinary action may be applied. Surveillance cameras are used in buses on a random basis to promote safety.

Since the district’s primary responsibility in transporting students in district vehicles is to do so as safely as possible, the operator of the vehicle must focus on driving and not have his or her attention distracted by student misbehavior. Therefore, when appropriate disciplinary management techniques fail to improve student behavior or when specific misconduct warrants immediate removal, the principal or the campus behavior coordinator may restrict or revoke a student’s transportation privileges, in accordance with law.

Refer to the student/parent handbook for additional transportation information.

**SECTION VI: DISCIPLINE MANAGEMENT TECHNIQUES**

Discipline shall be designed to improve conduct and to encourage students to adhere to their responsibilities as members of the school community. Disciplinary action shall draw on the professional judgment of teachers and administrators and on a range of discipline management techniques, including restorative practices. Discipline shall be based on the seriousness of the offense, the student’s age and grade level, the frequency of misbehavior, the student’s attitude, the effect of the misconduct on the school environment, and statutory requirements.
The following discipline management techniques may be used—alone or in combination, or as part of progressive interventions—for behavior prohibited by the Student Code of Conduct or by campus or classroom rules:

- Verbal correction, oral or written.
- Cooling-off time or a brief “time-out” period, in accordance with law.
- Seating changes within the classroom or vehicles owned or operated by the District.
- Temporary confiscation of items that disrupt the educational process.
- Rewards or demerits.
- Behavioral contracts.
- Counseling by teachers, school counselors, or administrative personnel.
- Parent-teacher conferences.
- Behavior coaching
- Anger management classes
- Mediation (victim – offender)
- Classroom circles
- Family group conferencing
- Grade reductions for cheating, plagiarism, and as otherwise permitted by policy.
- Detention/ISS, including outside regular school hours.
- Sending the student to the office or other assigned area, or to in-school suspension (ISS).
- 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.
- Restriction or revocation of District transportation privileges.
- School-assessed and school-administered probation.
- Corporal punishment, unless the student’s parent or guardian has provided a signed statement prohibiting its use.
- Out-of-school suspension (OSS), as specified in the Out-of-School 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 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.

**Discipline of 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, the district shall comply with federal law. For more information regarding discipline of students with disabilities, see policy FOF(LEGAL).

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, cyberbullying, harassment, or making hit lists (see glossary) until an Admission, Review, and Dismissal (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.

The District personnel will treat students with dignity and respect and ensure that students with disabilities eligible under Subchapter A, Chapter 29, will not be confined in a locked box, locked closet or other specially designed locked space as either a discipline management practice or behavior management technique. (Additional information regarding time-out and restraint can be found in state law rules Texas Education Code Section 37.0021; Title 19 of the Texas Administrative Code; Sec. 89.1053)
Placement of Students with Disabilities
The placement of a student with disabilities who receives special education services may be made only by a duly constituted ARD committee. A student with a disability who receives special education services may not be placed in alternative education programs solely for educational purposes if the student does not also meet the criteria for alternative placement for their conduct.

Any discipline action regarding a student with disabilities that would constitute a change in placement under federal law may only occur after a manifestation determination review has been conducted by the student’s ARD committee.

All disciplinary actions regarding a student with a disability who receives special education services shall be determined in accordance with federal law and regulations, including the provision of functional behavioral assessments; positive behavioral interventions, strategies, and supports; behavioral intervention plans; and the manifestation determination review.

Notification
The campus behavior coordinator shall promptly notify a student’s parent by phone or in person of any violation that may result in an in-school or out-of-school suspension, placement in a DAEP, or expulsion. The campus behavior coordinator shall also notify a student’s parent if the student is taken into custody by a law enforcement officer under the disciplinary provisions of the Education Code. A good faith effort shall be made on the day the action was taken to provide to the student for delivery to the student’s parent written notification of the disciplinary action. If the parent has not been reached by telephone or in person by 5:00 p.m. of the first business day after the day the disciplinary action was taken, the campus behavior coordinator shall send written notification by U.S. Mail. If the campus behavior coordinator is not able to provide notice to the parent, the principal or designee shall provide the notice.

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

Required Conference
Not later than the third class day after the day on which a student is removed from class by a teacher or by a school administrator, the campus behavior coordinator, the principal or other appropriate administrator shall schedule a conference which includes the principal or other appropriate administrator, a parent or guardian of the student, the teacher removing the student from class, if any, and the student.

At the conference, the student is entitled to written or oral notice of the reasons for removal, an explanation of the basis for the removal, and an opportunity to respond to the reasons for the removal. The student may not be returned to the regular class pending the conference.

Following the conference, and whether or not each requested person is in attendance after valid attempts to require the person’s attendance, the campus behavior coordinator or principal shall determine the disposition of the case consistent with the Student Code of Conduct.

Questions & Complaints
Parental questions or complaints regarding disciplinary measures should be addressed to the teacher, campus administration, or campus behavior coordinator 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 at the following Web address: www.zcisd.org

The District shall not delay a disciplinary consequence while a student or parent pursues a grievance.
PROHIBITED AVERSIVE TECHNIQUES

Aversive techniques are prohibited for use with students and are defined as techniques or interventions intended to reduce the reoccurrence of a behavior by intentionally inflicting significant physical or emotional discomfort or pain. Aversive techniques include:

- Using techniques designed or likely to cause physical pain, other than corporal punishment as permitted by district policy. [See policy FO(LOCAL).]
- Using techniques designed or likely to cause physical pain by electric shock or any procedure involving pressure points or joint locks.
- Directed release of noxious, toxic, or unpleasant spray, mist, or substance near a student’s face.
- Denying adequate sleep, air, food, water, shelter, bedding, physical comfort, supervision, or access to a restroom facility.
- Ridiculing or demeaning a student in a manner that adversely affects or endangers the learning or mental health of the student or constitutes verbal abuse.
- Employing a device, material, or object that immobilizes all four of a student’s extremities, including prone or supine floor restraint.
- Impairing the student’s breathing, including applying pressure to the student’s torso or neck or placing something in, on, or over the student’s mouth or nose or covering the student’s face.
- Restricting the student’s circulation.
- Securing the student to a stationary object while the student is standing or sitting.
- Inhibiting, reducing, or hindering the student’s ability to communicate.
- Using chemical restraints.
- Using time-out in a manner that prevents the student from being able to be involved in and progress appropriately in the required curriculum or any applicable individualized education program (IEP) goals, including isolating the student by the use of physical barriers.
- Depriving the student of one or more of the student’s senses, unless the technique does not cause the student discomfort or complies with the student’s IEP or behavior intervention plan (BIP).

SECTION VII: 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 campus behavior coordinator’s office as a discipline management technique. The campus behavior coordinator shall employ alternative discipline management techniques, including progressive interventions. A teacher or administrator may remove a student from class for a behavior that violates this Code to maintain effective discipline in the classroom.

Formal Removal

A teacher may also initiate a formal removal from class if:

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

Within three school days of the formal removal, the campus behavior coordinator or appropriate administrator shall schedule a conference with the student’s parent, the student, the teacher who removed the student from class, and any other appropriate administrator.
At the conference, the campus behavior coordinator or appropriate administrator shall inform the student of the alleged misconduct and the proposed consequences. The student shall have an opportunity respond to the allegations.

When a student is removed from the regular classroom by a teacher and a conference is pending, the campus behavior coordinator or other administrator may place the student in:

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

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 shall be followed.

**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. The teacher may not be coerced to 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.

**SECTION VIII: SUSPENSION**

**Misconduct**

Students may be suspended for any behavior listed in the Code as a general conduct violation, DAEP offense, or expellable offense. The District shall not use out-of-school suspension for students in grade 2 or below unless the conduct meets the requirements established in law.

A student below grade 3 or a student who is homeless shall not be placed in out-of-school suspension unless, while on school property or while attending a school-sponsored or school-related activity on or off school property, the student engages in:

- Conduct that contains the elements of a weapons offense, as provided in Penal Code Section 46.02 or 46.05;
- Conduct that contains the elements of assault, sexual assault, aggravated assault, or aggravated sexual assault, as provided by the Penal Code; or
- Selling, giving, or delivering to another person or possessing, using, or being under the influence of any amount of marijuana, an alcoholic beverage, or a controlled substance or dangerous drug as defined by federal or state law.

The District shall use a positive behavior program as a disciplinary alternative for students below grade 3 who commit general conduct violations instead of suspension or placement in a DAEP. The program shall meet the requirements of law.
Process
In deciding whether to order suspension, the District will take into consideration:
- self-defense (see glossary);
- intent or lack of intent at the time the student engaged in the conduct;
- the student’s disciplinary history;
- a disability that substantially impairs the student’s capacity to appreciate the wrongfulness of the student’s conduct;
- a student’s status in the conservatorship of the Department of Family and Protective Services (foster care);
  OR
- a student’s status as homeless.
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. The number of days of a student’s suspension shall be determined by the campus behavior coordinator, but shall not exceed three school days.

Before being suspended, a student will have an informal conference with the campus behavior coordinator who shall advise the student of the alleged misconduct. The student shall have the opportunity to respond to the allegations before the administrator’s decision is made. The campus behavior coordinator shall send a copy of the incident report documenting the violation to the student’s parent or guardian within 24 hours.

Any student who is placed in out of school or in-school suspension must be given the opportunity to complete before the beginning of the next school year each course in which the student was enrolled at the time of the removal.

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

Students with disabilities are subject to applicable state and federal law in addition to the Student Code of Conduct. To the extent of any conflict, state and/or federal law will prevail.

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

A student removed from the regular classroom to in-school suspension or another setting, other than a DAEP, will have an opportunity to complete before the beginning of the next school year each course the student was enrolled in at the time of removal from the regular classroom. The district may provide the opportunity by any method available, including a correspondence course, another distance learning option, or summer school. The district will not charge the student for any method of completion provided by the district.

SECTION IX: GENERAL PROVISIONS OF THE STUDENT DRESS CODE

The general provision of the student dress code applies to all students. Students who attend the school must abide by the general provisions of the student dress code. Zapata County ISD Dress Code guidelines may be found in the appendix section of the Parent / Student Handbook or on the District’s website at www.zcisd.org.
SECTION X: LEVELS OF DISCIPLINARY OFFENSES

★LEVEL 1: TEACHER DIRECTED DISCIPLINE
The classroom teacher must successfully manage most students’ misbehaviors. There must be immediate and consistent teacher interventions for any behavior, which impedes the orderly operation of the classroom. A minimum of three Level 1 student violations with recommended documentation and parental notification is required before the administrator intervenes. Teachers shall submit copies of Level 1 student violation reports to the administrator or designee for review, as per administrator’s discretion.

General Misconduct Violations such as, but not limited to: (Level 1)
- dress code violations
- failure to bring required classroom materials and/or assigned work to all classes
- failure to deliver and/or return written communications between home and school
- throwing objects in class
- being defiant
- annoying classmates
- excessive talking
- making excessive noise
- refusal to participate in classroom activities/ sleeping in class
- skipping class
- lack of cooperation
- rude/discourteous
- restless/inattentive
- cheating, plagiarism copying the work of another student, or allowing one’s own work to be copied
- profanity/offensive language
- excessive tardiness to class
- excessive absences
- inappropriate affection (kissing, hugging, embracing, or any other act that may be offensive)
- inappropriate language
- displays, turn on, or use of a telecommunication device, including a cellular telephone, or other electronic devices on school property during the school day
- any other act which impedes the orderly classroom procedures or interrupts the orderly operation of the class.

Disciplinary Consequences: (Level 1)
- supervised time out in the classroom
- assign different seats
- detention (teacher led) before or after school
- parent contact: written note, telephone call or mandatory parent/teacher conference
- teacher/student conference
- behavioral contract
- verbal correction in appropriate manner
- other appropriate in-class disciplinary actions as outlined by campus administrator
- referral to counselor
- grade reduction as allowed by District policy (for cheating, plagiarism, copying the work of another etc.)
- confiscation of prohibited items

Procedures: (Level 1)
- Intervention must be followed up by the teacher who observes the misbehavior.
- The teacher must maintain a record of the offenses and disciplinary actions.
- The teacher shall discuss the misbehavior with the parent, administrator and/or support personnel.
Any removal of a student by a teacher for behavior described above requires that the teacher report the offense to the principal or appropriate administrator. (Taking Charge Form) The principal or appropriate administrator will then send a copy of the report to the student's parent or guardian within 24 hours after receiving the teacher’s report.

★LEVEL 2: ADMINISTRATOR DIRECTED DISCIPLINE

These level 2 student violations will result in a referral to an administrator. The disciplinary actions will depend on the offense, previous infractions, and the seriousness of the misbehavior. Included are those student acts that interfere with the orderly educational process in the classroom and/or the school. A teacher who observes a student engaged in a Level II or higher misconduct must make a written report to the principal or other appropriate administrator.

General Misconduct Violations such as, but not limited to: (Level 2) (Code 21)

- Repeated dress code violations
- repeatedly being defiant
- fighting
- repeatedly throws objects, outside supervised school activities, that can cause bodily injury or damage property
- disruptive behavior on school bus and/or disobeying rules for conduct on school buses
- loitering in unauthorized areas
- engaged in a verbal confrontation
- posting unauthorized materials on school grounds
- repeatedly uses profanity/offensive language toward other students or District employees
- repeated/continuation of Level I misbehavior with proper documentation provided to administration
- skipping class/truancy – excessive unexcused absences
- displays insubordination and or defiance
- Repeatedly displays, turn on, or use of a telecommunication device, including a cellular telephone, or other electronic devices on school property during the school day
- leaves school grounds or school-sponsored events without permission
- stealing from students, staff, or the school
- discharging a fire extinguisher
- gambling
- falsifying passes, or other school-related documents
- repeatedly violating other communicated campus or classroom standards of behavior
- any other act that interferes with the orderly educational process in the classroom and/or the school
- traffic violations, unauthorized parking
- violating policies, rules, or agreements signed by the student or student’s parents regarding the use of technology resources
- bullying (see appendix B)
- possession / use of prank sprays / stink bombs
- possession of a tobacco product on school premises / activity

Disciplinary Consequences: (Level 2)

- behavioral contracts
- denial of school transportation privileges
- detention (campus)
- parental contact by phone and written notification to parent/guardian within 24 hours
- referral to law enforcement authorities
- restitution/processing fees
- suspension (ISS) or (OSS)
- Responsibility Awareness Techniques
- confiscation of items
- any other appropriate action determined by the administration
- referral to Attendance Officer
- removal of student parking permit and privileges
# Procedures: (Level 2)
- referral to principal/designee in writing (Taking Charge Form & Discipline Referral Form)
- administrator confers with student and or teachers to establish appropriate action
- discipline referral retained by administrator
- written notification to parent and teacher indicating action taken by administrator

**LEVEL 3: DISCRETIONARY DAEP PLACEMENT**

Students in violation of any of the following offenses or behaviors may be suspended for up to three days pending a conference, and may be placed in the District’s DAEP. The recommendation for removal of a student to the DAEP must be made by the Campus Behavior Coordinator. The Campus Behavior Coordinator will make the final decision to place the student at the DAEP. The Campus Behavior Coordinator may modify the length of the student’s placement as it is dictated in Chapter 37 of the (TEC) Texas Education Code.

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

- self-defense (see glossary);
- intent or lack of intent at the time the student engaged in the conduct;
- the student’s disciplinary history;
- a disability that substantially impairs the student’s capacity to appreciate the wrongfulness of the student’s conduct;
- a student’s status in the conservatorship of the Department of Family and Protective Services (foster care);
- or
- a student’s status as homeless.

The maximum DAEP discretionary placement or term for a secondary student (7th – 12th) shall be 60 successful school days. Students that continue to violate the Student Code of Conduct and are assigned to the DAEP for a 2nd time during the same school year are subject to a 90 day placement.

The maximum period or term for an elementary student (1st-6th) assigned to the DAEP under discretionary placement shall not exceed 45 days.

## General Misconduct Violations such as, but not limited to: (Level 3)

In accordance with state law, a student may be placed in an alternative education program based on conduct occurring off campus and while the student is not in attendance at a school-sponsored or school-related activity if:

- the superintendent or designee has a reasonable belief that the student has engaged in conduct defined as a felony offense other than those defined in Title 5, Penal Code or aggravated robbery, and
- the continued presence of the student in the regular classroom threatens the safety of other students or teachers or will be detrimental to the educational process
- In accordance with state law, a student may be placed in DAEP for any of the following offenses:
  - Engaging in bullying that encourages a student to commit or attempt to commit suicide
  - Inciting violence against a student through group bullying
  - Releasing or threatening to release intimate visual material of a minor or a student who is 18 years of age or older without the student’s consent
  - 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

A student may be placed in an alternative education program and/or suspended if the student engages in any of the following offenses while on school property, at any school-sponsored or school-related activity on or off school property, or on a school bus;
- engaging in assault (code 21)
  - intentionally or knowingly threatens another with imminent bodily injury; Penal Code 22.01 (a)(2)
  - intentionally or knowingly causes physical contact with another when the person knows or should reasonably believe the other will regard the contact as offensive or provocative. Penal Code 22.01 (a)(3)
- engages in bullying, cyber bullying, harassment, and making hit lists (see glossary for all four terms) (code 21)
- engages in habitual fighting, repeated commission of physical abuse or threat of physical abuse, or involvement in a serious fight (code 21 or 41)
- engages in verbal, written, or graphic abuse (e.g., name calling, racial, ethnic slurs, or derogatory statements) which may disrupt the school environment or incite violence (code 21)
- engages in sexual harassment toward another student or District employee or engages in offensive verbal or physical behavior of a sexual nature, which may include requests for sexual favors, or similar intimidation directed toward another (code 21)
- forcing an individual to act through the use of force or threat of force (code 21)
- engages in hazing (code 21)
- engages in conduct that constitutes dating violence
- exhibiting disrespect, direct profanity, pornography (e.g., being in possession of pornographic materials including, but not limited to, pictures, magazines, books, films, computer disc, or any electronic device) vulgar language, or obscene gestures towards teachers, other District employees, or fellow students (code 21)
- using the Internet or other electronic communication to engage in or encourage illegal behavior or threaten school safety, including off school property if the conduct causes substantial disruption to the educational environment or infringes on the rights of another student at school. (code 21)
- records 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 (code 21)
- attempts 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 or infringes on the rights of another student at school. (code 21)
- Use the Internet or other electronic communications to threaten District students, employees, board members, or volunteers, including off school property if the conduct causes a substantial disruption to the educational environment or infringes on the rights of another student at school.
- attempts to alter, destroy, or disable District technology resources including but not limited to computers and related 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 or infringes on the rights of another student at school. (code 21)
- sends, posts, delivers or possess electronic messages that are abusive, obscene, sexually oriented, threatening, harassing, damaging to another’s reputation or illegal, including cyber-bullying and sexting either on or off school property, if the conduct causes a substantial disruption to the educational environment or infringes on the rights of another student at school.
- possesses any weapon not classified in the Texas Penal Code (e.g., a sling shot, B. B. gun, laser pens/pointers, personal chemical dispensing devices, a crossbow, bow and arrow, blowgun, Chinese star, or ice pick, a razor carried, designed, made or adapted for use as a weapon) (code 21)
- any student possessing a non-illegal knife such as a pocket knife, pen knife, “homemade shanks”, etc. (code 50)
- *possessing location-restricted knife as defined by state law. (See glossary)
  - a pocketknife or any other small knife;
  - possessing a hand instrument designed to cut or stab another by being thrown
- *possessing a firearm
  - possessing a “look-alike” weapon that is intended to be used as a weapon or could reasonably be perceived as a weapon
- engages in vandalism (code 21, 22, or 02)
- engages in extortion, coercion, or blackmail (code 21)
- engages in tobacco violations (code 33)
- possession / use of vaporizing device (electronic cigarettes, hookah pen) (code 21)
- participates in aggressive, disruptive action or group demonstrations that substantially disrupts or materially interferes with school activities (code 21)
- engages in persistent misbehavior, which is defined, as two or more violations of the Student Code of Conduct including excessive tardiness/absences (code 21)
- plays with matches or fire (code 21)
- disobeys school rules (code 21)
- possesses drug paraphernalia (code 21)
- possess or sell seeds or pieces of marijuana in less than a usable amount
- possesses ammunition capable of being expelled through a barrel by using the energy generated by an explosion or burning substance (code 21)
- engages in evasion (code 21)
- possesses or ignites fireworks (code 21)
- commits burglary or theft (code 21)
- abuses an over-the-counter drug, gives or delivers an over-the-counter drug to another student, or becomes impaired due to abuse of an over-the-counter drug (code 21)
- participates in a food fight (code 21)
- defacing/destroying school property is such conduct would not otherwise meet the elements of criminal mischief or graffiti (code 21)
- possessing or selling look-alike drugs or items attempted to be passed off as drugs or contraband (code 21)
- possession of over-the-counter drugs (not prescribed) (code 21)
- possessing or selling a “look-alike” weapon that is intended to be used as a weapon or could reasonably be perceived as a weapon; (code 21)
- repeatedly violates dress and grooming standards of the general provision of the student dress code (code 21)
- making false accusations or perpetrating hoaxes regarding school safety (code 21)
- possession of a razor blade
- spitting
- urinating in public
- gambling
- discharging a fire extinguisher
- playing dangerous games and/or engaging in acts that may cause physical harm

**Disciplinary Consequences: (Level 3)**
- referral to campus behavior coordinator/principal/designee in writing
- required administrator/student/parental conference
- referral of student to DAEP
- referral to Law Enforcement
- removal of transportation services
- restitution/restoration
- suspension for up to three school days per occurrence
- any other appropriate disciplinary actions determined by the administration

**Procedures (Level 3)**
- Disciplinary referral to the campus behavior coordinator/principal/designee in writing
- Campus behavior coordinator advises parents/guardian in writing within 24 hours
- Administrator/Campus behavior coordinator confers with student and parent about the student’s misconduct.
- The student is given an opportunity to explain his/her version of the incident. (Due Process)
- During this conference, the student/parent will be given a written notice of the reason and explanation of the basis for the removal.
- Following the conference, the principal shall recommend the placement of the student.
- The Campus Behavior Coordinator will make the final decision to place the student at the DAEP.
- Course work notice shall be given to the parent/student

**LEVEL 4: MANDATORY DAEP PLACEMENT**

Students guilty of any of the below offenses or behaviors may be suspended for up to three days pending a conference, and shall be placed in the District’s DAEP after a hearing has been conducted. Removals to the DAEP will be made by the campus behavior coordinator. The campus behavior coordinator makes the final decision to place the student at the DAEP. For a Title 5 Felony committed off campus, (code 9) or aggravated robbery, a student may be expelled or shall be placed in the DAEP if the student’s presence in the regular classroom:

- threatens the safety of other students or teachers,
- will be detrimental to the educational process, or
- is not in the best interest of the District’s students

The duration of a student’s placement will be determined by the Campus Behavior Coordinator who will evaluate each case on an individual basis. DAEP placement will be correlated to the seriousness of the offense, student age, and grade level, frequency of misconduct, student’s attitude, and statutory requirements. The maximum period for a mandatory DAEP placement shall not exceed 80 successful school days. Students that continue to violate the Student Code of Conduct and are placed at DAEP for a 2nd time during the same school year are subject to a placement of 120 school days.

Mandatory DAEP placement for an elementary student (1st – 6th) shall not be more than (60) sixty days.

**General Misconduct Violations: (Level 4)**

A student must be placed in a DAEP for any of the following offenses, if the student commits these 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 (code 02)
- commits an assault under Penal Code 22.01(a) (1) (See glossary) (code 27 & 28)
- 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 of this Student Code of Conduct.) A student with a valid prescription for low-THC cannabis as authorized by Chapter 487 of the Health and Safety Code does not violate this provision. (See glossary) (code 04)
- synthetic compounds such as: look-alike drugs known as K2, spice, bath salts as controlled substance
- 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 in this Student Code of Conduct.) (code 05)
- behaves in a manner that contains the elements of an offense relating to abusable volatile chemicals (code 06)
- behaves in a manner that contains the elements of the offense of public lewdness / indecent exposure (07)
- behaves in a manner that contains the elements of the offense of (code 07)
- Engages in conduct that contains the elements of an offense of harassment against an employee under Penal Code 42.07(a)(1), (2), (3), or (7).
- engages in expellable conduct, if the student is between six and nine years of age
- engages in conduct that contains the elements of the offense of retaliation against any school employee on or off school property (Committing retaliation in combination with another expellable offense is addressed in the expulsion section of this Student Code of Conduct.) (code 08)
- engages in terrorist threat (code 26)
- engages in an assault under Penal Code Section 22.01 (a) (1) against a school District employee or volunteer (code 27)
- Engages in conduct relating to a false alarm or report (including a bomb threat) or a terrorist threat involving a public school. (See glossary.)
- aggravated robbery (code 46)
engages in conduct punishable as aggravated robbery or a felony listed under Title 5 (see glossary) of the Penal Code when the conduct occurs off school property and not at a school-sponsored or school-related event and;

- The student receives deferred prosecution under Family Code 53.03; found by a court jury to have engaged in delinquent conduct under Family Code 54.03; or the superintendent or designee has a reasonable belief that the student engaged in the conduct;
- The student is charged with engaging in conduct defined as aggravated robbery or a Title 5 felony offense;
- The student is referred to a juvenile court for all allegedly engaging in delinquent conduct under Family Code 54.03 for conduct defined as a Title 5 felony offense or aggravated robbery; or
- The student received probation or deferred adjudication or convicted or arrested or charged with a Title 5 felony offense or aggravated robbery.

The disciplinary placement may be without regard for the date or location of the offense or enrollment status of the student or court disposition and the student is subject to the placement until one of the following occurs:

- The student graduates from high school;
- The charges are dismissed or reduced to misdemeanor offense; or
- The student completes the term of the placement or is assigned to another program.

**Disciplinary Consequences: (Level 4)**

- suspensions for up to 3 school days
- removal from the regular classroom
- recommendation for DAEP placement
- referral to Law Enforcement Agency
- prohibited from attending or participating in school sponsored or school-related activities
- emergency removal

**Procedures: (Level 4)**

Before removing a student to a DAEP under Texas Education Code (TEC) 37.008, the appropriate administrator shall schedule a conference with the principal and/or other appropriate administrators, a parent or guardian of the student, the teacher removing the student from class, if any, and the student. At the conference, the student is entitled to written or oral notice of the reasons for the removal, an explanation of the basis for the removal, and an opportunity to respond to the reasons for the removal. If the student has allegedly committed a crime, then the District official holding the conference must present evidence of the alleged crime as provided by a law enforcement agency. The following are the procedures for placing a student at the DAEP:

- administrator refers student to District’s designee with proper documentation in a placement folder
- District’s designee contacts parents and conducts placement hearing
- if parents fail to show up for the hearing after valid attempts have been made to notify parents of the hearing, the scheduled hearing shall be held in their absence
- at the hearing, the Campus Behavior Coordinator presents the evidence, witnesses, and other documents the case may have, and provide the student an opportunity to present evidence, witnesses and other documents in his/her defense
- at the conclusion of the hearing, the Campus Behavior Coordinator shall make the final determination to place or decline placement of a student at the DAEP based on the Student Code of Conduct rules and regulations and state law
- if the student is assigned to the DAEP, the Campus Behavior Coordinator will write a placement order and shall forward a copy to the student’s parents and the DAEP
- coursework notice shall be given to the parent/student

Students who violate the District’s Student Code of Conduct in a way that requires the student be placed in DAEP and the student withdraws from the District before starting or completing the DAEP placement and returns during the school year, that student will be placed in the DAEP to complete the assigned term of placement.
When a student under the age of ten engages in behavior that is expellable, the student will not be expelled but rather placed in the Zapata County ISD Disciplinary Alternative Education Program. The student may not be placed in an alternative education program with any other student who is not an elementary school student. Student under the age of six will not be removed from class or placed in a Disciplinary Alternative Program, unless the student commits a federal firearm offense.

**Please note:** Upon receipt of notice under Article 15.27(g), Code of Criminal Procedures, the superintendent or designee shall review the student’s DAEP placement and may continue the placement if there is reason to believe the student’s presence in the classroom threatens the safety of other students and teachers.

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.

**Sanctions:** Students removed to a DAEP are prohibited from attending or participating in school-sponsored or school-related activities. Persistent or repeated violations of the rules of conduct may result in increasingly serious penalties.

**LEVEL 5: MANDATORY EXPULSION FOR SERIOUS OFFENSES**
In deciding whether to order expulsions, regardless of whether the action is mandatory or discretionary, the District will take into consideration:

- self-defense (see glossary);
- intent or lack of intent at the time the student engaged in the conduct;
- the student’s disciplinary history;
- a disability that substantially impairs the student’s capacity to appreciate the wrongfulness of the student’s conduct;
- a student’s status in the conservatorship of the Department of Family and Protective Services (foster care); or
- a student’s status as homeless.

In accordance with Texas Education Code Section 37.007, a student shall be expelled from school if the student, on school property, or while attending a school sponsored or school-related activity on or off school property, or on a school bus, engages in any violation listed under this section. A student must be at least 10 years of age on the date the offense is committed to be expelled. The duration of expulsion may not extend beyond the end of the semester, or 90 days, unless the conduct for which the expulsion was assessed during the final nine weeks of the semester, in which case the expulsion can extend beyond the end of the subsequent semester. 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, unless the district determines that the student is a threat to the safety of other students or to district employees, or extended expulsion is in the best interest of the student. Some of the following types of misconduct may result in mandatory placement in a DAEP, whether or not a student is expelled.

- A student, who brings a firearm, must be expelled from the student’s regular campus for a period of at least one calendar year. The duration of an expulsion shall not exceed 180 school days. However, the superintendent or appropriate administrator may modify the length of the expulsion on a case-by-case basis.
- A student shall be expelled if the student engages in conduct that contains the elements of any offense listed below against any District employee or volunteer in retaliation for or as a result of the person’s employment or association with the District, without regard to whether the conduct occurs on or off school property.
- 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 disciplinary alternative program.
- Students under the age of six will not be removed from class or placed in a DAEP unless the student commits a federal firearm offense.
- District academic credit will be earned for work completed at DAEP during the period of expulsion, unless the student is not receiving educational services.
1) A student shall be expelled from school if the student engages in the following violations on school property or while attending a school-sponsored or school-related activity on or off of school property, as per the Disciplinary Actions Reason Codes 51, 52, 53 and 54. (See Appendix A).

   i) uses, exhibits, or possesses the following, as defined by the Penal Code:

      (1) A firearm (code 11); defined as 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.

      In accordance with federal law, a student who brings a firearm (as defined in 18 U.S.C. Section 921) to school shall be expelled from the student’s regular campus for a period of at least one calendar year. A “Firearm” is defined by federal law as (Code 11)

         (a) any weapon (including a starter gun) that will, is designed to, or readily be converted to expel a projectile by the action of an explosive

         (b) the frame or receiver of any such weapon

         (c) any firearm muffler or firearm weapon

         (d) any destructive device, such as any explosive, incendiary or poison gas bomb, or grenade

      (2) prohibited weapons (code 14);

         (a) an explosive weapon

         (b) a machine gun

         (c) a short-barrel firearm

         (d) a firearm silencer

         (e) knuckles

         (f) armor-piercing ammunition

         (g) a chemical dispensing device,

         (h) a zip gun

         (i) tire deflation device

   ii) engages in conduct that contains the elements of the offense of:

         (1) Aggravated assault, sexual assault, or aggravated sexual assault (code 29, 30, 31, 32)

         (2) arson (code 16)

         (3) murder, capital murder, or criminal attempt to commit murder or capital murder (code 17)

         (4) indecency with a child (code 18)

         (5) aggravated kidnapping (code 19)

         (6) aggravated robbery (code 46)

         (7) manslaughter (code 47)

         (8) criminally negligent homicide (code 48)

         (9) continuous sexual abuse of a young child or children

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

         (1) marijuana if the conduct is punishable as a felony (code 36)

         (2) a controlled substance if the conduct is punishable as a felony (code 36) ; or

         (3) a dangerous drug if the conduct is punishable as a felony (code 36)

   iv) sells, gives or delivers an alcoholic beverage to another person if the conduct is punishable as a felony (code 37)

   v) commits a serious act or offense while under the influence of alcohol if the conduct is punishable as a felony (code 37)

   vi) possesses, uses, or is under the influence of an alcoholic beverage if the conduct is punishable as a felony (code 37)

Commission of any of the above conduct while within 300 feet of school property, as measured from any point on the school’s real property boundary line or on school property of another District in the state or while attending a school sponsored or school-related activity in another District in the state is a discretionary expellable offense.

Commission of any of the above conduct against any employee or volunteer in retaliation for or as a result of the person’s employment or association with a school District is a mandatory expellable offense without regard to
whether the conduct occurs on or off school property or while attending a school-sponsored or school-related activity on or off school property, (Code 08)

**Disciplinary Consequences: (Level 5)**

- expulsion
- prohibited from attending or participating in extra-curricular activities
- referral to appropriate Law Enforcement Agency
- required administrator/parent/student conference
- restitution
- prohibited from being on District property or attending school-sponsored or school-related activities

<table>
<thead>
<tr>
<th>Procedures: (Level 5)</th>
</tr>
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<tbody>
<tr>
<td>The campus behavior coordinator, principal or designee shall investigate the student’s infraction and/or illegal act.</td>
</tr>
<tr>
<td>The campus behavior coordinator, principal or designee shall notify and confer with student, parent(s) and/or guardian(s) regarding the alleged violation. (Provide verbal notice of proposed expulsion)</td>
</tr>
<tr>
<td>Not later than the 3rd class day the campus behavior coordinator/principal/designee shall provide a written notice to the student, parents, or guardian of the proposed expulsion. Campus behavior coordinator/principal/designee shall hold a campus administrative conference. If the determination is made to expel, the case is referred to the District’s hearing officer/DAEP Administrator.</td>
</tr>
<tr>
<td>The hearing officer will conduct a due process hearing, at which time, the student, parent, and an adult representative shall be present. The student will be provided an opportunity to testify and to present evidence and witnesses in the student’s defense and an opportunity to question the District’s witnesses. After a good faith effort to inform the student and student’s parent/guardian of the time and place of the hearing, the District may hold the hearing regardless of whether they attend. The hearing officer will hear, review, and make the final determination of the expulsion hearing.</td>
</tr>
<tr>
<td>Until a hearing can be held, the principal may place the student in another appropriate classroom, in-school suspension, out of school suspension or DAEP.</td>
</tr>
<tr>
<td>If the decision is to expel, the hearing officer will notify parents and juvenile court in writing of the reason(s) and terms of expulsion within 48 hours.</td>
</tr>
<tr>
<td>The hearing officer will submit the proper information to the PEIMS office to ensure proper coding.</td>
</tr>
<tr>
<td>Course work notice shall be given to the parent/student.</td>
</tr>
</tbody>
</table>

**Please note:** The infractions and consequences listed are not limited to those provided. Infractions not listed will be categorized according to the offense, previous actions, and seriousness of the misbehavior.

**LEVEL 6: DISCRETIONARY EXPPELLABLE OFFENSES INCLUDING MISCONDUCT WHILE PLACED IN A DAEP**

A student may be expelled if the student:

1) While placed in a disciplinary alternative education program, for disciplinary reasons continues to engage in serious misbehavior that violates the District’s Student Code of Conduct, despite documented behavioral interventions while placed in a DAEP. Serious misbehavior means:
   a) Deliberate violent behavior that poses a direct threat to the health or safety of others;
   b) Extortion, meaning the gaining of money or other property by force or threat;
   c) Conduct that constitutes coercion, as defined by Section 1.07, Penal Code; or
   d) Conduct that constitutes the offense of:
      i) Public lewdness under Section 21.07, Penal Code;
      ii) Indecent exposure under Section 21.08, Penal Code;
      iii) Criminal mischief under Section 28.03, Penal Code;
      iv) Personal hazing under section 37.152, Education Code; or
      v) Harassment under Section 42.07(a)(1), Penal Code, of a student or district employee.
LEVEL 7: DISCRETIONARY EXPULSION

The following actions constitute offenses that shall or may result in expulsion. These offenses are considered to be more serious than the serious offenses listed in this Code. A campus principal, campus behavior coordinator, or other administrator is not prohibited from suspending a student or placing a student in In-School Suspension pending a complete investigation of the conduct which forms the basis for the expulsion.

Discretionary Expellable Offenses: Offenses Which May Result in Expulsion:

Any Location: A student may be expelled if the student engages in the following, regardless of where the conduct took place:

1. Engaging in bullying that encourages a student to commit or attempt to commit suicide.
2. Inciting violence against a student through group bullying.
3. Releasing or threatening to release intimate visual material of a minor or a student who is 18 years of age or older without the student’s consent.
4. Engaging in conduct that constitutes criminal mischief, if such conduct is punishable as a felony.
5. Engaging in conduct containing the elements of assault (Penal Code 22.01(a)(1)), in retaliation against any school district employee or volunteer.
6. Engaging in conduct that contains the elements of one of the following offenses against another student: aggravated assault, sexual assault, aggravated sexual assault, murder, capital murder, criminal attempt to commit murder or capital murder or aggravated robbery (Section 29.03, Penal Code).
7. Engaging in conduct involving a public school that contains the elements of the offense of false alarm or report (including bomb threat) under Section 42.06, Penal Code, or terrorist threat under Section 22.07, Penal Code. (This offense is a mandatory DAEP placement or a discretionary expulsion to DAEP).
8. Engaging in conduct that contains the elements of the offense of breach of computer security under Section 33.02 Penal Code, if the conduct involves accessing a computer, computer network, or computer system owned by or operated on behalf of a school district, and the student knowingly alters, damages, or deletes school district property information, or commits a breach of any other computer, computer network, or computer systems.

At School, Within 300 Feet, or at School Event: Commits 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.

1. Sells, gives, or delivers to another person, or possesses, uses, or is under the influence of any amount of marijuana, or a controlled substance (Chapter 481, Health and Safety Code or by 21 U.S.C. Section 801 et. Seq.), or a dangerous drug (Chapter 483, Health and Safety Code), or an alcoholic beverage (Section 1.04, Alcoholic Beverage Code) or committing a serious act or offense while under the influence of alcohol. A student with a valid prescription for low-THC cannabis as authorized by Chapter 487 of the Health and Safety Code does not violate this provision. If the conduct is punishable as a felony refer to Mandatory Expulsion section of this Code.
2. Engaging in conduct that contains the elements of an offense relating to an abusable volatile chemical under Sections 485.031 through 485.034, Health and Safety Code. (Examples: abusable glue or aerosol paint)
3. Engaging in conduct that contains the elements of the offense of deadly conduct under Section 22.05, Penal Code, including recklessly engaging in conduct that places another in imminent danger of serious bodily injury or knowingly discharging a firearm at, or in the direction of, one or more individuals or a habitation, building or vehicle.
4. Engaging in conduct that contains the elements of assault under Section 22.01(a)(1), Penal Code, against a school district employee or a volunteer as defined by Texas Education Code Section 22.053.
Property of Another District:

1. 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 a Disciplinary Alternative Education Program (DAEP): The student, while placed in a Disciplinary Alternative Education Program (DAEP), continues to

1. Engage in documented serious misbehavior that violates this Student Code of Conduct despite documented behavioral interventions while placed in a DAEP. For purposes of discretionary expulsion from a DAEP, serious misbehavior means:
   a) Deliberate violent behavior that poses a direct threat to the health or safety of others;
   b) Extortion, meaning the gaining of money or other property by force or threat;
   c) Conduct that constitutes coercion, as defined by Section 1.07, Texas Penal Code; or
   d) Conduct that constitutes the offense of:
      1. Public lewdness under Section 21.07, Texas Penal Code;
      2. Indecent exposure under Section 21.08, Texas Penal Code;
      3. Criminal mischief under Section 28.03, Texas Penal Code;
      4. Personal hazing under Section 37.152, Texas Education Code; or
      5. Harassment under Section 42.07(a)(1), Texas Penal Code, of a student or District employee.

Offenses Which May Result in Expulsion (Conduct Unrelated to School)

The following offenses may result in expulsion regardless of when or where they occur:

1. A student may also be expelled and placed into the JJAEP or District’s DAEP for the following:
   a. Deferred prosecution under Texas Family Code §53.03, found by a court or jury to have engaged in delinquent conduct under Texas Family Code §54.03 for conduct defined as a Title 5 felony offense or the felony offense of aggravated robbery under Title 7, Section 29.03, Texas Penal Code;
   b. Charged with engaging in conduct defined as a Title 5 felony offense or the felony offense of aggravated robbery under Title 7, Section 29.03, Texas Penal Code;
   c. Referred to a juvenile court for allegedly engaging in delinquent conduct under Texas Family Code §54.03 for conduct defined as a Title 5 felony offense or the felony offense of aggravated robbery under Title 7, Section 29.03, Texas Penal Code; or
   d. Received probation or deferred adjudication or convicted or arrested or charged with a Title 5 felony offense or the felony offense of aggravated robbery under Title 7, Section 29.03, Texas Penal Code.

A student who is placed in an alternative setting under these circumstances will be given the opportunity for a hearing. A placement will not be made unless the District Hearing Officer determines that the student’s presence in the regular classroom either:

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.

The expulsion or DAEP placement may be without regard for the date or location of the offense, enrollment status of the student, or court disposition, and the student is subject to placement until one of the following occurs:

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.

This placement continues regardless of whether the student transfers to another district in the state. Students are entitled to periodic 120 day review provided for other disciplinary placements. In the event of a conflict, any provision in the Student Code of Conduct that derives from Texas Education Code §37.007 will prevail.
SECTION XI: REMOVAL TO A DAEP

Process
Removals to a DAEP will be made by the District’s hearing officer/designee.

Sexual Assault and Campus Assignments
If a student has been convicted of or placed on deferred adjudication for sexual assault or aggravated sexual assault against another student on the same campus or continuous sexual abuse of a young child or children, and if the victim or the victim’s parents request 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 the student may be a danger to self or others.

Exceeds One Year
Placement in a DAEP may exceed one year when a review by the District determines that:

- the student is a threat to the safety of other students or to District employees, or
- 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 in a DAEP 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 District’s hearing officer/designee must determine that:

- the student’s presence in the regular classroom or campus presents a danger of physical harm to the student or others, or
- 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 District’s designee.

Placement Review
A student placed in a DAEP will be provided a review of his or her status, including academic status, by the District hearing officer/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 the 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.

Transportation
Transportation for a student assigned to the DAEP shall be the responsibility of the parent/s of the student. Parents who are unable to provide transportation to the DAEP must request in writing from the campus principal or behavior
coordinator who will evaluate student need for transportation as well as consider infraction and safety concern with student. DAEP students riding bus must sit behind bus driver during length of stay at DAEP. A student who has been granted permission to ride the bus while at DAEP may lose the privilege if any violation of rules occur. **Students may not drive themselves to campus while placed in DAEP.**

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.

**Participating in Graduation Activities**

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

The District has the right to limit a student’s participation in graduation activities for violating the District’s Code. Participation might include a speaking role, as established by District policy and procedures. Students eligible to give the opening and closing remarks at graduation shall be notified by the campus principal. Notwithstanding any other eligibility requirements, in order to be considered as an eligible student to give the opening or closing remarks, a student shall not have engaged in any misconduct in violation of the district’s Code resulting in an out-of-school suspension, removal to a DAEP, or expulsion during the semester immediately preceding graduation.

The valedictorian and salutatorian may also have speaking roles at graduation. No student shall be eligible to have such a speaking role if he or she engaged in any misconduct in violation of the district’s Code resulting in an out-of-school suspension, removal to a DAEP, or expulsion during the semester immediately preceding graduation.

Students eligible to give the opening and closing remarks at graduation shall be notified by the campus principal. Notwithstanding any other eligibility requirements, in order to be considered as an eligible student to give the opening or closing remarks, a student shall not have engaged in any misconduct in violation of the District’s Code resulting in an out-of-school suspension, removal to a DAEP, or expulsion during the semester immediately preceding graduation.

The valedictorian and salutatorian may also have speaking roles at graduation. No student shall be eligible to have such a speaking role if he or she engaged in any misconduct in violation of the District’s Code resulting in an out-of-school suspension, removal to a DAEP, or expulsion during the semester immediately preceding graduation.

**Appeal Procedures to a DAEP Placement / On Campus Incident**

A decision by the Campus Behavior Coordinator to remove a student to an alternative education program may be appealed to the superintendent / designee. A request for a review of the Campus Behavior Coordinator decision to remove a student shall be made in writing to the superintendent / designee within five (5) school days after receipt of the written decision. Failure to appeal within the allotted time will constitute a waiver of the appeal. The superintendent / designee will provide the student’s parent(s) written notice of the date, time, and place of the appeal within five (5) school days from the date of receipt of the appeal’s request. The superintendent / designee shall review the record of the due process hearing on the removal and may hear a statement from the student, parent(s), or the parent’s representative and from the Campus Behavior Coordinator. The superintendent / designee will base his decision on evidence reflected in the record and any statements made by the parties at the review. The superintendent / designee have the authority to uphold, overturn, or alter the decision of the Campus Behavior Coordinator. The determination of the superintendent / designee shall be rendered and sent in writing to the parent(s) after the review of the placement decision. The decision of the superintendent / designee is final and may not be appealed. A student shall be denied the privileges of the home campus pending the appeal of a removal. The student shall attend the alternative education program pending the appeal.
Transition Services
In accordance with law and District procedures, campus staff shall provide transition services for a student returning to the regular classroom from placement in an alternative education program, including a DAEP or JJAEP. See policies FOCA (Legal) and FODA (Legal) for more information.

SECTION XII: 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:
- threatens the safety of other students or teachers;
- will be detrimental to the educational process; or
- is not in the best interests of the District’s students.

Review Committee Under this Section
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 Under this Section
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 Under this Section
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.

SECTION XIII: AUTHORITY TO EXPEL/REMOVE

The board delegates the authority to expel or remove students from District schools to the superintendent or its designee.

Expulsion Responsibilities of Authorized Persons
The board of trustees or the board’s designee (hearing officer) is delegated with the responsibility of reviewing discipline cases and determining whether the student should be expelled in accordance with state law and District policy.
The student, student’s parent(s) and/or representative, shall be notified in writing of the date, time, and place of the
expulsion/removal hearing. Before a student may be expelled under Texas Education Code Section 37.007, the
board or the board’s designee must provide the student a hearing at which the student is afforded appropriate due
process as required by the federal constitution and which the student’s parent or guardian is invited, in writing, to
attend. At the hearing, the student is entitled to be represented by the student’s parent or guardian or another adult
who can provide guidance to the student and who is not an employee of the school District. If the school District
makes a good faith effort to inform the student and the student’s parent or guardian of the time and place of the
hearing, the District may hold the hearing regardless of whether the student, the student’s parent or guardian, or
another adult representing the student attends. If the decision to expel a student is made by the board’s designee, the
decision may be appealed to an administrative committee and that decision may be appealed to the board. The
decision of the board may be appealed by trial de novo to a District court of the county in which the school District’s
central administrative office is located. The board, or its designee, will set a term for the expulsion based on the
seriousness of the offense and other relevant factors.

Expulsion of Student with Disabilities
A disabled student may be expelled for engaging in conduct that would warrant such action for a non-disabled
student only if the Admission, Review and Dismissal (ARD) committee determines that the misconduct is not a
manifestation of the handicapping condition.

In determining whether a student’s behavior is a manifestation of the student’s handicapping condition, the ARD
committee shall base their decision on all relevant evaluation and assessment data and on a review of the current IEP
and behavior intervention plan. The ARD committee will consider whether the student’s behavior indicates the need
for new evaluation and assessment data. If the committee is unable to reach a manifestation determination without
additional information, the student may be returned to his previous placement after ten (10) school days while
additional assessments are being conducted, unless the student has committed a violation involving weapons, drugs
or an offense in which a student causes serious bodily injury in which case the student will be placed in an
alternative educational program for a maximum of 45 school days.

The ARD committee will determine the instructional placement and related services to be provided during the time
of expulsion.

A student with a disability under Section 504 will not be expelled unless the District first determines that the
misbehavior is not a manifestation of the student’s disability. The same group of people who make placement
decisions may make that determination. The group must have available to it evaluation data that is recent enough to
afford an understanding of the student’s current behavior. At a minimum, the group will include persons
knowledgeable about the student and the meaning of the evaluation data. If it is determined that the misconduct is
not caused by the student’s disability, the student may be excluded from school in the same manner as similarly
situated non-disabled students. If it is determined that the misconduct is caused by the student’s disability, the
District must determine whether the student’s current educational placement is appropriate. A student with
disabilities that is expelled as determined by local and state mandates shall be provided educational services at the
DAEP or as dictated by the ARD Committee.

Please note: The director of special education/designee must be a member of all special education expulsion
hearings.

A student may be expelled for any offense that is a state-mandated expellable offense if the offense is committed on
the property of another District in Texas while the student is attending a school-sponsored or school related activity
at a school in another District in Texas.

SECTION XIV: APPEALS PROCEDURES

Appeal of a DAEP Placement
A decision by the Behavior Coordinator to place a student in DAEP may be appealed to the District Hearing
Officer, Rogelio N. Gonzalez located at 1302 Glenn Street, Zapata, Texas 78076; Phone: (956) 765-6546 ext. 2602.
The appeal must:

ZCISD Student Code of Conduct
• be in writing; and
• filed within five (5) days of the date of the order to the Office of the District Hearing Officer; and
• state all bases of the appeal; and
• show remedy the parent or student is seeking.

The District Hearing Officer shall schedule a conference with the parent and/or student. If a conference is not scheduled, a written decision will be issued within five (5) days after the receipt of the appeal. DAEP Placements may not be appealed passed the District Hearing Officer. Only expulsion cases may be appealed to an Administrative Committee or to the Board of Trustees.

**Appeal of an Expulsion to an Administrative Committee**

A decision by the board’s designee (hearing officer) to expel a student may be appealed to the administrative committee. A request for an administrative committee review of the hearing officer’s decision to expel a student will be made in writing to the hearing officer within five (5) school days after receipt of the written decision. Failure to appeal within the allotted time will constitute a waiver of appeal.

The hearing officer will provide the student’s parent(s) written notice of the date, time, and place of the administrative committee’s review within five (5) school days of receipt of the appeal request. The administrative committee will review the record of the due process hearing on the expulsion and may hear a statement from the student, parent(s), or the parent’s representative and from the hearing officer. A copy of the procedural guidelines for the hearing will be sent to the parents. Committee members will have an opportunity to address questions to either side and to hear responses.

The determination of the administrative committee shall be rendered and sent in writing to the parent(s) after the review of the expulsion decision.

A student will be denied the privileges of the home campus pending appeal of an expulsion. The superintendent or designee has the authority to appoint a five member administrative committee comprised of the following:

• the administrative assistant to the superintendent
• the director of human resources
• two administrators, dependent on grade level of student; and
• a campus level teacher or guidance counselor, dependent on grade level of student

**Appeal of an Expulsion to the Board of Trustees**

Request for a board review of a decision to expel a student shall be made in writing to the superintendent within five (5) school days after receipt of the written decision of the administrative committee. Failure to appeal within the allotted time shall constitute a waiver of appeal. The superintendent shall provide the parent(s) written notice of the date, time, and place of the review. A copy of the procedural guidelines for the hearing will be sent to the parents. The parties may make oral statements to the board at the time of the board review. Board members will have an opportunity to address questions to either side and to hear responses. The board shall base its decision solely on the record and recommendation prepared by the hearing officer, the administrative committee, and any statements made by the parties at the review. The board shall also have the authority to remand the case to the hearing officer for further fact-finding. The decision of the board shall be rendered and sent in writing to the parent(s).

**Appeal of Board’s Decision**

The decision of the board may be appealed by trial de novo to a state District court of the county in which the school District’s central administrative office is located. The student shall be expelled pending the appeal.

**SECTION XV: REPORTS TO LOCAL LAW ENFORCEMENT/ NOTICE OF CRIMINAL PROCEEDINGS**

The principal or campus behavior coordinator and other school administrators as appropriate shall report crimes as required by law and shall call district law enforcement when an administrator suspects that a crime has been committed on campus. District law enforcement may contact local law enforcement if deemed necessary to proceed with the investigation of a possible crime.
Superintendents Notice
The superintendent or designee shall immediately notify District employees with supervisory responsibility over a student when the student has been arrested for certain felony offenses.

Notice of Criminal Proceedings
When a student is placed in a DAEP for certain offenses, The office of the prosecuting attorney shall notify the District if:

- 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
- 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.

Please note: If a student is convicted or found guilty of a felony, the superintendent must then notify all instructional and support staff that have regular contact with the student. Even in the absence of a conviction, the student may be disciplined at school if the school determines the conduct occurred. The prosecuting attorney’s office must verbally notify the principal or designee within 24 hours or by the next school day when a student is given deferred prosecution or deferred adjudication.

SECTION XVI: EMERGENCY REMOVALS

Emergency Placement and Emergency Expulsion
The principal or the principal’s designee may order the immediate placement of a student in an alternative placement if the principal or the principal’s designee reasonably believes the student’s behavior is so unruly, disruptive, or abusive that it seriously interferes with classroom or school operations, the student shall be given oral notice of the reason for the action.

At the time of the emergency placement or expulsion, the student shall be accorded the appropriate due process no later than the 10th day after the placement or expulsion. He will be given oral notice of the reason for the action. The reason for emergency placement or expulsion must be a reason that may be used for a non-emergency basis. If the student subject to the emergency placement or expulsion is a student with disabilities who receives special education services, the placement or expulsion is subject to federal law and regulations and must be consistent with the consequences that would apply to a student without a disability.

Withdrawal during Process Under this Section
When a student violates the District’s code in a way that merits placement or expulsion and the student withdraws from the District during the disciplinary process, the District may complete the proceeding and issue a placement or expulsion assignment. If the student then re-enrolls in the District during the same or subsequent school year the
District may enforce the assignment at that time, less any time served by the student during enrollment in another District. If the appropriate administrator or the board fails to issue a placement or expulsion assignment after the student withdraws, the next District in which the student enrolls may complete the proceedings.

**Newly Enrolled Students Under this Section**
A student assigned to a DAEP or expelled in an open-enrollment charter school or another District including a District in another state (if the behavior committed is a reason for DAEP placement or expulsion in the receiving District), at the time he or she enrolls in the District will be placed directly into the District’s DAEP.

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.

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:
- the out-of-state District provides the District with a copy of the expulsion order, and
- 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:
- the student is a threat to the safety of other students or District’s employees, or
- extended placement is in the best interest of the student

**SECTION XVII: DISCIPLINARY ALTERNATIVE EDUCATION PROGRAM**
Before a student is removed to a disciplinary alternative education program, the Campus Behavior Coordinator will conduct a hearing to determine whether a student violated District policy. If the Campus Behavior Coordinator finds the allegations are true, the student may be removed to an alternative education program for a period of time to be determined by the board’s designee. If the Campus Behavior Coordinator finds that the allegations are not true, the student may be returned to his/her regular classroom. The Zapata County Independent School District is required to provide an alternative education program that:
- is provided in a setting other than a student’s regular classroom;
- is located on or off a regular school campus;
- provides for the students who are assigned to the alternative education program to be separated from students who are not assigned to the program;
- focuses on English language arts, mathematics, science, history, and self-discipline;
- provides for student’s educational and behavioral needs; and
- provides supervision and counseling

It should be noted that the Texas Education Code does not require the District’s alternative education program to provide courses necessary to fulfill a student’s high school graduation requirements other than the courses specified above. Disciplinary Alternative Education Programs include placement in the DAEP located at 702 E. 17th Street Zapata, Texas.

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. Summer programs provided by the District shall serve students assigned to a DAEP with those students who are not assigned to the program.
A student who is expelled for an offense that otherwise would have resulted in a DAEP placement does not have to be placed in a DAEP in addition to the expulsion.

In deciding whether to place a student in a DAEP, regardless of whether the action is mandatory or discretionary, the campus behavior coordinator shall 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,
4) A disability that substantially impairs the student’s capacity to appreciate the wrongfulness of the student’s conduct,
5) A student’s status in the conservatorship of the Department of Family and Protective Services (foster care), or
6) A student’s status as homeless.

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

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

SECTION XVIII: BULLYING AND HARASSMENT VIOLATIONS

Zapata County ISD prohibits conduct that consists of bullying or harassment. In addition to the penalties and consequences set forth in this Student Code of Conduct, pursuant to state law on the request of a parent or other person with authority to act on behalf of a student who is a victim of bullying, the board of trustees or the board’s designee may transfer a student who engaged in bullying to 1) another classroom at the campus to which the victim was assigned at the time the bullying occurred; or 2) a campus in the district other than the campus which the victim was assigned at the time the bullying occurred.

The board of trustees or the board's designee shall verify that a student has been a victim of bullying before transferring the student under this section. A review of interventions, administrative remedies as well as their outcome will be taken in consideration before a transfer is made under this provision. Past student behavior may be considered when identifying a bully. The determination by the board of trustees or the board's designee is final and may not be appealed. The district is not required to provide transportation to a student who transfers to another campus due to bullying behavior. Additional responsibilities or campus restrictions may be imposed upon a student who has engaged in bullying behavior or who is transferred to another campus due to bullying behavior.

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

(1) Has the effect or will have the effect of physical harming a student, damaging a student’s property, or placing a student in reasonable fear of harm to the student’s person or of damage to the student’s property;

(2) Is sufficiently severe, persistent or pervasive enough that the action or threat creates an intimidating, threatening, or abusive educational environment for a student;

(3) Materially and substantially disrupts the educational process or the orderly operation of a classroom or school; or

(4) Infringes on the rights of the victim at school.
**Bullying includes cyberbullying.** (See below) This state law on bullying prevention applies to:

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

Bullying includes, but is not limited to, hazing, threats, taunting, teasing, confinement, assault, demands for money, destruction of property, theft of valued possessions, name calling, rumor spreading, and ostracism.

The District prohibits retaliation by a student or District employee against any person who in good faith makes a report of bullying, serves as a witness, or participates in an investigation. Examples of retaliation may include threats, rumor spreading, ostracism, assault, destruction of property, unjustified punishments, unwarranted grade reductions, or being treated in a demeaning manner. Unlawful retaliation does not include petty slights or annoyances.

A student who intentionally makes a false claim, offers false statements, or refuses to cooperate with a District investigation regarding bullying shall be subject to appropriate disciplinary action. (FFI-Local)

Although the District respects a student’s right to freedom of expression under the First Amendment, a student may be disciplined for conduct constituting Cyberbullying as defined in this Student Code of Conduct.

Cyberbullying (See Glossary) is defined as bullying that is done through the use of any electronic device, including through the use of a cellular or other type of telephone, a computer, a camera, electronic mail, instant messaging, text messaging, a social media application, an Internet website, or any other Internet-based communication tool

Zapata County ISD ensures that district employees will enforce all prohibitions against bullying, harassment, and making hit lists. Federal and state laws regarding the discipline of students who are enrolled in a special education program apply. See Glossary to view “Hit List” definition.

The District will punish any student via the Student Code of Conduct if the student engages in off-campus electronic communication that causes, or can cause, a substantial disruption or substantially interferes with the individual rights of others. The student may also face punishment via the Texas Penal Code, as applicable.
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.

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

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

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

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

1. A crime that involves starting a fire or causing an explosion with intent to destroy or damage:
2. Any vegetation, fence, or structure on open-space land; or
3. 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.
4. 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
5. A crime that involves intentionally starting a fire or causing an explosion and in so doing:
   1) Recklessly damages or destroys a building belonging to another, or
   2) 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; §22.01(a)(2) as intentionally or knowingly threatening another with imminent bodily injury; and §22.01(a)(3) as intentionally or knowingly causing physical contact with another that can reasonably be regarded as offensive or provocative.
Breach of Computer Security includes knowingly accessing a computer, computer network, or computer system without the effective consent of the owner as defined in Texas Penal Code 33.02, if the conduct involves accessing a computer, computer network, or computer system owned by or operated on behalf of a school district; and the student knowingly alters, damages, or deletes school district property or information; or commits a breach of any other computer, computer network, or computer system.

Bullying is defined in Section 37.0832 of the Education Code as a single significant act or a pattern of acts by one or more students directed at another student that exploits an imbalance of power and involves engaging in written or verbal expression, expression through electronic means, or physical conduct that:

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

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

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

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

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

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

Criminal street gang is defined by Texas Penal Code 71.01 as 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 is defined by Section 37.0832 of the Education Code as bullying that is done through the use of any electronic communication device, including through the use of a cellular or other type of telephone, a computer, a camera, electronic mail, instant messaging, text messages, a social media application, an Internet website, or any other Internet-based communication tool.
**Dangerous drug** is defined by Health and Safety Code 483.001 as a device or a drug that is unsafe for self-medication and that is not included in Schedules I through V or Penalty Groups 1 through 4 of the Texas Controlled Substances Act. The term includes a device or drug that federal law prohibits dispensing without prescription or restricts to use by or on the order of a licensed veterinarian.

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

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

**Deferred adjudication** is an alternative to seeking 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.

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

**Explosive weapon** is defined by Texas Penal Code 46.01 as any explosive or incendiary bomb, grenade, rocket, or mine 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** under Texas Penal Code 42.06 occurs when a person knowingly initiates, communicates, or circulates a report of a present, past, or future bombing, fire, offense, or other emergency that he or she knows is false or baseless and that would ordinarily:

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

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

1. 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;
2. The frame or receiver of any such weapon;
3. Any firearm muffler or firearm weapon; or
4. Any destructive device, such as any explosive, incendiary or poison gas bomb, or grenade.

Such term does not include an antique firearm.
Firearm silencer is defined by Texas Penal Code 46.01 as any device designed, made, or adapted to muffle the report of a firearm.

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

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

Harassment is:

1. Conduct that meets the definition established in District policies DIA(LOCAL) and FFH(LOCAL); or

2. Conduct that threatens to cause harm or bodily injury to another person, including District student, employee, board member, or volunteer; is sexually intimidating, causes physical damage to the property of another student, subjects another student to physical confinement or restraint, or maliciously and substantially harms another student’s physical or emotional health or safety, as defined in Section 37.001(b)(2) of the Education Code; or

3. Conduct that is punishable as a crime under Texas Penal Code 42.07, including the following types of conduct if carried out with the intent to harass, annoy, alarm, abuse, torment, or embarrass another:
   i) Initiating communication and, in the course of the communication, making a comment, request, suggestion, or proposal that is obscene, as defined by law;
   ii) Threatening, in a manner reasonably likely to alarm the person receiving the threat, to inflict bodily injury on the person or to commit a felony against the person, a member of the person’s family or household, or the person’s property;
   iii) Conveying, in a manner reasonably likely to alarm the person receiving the report, a false report, which is known by the conveyor to be false, that another person has suffered death or a serious bodily injury; and
   iv) Sending repeated electronic communications in a manner reasonably likely to harass, annoy, alarm, abuse, torment, embarrass, or offend another.
   v) Hazing is defined by Section 37.151 of the Education Code as an intentional knowing or reckless act, on or off campus, by one person alone or acting with others, directed against a student for the purpose of pledging, initiation into, affiliation with, holding office in, or maintaining membership in a student organization if the act meets the elements in Education Code 37.151, including:
      a) Any type of physical brutality;
      b) An activity that subjects the student to an unreasonable risk of harm or that adversely affect the student’s mental or physical health, such as sleep deprivation, exposure to the elements, confinement to small spaces, calisthenics, or consumption of food, liquids, drugs, or other substances;
      c) An activity that induces, causes, or requires the student to perform a duty or task that violates the Texas Penal Code; and
      d) Coercing a student to consume a drug or alcoholic beverage in an amount that would lead a reasonable person to believe the student is intoxicated.

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

Improvised explosive device is defined by Texas Penal Code 46.01 as a completed and operational bomb designed to cause serious bodily injury, death, or substantial property damage that is fabricated in an improvised manner using nonmilitary components.
Indecent exposure is defined by Texas Penal Code 21.08 as an offense that occurs when a person exposes his or her anus or any part of his or her genitals with intent to arouse or gratify the sexual desire of any person, and is reckless about whether another is present who will be offended or alarmed by the act.

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

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

Knuckles means 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.

Look-alike weapon means an item that resembles a weapon but is not intended to be used to cause serious bodily injury.

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

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

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

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

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; telecommunications or electronic devices; or any school property used by the student, including but not limited to a locker or desk.

Prohibited weapon under Texas Penal Code 46.05(a) means:

1. The following items unless registered with the U.S. Bureau of Alcohol, Firearms, and Explosives or otherwise not subject to that registration requirement or unless the item is classified as a curio or relic by the U.S. Department of Justice:
   a. An explosive weapon;
   b. A machine gun;
   c. A short-barrel firearm;

2. Ammunition;

3. A chemical dispensing device;

4. A zip gun;

5. A tire deflation device;

6. An improvised explosive device; or

7. A firearm silencer; unless certified as a curio or relic by the U.S. Department of Justice or the actor otherwise possesses, manufactures, transcripts, repairs, or sells the firearm silencer in compliance with federal law;

8. A hand instrument designed to cut or stab another by being thrown.

Public Lewdness is defined by Texas Penal Code 21.07 as an offense that occurs when a person knowingly engages in a act of sexual intercourse, deviate sexual intercourse, or sexual contact in a public place or, if not in a public place, is reckless about whether another is present who will be offended or alarmed by the act.
Public school fraternity, sorority, secret society, or gang means an organization composed wholly or in part of students that seeks to perpetuate itself by taking additional members from the students enrolled in school based on a decision of its membership rather than on the free choice of a qualified student. Educational organizations listed in Section 37.121(d) of the Education Code are excepted from this definition.

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

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 misbehavior means:
- Deliberate violent behavior that poses a direct threat to the health or safety of others;
- Extortion, meaning the gaining of money or other property by force or threat;
- Conduct that constitutes coercion, as defined by Section 1.07, Texas Penal Code; or
- Conduct that constitutes the offense of:
  o Public lewdness under Section 21.07, Texas Penal Code;
  o Indecent exposure under Section 21.08; Texas Penal Code;
  o Criminal mischief under Section 28.03, Texas Penal Code;
  o Personal hazing under Section 37.152; or
  o Harassment under Section 42.07(a)(1), Texas Penal Code, of a student or District employee.

Serious or persistent misbehavior includes but is not limited to:
- Behavior that is grounds for permissible expulsion or mandatory DAEP placement.
- Behavior identified by the District as grounds for discretionary DAEP placement.
- Actions or demonstrations that substantially disrupt or materially interfere with school activities.
- Refusal to attempt or complete school work as assigned.
- Insubordination.
- Profanity, vulgar language, or obscene gestures.
- Leaving school grounds without permission.
- Falsification of records, passes, or other school-related documents.
- Refusal to accept discipline assigned by the teacher or principal.

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

Terroristic threat is defined by Texas Penal Code 22.07 as a threat of violence to any person or property with intent to:
- Cause a reaction of any type by an official or volunteer agency organized to deal with emergencies;
- Place any person in fear of imminent serious bodily injury;
- 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;
- Cause impairment or interruption of public communications, public transportation, public water, gas, or power supply or other public service;
- Place the public or a substantial group of the public in fear of serious bodily injury; or

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• 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).

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

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

- Murder, manslaughter, or homicide under Sections 19.02, – .05, Texas Penal Code;
- Kidnapping under Section 20.03, Texas Penal Code;
- Trafficking of persons under Section 20A.02, Texas Penal Code;
- Smuggling or continuous smuggling of persons under Sections 20.05 – .06, Texas Penal Code;
- Assault under Section 22.01, Texas Penal Code;
- Aggravated assault under Section 22.02, Texas Penal Code;
- Sexual assault under Section 22.011, Texas Penal Code;
- Aggravated sexual assault under Section 22.021, Texas Penal Code;
- Unlawful restraint under Section 20.02, Texas Penal Code;
- Continuous sexual abuse of a young child or children under Section 21.02, Texas Penal Code;
- Bestiality under Section 21.09, Texas Penal Code;
- Improper relationship between educator and student under Section 21.12, Texas Penal Code;
- Voyeurism under Section 21.17, Texas Penal Code;
- Indecency with a child under Section 21.11, Texas Penal Code;
- Invasive visual recording under Section 21.15, Texas Penal Code;
- Disclosure or promotion of intimate visual material under Section 21.16, Texas Penal Code;
- Sexual coercion under Section 21.18, Texas Penal Code;
- Injury to a child, an elderly person, or a disabled person of any age under Section 22.04, Texas Penal Code;
- Abandoning or endangering a child under Section 22.041, Texas Penal Code;
- Deadly conduct under Section 22.05, Texas Penal Code;
- Terroristic threat under Section 22.07, Texas Penal Code;
- Aiding a person to commit suicide under Section 22.08, Texas Penal Code; and
- Tampering with a consumer product under Section 22.09, Texas Penal Code.

[See FOC(EXHIBIT)]

**Under the influence** means 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 defined by Texas Penal Code 46.01 as a device or combination of devices, not originally a firearm, but adapted to expel a projectile through a smooth-bore or rifled-bore barrel by using the energy generated by an explosion or burning substance.
Dear Student and Parent:

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

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 appropriate 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.

Carlos M. Gonzalez, Jr.
Superintendent of Schools

We acknowledge that we have been offered the option to receive a paper copy of the Zapata County ISD Student Handbook and the Student Code of Conduct for the 2019-2020 school year or to electronically access them on the District’s Website at www.zcisd.org. We understand that students will be held accountable for their behavior and will be subject to the disciplinary consequences outlined in the Code.

We have chosen to:

☐ Receive a paper copy of the Student Handbook and the Student Code of Conduct
☐ Accept responsibility for accessing the Student Handbook and the Student Code of Conduct on the District’s Website.

Print name of student: ________________________________

Signature of student: ________________________________

Print name of parent: ________________________________

Signature of parent: ________________________________

Date: ________________________________

[Please sign this page, remove it, and return it to the student’s school]

Revised 08/05/2019
APPENDIX III: STUDENT DISCIPLINE REFERRAL FORM

Zapata County Independent School District
Student Discipline Referral Form

<table>
<thead>
<tr>
<th>Last Name</th>
<th>First Name</th>
<th>Middle Initial</th>
<th>Student ID</th>
<th>Grade level</th>
</tr>
</thead>
</table>

School
Staff Name
Offense Date/Time
Student Phone Number

Offense Location

Behavior Location Code: On-Campus (01), Off-Campus within 300 feet (02), Off-Campus School Event (03), Off-Campus (04), Other School District (05)

Description of Offense/Administrator's Response

Measures taken before referral for discipline

Take Charge Form Attached

WA

Student's Response

I was given an opportunity to add, delete, or change anything and wanted to ensure its accuracy before signing it. I am signing this statement voluntarily and of my own free will, and with the understanding that it may be used to assist in a disciplinary proceeding that the District has brought [or may file] against me. I affirm that the statements herein are true and accurate.

If additional space is needed, attach informal hearing form

Student Signature
Parent/Guardian Notified Via
Date/Time

Reason Code: Denotes Mandatory DAEP Placement
Chemical Offenses
Physical Offenses

1. Possession/Influence drugs
41. Fighting/Mutual Combat
2. Possession/Influence alcohol
42. Assault against District employee
3. Abuse of volatile chemical
43. Assault against Non-District employee
4. Possession Tobacco Product
44. Aggravated Assault against District employee
5. Possession of Lethal Weapon
45. Sexual Assault against District employee
6. Possession of Explosive Material
46. Sexual Assault against Non-District employee
7. Possession of Stun Gun
47. Unauthorized Entry to a Public Place
8. Possession of Weapon—Penal Code §44.05
48. Criminal Mischief
9. Possession of Weapon—Penal Code §46.09
49. Criminal Negligent Homicide
10. Possession of Weapon—Penal Code §46.01
50. Criminal Trespass
11. Possession of Weapon—Penal Code §46.09
51. Criminal Trespass
12. Possession of Weapon—Penal Code §46.09
52. Criminal Trespass
13. Possession of Weapon—Penal Code §46.09
53. Criminal Trespass
14. Possession of Weapon—Penal Code §46.09
54. Criminal Trespass
15. Possession of Weapon—Penal Code §46.09
55. Criminal Trespass
16. Possession of Weapon—Penal Code §46.09
56. Criminal Trespass
17. Possession of Weapon—Penal Code §46.09
57. Criminal Trespass
18. Possession of Weapon—Penal Code §46.09
58. Criminal Trespass
19. Possession of Weapon—Penal Code §46.09
59. Criminal Trespass
20. Possession of Weapon—Penal Code §46.09
60. Criminal Trespass
21. Possession of Weapon—Penal Code §46.09
61. Criminal Trespass
22. Possession of Weapon—Penal Code §46.09
62. Criminal Trespass
23. Possession of Weapon—Penal Code §46.09
63. Criminal Trespass
24. Possession of Weapon—Penal Code §46.09
64. Criminal Trespass
25. Possession of Weapon—Penal Code §46.09
65. Criminal Trespass
26. Possession of Weapon—Penal Code §46.09
66. Criminal Trespass
27. Possession of Weapon—Penal Code §46.09
67. Criminal Trespass
28. Possession of Weapon—Penal Code §46.09
68. Criminal Trespass
29. Possession of Weapon—Penal Code §46.09
69. Criminal Trespass
30. Possession of Weapon—Penal Code §46.09
70. Criminal Trespass
31. Possession of Weapon—Penal Code §46.09
71. Criminal Trespass
32. Possession of Weapon—Penal Code §46.09
72. Criminal Trespass
33. Possession of Weapon—Penal Code §46.09
73. Criminal Trespass
34. Possession of Weapon—Penal Code §46.09
74. Criminal Trespass
35. Possession of Weapon—Penal Code §46.09
75. Criminal Trespass
36. Possession of Weapon—Penal Code §46.09
76. Criminal Trespass
37. Possession of Weapon—Penal Code §46.09
77. Criminal Trespass
38. Possession of Weapon—Penal Code §46.09
78. Criminal Trespass
39. Possession of Weapon—Penal Code §46.09
79. Criminal Trespass
40. Possession of Weapon—Penal Code §46.09
80. Criminal Trespass

Action Codes
02. Expulsion
03. Out-of-school suspension
04. In-school suspension
05. Placement to DAEP due to conference
06. Continuation of other district’s DAEP placement

Action Code Ordered Date Days to Serve Comments

Authorized by
Title
Date
Data Entry Date

Zapata County Independent School District
Committed to Student Excellence

ZCISD Student Code of Conduct
## APPENDIX IV: INFORMAL HEARING FORM

### Zapata County Independent School District
Informal Conference

<table>
<thead>
<tr>
<th>Last Name</th>
<th>First Name</th>
<th>Middle Initial</th>
<th>Student ID</th>
<th>Incident Identifier</th>
<th>School</th>
<th>Staff Name</th>
<th>Offense Date/Time</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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<td></td>
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<td></td>
<td></td>
</tr>
</tbody>
</table>

**Administrator’s Comments**

**Student’s Response:**
I was given this statement to review before signing it. I was given an opportunity to add, to delete, and/or change anything I wanted, to ensure its accuracy. I am signing the statement voluntarily and of my own free will, and with the understanding that it may be used to assist in a disciplinary proceeding that the District has brought [or may file] against me. I affirm that the statements herein are true and accurate.

**Student’s Signature**

**Date**

---

**Authorized by**

**Title**

**Date**

---

Zapata County Independent School District
Committed to Student Excellence
# APPENDIX V: TAKING CHARGE FORM

## Zapata County Independent School District

### Taking Charge Form

<table>
<thead>
<tr>
<th>Last Name</th>
<th>First Name</th>
<th>Middle Initial</th>
<th>Student ID</th>
<th>Grade Level</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
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<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>School</th>
<th>Staff Name</th>
<th>Offense Date/Time</th>
<th>Student Phone Number</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Step One: Teacher / Student Conference or Administrator / Student Conference

- **Behavior / Situation**
- **Student's Plan for Change**
- **Results**

### Step Two: Parent Contact or Parent / Student / Teacher Conference

- **Results**
- **If behavior/situation continues, please note what you have done to improve the conduct (strategies/interventions)**
- **Has a home visit request been done? If yes, what were the results?**

### Step Three: Counselor Referral

- **Behavior / Situation**
- **Student's Plan for Change**

### Step Four: Administrator Referral

- **Concern**
- **Plan of Action**

**Teacher Authorization**

**Counselor Authorization**

**Administrator Authorization**

---

Zapata County Independent School District

Committed to Student Excellence
APPENDIX VII: BULLYING FLOWCHART

Zapata County Independent School District | Bullying Prevention and Intervention Plan

Type of Conduct

Start Here to determine if the conduct or behavior can be considered bullying according to House Bill 1942

- Written
  - NO
  - YES
    - Does the conduct occur on...
      - School Property
        - NO
        - School Related Activity
          - NO
          - YES
            - Any vehicle used for transportation of students to or from school or a school-related activity
              - NO
              - Cyberbullying
                - NO
                - YES
                  - NOT BULLYING

      - School Related Activity
        - NO
        - YES
          - Does the victim exploit or imbalance of power?
            - NO
            - NOT BULLYING
            - YES
              - Does the conduct...
                - Interfere with student's education
                  - NO
                  - Disturb school operations
                    - NO
                    - NOT BULLYING
                    - YES
                      - YES
                        - NOT BULLYING

      - Does the conduct have the effect of...
        - Physical harm to the student
          - NO
          - YES
            - NOT BULLYING

        - Destressing the student
          - NO
          - YES
            - BULLYING

        - Threatening
          - NO
          - YES
            - NOT BULLYING

        - Abusive
          - NO
          - YES
            - NOT BULLYING

Did it occur on school property or outside of a school-sponsored or school-related activity? If it interferes with a student's educational opportunities or substantially disrupts the operations of a school, classroom, or school-related activity.

STOP BULLYING!

ZCISD
APPENDIX VIII: STUDENT DRESS CODE

2019-2020 Dress Code Guide PK—12th Grade
The Zapata County I.S.D. has adopted standardized dress for students in grades Pre-Kinder — 12th. Refer to board policy FNCA—Local.

SHIRTS & BLOUSES (Maroon, Gold, or Black)
- Uniform tops must be solid Maroon, Gold or Black, shirts or blouses with collar and sleeves for all grade levels.
- Turtlenecks/undershirts must be a solid color.
- No snaps or zippers allowed on shirts/blouses.
- Logos/trademarks may not be larger than two (2) inches.
- All shirts/blouses are encouraged to be tucked in at all times. When worn untucked, shirt may not pass 2 inches below back pocket line.
- No stripes, plaid, checkered or other visible designs on shirts are allowed.

SKIRTS (2 INCHES ABOVE THE KNEE)
Color: Khaki, Navy Blue, Black (solid, single colors)
- Skirts length must be no more than 2 inches above the knee.
- Skirts may have a slit/pileat which opens no higher than 2 inches above the knee (both front and back).
- Garments with belt loops require belt for all students, grades PK—12th.

SPIRIT SHIRTS
- Hawk Spirit Shirts are allowed on Fridays only.
- Spirit shirts must be solid Maroon, Gold, or Black and display a school mascot/logo/name.

WEDNESDAY - COLLEGE DAY
- Wednesdays are designated as ‘College Days’. University/College logo must be prominently displayed.

GROOMING AND MISCELLANEOUS
- No body gear allowed on campus.
- Students shall be dressed and groomed in a manner that is clean and neat and that will not be a health or safety hazard to themselves or others. The District prohibits any clothing or grooming that, in the principal’s judgment, may reasonably be expected to cause disruption of or interference with normal school operations.

CLUB OR CLASS SHIRTS
Club or class shirts may be worn on Fridays only. Prior approval by the campus principal in conjunction with the club or class sponsor is required.

EXTRA-CURRICULAR
With respect to any extracurricular activities, the Administrator in conjunction with sponsor, coach, or other employee in charge of such activity may regulate the dress of participating students.

NON-UNIFORM DAYS
Administrators shall have authority to waive the wearing of standardized dress for certain days due to special events or special activities. Students who choose not to participate in the special days are expected to wear standardized dress.

PANTS & BLUE JEANS
Style: Casual pants and Blue Jeans
Color: Khaki, Navy Blue, Black (solid, single colors)
- Pants must be worn at the waist with a belt.
- Cuffing of pants may not exceed three (3) inches above the ankle.
- Sweatpants, wind pants, drawstring pants, warm-ups, carpenter, painter, cargo, overalls, low rise, bell bottoms or overall style pants are not allowed.
- Baggy loose-fit or wide-leg style pants are not allowed.
- Torn or frayed clothing are not allowed.
- Shorts are allowed in the elementary grades (PK-5th) but must comply with the 2” rule. Mesh or gym style shorts are not allowed.

COATS, JACKETS & HOODIES
- Coats, jackets & hoodies must be solid Maroon, Gold, Grey or Black
- Logos/trademarks may not be larger than four (4) inches.
- No stripes, plaid, checkered or other visible designs are allowed.

FOOTWEAR
Students shall not wear house slippers, flip flops or other footwear that constitutes a safety hazard.

JEWELRY, PIERCINGS & TATTOS
- Earrings are limited to the ears for all students. Other facial or body piercings are prohibited.
- Jewelry that may cause a distraction or a danger to the individual or other individuals are prohibited.
- Students representing their schools at school-related activities or school-sponsored event are prohibited from exposing tattoos. Sleeves, patches, etc. used to cover tattoos must be a solid color.

COMPLIANCE
Students wearing uniforms and uniform components must also conform to the other dress code requirements listed in the Student Code of Conduct/Student Handbook.

FINAL AUTHORITY
School Administrators will have complete and final judgment on all matters concerning interpretation of the student standardized dress. Matters concerning appearance and dress not specifically covered in FNCA (LOCAL) policy shall be within the discretion of the administration. The District prohibits any clothing or grooming that in the principal’s judgment may reasonably be expected to cause disruption of or interference with normal school operations.

FINANCIAL ASSISTANCE
Parents who have limited resources can request help with uniforms for their children in elementary, middle school, high school. The Zapata Co. ISD provides three uniforms per child per year free of charge to students who meet the guidelines. Parents must fill out a Uniform Assistance Application and turn it in at the District’s Finance Department.
APPENDIX IX: DISTRICT FFH (LOCAL) POLICY

Zapata County ISD
253901

STUDENT WELFARE
FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

Note: This policy addresses discrimination, harassment, and retaliation involving District students. For provisions regarding discrimination, harassment, and retaliation involving District employees, see DIA. For reporting requirements related to child abuse and neglect, see FFG. Note that FFH shall be used in conjunction with FFI (bullying) for certain prohibited conduct.

Statement of Nondiscrimination

The District prohibits discrimination, including harassment, against any student on the basis of race, color, religion, sex, gender, national origin, disability, age, or any other basis prohibited by law. The District prohibits dating violence, as defined by this policy. Retaliation against anyone involved in the complaint process is a violation of District policy and is prohibited.

Discrimination

Discrimination against a student is defined as conduct directed at a student on the basis of race, color, religion, sex, gender, national origin, disability, age, or on any other basis prohibited by law, that adversely affects the student.

Prohibited Harassment

Prohibited harassment of a student is defined as physical, verbal, or nonverbal conduct based on the student’s race, color, religion, sex, gender, national origin, disability, age, or any other basis prohibited by law that is so severe, persistent, or pervasive that the conduct:

1. Affects a student’s ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening, hostile, or offensive educational environment;
2. Has the purpose or effect of substantially or unreasonably interfering with the student’s academic performance; or
3. Otherwise adversely affects the student’s educational opportunities.

Prohibited harassment includes dating violence as defined by this policy.

Examples

Examples of prohibited harassment may include offensive or derogatory language directed at another person’s religious beliefs or practices, accent, skin color, or need for accommodation; threatening, intimidating, or humiliating conduct; offensive jokes, name calling, slurs, or rumors; physical aggression or assault; display of graffiti or printed material promoting racial, ethnic, or other negative stereotypes; or other kinds of aggressive conduct such as theft or damage to property.

DATE ISSUED: 8/21/2017
LDU 2017.01
FFH(LOCAL)-X
Sexual Harassment

By an Employee

Sexual harassment of a student by a District employee includes both welcome and unwelcome sexual advances; requests for sexual favors; sexually motivated physical, verbal, or nonverbal conduct; or other conduct or communication of a sexual nature when:

1. A District employee causes the student to believe that the student must submit to the conduct in order to participate in a school program or activity, or that the employee will make an educational decision based on whether or not the student submits to the conduct; or

2. The conduct is so severe, persistent, or pervasive that it:
   a. Affects the student's ability to participate in or benefit from an educational program or activity, or otherwise adversely affects the student's educational opportunities; or
   b. Creates an intimidating, threatening, hostile, or abusive educational environment.

Romantic or inappropriate social relationships between students and District employees are prohibited. Any sexual relationship between a student and a District employee is always prohibited, even if consensual. [See DH]

By Others

Sexual harassment of a student, including harassment committed by another student, includes unwelcome sexual advances; requests for sexual favors; or sexually motivated physical, verbal, or nonverbal conduct when the conduct is so severe, persistent, or pervasive that it:

1. Affects a student's ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening, hostile, or offensive educational environment;

2. Has the purpose or effect of substantially or unreasonably interfering with the student's academic performance; or

3. Otherwise adversely affects the student's educational opportunities.

Examples

Examples of sexual harassment of a student may include sexual advances; touching intimate body parts or coercing physical contact that is sexual in nature; jokes or conversations of a sexual nature; and other sexually motivated conduct, communications, or contact.

Necessary or permissible physical contact such as assisting a child by taking the child's hand, comforting a child with a hug, or other physical contact not reasonably construed as sexual in nature is not sexual harassment.
Gender-Based Harassment

Gender-based harassment includes physical, verbal, or nonverbal conduct based on the student’s gender, the student’s expression of characteristics perceived as stereotypical for the student’s gender, or the student’s failure to conform to stereotypical notions of masculinity or femininity. For purposes of this policy, gender-based harassment is considered prohibited harassment if the conduct is so severe, persistent, or pervasive that the conduct:

1. Affects a student’s ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening, hostile, or offensive educational environment;

2. Has the purpose or effect of substantially or unreasonably interfering with the student’s academic performance; or

3. Otherwise adversely affects the student’s educational opportunities.

Examples

Examples of gender-based harassment directed against a student, regardless of the student’s or the harasser’s actual or perceived sexual orientation or gender identity, may include offensive jokes, name-calling, slurs, or rumors; physical aggression or assault; threatening or intimidating conduct; or other kinds of aggressive conduct such as theft or damage to property.

Dating Violence

Dating violence occurs when a person in a current or past dating relationship uses physical, sexual, verbal, or emotional abuse to harm, threaten, intimidate, or control the other person in the relationship. Dating violence also occurs when a person commits these acts against a person in a marriage or dating relationship with the individual who is or was once in a marriage or dating relationship with the person committing the offense.

For purposes of this policy, dating violence is considered prohibited harassment if the conduct is so severe, persistent, or pervasive that the conduct:

1. Affects a student’s ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening, hostile, or offensive educational environment;

2. Has the purpose or effect of substantially or unreasonably interfering with the student’s academic performance; or

3. Otherwise adversely affects the student’s educational opportunities.

Examples

Examples of dating violence against a student may include physical or sexual assaults; name-calling; put-downs; or threats directed at the student, the student’s family members, or members of the
Zapata County ISD
253901

STUDENT WELFARE
FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

student’s household. Additional examples may include destroying property belonging to the student, threatening to commit suicide or homicide if the student ends the relationship, attempting to isolate the student from friends and family, stalking, threatening a student’s spouse or current dating partner, or encouraging others to engage in these behaviors.

Retaliation

The District prohibits retaliation by a student or District employee against a student alleged to have experienced discrimination or harassment, including dating violence, or another student who, in good faith, makes a report of harassment or discrimination, serves as a witness, or participates in an investigation.

Examples

Examples of retaliation may include threats, rumor spreading, ostracism, assault, destruction of property, unjustified punishments, or unwarranted grade reductions. Unlawful retaliation does not include petty slights or annoyances.

False Claim

A student who intentionally makes a false claim, offers false statements, or refuses to cooperate with a District investigation regarding discrimination or harassment, including dating violence, shall be subject to appropriate disciplinary action.

Prohibited Conduct

In this policy, the term “prohibited conduct” includes discrimination, harassment, dating violence, and retaliation as defined by this policy, even if the behavior does not rise to the level of unlawful conduct.

Reporting Procedures

Student Report

Any student who believes that he or she has experienced prohibited conduct or believes that another student has experienced prohibited conduct should immediately report the alleged acts to a teacher, school counselor, principal, other District employee, or the appropriate District official listed in this policy.

Employee Report

Any District employee who suspects or receives notice that a student or group of students has or may have experienced prohibited conduct shall immediately notify the appropriate District official listed in this policy and take any other steps required by this policy.

Definition of District Officials

For the purposes of this policy, District officials are the Title IX coordinator, the ADA/Section 504 coordinator, and the Superintendent.

Title IX Coordinator

Reports of discrimination based on sex, including sexual harassment or gender-based harassment, may be directed to the designated Title IX coordinator for students. [See FFH(EXHIBIT)]

ADA / Section 504 Coordinator

Reports of discrimination based on disability may be directed to the designated ADA/Section 504 coordinator for students. [See FFH(EXHIBIT)]

DATE ISSUED: 8/21/2017
LDU 2017.01
FFH(LOCAL)-X
Zapata County ISD
253901

STUDENT WELFARE
FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

Superintendent
The Superintendent shall serve as coordinator for purposes of District compliance with all other nondiscrimination laws.

Alternative Reporting Procedures
A student shall not be required to report prohibited conduct to the person alleged to have committed the conduct. Reports concerning prohibited conduct, including reports against the Title IX coordinator or ADA/Section 504 coordinator, may be directed to the Superintendent.

A report against the Superintendent may be made directly to the Board. If a report is made directly to the Board, the Board shall appoint an appropriate person to conduct an investigation.

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

Notice to Parents
The District official or designee shall promptly notify the parents of any student alleged to have experienced prohibited conduct by a District employee or another adult.

[For parental notification requirements regarding an allegation of educator misconduct with a student, see FFF.]

Investigation of the Report
The District may request, but shall not require, a written report. If a report is made orally, the District official shall reduce the report to written form.

Initial Assessment
Upon receipt or notice of a report, the District official shall determine whether the allegations, if proven, would constitute prohibited conduct as defined by this policy. If so, the District shall immediately undertake an investigation, except as provided below at Criminal Investigation.

If the District official determines that the allegations, if proven, would not constitute prohibited conduct as defined by this policy, the District official shall refer the complaint for consideration under FFI.

Interim Action
If appropriate and regardless of whether a criminal or regulatory investigation regarding the alleged conduct is pending, the District shall promptly take interim action calculated to address prohibited conduct or bullying prior to the completion of the District’s investigation.

District Investigation
The investigation may be conducted by the District official or a designee, such as the principal, or by a third party designated by the District, such as an attorney. When appropriate, the principal shall be involved in or informed of the investigation.

DATE ISSUED: 8/21/2017
LDU 2017.01
FFH(LOCAL)-X
The investigation may consist of personal interviews with the person making the report, the person against whom the report is filed, and others with knowledge of the circumstances surrounding the allegations. The investigation may also include analysis of other information or documents related to the allegations.

The complainant shall be provided an adequate, reliable, and impartial investigation, and both the complainant and accused shall be given an equal opportunity to present witnesses and relevant evidence.

Criminal Investigation

If a law enforcement or regulatory agency notifies the District that a criminal or regulatory investigation has been initiated, the District shall confer with the agency to determine if the District investigation would impede the criminal or regulatory investigation. The District shall proceed with its investigation only to the extent that it does not impede the ongoing criminal or regulatory investigation. After the law enforcement or regulatory agency has finished gathering its evidence, the District shall promptly resume its investigation.

Concluding the Investigation

Absent extenuating circumstances, such as a request by a law enforcement or regulatory agency for the District to delay its investigation, the investigation should be completed within ten District business days from the date of the report; however, the investigator shall take additional time if necessary to complete a thorough investigation.

The investigator shall prepare a written report of the investigation. The report shall include a determination of whether prohibited conduct or bullying occurred. The report shall be filed with the District official overseeing the investigation.

Notification of Outcome

Notification of the outcome of the investigation shall be provided to both parties in compliance with FERPA.

District Action

Prohibited Conduct

If the results of an investigation indicate that prohibited conduct occurred, the District shall promptly respond by taking appropriate disciplinary action in accordance with the Student Code of Conduct and may take corrective action reasonably calculated to address the conduct. The complainant can be assured that the District shall take steps to prevent recurrence of harassment and to make whole any victims of harassment, if appropriate.

Corrective Action

Examples of corrective action may include a training program for those involved in the complaint, a comprehensive education program for the school community, counseling to the victim and the student who engaged in prohibited conduct, follow-up inquiries to determine if any new incidents or any instances of retaliation have
ocurred, involving parents and students in efforts to identify problems and improve the school climate, increasing staff monitoring of areas where prohibited conduct has occurred, and reaffirming the District’s policy against discrimination and harassment.

Bullying
If the results of an investigation indicate that bullying occurred, as defined by FFH, the District official shall refer to FFH for appropriate notice to parents and District action. The District official shall refer to FDB for transfer provisions.

Improper Conduct
If the investigation reveals improper conduct that did not rise to the level of prohibited conduct or bullying, the District may take disciplinary action in accordance with the Student Code of Conduct or other corrective action reasonably calculated to address the conduct.

Confidentiality
To the greatest extent possible, the District shall respect the privacy of the complainant, persons against whom a report is filed, and witnesses. Limited disclosures may be necessary in order to conduct a thorough investigation and comply with applicable law.

Appeal
A student or parent who is dissatisfied with the outcome of the investigation may appeal through FFH(LOCAL), beginning at the appropriate level. A student or parent shall be informed of his or her right to file a complaint with the United States Department of Education Office for Civil Rights.

Records Retention
The District shall retain copies of allegations, investigation reports, and related records regarding any prohibited conduct in accordance with the District’s records retention schedules, but for no less than the minimum amount of time required by law. [See CPC]

Access to Policy and Procedures
Information regarding this policy and any accompanying procedures shall be distributed annually in the employee and student handbooks. Copies of the policy and procedures shall be posted on the District’s website, to the extent practicable, and readily available at each campus and the District’s administrative offices.