

STUDENT CODE OF CONDUCT



WEST ORANGE-COVE CONSOLIDATED
INDEPENDENT SCHOOL DISTRICT

902 WEST PARK
ORANGE, TEXAS 77630

2018-2019

PARENT/STUDENT ACKNOWLEDGMENT

Student Code of Conduct and Student Handbook Electronic Distribution

Dear Student and Parent:

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

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

Rickie Harris, Superintendent of Schools

We acknowledge that we have been offered the option to receive a paper copy of the West Orange-Cove CISD Student Code of Conduct and Student Handbook for the 2018-2019 school year or to electronically access them on the district's website at www.woccisd.net. 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 Code of Conduct and the Student Handbook.
- Accept responsibility for accessing the Student Code of Conduct and the Student Handbook on the district's website.

Print name of student: _____

Signature of student: _____

Print name of parent: _____

Signature of parent: _____

Date: _____

School: _____

Grade level: _____

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

PARENT/STUDENT ACKNOWLEDGMENT

Student Code of Conduct and Student Handbook Hardcopy Distribution

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Student Code of Conduct

Accessibility

If you have difficulty accessing the information in this document because of disability, please contact Ms. Lorraine Shannon, Director of Communications, at (409) 882-5500 or losh@woccisd.net.

Purpose

The benefits a student derives from this investment depend very much on the student's attitude toward learning and the student's adherence to high standards of behavior. To achieve the best possible learning environment for all our students, the Student Code of Conduct and other campus rules of behavior will apply whenever the interest of the West Orange-Cove Consolidated Independent School District (WOCCISD) is involved, on or off school grounds, in conjunction with or independent of classes and school-sponsored activities. The Student Code of Conduct ("Code") is the district's response to the requirements of Chapter 37 of the Texas Education Code.

The Code provides methods and options for managing students in the classroom and on school grounds, disciplining students, and preventing and intervening in student discipline problems.

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

This Student Code of Conduct has been adopted by the West Orange-Cove CISD 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 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 administrator and posted on the district's website. Parents shall be notified of any conduct violation that may result in a student being suspended, placed in the AAC or JJAEP, expelled, or taken into custody by a law enforcement officer under Chapter 37 of the Education Code.

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

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

Nondiscrimination under Titles II (ADA), VI, IX, and 504

WOCCISD does not discriminate on the basis of sex, disability, race, religion, color, gender, age, or national origin, in providing educational services and/or activities, including career and technical programs, nor in its employment practices in accordance with Title VI of the Civil Rights Act of 1964, as amended; Title IX of the Educational Amendments of 1972; and Section 504 of the Rehabilitation Act of 1973, as amended. Inquiries/complaints concerning the application of Title IX and its implementing regulations may be referred to the District's Title IX Coordinator, Dr. Nina LeBlanc, Assistant Superintendent of Schools, at (409) 882-5500 or nleb@woccisd.net, or the Office of Civil Rights.

Heather Knox, the Executive Director of Student Services, has been designated to coordinate compliance with the nondiscrimination requirements of Section 504 of the Rehabilitation Act of 1973. Inquiries/complaints concerning 504 may be referred to Ms. Heather Knox, the Executive Director of Student Services at (409) 882-5500.

WOCCISD does not discriminate on the basis of disability by denying access to the benefits of District services, programs, or activities. To request information about the applicability of Title II of the Americans with Disabilities Act (ADA), interested persons should contact Ms. Heather Knox, Executive Director of Student Services.

Students with Disabilities

Section 504 of the Rehabilitation Act prohibits discrimination against students with disabilities and requires the District to undertake to identify and locate every qualified disabled person residing in the District who is not receiving a public education and to notify persons with disabilities and their parents or guardians of the District's duties under Section 504.

WOCCISD does not discriminate against students with disabilities and has procedures in place to ensure that students who are eligible for services under Section 504 of the Rehabilitation Act have access to educational opportunities equivalent to those provided to nondisabled students.

The District's Section 504 Coordinator is Mrs. Heather Knox, the Executive Director of Student Services. Any student and/or parent or guardian of a student who desires more information regarding the District's procedures for complying with Section 504 may obtain a copy of the District's Section 504 procedures by contacting the 504 coordinator at the student's home campus or by contacting Ms. Knox at (409) 882-5500.

School District Authority and Jurisdiction

Campus Behavior Coordinator/ Campus Administrator

As required by law, a person at each campus must be designated to serve as the campus behavior coordinator. However, as a District of Innovation, the campus administrators shall oversee student behavior. The campus administrators are responsible for maintaining student discipline.

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.
12. 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.
13. The district has the right to search a student's locker or desk when there is reasonable cause to believe it contains articles or materials prohibited by the district.

Ejection or Exclusion from School Property

Pursuant to Texas Education Code § 37.105, a school administrator or peace officer may eject an individual from, or request an individual entry to, property subject to the district's control if the individual refuses to leave peaceably upon request and either:

1. The person poses a substantial risk of harm to any person; or
2. The person behaves in a manner inappropriate for the school setting, an administrator or officer issues the individual a verbal warning, and the individual persists in the behavior.

At the time an individual is ejected or excluded, the school administrator or peace officer will provide the individual a written explanation of the appeal process. Ejection or exclusion may not last more than two years, and if the individual is a parent, the district must accommodate the parent to ensure parental participation in an ARD or 504 committee meeting.

The school administrator or peace officer shall maintain a written log of all verbal warnings issued to include the individual's name, the date, and a brief description of the inappropriate behavior. Appeals regarding refusal of entry or ejection from district property may be filed in accordance with FNG(LOCAL) or GF(LOCAL), as appropriate.

Reporting Crimes

The District reserves the right to refer any student, regardless of age, to law enforcement if the District suspects that a student has broken the law. This referral may be in addition to any school disciplinary action taken against the student.

“Parent” Defined

Throughout the Code of Conduct and related discipline policies, the term “parent” includes a parent, legal guardian, or other person having lawful control of the child, in accordance with Section 26.002 of the Texas Education Code.

Participating in 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 AAC, 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 AAC, or expulsion during the semester immediately preceding graduation.

See **AAC—Restrictions During Placement** on page 22 for information regarding a student assigned to AAC at the time of graduation.

Reporting Prohibited Conduct

Any student who believes that he or she has experienced prohibited conduct as described in this *Student Code of Conduct* or believes that another student has experienced prohibited conduct should immediately report the alleged acts to a teacher, school counselor, principal, or the District's Title IX coordinator for students: Dr. Nina LeBlanc, Assistant Superintendent of Schools, at (409) 882-5500 or nleb@woccisd.net. [See Policy FFH (Local); Tex. Educ. Code § 37.083.] After a report of bullying is made, the principal, principal's designee, or Title IX

coordinator must provide notice to (1) the parent of the alleged victim by the 3rd business day after the incident is reported; and (2) the alleged bully with a reasonable time. [See Policy FFI (Local).] Reports of bullying may be submitted anonymously, verbally, and/or in writing. However, the principal or designated administrator shall document the allegations in writing and record the dates and circumstance of the interview.

The District does not have jurisdiction over other situations occurring in the community even though an incident may involve students (including technology-related communications – such as emails, texting, Facebook, messages, etc. – containing threats, bullying, and/or harassment) unless there is a direct impact to the school setting. District personnel may, however, conference with students regarding inappropriate behavior and effective ways to resolve conflict.

After a report of prohibited conduct is made, a conference will be scheduled and held as soon as possible within seven days of the request. The principal, principal's designee, or Title IX coordinator that investigates the complaint will complete the investigation of the complaint within ten school days. The student or parent will be informed if extenuating circumstances delay completion of the investigation. The student will not be required to present a complaint to a person who is the subject of the complaint. See Policy FFI (LOCAL).

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.

If the results of an investigation indicate that bullying has occurred, the administration will take appropriate disciplinary action. Disciplinary or other action may be taken even if the conduct did not rise to the level of bullying. However, the Family Education Rights and Privacy Act (FERPA) prohibits the District from disclosing to anyone other than the student's parent or guardian what disciplinary actions, if any, have been taken against the student who engaged in bullying.

If upon completion of the investigation the principal or designated administrator determines that the alleged incident does not rise to the level of bullying, the District will proceed in accordance with the Student Code of Conduct in deciding what, if any, discipline should be assessed other documented prohibited conduct. A parent or adult student (a student over 18 years old) who is dissatisfied with the outcome of the investigation may appeal through Board Policy FNG (LOCAL), beginning at the appropriate level.

Transfer Options. 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/sexual harassment/dating violence, a student who is a victim of such conduct as determined by the Board of Trustees or designee, may receive a transfer to another classroom at the campus which the victim was assigned at the time of the bullying/sexual harassment/dating violence occurred; or a campus in the school district other than the campus to which the victim was assigned at the time of the bullying/sexual harassment/dating violence occurred.

The Board of Trustees or the Board's designee shall verify that a student has been a victim of bullying/sexual harassment/dating violence before transferring the student under this section. Past student behavior may be considered when identifying bullying/sexual harassment/dating violence. 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. There are no hearings or appeals for a transfer due to bullying/sexual harassment/dating violence behavior.

The Board may transfer the 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 to which the victim was assigned at the time the bullying occurred, in consultation with a parent or other person with authority to act on behalf of the student who engaged in bullying.

The transfer of a student with a disability who receives special education services and who engaged in bullying may be made only by a duly constituted ARD committee under Education Code 37.004.

Standards for Student Conduct

Each member of the community must fulfill certain responsibilities if a positive learning environment is to be achieved. A cooperative relationship among students, parents, and educators requires that:

School Board Members:

- Enact and enforce policies which facilitate the establishment and maintenance of a positive and safe learning environment;
- Approve and support the District's *Student Code of Conduct*; and
- Fulfill designated roles in due process and hearing procedures.

Central Administrators:

- Develop, with input from the District planning and decision-making committee, a draft of a proposed *Student Code of Conduct* for the Board's review and approval;
- Assure District compliance with state and federal law;
- Publish and disseminate the Board-approved *Student Code of Conduct* on-line and in hard copy upon request;
- Provide support and professional development training to campus administrators on the Board-approved *Student Code of Conduct* and strategies to support students with behavior issues;
- Fulfill designated roles in due process and hearing procedures;
- Report certain disciplinary infractions to the Texas Education Agency (TEA) as required by the *Texas Education Code (TEC)*;
- Provide timely notice to campus administrators when notice is received that a student is required to register as a sex offender;
- Provide each certified employee with access of *TEC* Subchapter A, Chapter 37, and local District policy.
- Monitor disciplinary actions that result in days of removal in order to keep these days to a minimum.

- Ensure that there are sufficient school-based service providers to work with students and to implement tiered supports.

Campus Administrators:

- Assume responsibility for the distribution of the Board-approved *Student Code of Conduct*;
- Provide campus-based in-service to students and staff on the Board-approved *Student Code of Conduct*;
- Enforce the policies, rules, and regulations of the District, school and classroom;
- Ensure fair and impartial treatment of students in assigning consequences for disciplinary infractions including students with disabilities;
- Maintain an atmosphere conducive to respect and appropriate behavior good behavior;
- Monitor effective use of the RTI process and the implementation of behavior interventions and strategies to prevent and improve inappropriate student behaviors;
- Make a good faith effort to provide required written notice to the parent or guardian of any in- or out-of-school suspensions, referrals to a DAEP, expulsions, or when a student is taken into custody by a law enforcement officer, on the same day the action is taken;
- Promptly contact the parent or guardian by telephone or in person when a student is given an in- or out-of-school suspension, referred to a DAEP, expelled, or taken into custody by a law enforcement officer;
- Engage parents when their child is subject to disciplinary action;
- Monitor the delivery of differentiated instruction to meet the needs of individual students in accordance with IEPs, accommodation plans, and other individualized programs;
- Facilitate the resolution of school-related conflicts in a timely manner;
- Encourage parent/guardian participation in school affairs and actively promote open communications between parents/guardians and school personnel;
- Notify parents/guardians of receipt of a written report from a teacher of a violation of the *Student Code of Conduct*;
- Ensure compliance with appropriate timeframes and procedures for disciplinary due process rights;
- Refer students who have repeated disciplinary violations to an RTI, 504, or ARD committee to consider intervention strategies to address inappropriate behavior;
- Notify the appropriate law enforcement agency if there are reasonable grounds to believe that a crime has been committed;
- Inform each educator who has responsibility for, or is under the direction and supervision of an educator who has responsibility for, the instruction of a student who has engaged in an offense for which the student is removed to a DAEP or JJAEP of the conduct that resulted in the student's removal or expulsion and of a student required to register as a sex offender.

Teachers:

- Maintain an atmosphere conducive to good behavior;

- Develop, maintain, and communicate classroom guidelines and clear expectations for students;
- Maintain regular attendance and punctuality, and prepared to perform all duties using appropriate materials;
- Exhibit an attitude of respect toward individuals and property and conduct themselves in a responsible manner;
- Differentiate instruction to meet the needs of individual students in accordance with IEPs, accommodation plans, and other individualized programs;
- Notify parents of student progress and of significant changes in achievement or behavior;
- Notify the principal or appropriate administrator in writing of violations of the *Student Code of Conduct*;
- Implement high quality and differentiated structures and supports to teach and reinforce positive behavior expectations;
- Engage parents when their child is subject to disciplinary action;
- Adhere to district and campus policies and procedures;
- Notify a campus administrator when a crime is suspected;
- Establish and maintain open communications with parents;
- Maintain confidentiality upon notification that a student has committed an offense for which the student is placed in a DAEP or JJAEP.

Students:

- Read and adhere to the requirements of the *Student Code of Conduct* and campus and classroom rules;
- Demonstrate courtesy, even when others do not;
- Refrain from making profane, insulting, threatening, or inflammatory remarks, engaging in disruptive conduct or cheating;
- Behave in a responsible manner, always exercising self-discipline;
- Attend all classes, regularly and on time;
- Prepare for each class; take appropriate materials and assignments to class;
- Meet district and campus standards of grooming and dress;
- Respect the rights and privileges of students, teachers, and other district staff and volunteers;
- Respect the property of others, including district property and facilities;
- Give parent/guardian a copy of all notices, including discipline notices, promptly;
- Return papers requiring a parent signature promptly;
- Cooperate with and assist the school staff in maintaining safety, order, and discipline; and
- Cooperate with school/district staff in investigations and all-school –related matters.

Parents/Guardians:

- Ensure their child’s compliance with school attendance requirements and promptly report and explain absences and tardies to appropriate campus personnel;
- Review the *Discipline Management Plan and Student Code of Conduct* and discuss the contents with their child;
- Assist their child in selecting appropriate attire for school and school-related activities;
- Communicate with campus personnel regarding concerns about their child’s educational progress or conduct;
- Maintain up-to-date home, work, and emergency telephone numbers at the school;
- Send their child to school each day on time except in the case of illness or extenuating circumstances;
- Ensure their child’s immunizations are up-to-date according to state requirements and provide the school with documentation in a timely manner;
- Demonstrate courtesy and respect when communicating with school employees;
- Provide an appropriate area in the home for their child to use for study;
- Ensure their child’s attendance at required tutorials;
- Be responsible for negligent, willful, or malicious conduct of their child;
- Be knowledgeable of state, district, and campus policies, regulations, and requirements;
- Supply all records required for enrollment;
- Submit the signed “Parent/Student Acknowledgment” card in a timely manner;
- Participate in meaningful conferences with school personnel regarding their child’s academic progress, behavior, or general welfare.

General Conduct Violations

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

Disregard for Authority

Students shall not:

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

Mistreatment of Others

Students shall not:

- Use profanity or vulgar language or make obscene gestures.
- Fight or scuffle. (For assault, see AAC Placement and Expulsion.)

- Threaten a district student, employee, or volunteer, including off school property, if the conduct causes a substantial disruption to the educational environment.
- Engage in bullying, cyberbullying, harassment, or making hit lists. (See glossary for all four terms.)
- Release or threaten to release intimate visual material of a minor or a student who is 18 years of age or older without the student’s consent.
- Engage in conduct that constitutes sexual or gender-based harassment or sexual abuse, whether by word, gesture, or any other conduct, directed toward another person, including a district student, employee, board member, or volunteer.
- Engage in conduct that constitutes dating violence. (See glossary.)
- Engage in inappropriate or indecent exposure of private body parts.
- Participate in hazing. (See glossary.)
- Cause an individual to act through the use of or threat of force (coercion).
- Commit extortion or blackmail (obtaining money or an object of value from an unwilling person).
- Engage in inappropriate verbal, physical, or sexual conduct directed toward another person, including a district student, employee, or volunteer.
- Record the voice or image of another without the prior consent of the individual being recorded or in any way that disrupts the educational environment or invades the privacy of others.

Property Offenses

Students shall not:

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

The taxpayers of the community have made a sustained financial commitment for the construction and upkeep of school facilities and property. To ensure that school facilities can serve those for whom they are intended — both this year and in the coming years — littering, defacing, or damaging school property, including textbooks and library books, is not tolerated.

Parents or guardians of students guilty of damaging such property shall be notified of the damage and shall be liable for damages in accordance with the law. Students shall be responsible for the

care and return of owned and district-owned textbooks and other materials/equipment and may be charged for the replacement of lost/damaged items.

Possession of Prohibited Items

Students shall not possess or use:

- Fireworks of any kind, smoke or stink bombs, or any other pyrotechnic device;
- A razor, box cutter, chain, or any other object used in a way that threatens or inflicts bodily injury to another person;
- A “look-alike” weapon that is intended to be used as a weapon or could reasonably be perceived as a weapon;
- An air gun or BB gun;
- Ammunition;
- *A location-restricted knife;
- A hand instrument designed to cut or stab another by being thrown;
- *A firearm;
- A stun gun;
- A pocketknife or any other small knife;
- Mace or pepper spray;
- Pornographic material;
- Tobacco products; cigarettes; e-cigarettes; and any component, part, or accessory for an e-cigarette device;
- Matches or a lighter;
- A laser pointer for other than an approved use; or
- Any articles not generally considered to be weapons, including school supplies, when the principal or designee determines that a danger exists.

*For weapons and firearms, see AAC Placement and Expulsion. In most circumstances, possession of these items is punishable by mandatory expulsion under federal or state law.

Possession of Telecommunications or Other Electronic Devices

Students shall not:

- Display, turn on, or use a telecommunications device, including a cellular telephone, or other electronic device on school property during the school day, without permission from campus administration.
- Possess or control other devices (laser pointers, CD Players, radios, stun guns or cameras, etc.) without approval by campus administration.

Illegal, Prescription, and Over-the-Counter Drugs

Students shall not:

- Possess, use, give, or sell alcohol or an illegal drug. (Also see DAEP Placement and Expulsion for mandatory and permissive consequences under state law.)
- Possess or sell seeds or pieces of marijuana in less than a usable amount.
- Possess, use, give, or sell paraphernalia related to any prohibited substance. (See glossary for “paraphernalia.”)
- Possess, use, abuse, or sell look-alike drugs or attempt to pass items off as drugs or contraband.
- Abuse the student’s own prescription drug, give a prescription drug to another student, or possess or be under the influence of another person’s prescription drug on school property or at a school-related event. (See glossary for “abuse.”)
- Abuse over-the-counter drugs. (See glossary for “abuse.”) Be under the influence of prescription or over-the-counter drugs that cause impairment of the physical or mental faculties. (See glossary for “under the influence.”)
- Have or take prescription drugs or over-the-counter drugs at school other than as provided by district policy.
- Possess or use of any synthetic tobacco products, electronic cigarettes, vape pens/devices, cigars, pipes, snuff, dip, or chewing tobacco.

Misuse of Technology Resources and the Internet

Students shall not:

- Violate policies, rules, or agreements signed by the student or the student’s parent regarding the use of technology resources.
- Attempt to access or circumvent passwords or other security-related information of the district, students, or employees or upload or create computer viruses, including off school property if the conduct causes a substantial disruption to the educational environment.
- Attempt to alter, destroy, or disable district 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.
- 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.
- Send, post, deliver, or possess electronic messages that are abusive, obscene, sexually oriented, threatening, harassing, damaging to another’s reputation, or illegal, including cyberbullying 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.

- Use 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 a substantial disruption to the educational environment or infringes on the rights of another student at school.
- Use any device or technology to record the voice of another in any way that disrupts the educational environment, invades the privacy of others, or records without the prior consent of the individual

Safety Transgressions

Students shall not:

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

Miscellaneous Offenses

Students shall not:

- Display or possess accessories not generally considered appropriate including cell phones, tablets, cases, etc., when the principal or designee determines that the accessory is inappropriate.
- Violate dress and grooming standards as communicated in the Student Handbook.
- Cheat or copy the work of another.
- Gamble.
- Falsify records, passes, or other school-related documents.
- Engage in actions or demonstrations that substantially disrupt or materially interfere with school activities.
- Repeatedly violate other communicated campus or classroom standards of conduct.

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

Miranda Warnings

State law that applies to law enforcement officers in interrogating juveniles does not apply to public school administrators in their enforcement of discipline. Miranda warnings do not apply to school disciplinary proceedings.

Questioning of Students

There is no legal right on the part of a parent to be notified or to be present when students are in conversation with or being questioned by school officials concerning school-related behaviors or concerns. Students are not legally entitled to be read their rights (“Miranda Warnings”) when being questioned by school officials concerning school-related behaviors or concerns.

Questioning of Students by Outside Authorities

When law enforcement officers or other lawful authorities such as CPS wish to question or interview a student at school, the principal or designee will cooperate fully regarding the conditions of the interview, if the questioning or interview is part of a child abuse investigation. In other circumstances:

1. The principal shall verify and record the identity of the officer or other authority and request an explanation of the need to question or interview the student at school;
2. The principal ordinarily shall make reasonable efforts to notify the student’s parents or other person having lawful control of the student. If the interviewer raises what the principal considers to be a valid objection to the notification, parents will not be notified. Failure or inability to notify the parents or other persons having lawful control of the student will not ordinarily prevent or delay questioning by law enforcement officials;
3. The principal or a designee ordinarily shall be present during the questioning or interview. If the interviewer raises what the principal considers to be a valid objection to a third party’s presence, the interview shall be conducted without that person’s presence; such as in a case including a criminal investigation;
4. It is the police officer’s responsibility to inform the student of his/her rights (Miranda Warning) when required by law. Once a police officer begins questioning a student, all responsibility for such questioning rests with the police officer.

WOCCISD will not impede the questioning of a student by a law enforcement officer who has a subpoena, court order, warrant, or directive to apprehend, or who is willing to take the child into custody and remove the child from campus for investigation regarding a non-school-related matter under *Texas Family Code 52.01*. In case of removal from the campus, the law enforcement officer will be requested to follow campus procedures for checking the student out of school. However, absent one of these provisions, school personnel will request that, prior to allowing an interview for non-school-related matters, parental permission must be obtained.

WOCCISD will also not impede a CPS investigation and will allow CPS case workers or law enforcement officers to question students related to a reported claim of child abuse.

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 the CHAMPs Classroom Management Strategy. Discipline shall be correlated to the seriousness of the offense, the student's age and grade level, the frequency of misbehavior, the student's attitude, the effect of the misconduct on the school environment, and statutory requirements.

Because of these factors, discipline for a particular offense, including misconduct in a district vehicle owned or operated by the district, unless otherwise specified by law, may bring into consideration varying techniques and responses.

Students with Disabilities

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

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

In deciding whether to order suspension, AAC placement, or expulsion, regardless of whether the action is mandatory or discretionary, the district shall take into consideration a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct.

Techniques

The following discipline management techniques may be used alone, 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 "time-out."
- 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, including outside regular school hours.
- Sending the student to the office or other assigned area, or to in-school suspension.
- In School Suspension (ISS) is an on-campus setting for students who commit discipline infractions. Students continue to receive instruction in each course to the maximum extent possible. This program maintains a closely supervised educational environment with restricts on extracurricular activities. Students assigned to ISS will not be allowed to practice, participate, or attend extracurricular/co-curricular or honors activities.
- If a student finishes his/her assignments successfully and has no discipline problems, he/she may be considered for early ISS dismissal with the approval of the principal.
- 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 may be administered with written parental consent. (Except at North Early Learning Center)
- Out-of-school suspension, as specified in the Out-of-School Suspension section of this Code.
- Placement in the AAC, as specified in the AAC 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.

Notification

The campus administrator shall promptly notify a student's parent by phone or in person of any violation that may result in in-school or out-of-school suspension, placement in the AAC, placement in a JJAEP, or expulsion. The campus administrator 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 administrator shall send written notification by U.S. Mail. If the campus administrator is not able to provide notice to the parent, the principal or designee shall provide the notice.

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

Appeals

Questions from parents regarding disciplinary measures should be addressed to the teacher or campus administration, as appropriate. Appeals or complaints regarding the use of specific discipline management techniques should be addressed in accordance with policy FNG (LOCAL). A copy of the policy may be obtained from the principal's office, the central administration office, or through *Policy On Line* at the following address: www.woccisd.net. Consequences shall not be deferred pending the outcome of a grievance.

Any notice of appeal shall contain the student's name, the date of issuance of the decision under appeal, the name of the official whose decision is under appeal, the aspects of the decision which the student wishes to appeal, and the grounds for such appeal. If the student or parent will be represented in a conference at any level by an attorney, the District must be notified in advance of the conference so that the administration can obtain equal representation. Failure to do so will result in the need to reschedule the conference.

Removal from the School Bus

A bus driver may refer a student to the principal's office to maintain effective discipline on the bus. The principal must employ additional discipline management techniques, as appropriate, which can include restricting or revoking a student's bus riding privileges, in accordance with the law.

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 may restrict or revoke a student's transportation privileges, in accordance with law.

In addition to the rules for good conduct expected of each student at school, each student is also expected to:

1. All school rules apply while students are riding the school bus.
2. Remain ten (10) feet from the bus loading location.
3. Wait quietly until the bus has stopped and the bus door has opened before entering the bus.
4. Refrain from hanging onto the bus before boarding or after leaving the bus
5. Board the bus with objects limited to the size that can be transported on the lap.
6. Refrain from bringing animals and/or glass containers on the bus.
7. Bus driver is authorized to assign seats. If applicable, sit in seat assigned by bus driver.
8. Go to your seat immediately upon entering the bus and be seated, facing forward.
9. Students are to remain seated properly while the bus is in motion and until the bus has arrived at the appropriate stop for that student, unless otherwise advised by the bus driver. No student shall get out of their seat until the bus is completely stopped and secured.
10. If the school bus is equipped with seatbelts, students shall wear a seatbelt at all times.
11. Students are not to open or operate the emergency exits, unless there is in fact an emergency and/or advised by the driver / authoritative person.
12. Refrain from extending any part of the body out of bus window.
13. Refrain from throwing objects on or off the bus.
14. Refrain from eating or drinking on the bus.
15. Students shall talk at an appropriate level as to not distract the driver.
16. Vandalism will not be tolerated and the total cost of repair will be paid by the person responsible.
17. Each bus has a trash can available for the disposal of materials as students are boarding or leaving the bus.
18. Never dispose of trash out the bus window or on the ground at the bus stop
19. Ride assigned bus unless provisions for an exception have been made in writing through the campus.
20. Leave the bus only at the designated bus stop unless provisions for an exception have been made.

Bus Stop Guidelines

1. Arrive at the bus stop five minutes before scheduled pick-up time.
2. Follow all school rules at and around the bus stop.
3. Respect other people's property and keep your bus stop clean.
4. Enter the bus quietly and move directly to your seat.
5. During unloading, move away from the bus quickly.

6. After exiting the bus, stand on the side of the road, at least ten (10) feet in front of the bus and wait until the driver signals before crossing the street.

Bus rules are posted in all of our buses. Failure to follow bus rules and bus stop guidelines will result in a bus discipline referral being completed describing the student's behavior. This referral will be forwarded to the campus administrator for further action. A copy will be maintained on file with the transportation department.

Disciplinary consequences are outlined in the *Student Handbook*. Disciplinary sanctions and changes in transportation for a student with a disability will be made in accordance with the student's Individual Education Plan (IEP) or other individually designed program.

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 an administrator's as a discipline management technique. The campus administrator 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:

1. The student's behavior has been documented by the teacher as repeatedly interfering with the teacher's ability to teach his or her class or with the student's classmates' ability to learn; or

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 administrator shall schedule a conference with the student's parent; the student; the teacher, in the case of removal by a teacher; and any other administrator.

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

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

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

- AAC.

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 the AAC or expelled. When removing for those reasons, the procedures in the subsequent sections on AAC or expulsion shall be followed.

Returning a Student to the Classroom

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

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

Out-of-School Suspension

Misconduct

Students may be suspended for any behavior listed in the Code as a general conduct violation, AAC 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 in grade 2 or below 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:

1. Conduct that contains the elements of a weapons offense, as provided in Penal Code Sections 46.02 or 46.05;
2. Conduct that contains the elements of assault, sexual assault, aggravated assault, or aggravated sexual assault, as provided by the Penal Code; or
3. 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.

Process

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

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

The number of days of a student’s suspension shall be determined by the campus administrator, but shall not exceed three school days.

In deciding whether to order out-of-school suspension, the campus administrator shall take into consideration:

1. Self-defense (see glossary),
2. Intent or lack of intent at the time the student engaged in the conduct,
3. The student’s disciplinary history, or
4. A disability that substantially impairs the student’s capacity to appreciate the wrongfulness of the student’s conduct.

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

Academic Alternative Center (AAC) Placement

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

For purposes of AAC, 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 the AAC separately from those students who are not assigned to the program.

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

In deciding whether to place a student in AAC, regardless of whether the action is mandatory or discretionary, the campus behavior administrator shall take into consideration:

1. Self-defense (see glossary),
2. Intent or lack of intent at the time the student engaged in the conduct,
3. The student's disciplinary history, or
4. A disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct.

Discretionary Placement: Misconduct That May Result in AAC Placement

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

Misconduct Identified in State Law

In accordance with state law, a student **may** be placed in the AAC for any one 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 or 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.)
- Any criminal mischief, including a felony.
- Assault (no bodily injury) with threat of imminent bodily injury.
- Assault by offensive or provocative physical contact.

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

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

Mandatory Placement: Misconduct That Requires AAC Placement

A student **must** be placed in the AAC if the student:

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

1. The student receives deferred prosecution (see glossary),
2. A court or jury finds that the student has engaged in delinquent conduct (see glossary), or
3. The superintendent or designee has a reasonable belief (see glossary) that the student engaged in the conduct.

Sexual Assault and Campus Assignments

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

Child Sexual Abuse

The District has established a plan for addressing child sexual abuse, which may be accessed at the principal's office. As a parent, it is important for you to be aware of warning signs that could indicate a child may have been or is being sexually abused. Sexual abuse in the Texas Family Code is defined as any sexual conduct harmful to a child's mental, emotional, or physical welfare as well as a failure to make a reasonable effort to prevent sexual conduct with a child. Anyone who suspects that a child has been or may be abused or neglected has a legal responsibility, under state law, for reporting the suspected abuse or neglect to law enforcement or to Child Protective Services (CPS).

Possible physical warning signs of sexual abuse could be difficulty sitting or walking, pain in the genital areas, and claims of stomachaches and headaches. Behavioral indicators may include verbal references of pretend games of sexual activity between adults and children, fear of being alone with adults of a particular gender, or sexually suggestive behavior. Emotional warning signs to be aware of include withdrawal, depression, sleeping and eating disorders, and problems in school.

A child who has experienced sexual abuse should be encouraged to seek out a trusted adult. Be aware as a parent or other trusted adult that disclosures of sexual abuse may be more indirect than disclosures of physical abuse, and it is important to be calm and comforting if your child, or another child, confides in you. Reassure the child that he or she did the right thing by telling you.

As a parent, if your child is a victim of sexual abuse, the campus counselor or principal will provide information regarding counseling options for you and your child available in your area. The Texas Department of Family and Protective Services (TDFPS) also manages early intervention counseling programs. To find out what services may be available in your county, see:

[http://www.dfps.state.tx.us/Prevention and Early Intervention/Programs Available in Your County/default.asp](http://www.dfps.state.tx.us/Prevention%20and%20Early%20Intervention/Programs%20Available%20in%20Your%20County/default.asp)

The following Web sites might help you become more aware of child sexual abuse:

<http://www.tea.state.tx.us/index.aspx?id=2820>

<http://taasa.org/resources/>

<https://www.texasattorneygeneral.gov/cvs/what-can-we-do-about-child-abuse>

Process

Removals to the AAC shall be made by an assistant principal and approved by the campus principal or by the principal.

Conference

When a student is removed from class for an AAC offense, the appropriate administrator shall schedule a conference within three school days with the student's parent, the student, and the teacher, in the case of a teacher removal.

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

A placement conference will be scheduled by the Academic Alternative Center Site Coordinator (AASC) as soon as possible.

Until a placement conference can be held, the student will be placed in-school suspension, or out-of-school suspension. The student may not be returned to the regular classroom pending the placement conference.

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

Consideration of Mitigating Factors

In deciding whether to place a student in the AAC, regardless of whether the action is mandatory or discretionary, the campus administrator shall take into consideration:

1. Self-defense (see glossary),
2. Intent or lack of intent at the time the student engaged in the conduct,
3. The student's disciplinary history, or
4. A disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct.

Placement Order

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

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

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

Coursework Notice

The parent or guardian of a student placed in AAC shall be given written notice of the student's opportunity to complete a foundation curriculum course in which the student was enrolled at the time of removal and which is required for graduation, at no cost to the student. The notice shall include information regarding all methods available for completing the coursework.

Length of Placement

The duration of a student's placement in the AAC shall be determined by the campus administrator.

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

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

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

The district shall administer the required pre- and post-assessments for students assigned to AAC for a period of 90 days or longer in accordance with established district administrative procedures for administering other diagnostic or benchmark assessments.

Exceeds One Year

Placement in the AAC 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.

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

Exceeds School Year

Students who commit offenses requiring placement in the AAC 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 the AAC to extend beyond the end of the school year, the campus administrator or the board's designee must determine that:

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

Exceeds 60 Days

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

Appeals

Questions from parents regarding disciplinary measures should be addressed to the campus administration, in accordance with policy FNG (LOCAL). Appeals regarding the decision to place a student in AAC should be addressed to the Superintendent or superintendent's designee in accordance with policy FOC (Legal).

Student or parent appeals regarding a student's placement in AAC should be addressed in accordance with FNG(LOCAL). A copy of this policy may be obtained from the administrator or designee's office, the central administration office, or through *Policy On Line* at the following address: www.woccisd.net.

Appeals shall begin at Level One with the campus administrator or their designee.

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

Restrictions During Placement

State law prohibits a student placed in AAC for reasons specified in state law from attending or participating in school-sponsored or school-related extracurricular activities.

The district shall provide transportation to students in AAC that are eligible for transportation.

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

Students placed at the AAC are responsible for changing college admission testing locations to a facility outside the West Orange-Cove CISD.

Placement Review

A student placed in the AAC shall be provided a review of his or her status, including academic status, by the campus administrator or the board's 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 shall also be reviewed. At the review, the student or the student's parent shall be given the opportunity to present arguments for the student's return to the regular classroom or campus. The student may not be returned to the classroom of a teacher who removed the student without that teacher's consent.

Additional Misconduct

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

Notice of Criminal Proceedings

When a student is placed in the AAC for certain offenses, the office of the prosecuting attorney shall notify the district if:

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

If a student was placed in the AAC for such conduct, on receiving the notice from the prosecutor, the superintendent or designee shall 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 shall, 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 shall make a record of the proceedings.

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

Withdrawal During Placement Process

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

Newly Enrolled Students

The district shall continue the AAC placement of a student who enrolls in the district and was assigned to a discipline alternative education program (DAEP) in an open-enrollment charter school or another district.

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

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

Emergency Placement Procedure

When an emergency placement is necessary because 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. Tex. Educ. Code § 37.019. Not later than the tenth day after the date of the placement, the student shall be given the appropriate conference required for assignment to the AAC.

Placement and/or Expulsion for Certain Offenses

This section includes two categories of 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 shall be in either AAC or JJAEP for at least one semester.

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

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

Review Committee

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

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

Newly Enrolled Student

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

Appeal

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

Certain Felonies

Regardless of whether placement or expulsion is required or permitted by one of the reasons in the AAC Placement or Expulsion sections, in accordance with Education Code 37.0081, a student may

be expelled and placed in either AAC or JJAEP if the board or campus administrator makes certain findings and the following circumstances exist in relation to aggravated robbery or a felony offense under Title 5 (see glossary) of the Texas Penal Code. The student must:

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

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

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

Hearing and Required Findings

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

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

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

Length of Placement

The student is subject to the placement until:

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

Newly Enrolled Students

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

Expulsion

In deciding whether to order expulsion, regardless of whether the action is mandatory or discretionary, the campus administrator shall take into consideration:

1. Self-defense (see glossary),
2. Intent or lack of intent at the time the student engaged in the conduct,
3. The student's disciplinary history, or
4. A disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct.

Discretionary Expulsion: Misconduct That May Result in Expulsion

Some of the following types of misconduct may result in mandatory placement in the AAC, whether or not a student is expelled. (See AAC Placement.)

Any Location

A student **may** be expelled for:

- 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.
- Conduct that contains the elements of assault under Penal Code 22.01(a)(1) in retaliation against a school employee or volunteer.
- Criminal mischief, if punishable as a felony.
- Engaging in conduct that contains the elements of one of the following offenses against another student:
 - Aggravated assault.
 - Sexual assault.
 - Aggravated sexual assault.
 - Murder.
 - Capital murder.
 - Criminal attempt to commit murder or capital murder.
 - Aggravated robbery.
- Breach of computer security. (See glossary.)
- Engaging in conduct relating to a false alarm or report (including a bomb threat) or a terroristic threat involving a public school.

At School, Within 300 Feet, or at a School Event

A student **may** be expelled for committing any of the following offenses on or within 300 feet of school property, as measured from any point on the school's real property boundary line, or while attending a school-sponsored or school-related activity on or off school property:

- Selling, giving, or delivering to another person, or possessing, using, or being under the influence of marijuana, a controlled substance, or dangerous drug, if the conduct is not punishable as a felony
- Selling, giving, or delivering to another person, or possessing, using, or being under the influence alcohol; or committing a serious act or offense while under the influence of alcohol, if the conduct is not punishable as a felony.
- Engaging in conduct that contains the elements of an offense relating to abusable volatile chemicals.
- Engaging in conduct that contains the elements of assault under Section 22.01(a)(1) against an employee or a volunteer.
- Engaging in deadly conduct. (See glossary.)

Within 300 Feet of School

A student **may** be expelled for engaging in the following conduct while within 300 feet of school property, as measured from any point on the school's real property boundary line:

- Aggravated assault, sexual assault, or aggravated sexual assault.
- Arson. (See glossary.)
- Murder, capital murder, or criminal attempt to commit murder or capital murder.
- Indecency with a child, aggravated kidnapping, manslaughter, criminally negligent homicide, or aggravated robbery.
- Continuous sexual abuse of a young child or children.
- Felony drug- or alcohol-related offense.
- Carrying on or about the student's person a handgun, a location-restricted knife, or a club, as these terms are defined by state law. (See glossary.)
- Possessing, manufacturing, transporting, repairing, or selling a prohibited weapon, as defined by state law. (See glossary.)
- Possession of a firearm, as defined by federal law. (See glossary.)

Note: A student may not be expelled solely on the basis of the student's use, exhibition, or possession of a firearm that occurs at an approved target range facility that is not located on a school campus, while participating in or preparing for a school-sponsored, shooting sports competition or a shooting sports educational activity that is sponsored or supported by the Parks and Wildlife Department, or a shooting sports sanctioning organization working with the department. [See Policy FNCG(Legal).]

Property of Another District

A student **may** be expelled for 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 AAC

A student **may** be expelled for engaging in documented serious misbehavior that violates the district's Code, despite documented behavioral interventions while placed in the AAC. For purposes of discretionary expulsion from the AAC, serious misbehavior means:

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

Mandatory Expulsion: Misconduct That Requires Expulsion

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

Under Federal Law

- Bringing to school or possessing at school, including any setting that is under the district's control or supervision for the purpose of a school activity, a firearm, as defined by federal law. (See glossary.)

Note: Mandatory expulsion under the federal Gun Free Schools Act does not apply to a firearm that is lawfully stored inside a locked vehicle, or to firearms used in activities approved and authorized by the district when the district has adopted appropriate safeguards to ensure student safety.

Under the Texas Penal Code

- Carrying on or about the student's person the following, as defined by the Texas Penal Code:
 - A handgun, defined by state law as any firearm designed, made, or adapted to be used with one hand. (See glossary.) Note: A student may not be expelled solely on the basis of the student's use, exhibition, or possession of a firearm that occurs at an approved target range facility that is not located on a school campus, while participating in or preparing for a school-sponsored, shooting sports competition or a shooting sports educational activity that is sponsored or supported by the Parks and Wildlife Department, or a shooting sports sanctioning organization working with the department. [See policy FNCG(LEGAL).]
 - A location-restricted knife, as defined by state law. (See glossary.)
 - A club, as defined in state law. (See glossary.)
- Possessing, manufacturing, transporting, repairing, or selling a prohibited weapon, as defined in state law. (See glossary.)
- Behaving in a manner that contains elements of the following offenses under the Texas Penal Code:
 - Aggravated assault, sexual assault, or aggravated sexual assault.
 - Arson. (See glossary.)
 - Murder, capital murder, or criminal attempt to commit murder or capital murder.
 - Indecency with a child.
 - Aggravated kidnapping.
 - Aggravated robbery.
 - Manslaughter.
 - Criminally negligent homicide.
 - Continuous sexual abuse of a young child or children.
 - Behavior punishable as a felony that involves selling, giving, or delivering to another person, or possessing, using, or being under the influence of marijuana, a controlled substance, a dangerous drug, or alcohol; or committing a serious act or offense while under the influence of alcohol.
- Engaging in retaliation against a school employee or volunteer combined with one of the above-listed mandatory expulsion offenses.

Under Age Ten

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

Process

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

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

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

Hearing

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

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

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

The board of trustees delegates to the District Hearing Officer authority to conduct hearings and expel students.

Superintendent Review of Expulsion

After the due process hearing, the expelled student may request that the Superintendent review the expulsion decision. The student or parent must submit a written request to the superintendent within 7 workdays after receipt of the written decision. The superintendent must provide the student or parent written notice of the date, time, and place of the meeting at which the Superintendent will review the decision.

The Superintendent will review the record of the expulsion hearing and may also hear a statement from the student or parent.

The Superintendent may hear statements made by the parties at the review and will base his/her decision on evidence reflected in the record and any statements made by the parties at the review. The Superintendent will make and communicate his/her decision in writing to the parents. Consequences will not be deferred pending the outcome of the hearing.

Expulsion Order

Before ordering the expulsion, the board or campus administrator shall take into consideration:

1. Self-defense (see glossary),

2. Intent or lack of intent at the time the student engaged in the conduct,
3. The student's disciplinary history, or
4. A disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct.

If the student is expelled, the board or its designee shall deliver to the student and the student's parent a copy of the order expelling the student.

Not later than the second business day after the hearing, the District Hearing Officer shall deliver to the juvenile court a copy of the expulsion order and the information required by Section 52.04 of the Family Code.

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

Length of Expulsion

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

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

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

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

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

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

Withdrawal During Process

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

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

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

Additional Misconduct

If during the expulsion, the student engages in additional conduct for which placement in an AAC or expulsion is required or permitted, additional proceedings may be conducted, and the campus

administrator or the board may issue an additional disciplinary order as a result of those proceedings.

Restrictions During Expulsion

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

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

Newly Enrolled Students

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

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

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

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

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

Emergency Expulsion Procedures

When an emergency expulsion is necessary to protect persons or property from imminent harm, the student shall be given verbal notice of the reason for the action. *See* Tex. Educ. Code § 37.019. Within ten days after the date of the emergency expulsion, the student shall be given appropriate due process required for a student facing expulsion.

AAC Placement of Expelled Students

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

Glossary

The following terms are defined for the purposes of the entire West Orange-Cove Consolidated Independent School District's *Student Code of Conduct* as follows:

Admission, Review, and Dismissal (ARD) Committee is a committee made up of school staff and parents that address the admittance into special education; review the program (IEP-Individual Education Plan) that is in place; or dismiss the student from special education services. An ARD meeting may be requested by a parent or school staff member when needed. There is an annual ARD meeting held yearly to determine the new IEP and courses or related services the student will need for the upcoming year. The parent is an active member of the ARD meeting. The student may participate in the meeting when it is appropriate.

Abuse is improper or excessive use.

Aggravated robbery is defined in part by Texas Penal Code 29.03(a) as 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:
 - a. 65 years of age or older, or
 - b. A disabled person.

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

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

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

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

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

Board: The West Orange-Cove Consolidated Independent School District is governed by a Board of Trustees who, as a body, coordinates and oversees the management of the District. All references to the Board means West Orange-Cove Consolidated Independent School District Board of Trustees.

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 Texas Education Code as a single significant act or a pattern of acts by one or more students directed at another student 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, 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 definition of "cyberbullying" below.) This state law 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; or
3. Cyberbullying that occurs off school property or outside of a school-sponsored or school-related activity if it constitutes cyberbullying that: (A) interferes with a student's educational opportunities; or (B) substantially disrupts the orderly operation of a classroom, school, or school-sponsored or school-related activity. Tex. Educ. Code §§ 37.0832, 37.0052.

Bullying may include, but is not limited to, intimidation by name-calling, using ethnic or racial slurs, or derogatory statements that could disrupt the school program or incite violence.

Cheating and/or Plagiarism shall be defined as giving or receiving information or help on a test; possession of any unauthorized material during a test; copying another student's assignment or knowingly allowing another unauthorized student to copy from his/her assignment; working with others on a project that is meant to be done individually; unauthorized possession of test or quiz questions and/or answer sheets; completing an assignment, test or quiz on behalf of another student; submitting duplicate work; having someone else complete an assignment, test, or quiz on behalf of the student, accessing a teacher edition, or other examples of academic dishonesty. Using electronic devices to send or receive information as described above is also classified as cheating. Plagiarism, the use of another's ideas or products as one's own, shall also be defined as cheating. Plagiarism is any failure to give credit for information found and used. It may involve word-for-word copying, paraphrasing, or simply using ideas and information.

The penalty for cheating will be a zero for work involved, and the student will be subject to other appropriate disciplinary action which may include lowering the conduct grade one level. In cheating offenses, all students involved shall be subject to disciplinary action.

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, mace, and tomahawk are in the same category.

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

Cyberbullying is bullying done through the use of any electronic communication device, including through the use of a cellular or other type of telephone, a computer, a camera, electronic mail, instant messaging, text messaging, a social media application, an Internet website, or any other Internet-based communication tool. *See* TEX. EDUC. CODE § 37.0832.

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. (See "Harassment" and/or "Sexual Harassment" for related information.)

Days shall mean school days, unless otherwise noted.

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

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

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

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

Discipline Violation includes the planning of or conspiring to commit an offense and/or commission of an offense

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

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

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.

Expulsion Hearing is a procedure in which the student shall be advised of the conduct with which he or she is charged that is resulting in a long-term removal from WOCCISD campuses. At this hearing, the student shall be provided appropriate due process as required by the federal constitution, and which the student's parent or guardian is invited, in writing, to attend. The student is entitled to:

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

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

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

Fighting is defined as mutual combat between two or more students using blows of force to overcome the other student(s).

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.

Gang is defined as any group of three or more individuals having a common identifying sign or symbol or an identifiable leadership who continuously or regularly associate in the commission of criminal acts or acts that violate the school district policies or the *Student Code of Conduct*.

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.

Hacking is defined as intentional or unauthorized access or attempted access of any portion of the District's computer systems, networks, or private databases to view, obtain, manipulate, or transmit information, programs, or codes or of another student's personal telecommunication device. Hacking and other inappropriate use of the District's computer systems or of another student's personal telecommunication device are prohibited.

Handgun is defined by Texas Penal Code 46.01(5) as any firearm that is designed, made, or adapted to be fired with one hand.

Harassment is conduct that meets the definition established in district policies DIA(LOCAL) and FFH(LOCAL); or conduct that threatens to cause harm or bodily injury to another person, including a district student, employee, board member, or volunteer; is sexually intimidating; causes physical damage to the property of another student; subjects another student to physical confinement or restraint; or maliciously and substantially harms another student's physical or emotional health or safety.

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

1. Any type of physical brutality, such as whipping, beating, striking, branding, electronic shocking, placing of a harmful substance on the body, or similar activity;
2. Any type of physical activity, such as sleep deprivation, exposure to the elements, confinement in a small space, calisthenics, or other activity that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student;
3. Any activity involving consumption of a food, liquid, alcoholic beverage, liquor, drug, or other substance that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student;

4. Any activity that intimidates or threatens the student with ostracism, that subjects the student to extreme mental stress, shame, or humiliation, or that adversely affects the mental health or dignity of the student or discourages the student from remaining registered in an educational institution, or that may reasonably be expected to cause a student to leave the organization or the institution rather than submit to acts described above; or
5. Any activity that induces, causes, or requires the student to perform a duty or task that involves a violation of the Penal Code. *Education Code 37.151.*

Any teacher, administrator, or other person employed by the District, or any student who observes any other student engaged in any form of hazing, or who has reason to know or suspect that a student or students intend to engage in hazing, shall report that fact or suspicion to the principal. Failure to do so is a violation of state law.

Hit list is a list of people targeted to be harmed, using a firearm, a knife, or any other object to be used with intent to cause bodily harm.

Improvised Explosive Device is a completed and operational bomb designed to cause serious bodily injury, death, or substantial property damage that is made in an improvised manner using nonmilitary components. Texas Penal Code §§ 46.05(a), (e); 46.01(18).

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: (1) with the person's intimate parts exposed; or (2) engaged in sexual conduct. "Visual material" means any film, photograph, video tape, negative, or slide of any photographic reproduction or any other physical medium that allows an image to be displayed on a computer or other video screen and any image transmitted to a computer or other video screen.

Knuckles, as defined by Texas Penal Code 46.01, are 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.

Location-restricted knife is defined by Texas Penal Code 46.01(6) as a knife with a blade of over five and one-half inches.

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

Machine gun is defined by Texas Penal Code 46.01 as 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.

Plagiarism is defined above under Cheating.

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 other school property used by the student, including, but not limited to, a locker or desk.

Prohibited Items or Articles: In addition to weapons prohibited by the Texas Penal Code 46.05(a), students shall not possess fireworks of any kind, razors, any bladed instrument including pocket knives, chains, or any other object used in a way that threatens or inflicts bodily injury to another person, or that the principal or designee determines presents a danger to any student, District employee, or District property by virtue of possession or use of the object. Any violation of this policy shall result in disciplinary action deemed appropriate by the principal.

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

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

Public Lewdness is defined by Texas Penal Code 21.07 as an offense that occurs when a person knowingly engages in an act of sexual intercourse, 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 exempt from this definition.

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

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

Serious misbehavior involves engaging in documented serious misbehavior that violates the district's *Student Code of Conduct*, despite documented behavioral interventions while placed in a disciplinary alternative education program. For purposes of discretionary expulsion from an AAC, 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, Penal Code; or conduct that constitutes the offense of:

- a. Public lewdness under Section 21.07, Texas Penal Code;
- b. Indecent exposure under Section 21.08; Texas Penal Code;
- c. Criminal mischief under Section 28.03, Texas Penal Code;
- d. Personal hazing under Section 37.152, Texas Education Code; or
- e. Harassment under Section 42.07(a)(1), Texas Penal Code, of a student or district employee.

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

- Behavior that is grounds for permissible expulsion or mandatory AAC placement.
- Behavior identified by the district as grounds for discretionary AAC 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.

Sexting means using a cell phone, iPad, or any other type of communication device to send text or email or video messages or electronic transmissions or possessing text or email or video messages or electronic transmissions containing images reasonably interpreted as indecent or sexually suggestive or depicting sexual conduct or meeting the definitions or elements of any aspect of Texas Penal Code § 43.261 while at school or at a school related function.

In addition to any disciplinary action, phones and other communication devices may be confiscated and/or searched and students should be aware that any images suspected to violate criminal laws will be referred to law enforcement authorities.

Sexual Harassment (including gender-based harassment or sexual abuse) is defined as any unwanted physical, verbal, or visual sexual advances; requests for sexual favors; and other sexually-oriented conduct, which is offensive or objectionable to the recipient, including, but not

limited to: epithets; derogatory or suggestive comments, slurs, or gestures; and offensive posters, cartoons, pictures, or drawings.

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:

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

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

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

- Murder, manslaughter, or homicide under Section 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 (also known as “sextortion”) 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. The following list contains examples of indicators of possible drug or alcohol use, but is not inclusive:

1. While walking or standing, the person may stumble, stagger, fall, or be unsteady;
2. The person’s speech may be incoherent, rambling, slurred, inappropriately loud or shouting in tone of voice. Conversely, the person may be silent when it is inappropriate to be so;
3. The person’s actions may be marked by profanity, fighting, extreme hostility, overly aggressive behavior, sleepiness, or crying;
4. The person’s eyes may have dilated pupils, constricted pupils, may be bloodshot or red, or may be glassy;
5. The person may smell like alcohol or like an illicit drug, such as marijuana; or
6. There may be physical evidence of alcohol or drug use, such as a bottle, pills, and/or drug paraphernalia.

When a student shows signs of being under the influence of drugs, alcohol, **any** substance taken in amounts in excess of the recommended dosage, or any substance used in a manner other than recommended, the campus nurse and/or other trained professionals will complete a screening assessment to rule out the possibility of the student being under the influence. If the student refuses to have the assessment conducted, the response will be treated as though the student was under the influence. If observations are sufficient, police will be called to determine if a criminal violation exists. A criminal violation does not need to exist in order for school disciplinary actions to be assigned.

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.