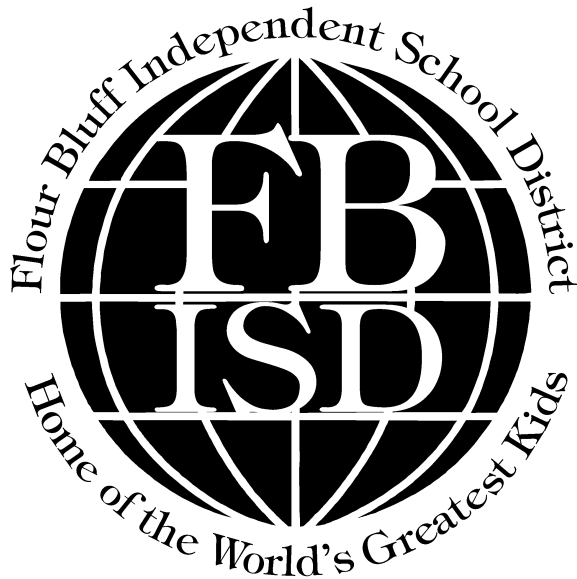


**FLOUR BLUFF  
INDEPENDENT SCHOOL DISTRICT  
2009-2010  
STUDENT CODE OF CONDUCT**



**Dr. Julie Carbajal, Superintendent  
2505 Waldron Road  
Corpus Christi, Texas 78418**

**[www.flourbluffschoools.net](http://www.flourbluffschoools.net)**

The provisions and information set forth in this Student Code of Conduct (Code) are intended to be informational and not contractual in nature. This Code is not intended, and shall not be construed to constitute a contract between the Flour Bluff Independent School District and any student, prospective student, agency of the local, state, or federal government, or any other person or legal entity of any and every nature whatsoever.

The District hereby reserves and retains the right to amend, alter, change, delete, or modify any of the provisions of this Code at any time, from time to time, without notice, in any manner that the Administration or the Board of Trustees of the District deems to be in the best interest of the District.

The contents apply to all students and programs in the District and are Board policies established by the District. As necessary, principals may include supplementary handbooks and directives pertinent to their individual campuses.

Flour Bluff Independent School District does not discriminate on the basis of race, religion, color, national origin, sex, or disability in providing education or access to benefits of education services, activities, and programs, including vocational programs, in accordance with Title VI of the Civil Rights Act of 1964, as amended; Title IX of the Educational Amendments Act of 1972; Section 504 of the Rehabilitation Act of 1973, as amended; and Title II of the Americans with Disabilities Act. You may contact the Title IX Coordinator, Dr. Audra Ude, at 694-9220.

\*Upon request this publication can be reproduced in large print.

\*Upon request the information in this publication will be translated.

\*This publication is posted on the District website at  
[www.flourbluffschoools.net](http://www.flourbluffschoools.net)

# Table of Contents

STUDENT CODE OF CONDUCT .....	1
Purpose.....	1
DRESS CODE .....	3
School District Authority and Jurisdiction .....	7
Standards for Student Conduct .....	9
General Conduct Violations.....	11
Disregard for Authority.....	11
Mistreatment of Others .....	11
Property Offenses.....	12
Possession of Prohibited Items .....	13
Use of Telecommunications/Electronic Devices .....	13
Illegal and Prescription Drugs .....	14
Misuse of Computers and the Internet .....	14
Safety Transgressions .....	15
Miscellaneous Offenses .....	15
Discipline Management Techniques.....	17
Students with Disabilities .....	17
Techniques .....	17
Notification .....	19
Appeals .....	19
Removal from the Regular Educational Setting .....	20
Routine Referral.....	20
Formal Removal.....	20
Returning Student to Classroom.....	21
Suspension .....	22
Misconduct.....	22
Process .....	22
Disciplinary Alternative Education Program (DAEP) Placement .....	23
Student Development and Guidance Center (SDGC).....	23

Discretionary Placement: Misconduct That May Result in DAEP Placement .....	24
General Misconduct .....	24
Misconduct Identified in State Law .....	256
Mandatory Placement: Misconduct That Requires DAEP Placement.....	28
Sexual Assault and Campus Assignments .....	29
Emergencies .....	29
Process .....	29
Determination of Offense .....	29
Conference .....	29
Placement Order.....	30
Length of Placement .....	30
Exceeds One Year.....	31
Exceeds School Year .....	31
Exceeds 60 Days.....	31
Appeals .....	31
Restrictions during Placement .....	32
Placement Review.....	32
Additional Misconduct.....	32
Notice of Criminal Proceedings.....	33
Withdrawal during Process .....	33
Newly Enrolled Students .....	34
Emergency Placement Procedure .....	34
Placement and/or Expulsion for Certain Serious Offenses.....	35
Review Committee.....	35
Newly Enrolled Student.....	35
Appeal .....	35
Certain Felonies .....	36
Hearings and Required Findings.....	36
Length of Placement .....	37
Expulsion .....	38
Discretionary Expulsion: Misconduct That May Result in Expulsion .....	38
Any Location .....	38

At School, Within 300 Feet, or at School Event.....	39
Within 300 Feet of School .....	39
Property of Another District .....	40
While in DAEP .....	40
Mandatory Expulsion: Misconduct That Requires Expulsion.....	40
Federal Law .....	40
Texas Penal Code.....	40
Under Age Ten.....	41
Emergency .....	42
Process .....	42
Hearing.....	42
Board Review of Expulsion.....	42
Expulsion Order .....	43
Length of Expulsion.....	43
Withdrawal during Process.....	44
Additional Misconduct.....	44
Restrictions during Expulsion.....	44
Newly Enrolled Students .....	44
Emergency Expulsion Procedures .....	45
DAEP Placement of Expelled Students .....	45
Students with Disabilities .....	45
SPECIAL NOTICES .....	46
Glossary .....	50
Index .....	62

# STUDENT CODE OF CONDUCT

## *Purpose*

Education in this community represents a significant commitment of financial and human resources. 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.

The School Board has a duty to the community to operate orderly and effective schools; therefore, administrators are charged with the responsibility of creating and maintaining a physically safe and appropriate learning environment. Effective learning situations can best be provided and positive behavioral patterns enforced when unacceptable behavioral patterns and their consequences are outlined, communicated, and understood by students, parents, and school personnel.

The Student Code of Conduct is the district's response to the requirements of Chapter 37 of the Texas Education Code.

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

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

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

In accordance with state law, the Student Code of Conduct will be posted at each school campus or will be available for review at the office of the campus principal. Additionally, the Student Code of Conduct is posted on the district website at [www.flourbluffschoools.net](http://www.flourbluffschoools.net). Parents will be notified of any conduct violation that may result in a student being suspended, placed in a DAEP, or expelled from the District.

This Code is organized into the following sections:

1. School District Authority and Jurisdiction
2. Standards of Student Conduct
3. General Conduct Violations
4. Discipline Management Techniques
5. Removal from the Regular Education Setting
6. Out-of-School Suspension

7. District Alternative Education Placement (Student Development and Guidance Center)
8. Placement and/or Expulsion for Certain Serious Offenses
9. Expulsion (Nueces County Juvenile Justice Alternative Education Placement)
10. Glossary

The purpose of these regulations and guidelines is to secure uniform expectations and consistent application of consequences of misconduct. The written Code provides the framework for fair and sound discipline policy. It also allows sufficient flexibility to meet special situations at each school. Adherence to the Code will ensure that all parties are treated with courtesy, respect and fairness, yet with firmness that will direct students to conduct themselves in an acceptable manner.

This Code is revised annually. Any questions or suggestions regarding the contents may be directed to the campus principal or to the office of the assistant superintendent at 694-9220.

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

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

## **Flour Bluff Independent School District 2009-2010 Dress Code**

The District's dress code is established to teach grooming and hygiene, prevent disruption, and minimize safety hazards. Dressing and grooming standards are considered an essential part of the educational process. All students are expected to dress and groom themselves neatly in clothing suitable for school activities.

The school has the right to ask a student to change his/her dress or personal grooming habits if it is deemed inappropriate or disruptive to the educational environment. Repeat violations of the dress and grooming code shall be considered defiance of authority and may result in disciplinary action as described in the Student Code of Conduct. Administrators will make the final determination as to what constitutes appropriate attire. Parents who have difficulty providing clothing or shoes for their children should contact the campus counselor for assistance.

Standardized Dress Code Guidelines apply for Elementary, Intermediate and Junior High School students in addition to the FBISD Dress Code. SDGC has additional requirements to the FBISD Dress Code, which are communicated in the SDGC Student/Parent Handbook. Extracurricular activities may require special dress requirements. The sponsor or coach shall make these decisions.

Exceptions and additional requirements to the dress code may be made in supervised physical activities, some extracurricular activities, or school-sponsored events as determined by the principal. Medical exceptions shall be made upon certification from the family physician of the student.

**The Student Code of Conduct** contains the District Dress Code and each campus' dress code additions. The dress code is also found in each campus handbook and on the district website at [www.flourbluffschoools.net](http://www.flourbluffschoools.net).

The following expectations are required of all students in the district:

- All clothing must fit and be worn appropriately.
- All clothing must be appropriate for school.
- All articles of clothing must meet the dress code requirements. If wearing the layered look, the complete outfit must comply with the dress code.
- Hornet spirit apparel must be school or school organization related.
- Pajamas are not allowed.
- Beachwear is not allowed (casual playwear and sandals with backstraps are permissible for grades PK-2).
- Clothing must be in contrasting colors (Example: No black on black, camouflage on camouflage, etc.)
- The midriff may not be visible, even when hands are raised above the head.
- Clothing material and color are expected to prevent undergarments from showing through.
- Undergarments must not be visible.

Pants/Shorts/Slacks/Skirts/Jeans/Denim/Dresses

- “Bag and sag” (oversized pockets, oversized crotch, and oversized legs) is not allowed.
- Jeans/denim, slacks, pants, shorts, and skorts/skirts/dresses must be appropriately sized for the individual and may not be oversized or undersized in whole or part.
- Low-waist, hip huggers, spandex or nylon materials, sweats, or wind/gym shorts are not permitted.
- Items must be properly sized, fitted, and worn at the waist.
- Biker shorts and other skin-tight or tight fitting apparel are not appropriate.
- Must be hemmed and fray-free (end of garments cannot be torn/cut)
- Must be standard jeans/denim/pants/slacks/shorts/skirts/dresses. Standard-style is no more than 4-5 pockets in the torso area.  
Pants/jeans/denim/slacks/shorts/skirts/skorts/dresses with oversized pockets or pockets down the leg are **NOT** appropriate for school.
- Clothing must be no shorter than a dollar bill’s width above the kneecap.
  - (Dollar bill’s width does not apply at grades PK-4).

Shirts/Tops/Sweaters/Jackets/Coats

- Shirts that are designed to be tucked in shall be tucked in.
- Athletic issued sweatshirts are to be worn only during the athletic activity, not during the school day.
- No low cut fronts.
- The following four items of clothing are not appropriate for school wear:
  - Muscle shirts
  - Tank tops
  - See-through, backless, bare-midriff, cut-out tops and/or strapless attire
  - Tops with thin shoulder straps
- *Sweatshirt/jacket hoods may not be worn while in the building.*
- *No ALL-BLACK clothing or trench coats are permitted.*
- No sweaters or coats will be allowed to cover inappropriate dress. Students must wear dress code shirts underneath.
- Oversized jackets are discouraged, due to limited locker space.

Hair

- Male students will be clean-shaven.
- Hair must be neat, clean and trimmed.
- Hair must be kept out of the eyes.
- Sideburns may not be longer than the bottom of the ear.
- No distracting arrangements:
  - Colors
  - Designs
  - Styles

Symbols

- Any article of clothing that displays alcohol or drug slogans or other suggestive or inappropriate designs, including, but not limited to, those that promote (suggest) sex, violence, or anti-social behavior or do not promote positive behavioral expectations will not be allowed. (Examples of items not allowed: “I’m trouble” logo/design, beer ads, skull/crossbones, etc.)

Accessories

- Beads, earrings, wristbands, or other items, which symbolize anti-social group membership will not be worn. This includes spiked rings, other spiked jewelry, wallet chains, or other gang related jewelry.
- Head coverings - (for example, hats and caps) will not be worn or displayed at any time on campus during the school day unless the student is participating in a school-sponsored outdoor activity. **When permitted, hats must be appropriately sized and will not be worn sideways or backwards.**
- Oversized necklaces will not be permitted (i.e., dog chains).
- Bandannas are not allowed.
- “Grills”/jewelry on teeth are **not** permitted.
- **Gauges/spacers in the ears are not permitted.**

Shoes

- Shoes or sandals must be worn at all times.
- All shoes must fit appropriately (securely and appropriately fastened).
- It is beneficial for the students to wear tennis shoes or sports shoes to activities such as P.E./Athletics or recess.
- Platform, high heel or stacked sole shoes more than one inch high are not permitted- at grades PK-4.
- At grades PK-8, strapless, open-heeled sandals/shoes are **not** allowed.
- Steel toe shoes/boots are not allowed.
- Shoes with wheels connected are not permitted.
- Bedroom slippers are not allowed.

Body Markings/Tattoos/Earrings/Piercings/Make-Up

- Students will not be allowed to display tattoos while in school dress (must be covered at all times).
- Earrings are not allowed to be worn by boys in grades PK-6.
- Earrings and studs may be worn **only** in the ear.
- No other body piercing is permitted.
- Make-up must not be distracting in color, design and style.
- Writing/markings on any visible part of the body is not acceptable.

**Identification Badges**

The student is to wear his/her school identification badge in front and above or at the waist (junior high and high school).

The **campus principal** has the final authority to determine whether a student's dress is within requirements of the District and campus dress codes. The principal's judgment will determine whether any items of dress, mentioned or not mentioned in the District or a campus dress code, will be considered inappropriate school attire.

*In addition to the District Dress Code,  
the following campuses have requirements.*

***ALL STUDENTS MUST ABIDE BY THE CAMPUS AND DISTRICT DRESS CODE GUIDELINES.***

**Standardized Dress Requirements at Elementary, Intermediate and Junior High**

All clothing must be in **solid** colors.

**Pants/Shorts/Slacks/Jeans/Denim/Skirts/Dresses/Skorts**

- Students can only wear plain, solid colored jeans/denim, slacks, pants, walking shorts, or skirts/skorts/dresses. Jeans/denim/pants/slacks/shorts/skirts/skorts/dresses must be standard-style. Standard-style is no more than 4-5 pockets in the torso area. Oversized pockets or pockets down the leg are **NOT** appropriate for school.
- Overalls are not permitted.
- Spandex shorts may only be worn under skirts/dresses.
- No inappropriate/distracting embellishments.

**Shirts**

Shirts may be short or long-sleeved. **All shirts must fit/not be oversized and must be buttoned appropriately.**

There are three (3) styles of acceptable shirts:

- Collared, buttoned **or snap-up** polo-style shirt  
**Polo shirts no longer than where the wrist of the student falls, when arms are hanging down at the side, will be permitted.**
- Button-up **or snap-up**, oxford-style shirt (must be tucked in and appropriately **closed**)
- Flour Bluff I.S.D. spirit t-shirt (may be worn untucked)
- Zippers or sleeveless shirts are **NOT** permitted.
- During cold weather, solid-colored turtlenecks may be worn under the required shirts.
- May **NOT** have pictures, graphics, insignias, logos, stripes or designer logos/emblems visible on shirt, collar or sleeve

**Sweatshirts/Pullovers/Sweaters/Sweater Vests/Jackets/Windbreakers (full length, button-up or full length zipper)**

- Must be appropriate for school

## **School District Authority and Jurisdiction**

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

The district has disciplinary authority over a student:

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

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

The district has the right to search a student's locker or desk when there is reasonable cause to believe it contains articles or materials prohibited by the district. (See policy FNF.)

District administrators conduct routine canine and visual searches of school facilities and school perimeters, including lockers, classrooms, desks, hallways and parking lots.

The alert of a trained dog to a locker, desk or car may result in a search of the locker, desk or car. Lockers and desks may be sniffed by trained dogs at any time.

1. Vehicles parked on school property may be sniffed by trained dogs at anytime when students are not present.
2. Classrooms and other common areas may be sniffed by trained dogs at anytime when students are not present.
3. If contraband of any kind is found, the student shall be subject to disciplinary action. Students shall be responsible for any prohibited items found in their lockers, desks or vehicles parked on school property.

School administrators will report crimes as required by law and will call local law enforcement when an administrator suspects that a crime has been committed on campus. School administrators may also report crimes related to students, staff and the school which are committed off-campus, when the crime is related to school operations.

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

# Standards for Student Conduct

## Student Safety

Student safety on campus or at school-related events is a high priority of the District.

Each student is expected to:

- Maintain a safe environment.
- Avoid conduct that is likely to put the student or others at risk.
- Follow additional rules for behavior and safety set by the principal or teacher.
- Remain alert to and promptly report safety hazards, such as intruders on campus.
- Know emergency evacuation procedures, routes and signals.
- Follow immediately the instructions of teachers, bus drivers, and other District employees when seeing to the welfare of students.

Behavior which jeopardizes the safety and welfare of others, or which damages school property, will be dealt with severely and shall result in **removal from the regular education setting**.

A student whose behavior shows disrespect for others, including interference with learning and a safe environment, will be subject to disciplinary action.

Each student is expected to:

- Demonstrate courtesy, even when others do not.
- Behave in a responsible manner, always exercising self-discipline.
- Attend all classes, regularly and on time.
- Prepare for each class; take appropriate materials and assignments to class.
- Meet district and campus standards of grooming and dress.
- Obey all campus and classroom rules.
- Respect the rights and privileges of students, teachers, and other district staff and volunteers.
- Respect the property of others, including district property and facilities.
- Cooperate with and assist the school staff in maintaining safety, order, and discipline.
- Report illegal behavior.
- Become familiar with the Student Code of Conduct.
- Avoid violations of the Student Code of Conduct.
- Accept the consequences of infractions.
- Abide by all laws.
- Seek changes in policies and regulations only in an orderly, responsible manner through proper channels.
- Adhere to the requirements of the Student Code of Conduct.

### **Campus and Classroom Rules**

The campus may impose general building and classroom rules in addition to those listed in the student handbook or Student Code of Conduct or distributed through classrooms and may or may not result in referral to the office.

The following is a non-inclusive list of behavior infractions:

- Being tardy to class.
- Refusing to follow classroom rules.
- Refusing to participate in classroom activities or fulfill assignments.
- Neglecting to bring appropriate materials to class.
- Possessing and/or using nuisance items.
- Eating or drinking in an undesignated area.
- Disrupting the orderly classroom process.
- Running, making excessive noise, or other disruptions in halls, buildings, classrooms or other supervised settings.

There should be an immediate and consistent intervention of any behavior which impedes the orderly operation of the classroom and school.

### **Positive Behavioral Support (PBS):**

To support our students, the Positive Behavioral Support (PBS) system has been implemented at grades PK-8, the Early Childhood Center, Primary, Elementary, Intermediate and Junior High campuses to teach and model character and the types of behaviors expected from students. Each campus has a general set of 3-6 expectations that are taught and modeled for students. Model lessons are taught in the classroom and students are recognized throughout the campus for exhibiting appropriate behaviors.

## General Conduct Violations

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

Students shall not:

(Examples include, but are not limited to:)

### ***Disregard for Authority***

- Fail to comply with directives or consequences given by school personnel (defying authority or insubordination) or contained in school policies, rules and regulations, including guidelines of student organizations.
- Leave school grounds or school-sponsored events without permission. (See glossary—FBISD is a Closed Campus.)
- Trespass
- Disobey rules for conduct on school buses or transportation. (See glossary--Transportation.)
- Refuse to accept discipline management techniques assigned by a teacher or principal.

### ***Mistreatment of Others***

- Use profanity or vulgar language or make obscene gestures.
- Direct profanity, vulgar language, or obscene gestures toward others, including another student or district employee/volunteer.
- Fight or scuffle. (See glossary for definitions of terminology. For assault, see DAEP and Expulsion.)
- Commit an assault.
- Threaten a district student, employee, or volunteer, including off school property, if the conduct causes a substantial disruption to the educational environment.
- Wear, write, gesture, speak or communicate gang symbols/language or other prohibited symbols.
- Engage in communications (verbal or written), face, body or hand gestures, that includes, but is not limited to: name calling, derogatory statements, slurs, insults,

profanity or vulgarity, provocative movements, signs or symbols, threatening or non-threatening behavior, or defamatory or inflammatory actions. (See glossary.)

- Engage in bullying, harassment, or making hit lists. (See glossary for all three terms.)
- Engage in conduct that constitutes sexual harassment or sexual abuse, whether by word, gesture, or any other conduct, directed toward another person, including a district student, employee or volunteer.
- Engage in conduct that constitutes dating violence, including the intentional use of physical, sexual, verbal, or emotional abuse to harm, threaten, intimidate, or control another person with whom the student has or has had a dating relationship.
- Engage in inappropriate or indecent exposure of private body parts or undergarments (i.e self-exposure or causing the exposure of others).
- Participate in hazing (or initiation rites). (See glossary.)
- Cause an individual to act through the use of or threat of force (coercion).
- Commit extortion, coercion 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 person without the prior consent of the individuals being recorded or in any way that disrupts the educational environment or invades the privacy of others.
- Act or attempt to incite an act which constitutes an expression of hostility against a person or property or institution because of the victim's real or perceived race, color, socio-economic status, disability, appearance, religion, national origin, ancestry, gender or sexual orientation (i.e. hate-related incidents.)

### ***Property Offenses***

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

### ***Possession of Prohibited Items***

- Possess, use, sell, give or deliver/distribute:
  - fireworks of any kind, smoke or stink bombs, or any other pyrotechnic device;
  - a razor, box cutter, chain, or any other object used in a way that threatens or inflicts bodily injury to another person;
  - a “look-alike” weapon;
  - an air gun or BB gun;
  - sling shots;
  - ammunition;
  - a stun gun;
  - a pocketknife or other knife (See DAEP Placement or Expulsion.);
  - mace or pepper spray;
  - pornographic material;
  - tobacco products (TEC 38.006);
  - matches or a lighter;
  - a laser pointer for other than an approved use (circumstances may result in suspension or DAEP placement); or
  - a weapon, device, object or substance of any kind or articles not generally considered to be weapons, including school supplies, when the principal or designee determines that a danger exists or it could cause bodily harm to individuals or any articles or substances not generally considered to be weapons, including school supplies, when the principal or designee determines that a danger exists. (For weapons and firearms see DAEP Placement and Expulsion.)
  - radios, CD/DVD players, cassette players, cameras, electronic or battery-operated games, MP3 players, stereo head sets, skates, skateboards, roller blades, roller shoes, etc. for other than approved use. Skateboards, rip-sticks, roller blades, roller shoes, etc. are to be kept at home and are not allowed on school property. (See glossary.)

### ***Use of Telecommunications/Electronic Devices***

- Display, turn on, have in operational mode or use a cellular telephone, paging device or other telecommunications device at school during the school day. (Will result in confiscation and a fee of \$15.) *Students may use cellular phones at extracurricular (after-school) activities.*
- Use any device that permits recording the voice or image of another in any way that either disrupts the educational environment, invades the privacy of others, or is made without the prior consent of the individuals being recorded.

- Use any paging, phone or telecommunications device to cheat on any assignment or examination. Telecommunications/electronic devices are to be submitted to school authorities or test administrators upon request and must be turned off during all assessments and the instructional day. State and national assessment requirements (i.e. TAKS, TAKS-ALT, TAKS-M, TAKS-A, SAT, ACT, AP, PSAT, NAEP, etc.) and local procedures require the devices to be submitted to school authorities prior to viewing and taking assessments.

### ***Illegal and Prescription Drugs***

- Possess or sell seeds or pieces of marijuana in less than a usable amount. (For illegal drugs, alcohol and inhalants, see DAEP Placement and Expulsion.)
- Possess, use, give, or sell paraphernalia related to any prohibited substance. (See glossary for “paraphernalia.” See DAEP Placement.)
- Possess or sell look-alike drugs or attempt to pass items off as drugs or contraband. (See DAEP Placement.)
- Give, sell or deliver drugs, medication, prescriptions or over-the-counter drugs to another person, or possess or be under the influence of another person’s drugs, medication, prescription or over-the-counter drugs on school property or at a school-related event. (See glossary for “abuse.” See Expulsion.)
- Abuse drugs, medication, prescription drugs or over-the-counter drugs at school or school-related events. (See Expulsion.)
- Be under the influence of medication, prescription or over-the-counter drugs that cause impairment of the physical or mental faculties. (See glossary for “under the influence.” See DAEP Placement.)
- Have or take the student’s own medication, prescription drugs or over-the-counter drugs at school other than as provided by district policy and procedures. All medication must be immediately taken to the school nurse upon arrival to school and must be properly contained and administered. Written parent permission is required for the nurse to administer medication. (See DAEP Placement.)

### ***Misuse of Computers and the Internet***

- Violate computer use policies, rules, or agreements (for acceptable computer utilization) signed by the student and the student’s parent.
- Attempt to access or circumvent passwords or other security-related information of the district, students, or employees or upload or create computer viruses, including off school property, if the conduct causes a substantial disruption to the educational environment.
- Attempt to alter, destroy, or disable district computer equipment, district data, the data of others, or other networks connected to the district’s system, including off school property, if the conduct causes a substantial disruption to the educational environment.

- Utilize communications devices such as e-mail, the Internet, chat rooms, blogs, MySpace, Facebook, YouTube, etc. in a manner that violates the computer use policies, rules or agreements signed by the student or the student's parent or the provisions of the Student Code of Conduct or utilize the devices in a manner that threatens or causes harm to others or school resources or substantially interferes with the operations of the school district, regardless of where the conduct occurs. Electronic mail submissions and other uses of the electronic communications system and electronic resources of the school district are not private and may be monitored at any time by Internet service providers, operators of system file servers, and designated District staff to ensure appropriate use.
- Use the Internet or other electronic communications to threaten district students, employees, or volunteers, including off school property, if the conduct causes a substantial disruption to the educational environment.
- Send or post electronic messages that are abusive, bullying, cruel, harmful, socially aggressive, obscene, sexually oriented, threatening, harassing, damaging to another's reputation, or illegal, including off school property, if the conduct causes a substantial disruption to the educational environment.
- Use e-mail, text messaging, twittering, etc. or websites at school to encourage illegal behavior or threaten school safety.

### ***Safety Transgressions***

- Drive recklessly.
- Fail to wear identification badges as required.
- Violate safety rules or directives.
- 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. (See glossary.)
- Throw or irresponsibly use objects that can cause bodily injury or property damage.
- Discharge a fire extinguisher without valid cause.
- Engage in conduct relating to a false alarm or report (including a bomb threat or a false 911 call) or a terroristic threat involving a public school.

### ***Miscellaneous Offenses***

- Arrive late (tardy).
- Violate compulsory attendance laws/skip class or other school activities (i.e. truancy).

- Violate dress and grooming standards as communicated in the student handbook and the Student Code of Conduct.
- Sell items at school, other than those approved by an appropriate administrator.
- Cheat or copy the work of another (plagiarism--academic dishonesty.)
- Gamble.
- Falsify records, passes, or other school-related documents (i.e. forge a name on official documents, etc.)
- Behave in a way that disrupts the school environment or educational process or the teacher's ability to teach (general disruption).
- Engage in actions or demonstrations that substantially disrupt or materially interfere with school activities (i.e. boycotts, sit-ins, etc.) or enter unauthorized areas.
- Exhibit inappropriate displays of affection (i.e. kissing, body embraces, etc.)
- Contact others (physically) in an inappropriate manner.
- Post or distribute unauthorized printed material in violation of district policy. (See glossary.)
- Repeatedly violate other communicated campus or classroom standards of conduct.
- Accrue office referrals of any combination of offenses (i.e. behavior has not changed as a result of a previous referral.)
- Commit a single (first time office referral) violation of a serious nature.
- Engage in Disciplinary Alternative Education Program (DAEP) offenses addressed in a later section in the Student Code of Conduct. (The student may be suspended or receive other appropriate consequences prior to or in addition to DAEP placement.)

Students may be suspended for any behavior listed in the Student Code of Conduct as a general misconduct violation, Disciplinary Alternative Education Program (DAEP) placement, or expellable offense.

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

**Other Similar Offenses:** The District recognizes that it cannot list every infraction which could result in disciplinary actions. Enumeration of certain, specific rules is not intended to exclude other rules which are laws as well as those rules of acceptable conduct for citizens of this community.

## **Discipline Management Techniques**

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

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

### ***Students with Disabilities***

The discipline of students with disabilities (served in Special Education or under Section 504 of the Rehabilitation Act of 1973) is subject to applicable state and federal law in addition to the Student Code of Conduct. To the extent any conflict exists, state and/or federal law will prevail.

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

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

Current state and federal law and regulations will prevail.

### ***Techniques***

The following discipline management techniques may be used—alone or in combination—for behavior prohibited by the Student Code of Conduct or by campus or classroom rules. Many behaviors can be managed successfully by the classroom teacher.

- Verbal correction, oral or written —verbal reprimands or warnings.
- Conference with the student.
- Cooling-off time or “time-out.”
- Seating changes within the classroom.
- Temporary or permanent confiscation of items that disrupt the educational process.
- Rewards or demerits or removal of privileges.
- Behavioral contracts (listing steps for improvement).
- Counseling by teachers, counselors, or administrative personnel.

- Note or call to parent.
- Parent-teacher conferences.
- Grade reductions for cheating, plagiarism, and late work and as otherwise permitted by policy.
- Detention (after-school, Saturday, etc.).
- Sending the student to the office or other assigned area, or to in-school suspension or temporary denial of the student's right to attend class. (The period of time will be consistent with the nature and seriousness of the offenses. Students are expected to continue with classroom work during removal.)
- Referral to a counselor, administrator, truancy officer or law enforcement.
- 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 or the denial of participation in school activities and extracurricular events or the use of common areas or other parts of the school.
- Techniques or penalties identified in individual student organizations' extracurricular standards of behavior.
- Office referrals may result in the student being ineligible to try-out and/or have membership in student organizations, or ineligible for student awards, recognitions and honors.
- Withdrawal or restriction of bus privileges.
- Temporary or permanent loss of driving and parking privileges or other privileges.
- School-assessed and school-administered probation.
- Restitution for damage—payment for destruction of property.
- Out-of-school suspension, as specified in the Out-of-School Suspension section of this Code.
- Placement in a DAEP, as specified in the DAEP section of this Code.
- Expulsion, as specified in the Expulsion section of this Code.
- Placement and/or expulsion in an alternative educational setting, as specified in the Placement and/or Expulsion for Certain Serious Offenses section of this Code.
- Referral to an outside agency or legal authority for criminal prosecution in addition to disciplinary measures imposed by the district.
- Students served through Special Education may be placed in an alternative crisis or time-out setting when appropriate, in accordance with district, state and federal guidelines/law and the student's individual educational plan.
- Other strategies and consequences as determined by school officials.

**Advancement for Recurring Office Referrals**—A student in the office for a second and succeeding time may be advanced to a more serious penalty.

In deciding upon consequences, the district will take into consideration:

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

### ***Notification***

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

### ***Appeals***

Parental questions or complaints regarding disciplinary measures should be addressed to the teacher or campus administration, as appropriate, and in accordance with policy FNG(LOCAL). A copy of the policy may be obtained from the principal's office or the central administration office or through Policy On Line at the following address:  
[www.flourbluffschools.net](http://www.flourbluffschools.net)

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

## Removal from the Regular Educational Setting

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

A student may be removed from class on a general referral for violating campus or classroom rules, not responding to previously directed discipline techniques, or engaging in behaviors prohibited by this Code.

**Persistent or Serious Misbehavior** involves:

- Any behaviors documented by the teacher as repeatedly interfering with the teacher's ability to teach the class, OR
- Any behavior so unruly, disruptive, or abusive that the teacher cannot teach and the students cannot learn, including a serious one-time offense.

**A record of classroom offenses and disciplinary interventions shall be maintained by the teacher or appropriate school administrator.**

### ***Routine Referral***

A routine referral occurs when a teacher sends a student to the principal's office as a discipline management technique. The principal may employ additional techniques.

**Note:**—Behaviors which are listed as Code violations must be reported to the office.

### ***Formal Removal***

A teacher or administrator **may** remove a student from class for a behavior that violates this Code to maintain effective discipline in the classroom. A teacher **may** also initiate a formal removal from class if:

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

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

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

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

- Another appropriate classroom
- In-school suspension
- Out-of-school suspension
- Disciplinary Alternative Education Placement (DAEP)

If a student is repeatedly referred to the office by a teacher/teachers or school personnel for misconduct, the school administrators should alert the student's parent to the recurring misconduct and the possibility of a placement in a DAEP, if documented misconduct continues.

### ***Returning Student to Classroom***

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

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

Administrators charged with the responsibility of creating and maintaining a physically safe and appropriate learning environment may find it necessary to utilize options and procedures not covered in these regulations. In the absence of a policy related to a specific situation, the administrator will use his best judgment in arriving at a decision. The decision is based on what he/she determines the policy would be if it existed, based on the spirit and tenor of other existing policies.

## Out-of-School Suspension

### ***Misconduct***

Students may be suspended for any behavior listed in the Code as a **General Conduct Violation, DAEP offense, or expellable offense.**

In deciding whether to order out-of-school suspension, the district will take into consideration:

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

### ***Process***

State law allows a student to be suspended for no more than three school days per behavior violation, with no limit on the number of times a student may be suspended in a semester or school year. If a decision regarding placement or expulsion is pending and the student has received Out-of-School Suspension for 3 days, the student is expected to return to In-School Suspension on the 4<sup>th</sup> day, pending the outcome of the placement or expulsion decision, unless the district administration has placed the student on an emergency placement or expulsion (Students/parents will be notified, if this is the case.)

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

The student shall not participate in school-sponsored or school-related extracurricular activities during a period of suspension, placement or expulsion.

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

The appropriate administrator will determine any restrictions on participation in school-sponsored or school-related extracurricular and cocurricular activities beyond the suspension.

An out-of-school suspension is considered an excused absence for attendance purposes.

The District has the option of suspending a student pending a placement conference or expulsion hearing.

## **Disciplinary Alternative Education Program (DAEP) Placement**

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

For the purposes of the DAEP, elementary classification shall be Pre-Kindergarten through grade 4 and secondary classification shall be grades 5-12.

Summer programs provided by the district may serve students assigned to a DAEP in conjunction with other students, with appropriate supervision.

### **Student Development and Guidance Center (SDGC)**

The District **shall** exercise its authority to place students in a Disciplinary Alternative Education Program (DAEP) for a single major occurrence (more serious offense) or for recurring office referrals (persistent misbehavior which interferes with an orderly school environment.)

The student may or must be removed from the general education setting and assigned to the off-campus Disciplinary Alternative Education Program (DAEP) according to the guidelines established by the DAEP and campuses. Students may be placed in a DAEP for state-mandated offenses as well as District offenses. Students may be placed in a Disciplinary Alternative Education Program for offenses committed on school property or within 300 feet of school property 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, if the offense is one for which DAEP placement is appropriate.

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

In deciding whether to order placement in a DAEP, regardless of whether the action is mandatory or discretionary, the district will take into consideration:

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

## ***Discretionary Placement: Misconduct That May Result in DAEP Placement***

### **General Misconduct**

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

The District has determined that the following behaviors may result in a student's placement in a Disciplinary Alternative Education Program. A student **may** be placed in a DAEP for the following conduct violations:

- Hate-Related Incidents—Act or attempted act or an attempt to incite an act which constitutes an expression of hostility against a person or property or institutions because of the victims real or perceived race, color, socio-economic status, disability, appearance, religion, national origin, ancestry, gender or sexual orientation.
- Directing profanity, vulgar language, or obscene gestures toward a District employee/volunteer.
- Hazing (initiation rites) (See glossary.)
- Gambling
- Possessing fireworks of any kind, smoke or stink bombs, or any other pyrotechnic or concussion device.
- Trespassing
- Stealing or assisting in stealing from students, staff, or the District/school (theft)
- Committing or assisting in a robbery or theft even if it does not constitute a felony according to the Texas Penal Code. (Felony robbery or theft offenses are addressed later in the Student Code of Conduct.)
- Damaging or vandalizing property owned by others.
- Defacing or damaging school property—including textbooks, lockers, furniture, and other equipment—with graffiti or by other means. (See glossary.)
- Committing extortion, coercion, or blackmail (obtaining money or another object of value from an unwilling person).
- Forcing an individual to act through the use of force or threat of force.
- Using the Internet or other electronic communications to threaten students or employees, or cause disruption to the educational program (i.e. cyberbullying).
- Sending or posting electronic messages that are abusive, obscene, sexually oriented, threatening, harassing, damaging to another person's reputation, or illegal.
- Engaging in any misbehavior that gives school officials reasonable cause to believe that such conduct will substantially disrupt the school program or incite violence.

- Violating computer use policies, rules, or agreements signed by the student, and/or agreements signed by the student's parent.
- Falsifying records, passes or forgery of a name on official documents.
- Possessing, giving or distributing material that is pornographic.
- Refusing to accept discipline management techniques assigned by a teacher, principal or school authority.
- Engaging in disruptive actions or demonstrations that substantially disrupt or interfere with school activities.
- Continual violation of compulsory attendance laws/skipping class or other school activities (truancy).
- Leaving school grounds or school-sponsored events without permission.
- Possessing or selling look-alike drugs or items attempted to be passed off as drugs or contraband.
- Violating (or failing to comply with) the District's policy/procedures on taking prescription drugs and over-the-counter drugs at school.
- Possessing a weapon, device, object or substance of any kind or using articles not generally considered to be weapons, including school supplies, when the principal or designee determines that a danger exists or it could cause bodily harm to individuals.
- Discharging a fire extinguisher, without valid cause.
- Possessing mace or pepper spray.
- Possession of a weapon prohibited by District policy. (See required/discretionary expulsions.)
- Possessing sling shots.
- Committing an assault. (See expulsion.)
- Failing to comply with directives or consequences given by school personnel (defying authority or insubordination).
- Possessing or selling a "look-alike" weapon.
- Acting in retaliation against students, employees or volunteers. (Also, see Expulsion section.)
- Be under the influence of medication, prescription or over-the-counter drugs that cause impairment of the physical or mental faculties. (See glossary for "under the influence.")
- Have or take the student's own medication, prescription drugs or over-the-counter drugs at school other than as provided by district policy. All medication must be immediately taken to the school nurse upon arrival to school and must be properly contained and administered.

### Misconduct Identified in State Law

In accordance with state law, a student **may** be placed in a DAEP for any one of the following offenses. In adherence to the District guidelines, a student **SHALL** be placed in a DAEP, if the student is found to be:

- Possessing ammunition.
- Involvement in gang activity, including participating as a member or pledge, or soliciting another person to become a pledge or member of a gang. (See glossary.)
- Involved in criminal mischief, not punishable as a felony.
- Involved in a federal firearms violation, for a student six years of age or younger.
- Involved in/making false threats, hoaxes or accusations regarding school safety.
- Involved 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. This provision does not include an agency of public welfare, such as Boy Scouts or Rainbow Girls, or educational organizations sponsored by recognized authorities. (See glossary.)
- Involvement in criminal street gang activity. (See glossary.)
- Possessing or selling seed or pieces of marijuana in less than a usable amount.
- Possessing published or electronic material that is designed to promote or encourage illegal behavior or could threaten school safety, using e-mail or websites at school to encourage illegal behavior, or threatening school safety.
- A student may be placed in a DAEP for single (first-time office referrals) of a more serious nature.
- Bullying or harassing behavior. Bullying/harassment may include, but is not limited to, intimidation by name-calling, using ethnic or racial slurs, derogatory statements or threatening actions that could disrupt the school program or incite violence.
- Engaging in threatening behavior (verbal or written exchanges) toward another student or District employee or school property.
- Engaging in harassment motivated by race, color, religion, national origin, disability, or age and directed toward another student or District employee/volunteer.
- Possessing, delivering or using a stun gun.
- Possessing, delivering or using a paintball gun.
- Inappropriate or indecent exposure of a student's private body parts (i.e. self-exposure or causing exposure of another person).
- Possessing, using, giving, or selling paraphernalia related to any prohibited substance. (See glossary.)

- Engaging in inappropriate verbal, physical, or sexual contact directed toward another student or a District employee/volunteer.
- Engaging in conduct that constitutes sexual harassment or sexual abuse, whether the conduct is by word, gesture, or any other sexual conduct, including requests for sexual favors directed toward another student or a District employee/volunteer.
- Repeatedly violating other communicated campus or classroom standards of behavior.
- Committing or assisting in a robbery or theft, even if it does not constitute a felony according to the Texas Penal Code. (Felony robbery or theft offenses are addressed later in the Student Code of Conduct.)
- A student shall be placed or 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:
  - Being under the influence of any amount of marijuana, a controlled substance, or a dangerous drug, if the conduct is not punishable as a felony.
  - Being under the influence of any amount of alcohol; or committing a serious act or offense while under the influence of alcohol, if the conduct is not punishable as a felony.

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

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

## ***Mandatory Placement: Misconduct That Requires DAEP Placement***

In adherence to state mandates, **a student must be placed** in a DAEP if the student commits any of the following offenses:

- Engages in conduct relating to a false alarm or report (including a bomb threat or pulling a fire alarm without cause) or a terroristic threat involving a public school, for students between the ages of six and nine. (See glossary. Also, see Expulsion for students ten and older.)
- 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).
  - Behaves in a manner that contains the elements of the offense of public lewdness or indecent exposure.
- Engages in expellable conduct and is between six and nine years of age.
- Commits a federal firearms violation and is younger than six years of age.
- Engages in conduct that contains the elements of the offense of retaliation against any school employee or volunteer on or off school property. (Committing retaliation in combination with another expellable offense is addressed in the Expulsion section of this Code.)
- Engages in conduct punishable as a felony listed under Title 5 (see glossary) of the Texas Penal Code when the conduct occurs off school property and not at a school-sponsored or school-related event and:
  1. The student receives deferred prosecution (see glossary),
  2. A court or jury finds that the student has engaged in delinquent conduct (see glossary), or
  3. The superintendent or designee has a reasonable belief (see glossary) that the student engaged in the conduct.

### **Alcohol and Drug-Free, Weapon-Free School Zone:**

Flour Bluff I.S.D. operates under a Alcohol and Drug-Free, Weapon-Free School Zone Policy for students involved in alcohol, weapon and drug-related offenses. These behaviors will not be tolerated, for the safety and protection of all individuals who enter the school community.

**In addition, Flour Bluff I.S.D. has adopted an Alcohol and Drug-Free, Weapon-Free School Zone which creates a safe haven for students within a 1,000-foot perimeter of the campus. This policy applies to all campuses 24 hours a day, including weekends.**

## ***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 other person with the authority to act on behalf of the victim requests that the board transfer the offending student to another campus, the offending student shall be transferred to another campus in the district. If there is no other campus in the district serving the grade level of the offending student, the offending student will be transferred to a DAEP.

## ***Emergencies***

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

## ***Process***

Removals to a DAEP will be made by the campus principal or appropriate administrator. The duration of a student's placement in a DAEP will be determined by the appropriate administrator.

## ***Determination of Offense***

The campus principal or appropriate administrator will determine if a violation of the Student Code of Conduct has occurred.

To determine whether a violation includes elements of an offense under the Penal Code, the district may rely on reports from law enforcement authorities in accordance with Article 15.27 of the Code of Criminal Procedure. Article 15.27 requires law enforcement officers and officers of juvenile courts to provide information to districts when a young person gets into trouble. The superintendent or designee can use such a report to determine whether or not to remove a student from the regular classroom and place him or her in a DAEP.

## ***Conference***

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

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

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

**Placement Order**

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

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

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

**Length of Placement**

The duration of a student’s placement in a DAEP will be determined by the campus principal or appropriate administrator.

The length of placement may be increased due to repeat office referrals. Mandatory referrals are of such a serious nature to result in placement for the remainder of the semester or, if placement occurs during the last six weeks, into the succeeding semester.

The duration of a student’s placement will be determined on a case-by-case basis. DAEP placement will be correlated to the seriousness of the offense, the student’s age and grade level, the frequency of misbehavior, the student’s attitude, statutory requirements, and consistent application of consequences in a fair and equitable manner. SDGC primarily serves grades 5-12, unless a lower grade student has committed a state-mandated DAEP placement offense.

The maximum period of DAEP placement shall be one calendar year, except as provided below. General length of placement is as follows:

<b><u>Conduct</u></b>	<b><u>Maximum Length of Time (successful days)</u></b>
1. Discretionary ( <b><u>may</u></b> )	31-90 days*
2. Mandatory ( <b><u>shall/must</u></b> )	31 days to one calendar year*

Students at the Intermediate level (5<sup>th</sup>/6<sup>th</sup> grades) or younger may be placed for a minimum of 15 successful days, if the student has no prior placement or expulsion offenses. If the student at the Intermediate level or younger has a prior placement or expulsion offense, the minimum placement will be 31 successful school days.

A review must be conducted for placements reaching 120 days. A review will be conducted at least every 60 days.

\*Note: The placement may be extended based upon behaviors while in the DAEP or other provisions found in the Student Code of Conduct.

Students must demonstrate **successful days** at the Disciplinary Alternative Education Program in order to return to the home campus. The DAEP includes the following components:

- Behavior modification techniques
- Counseling
- Character Education
- Highly structured and closely supervised environment
- Classroom and homework assignments
- Mandatory tutoring
- Participation in the full day of instruction (unless on temporary absence during the day for a doctor's appointment or other appointment approved by the school administrator.)

### **Exceeds One Year**

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

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

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

### **Exceeds School Year**

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

For placement in a DAEP to extend beyond the end of the school year, the campus principal or appropriate administrator must determine that:

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

### **Exceeds 60 Days**

For placement in a DAEP to extend beyond 60 days or the end of the next grading period, whichever is sooner, a student's parent will be given notice and the opportunity to participate in a proceeding before the board's designee. Any decision is final and may not be appealed.

### ***Appeals***

Questions from parents regarding disciplinary measures should be addressed to the campus administration. Appeals regarding the decision to place a student in a DAEP should be addressed to the board's designee, the assistant superintendent--in accordance with policy FOC (LEGAL). All other appeals regarding placement in a DAEP should be

addressed in accordance with policy FNG (LOCAL). A copy of this policy may be obtained from the principal's office or the central administration office or through Policy On Line at the following address: [www.flourbluffschools.net](http://www.flourbluffschools.net).

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

### ***Restrictions during Placement***

The district does not permit a student who is placed in a DAEP to participate in any school-sponsored or school-related extracurricular or cocurricular activity including seeking or holding honorary positions and/or membership in school-sponsored clubs and organizations. After the student completes the placement at the DAEP, he/she regains eligibility to participate, **subject to the written requirements of the extracurricular activity, club or organization**. DAEP students are not permitted to be on school grounds at any time, other than DAEP facilities. State law prohibits students placed in a DAEP, for reasons specified in state law, from attending or participating in school-sponsored or school-related extracurricular activities.

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

For seniors who are eligible to graduate and are assigned to a DAEP at the time of graduation, the last day of placement in the program will be the last instructional day, and the student will be allowed to participate in the graduation ceremony and related graduation activities unless otherwise specified in the DAEP placement order or unless the student commits another offense while at the DAEP which would cause the student to be prohibited from participation in graduation, by decision of the appropriate administrator.

DAEP students must be separated from the other students for the entire school program.

### ***Placement Review***

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

Students in the DAEP will be provided opportunities to complete their required coursework prior to the start of the next school year.

### ***Additional Misconduct***

If during the term of placement in a DAEP the student engages in additional conduct for which placement in a DAEP or expulsion is required or permitted, additional proceedings

may be conducted, and the appropriate administrator may enter an additional disciplinary order as a result of those proceedings.

Students are required to abide by all operating guidelines of the DAEP and the Student Code of Conduct.

### ***Notice of Criminal Proceedings***

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

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

If a student was placed in a DAEP for such conduct, on receiving the notice from the prosecutor, the superintendent or designee will review the student's placement and schedule a review with the student's parent not later than the third day after the superintendent or designee receives notice from the prosecutor. The student may not be returned to the regular classroom pending the review.

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

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

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

### ***Withdrawal during Process***

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

administrator or the board fails to issue a placement order after the student withdraws, the next district in which the student enrolls may complete the proceedings and issue a placement order.

If a student placed in a DAEP withdraws before the expiration of the period of placement, FBISD shall provide to the district in which the student enrolls, at the same time other records are provided, a copy of the placement order. The receiving district may continue the disciplinary alternative education placement under the terms of the order or may allow the student to attend regular classes without completing the period of placement.

Credit will be rewarded only to students attending and receiving passing grades from other public or private, accredited schools during the period of the DAEP placement.

### ***Newly Enrolled Students***

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

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

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

### ***Emergency Placement Procedure***

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

If emergency placement involves a student with disabilities who receives special education services, the term of the student's emergency removal is subject to the requirements of state and federal law.

## **Placement and/or Expulsion for Certain Serious Offenses**

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

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

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

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

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

### ***Review Committee***

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

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

### ***Newly Enrolled Student***

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

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.

### ***Appeal***

A student or the student's parent may appeal the placement by requesting a conference with the board's 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's designee under this section is final and may not be appealed.

### ***Certain Felonies***

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

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

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

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

### ***Hearings and Required Findings***

The student must first have a hearing before the board's designee, who must determine that in addition to the circumstances above that allowed 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'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.

## Expulsion

The student is removed from attendance in the District according to provisions of the Texas Education Code (TEC 37.007). A student adjudicated through the Juvenile Justice System may be placed in the Nueces County Juvenile Justice System Alternative Education Program.

In deciding whether to order expulsion, regardless of whether the action is mandatory or discretionary, the district will take into consideration:

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

### ***Discretionary Expulsion: Misconduct That May Result in Expulsion***

A student **may** be expelled for:

#### **Any Location**

- Engaging in the following, no matter where it takes place:
  - Conduct that contains the elements of assault under Texas Penal Code 22.01(a)(1) in retaliation against a school employee or volunteer.
  - Criminal mischief, if punishable as a felony.
- Engaging in conduct that contains the elements of one of the following offenses against another student, without regard to where the conduct occurs:
  - Aggravated assault.
  - Sexual assault.
  - Aggravated sexual assault.
  - Murder.
  - Capital murder.
  - Criminal attempt to commit murder or capital murder.
  - Aggravated robbery.
- Engaging in conduct relating to a false alarm or report (including a bomb threat or pulling a fire alarm without cause) or a terroristic threat involving a public school (See DAEP Placement for students six to nine years old.)

### **At School, Within 300 Feet, or at School Event**

- Committing any of the following offenses on or within 300 feet of school property, as measured from any point on the school’s real property boundary line, or while attending a school-sponsored or school-related activity on or off school property:
- Selling, giving, or delivering to another person, or possessing, using, or being under the influence of marijuana, a controlled substance, or a dangerous drug, if the conduct is not punishable as a felony.
- Selling, giving, or delivering to another person, or possessing, using, or being under the influence of alcohol; or committing a serious act or offense while under the influence of alcohol, if the conduct is not punishable as a felony.
- Selling, giving, possessing or delivering to another person or accepting from another person over-the-counter or prescription drugs or medications; or committing a serious act or offense while under the influence of over-the-counter or prescription drugs or medications, if the conduct is not punishable as a felony.
- Engaging in conduct that contains the elements of an offense relating to abusable volatile chemicals (glue, aerosol, paint, etc.).
- 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.)
- Abusing prescription drugs or medication or possessing or being under the influence of another person’s prescription drugs or medication on school property or at a school-related event.

### **Within 300 Feet of School**

- Engaging in the following conduct while within 300 feet of school property, as measured from any point on the school’s real property boundary line:
  - Aggravated assault, sexual assault, or aggravated sexual assault.
  - Arson. (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.
  - Use, exhibition, or possession of a firearm (as defined by state law), an illegal knife, a club, or prohibited weapon, or possession of a firearm (as defined by federal law).

### **Property of Another District**

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

### **While in DAEP**

- Engaging in serious offenses or persistent misbehavior (see glossary) that violates the District's Student Code of Conduct, while placed in a DAEP. The District defines "persistent" as two or more violations of the Student Code of Conduct in general or repeated occurrences of the same violation. The District defines "serious" as such behaviors categorized in the **Out-of-School Suspension, Disciplinary Alternative Education Program placement and Expulsion categories.**

### ***Mandatory Expulsion: Misconduct That Requires Expulsion***

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

### ***Federal Law***

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

### ***Texas Penal Code***

- Using, exhibiting, or possessing the following, as defined by the Texas Penal Code:
  - A firearm (any device designed, made, or adapted to expel a projectile through a barrel by using the energy generated by an explosion or burning substance or any device readily convertible to that use), unless the use, exhibition, or possession of the firearm occurs at an off-campus approved target range facility while participating in or preparing for a school-sponsored shooting sports competition or a shooting sports educational activity that is sponsored and supported by the Parks and Wildlife Department or a shooting sports sanctioning organization working with the department.
  - An illegal knife, such as a knife with a blade over 5½ inches; hand instrument, designed to cut or stab another by being thrown; dagger, including but not limited

to a dirk, stiletto, and poniard; bowie knife; sword; or spear, **or knife of any size**, including a pocketknife or small knife. (The superintendent or designee may mitigate the consequence of expulsion, if circumstances warrant.)

**By District policy, the appropriate administrator shall recommend expulsion for a knife of any size. The Superintendent or designee may review the circumstances to determine whether the offense warrants expulsion.**

- A club (see glossary) such as an instrument specially designed, made, or adapted for the purpose of inflicting serious bodily injury or death by striking a person with the instrument, including a blackjack, nightstick, mace, and tomahawk.
- A prohibited weapon, such as an explosive weapon, a machine gun, a short-barrel firearm, a firearm silencer, a switchblade knife, knuckles, armor-piercing ammunition, a chemical dispensing device, or a zip gun. (See glossary.)
- Behaving in a manner that contains elements of the following offenses under the Texas Penal Code:
  - Aggravated assault, sexual assault, or aggravated sexual assault.
  - Arson. (See glossary.)
  - Murder, capital murder, or criminal attempt to commit murder or capital murder.
  - Indecency with a child.
  - Aggravated kidnapping.
  - Aggravated robbery.
  - Manslaughter.
  - Criminally negligent homicide.
  - Continuous abuse of a young child or children.
  - Behavior punishable as a felony that involves selling, giving, or delivering to another person, or possessing, using, or being under the influence of marijuana, a controlled substance, a dangerous drug, or alcohol; or committing a serious act or offense while under the influence of alcohol.
  - Engaging in retaliation against a school employee or volunteer combined with one of the above-listed mandatory expulsion offenses, with the exception of a federal firearm offense, on or off school property or at a school-related activity.

### ***Under Age Ten***

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

## ***Emergency***

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

## ***Process***

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

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

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

## ***Hearing***

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

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

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

The Board of Trustees delegates to the Superintendent or designee the authority to conduct hearings and expel students.

If the student is expelled, the Board's designee will deliver to the student and the student's parent a copy of the order expelling the student.

## ***Board Review of Expulsion***

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

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

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

### ***Expulsion Order***

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

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

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

### ***Length of Expulsion***

The length of an expulsion will be correlated to the seriousness of the offense, the student's age and grade level, the frequency of misbehavior, the student's attitude, and statutory requirements and consistent application of the consequences in a fair and equitable manner.

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

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

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

<b><u>Conduct</u></b>	<b><u>Maximum Length of Time (successful days)</u></b>
1. Firearm (federal)	One calendar year*
2. All other expellable offenses	90-180 days*

\*Note: The expulsion may be extended based on other provisions found in the Student Code of Conduct.

### **Students must demonstrate successful days at the NCJJAEP in order to return to the home campus.**

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

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

### ***Withdrawal during Process***

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

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

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

### ***Additional Misconduct***

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

### ***Restrictions during Expulsion***

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

No district academic credit will be earned for work missed during the period of expulsion unless the student is enrolled in a Juvenile Justice Alternative Education Program (JJAEP), another district-approved program, or other public/private accredited school.

If an expelled student enrolls in another district, the District shall provide to the district in which the student enrolls, at the same time other records are provided, a copy of the expulsion order and the referral letter to the Juvenile Justice Department.

### ***Newly Enrolled Students***

The District will decide, on a case-by-case basis, the expulsion or placement of a newly enrolled student who is subject to an expulsion order for mandatory or discretionary reasons from another district or open-enrollment charter school upon enrollment in the District. The student will be given a due process hearing for possible expulsion. A decision will be made as to whether the student will be expelled to the Juvenile Justice Alternative Education Program (JJAEP) or placed in the District's Alternative Education Program (SDGC).

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

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

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

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

### ***Emergency Expulsion Procedures***

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

If emergency expulsion involves a student with disabilities who receives special education services, the term of the student's emergency expulsion is subject to the requirements of state and federal law.

A student who is removed for emergency reasons will be released to the student's parent, parent's representative, medical providers, or law enforcement authorities.

### ***DAEP Placement of Expelled Students***

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

### ***Students with Disabilities***

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

## **SPECIAL NOTICES**

---

### **REMOVAL FROM REGULAR EDUCATION SETTING PLACEMENT IN A JUVENILE JUSTICE ALTERNATIVE EDUCATION PROGRAM**

---

The Board of Trustees of Flour Bluff Independent School District has entered into an agreement with the Nueces County Juvenile Board outlining the Juvenile Board's responsibilities concerning the establishment and operation of the Juvenile Justice Alternative Education Program and conditions on payments from the District to the Juvenile Board. Details of this relationship are defined in agreements available for public inspection upon request to the Superintendent.

If the student violates the Student Code of Conduct and the behavior falls under the jurisdiction of the Juvenile Justice system, the student may be placed in the Juvenile Justice Alternative Education Program.

Firearms violations will require a placement of one year. Other offenses will require placement at the NCJJAEP for not less than 90 successful days. Based upon successful behavior, the student may be removed from expulsion earlier than 90 days.

If the adjudication occurs during the last six weeks of the semester, the order will extend into the following semester.

### **SCHOOL DISTRICT AND LAW ENFORCEMENT**

District personnel will cooperate with law enforcement agencies. Law enforcement officials shall be informed of violations as prescribed in the Texas Education Code, including violations of the Texas Penal Code. The Juvenile Justice Department is notified of all students expelled from school.

Administrators shall have the responsibility and authority to determine when law enforcement officers' assistance is needed. Officers may issue legal citations to students for violations of law, including disorderly conduct.

---

## CONFERENCE/PROCEEDINGS/HEARINGS/APPEALS

---

The following procedures for hearings related to discipline are prescribed in the Texas Education Code, Chapter 37. For procedures relating to other topics, consult the Student/Parent Handbook or District policy for the complaint process (Board policy FNG (Local))

### **Out-of-School Suspension - No Hearing:**

The Principal or other appropriate administrator may suspend a student for three school days. No formal hearing or prior notice to parents is required prior to the principal or designee suspending a student. Prior to making a suspension decision, the principal or designee shall verbally notify the student of the charge and the basis of the accusation, and give the student the opportunity to explain his/her side of the events. The principal or designee shall duly notify the parent or guardian of the suspension.

### **Proceedings Required For Certain Types of Disciplinary Alternative Education Placement:**

Not later than the third class day after the day on which a student is removed from class by the teacher under Section 37.002(b) or (d) or by the school principal or other appropriate administrator under Section 37.006, the principal or other appropriate administrator shall schedule a conference among the principal or other appropriate administrator, a parent or guardian of the student, the teacher removing the student from class, if any and the student. *At the conference, the principal or appropriate administrator will inform the student of the misconduct for which he or she is charged and give the student an opportunity to give his or her version of the incident.* The student may not be returned to the regular classroom pending the conference. Following the conference, and whether or not each requested person is in attendance, after valid attempts to require the person's attendance, the principal shall order the placement of the student as provided by Section 37.002 or 37.006, as applicable, for a period consistent with the Student Code of Conduct.

### **Hearings For Student Placement In Disciplinary Alternative Education Program Beyond The End Of The Next Grading Period:**

If a student's placement in an alternative education program is to extend beyond 60 days or the current and end of the next grading period, a student's parent or guardian is entitled to notice of and an opportunity to participate in a proceeding. The student or parent/guardian shall submit a written request to the Assistant Superintendent within three days after receipt of the written decision. The Superintendent or designee shall conduct the hearing and make a decision under this section. Any decision of the Board's designee under this subsection is final and may not be appealed.

**Parent To Receive Written Notice Of Student's Placement in DAEP:** The campus administrator shall deliver to the student and the student's parent or guardian a copy of the order placing the student in a disciplinary alternative education program.

**120 Day Review of DAEP Placement:** A student in a disciplinary alternative education program shall be provided a review of the student's status by the Board's designee at intervals not to exceed 120 days. At the review, the student or the student's parent or guardian must be given the opportunity to present arguments for the student's return to the regular classroom or campus. The student may not be returned to the classroom of the teacher who removed the student without the teacher's consent. The teacher may not be coerced to consent.

**DAEP Placements of less than 60 days:** DAEP Placements of less than 60 days or which do not extend beyond the end of the next grading period are not appealable.

---

## HEARINGS/APPEALS

---

### **Expulsion Hearings and Appeals**

**Expulsion Hearings.** Before a student may be expelled, the Superintendent or designee must provide the student a hearing at which the student is afforded appropriate due process and which the student's parent or guardian is invited, in writing, to attend.

At the hearing, the student is entitled to be represented by the student's parent or guardian or another adult who can provide guidance to the student and who is not an employee of the school district.

**Expulsion Appeals.** If the decision to expel a student is made by the Superintendent or designee, the decision may be appealed to the Board. The student or parent/guardian shall submit a written request to the Superintendent within seven days after receipt of the written decision.

When an expulsion recommendation is reduced to a DAEP Placement by the hearing officer, the decision of the hearing officer is final and may not be appealed.

**Parent To Receive Written Notice Of Student's Expulsion.** The Superintendent or designee shall deliver to the student and the student's parent or guardian a copy of the order expelling the student. After a school district notifies the parent or guardian that the student has been expelled, the parent or guardian shall provide adequate supervision of the student during the period of expulsion. Copies of the Expulsion order shall be provided to the Nueces County Juvenile Justice Office and to the student's teachers.

## **Alcohol and Drug-Free, Weapon-Free School Zone**

### **ALCOHOL AND/OR DRUG USE**

The District does not tolerate students being involved in alcohol and drug-related offenses.

In recognition of the importance of establishing a work-school place where students and staff are free from the influence of alcohol and drugs, it is the district's position and mandate that alcohol and drugs shall not be present on school premises or school vehicles. Individuals who are under the influence or are in possession of alcohol and/or drugs or related paraphernalia while on school grounds or attending school activities *may* be expelled from school.

Depending on the nature and severity of a drug-or-alcohol-related offense, a student may be required to complete an appropriate rehabilitation program, in addition to other school disciplinary measures.

NO STUDENT SHALL POSSESS, OR ATTEMPT TO POSSESS, USE, OR BE UNDER THE INFLUENCE OF ALCOHOL OR DRUGS DURING USUAL SCHOOL HOURS. A student need not be legally intoxicated to be considered "under the influence" of a controlled substance.

### **Alcohol and Drug-Free, Weapon-Free School Zone**

In addition, the Flour Bluff Independent School District Board of Trustees has endorsed and supports the concept of the DRUG-FREE, WEAPON-FREE SCHOOL ZONE PROGRAM WHICH CREATES A "SAFE HAVEN" FOR FLOUR BLUFF STUDENTS, THEREBY REDUCING AVAILABILITY OF ILLEGAL DRUGS AND ILLEGAL ALCOHOL CONSUMPTION AND ALLOWING CONTROL OF WEAPONS WITHIN A 1,000 FEET PERIMETER OF THE SCHOOL CAMPUS. The adoption of such a zone sets in motion SEVERE federal, state and local laws and criminal penalties for violators of the Alcohol and Drug-Free, Weapon-Free School Zone.

**FLOUR BLUFF SCHOOL  
BOARD ADOPTED THE  
ALCOHOL AND DRUG FREE,  
WEAPON-FREE SCHOOL ZONE  
POLICY WHICH APPLIES TO  
AN AREA 1,000 FEET FROM  
THE SCHOOL CAMPUS**

## Glossary

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

**Abuse** is improper or excessive use.

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

**Arson** occurs when a person starts a fire, regardless of whether the fire continues after ignition, or causes an explosion and

Arson is:

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

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

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

- Intentionally or knowingly threatening another person with imminent injury.
- Intentionally or knowingly causing physical contact with another when the student knows or should have reasonably believed that the other would regard the contact as offensive or provocative.

Students shall be placed in a disciplinary alternative education center (SDGC) for engaging in conduct that contains the elements of assault and shall be expelled for aggravated assault and sexual assault. (See expulsion.) Aggravated assault involves very serious bodily injury and/or the use of a weapon.

**Note: Fighting** is defined as physical contact with malicious intent between two or more individuals. A fight has occurred if a student who is attacked strikes back. To avoid penalty, a student should detach him/herself from the situation and seek school personnel or adult help.

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

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

**Cheating/Plagiarism/Academic Dishonesty** includes cheating or copying the work of another student, and unauthorized communication between students during an examination. Plagiarism is the use of another person's original ideas or writing as one's own without giving credit to the true author. Plagiarism will be considered cheating and the student will be subject to academic disciplinary action that may include loss of credit for the work in question. Teachers who have determined the student has engaged in cheating will determine the academic penalty to be assessed. Students will be subject to disciplinary penalties as well as academic penalties.

**Chemical dispensing device** is a device designed, made, or adapted for the purpose of causing an adverse psychological or physiological effect on a human being. A small chemical dispenser sold commercially for personal protection is not in this category.

**Closed Campus** District schools do not allow students to leave campus. The student is under the jurisdiction and authority of school personnel during the school day and while going to and from school on District transportation, as well as during any activity. Students may not leave campus during lunch or at any time during the school day without prior approval. Flour Bluff I.S.D. is a closed campus.

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

**Clubs and Organizations** (student clubs, organizations and performing groups) such as band, choir, drill, cheerleading, and athletic teams may establish codes of conduct and consequences for misbehavior that are stricter than those for students in general. If a violation is also a violation of school rules, the consequences specified by the school will apply in addition to any consequences specified by the organization.

Clubs and organizations are subject to school rules and policies and are governed by applicable restrictions. The Board prohibits any secret society which seeks to perpetuate

itself by taking in additional members on the basis of the decision of its membership rather than upon the free choice of any pupil in the school.

**Computer Access/Acceptable Use** Only students who have been authorized by the District and who are under direct supervision of designated District employees are permitted to use a District computer or to access any local network or outside telecommunications services. Campus computer labs have established guidelines for the utilization of computer equipment. Students and parents are expected to sign Acceptable Use Forms acknowledging responsibilities and acceptance of consequences for student misuse and/or destruction of technology-related equipment.

**Controlled Substance** is a substance, including any prescription drug for which the sale, distribution, and use is regulated, without regard to amount, including, but not limited to, marijuana, and narcotic drug, hallucinogen, stimulant, depressant, amphetamine, or barbiturate; alcohol or any alcoholic beverage; any abusable glue, aerosol paint, or any other chemical substance for inhalation; any other intoxicant, or mood-changing, mind-altering, or behavior-altering drugs; any paraphernalia or apparatus (belongings, clothing, tools, equipment, etc.) associated with the possession or use of such substances. Factors in the determination of “paraphernalia” include the physical design characteristics of the item, the existence and scope of uses for the object in the community, the existence of any residue of a controlled substance on an object, and expert testimony concerning the item’s use. The controlled substance rule prohibits possession, use, delivery, dispensing, gift, sale, or being under the influence of any controlled or prohibited substance, including look-alike or what is represented to be any of the above-listed substances.

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

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

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

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

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

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

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

**Disruption on school property** is conduct by students, either in or out of class, that for any reason because of time, place, or manner of behavior materially disrupts class work or involves substantial disorder of other students and/or employees at school or school-related activities is prohibited.

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

**Dogs – Trained**-for sniffing school facilities and perimeters, cars and lockers for contraband do not constitute a search under the Fourth Amendment. The alert of a trained dog provides reasonable suspicion for search.

1. Lockers may be sniffed by trained dogs at any time.
2. Vehicles parked on school property may be sniffed by trained dogs at anytime.
3. Classrooms and other common areas may be sniffed by trained dogs at anytime when students are not present.
4. If contraband of any kind is found, the student shall be subject to disciplinary action. Students shall be responsible for any prohibited items found in their lockers or vehicles parked on school property.

**Electronic Devices** A student in a public school **MAY NOT** use a radio, recorder, player, battery-operated or electronic device while on school property or while attending a school-sponsored or school-related activity on or off school property. Students **MAY NOT** use a paging device or cellular telephone during the school day unless the student is in attendance in the capacity of an active member of a volunteer fire-fighting organization or a volunteer emergency medical services organization. Students are allowed to use a paging device or cellular telephone at extracurricular activities. (after normal school hours). Electronic devices are to remain off throughout the instructional day and may not be allowed to disrupt instruction. During assessments, electronic devices are required to be submitted to the school authorities until the assessment is completed.

A person who discovers a student using a device in violation of this section shall report the violation to the appropriate school administrator who shall order a peace officer or appropriate school employee to confiscate the device. Confiscated beepers, cellular telephones and other electronic devices may be returned to parents. In this section “paging device” means a telecommunication device that emits an audible signal, vibrates, displays a message, or otherwise summons or delivers a communication to the processor. Cameras may also be considered a disruption unless prior permission has been obtained.

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

**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 physical contact with intent to harm, between two or more individuals. A fight has occurred if a student who is attacked strikes back. To avoid penalty, a student should detach him/herself from the situation and seek/call out for school personnel or adult help. (See assault.)

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

**Gangs** are 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 or activities violating the provisions of the Code of Conduct.

**Graffiti** are markings with paint or 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.

**Harassment** is:

1. Conduct that meets the definition established in district policies DIA(LOCAL) and FFH(LOCAL); or
2. Conduct that threatens to cause harm or bodily injury to another student, is sexually intimidating, causes physical damage to the property of another student, subjects another student to physical confinement or restraint, or maliciously and substantially harms another student's physical or emotional health or safety.

Harassment means repeated unwelcome and offensive slurs, jokes, or other oral, written, graphic, or physical conduct related to an individual's race, color, religion, national origin, disability, or age that creates an intimidating, hostile, or offensive educational or work environment.

**Hate-Related Incidents** are defined as an act, an attempted act or an attempt to incite an act which constitutes an expression of hostility against a person or property or institutions because of the victim's real or perceived race, color, socio-economic status, disability, religion, national origin, ancestry, gender, or sexual orientation.

This will include using bigoted insults, taunts, or slurs; distributing or posting hate-group literature or posters; defacing, removing, or destroying posted materials, announcements, or property; and posting or circulating demeaning jokes or leaflets either through print or electronic media.

**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. Students who engage in hazing, encourage hazing, or who have knowledge of a hazing incident and fail to report that knowledge to the principal, violate District policy and are subject to criminal prosecution. Hazing is prohibited on or off campus.

**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.

**Interrogations and Searches**--Administrators, teachers, and other professional personnel may question a student regarding the student's own conduct or the conduct of

other students. In the context of school discipline, students may not claim freedom from self-incrimination. School officials may search a student or a student's property. Vehicles on school property are also subject to search.

Students have full responsibility of the security of their lockers and vehicles parked on school property and shall make certain they are locked and that the keys and combination are not given to others. Students shall not place, keep, or maintain any article or material in desks, lockers or vehicles parked on school property that is forbidden by District policy.

Searches of desks or lockers may be conducted at any time whether or not the student is present. If a vehicle subject to search is locked, the student shall be asked to unlock the vehicle. If the student refuses, the District shall contact the student's parents. If the parents also refuse to permit the vehicle to be searched, the District will contact local law enforcement officials.

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

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

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

**Medicines**--The transmittal, sale, or attempted sale of what is represented to be any or phony drugs or non-prescription medicine is also prohibited under the controlled substance rule. Students are prohibited from selling, giving, or delivering any medicines (prescription or non-prescription) to other students. Such actions may endanger the safety of others.

**Notification of Parents** The student's parent or guardian shall be notified if any prohibited items are found in a student's locker, in a vehicle parked on school property, or on the student's person as a result of a search conducted in accordance with this policy.

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

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

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

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

**Prescription Drugs**--All students must check in prescribed drugs and all medications with the school nurse upon arrival to school. A student who uses a drug authorized by a licensed physician through a prescription specifically for that student's use shall not be considered to have violated the controlled substance rule, providing the drug is deposited in the nurse's office for proper dispensing. Medications during school hours are dispensed by the school nurse. Medications while on school-sponsored functions should be deposited with the sponsor. However, a student with asthma or severe allergic reaction (anaphylaxis) may be permitted to possess and use prescribed asthma or anaphylaxis medication at school or school-related events only if he or she has written authorization from his or her parent and a physician or other licensed health-care provider. The written authorization must be on file with the school nurse.

**Publications/Printed Material**--All publications edited, printed or distributed in the name of or within the District schools shall be under the control of the school administration and the Board. Publications approved and issued by individual schools shall be part of the instructional program, under the supervision of a faculty sponsor, and all shall be carefully edited to reflect the high ideals and expectations of the citizens of the District for their schools. Distribution of non-school printed material intended for distribution to students is strictly forbidden without prior administrative approval. Refer to procedures for obtaining prior review in Student/Parent Handbook.

**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. Administrators may place a student in a Disciplinary Alternative Education Program (DAEP) if they have reasonable belief that the student has engaged in felony conduct under Title 5. Administrators also may place a student in a DAEP if they have reasonable belief that the student has committed felony conduct that is not a Title 5 offense, if the Superintendent believes the student's continued presence in the regular classroom threatens the safety of other students or teachers, or will be detrimental to the educational process.

**School/Public Property** --For the purpose of this rule, "school property" includes the public school campuses or school grounds upon which any public school is located and any grounds or buildings used by District schools for assemblies or other school-related activities "Public Property" includes any street, highway, alley, public park, or sidewalk. No student shall be permitted, on school property or on public property within 500 feet of school property, to willfully disrupt, alone or in concert with others the educational process. Conduct that disrupts the educational activities of a school includes, but is not limited to the following:

1. Emission of any means of noise of intensity that prevents or hinders classroom instruction;
2. Enticement or attempted enticement of students away from classes or other school activities which students are required to attend;
3. Prevention or attempted preventions of students from attending classes or other school activities which students are required to attend;

4. Entrance into a classroom without consent of either the principal or teacher, and through acts of misconduct and/or use of loud and profane language, causing the disruption of class activities;
5. Dressing or grooming in a manner that disrupts the school environment.

**Scuffling/horseplay** involves playing around in a physical manner without intent to harm or actually harming another person. Scuffling and horseplay is not appropriate at school and school-related activities and students will receive consequences for this type of unsafe behavior.

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

**Serious offenses** include but are not limited to:

- Murder.
- Vandalism.
- Robbery or theft.
- Extortion, coercion, or blackmail.
- Actions or demonstrations that substantially disrupt or materially interfere with school activities.
- Hazing.
- Insubordination.
- Profanity, vulgar language, or obscene gestures.
- Fighting, committing physical abuse, or threatening physical abuse.
- Possession or distribution of pornographic materials.
- Leaving school grounds without permission.
- Sexual harassment of a student or district employee.
- Possession of or conspiracy to possess any explosive or explosive device.
- Falsification of records, passes, or other school-related documents.
- Refusal to accept discipline assigned by the teacher or principal.

**Serious & Persistent Misbehavior** Any behaviors documented by the teacher as repeatedly interfering with the teacher's ability to teach the class or the ability of the student's classmates to learn; or any behavior so unruly or disruptive that the teacher cannot teach and the students cannot learn.

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

All students are expected to treat one another courteously, with respect for the other person's feelings; to avoid any behaviors known to be offensive; and to stop these behaviors when asked or told to stop. All students are prohibited from engaging in offensive verbal or physical conduct of a sexual nature directed toward another student.

This prohibition applies whether the conduct is by word, gesture, or any other intimidating sexual conduct, including requests for sexual favors, that the other student regards as offensive or provocative.

Students and/or parents are encouraged to discuss their questions or concerns about the expectations in this area with the teacher, the principal or designee, or the Assistant Superintendent, who serves as the District's Title IX Coordinator for students. (Refer to the Student/Parent Handbook.)

**Smoking/Tobacco Use**--This District prohibits smoking and any use of tobacco products on all school property by any person. Persons shall not smoke or use tobacco products on school property or at any school-related or sanctioned activity on or off school property. Persons shall not possess or use any tobacco products, including but not limited to, cigarettes, cigars, pipes, snuff, or chewing tobacco, on school premises or at school-related functions.

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

**Switchblade** is any knife with a blade that folds, closes, or retracts into the handle or sheath and that opens automatically by pressing a button or by the force of gravity or centrifugal force. The term does not include a knife that has a spring, detent, or other mechanism designed to create a bias toward closure and that requires exertion applied to the blade by hand, wrist, or arm to overcome the bias toward closure and open the knife.

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

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

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

**Transportation (School Bus Behavior)**--School buses shall be considered an extension of the classroom. Students being transported must comply with the Student Code of Conduct. Behavior which is not permitted includes, but is not limited to, the following:

1. Being disobedient or disrespectful to the driver.
2. Standing or moving around while the bus is in motion.
3. Sticking hands or head out of a window.
4. Throwing object(s) out of a window.
5. Loud talking or laughing.
6. Using tobacco.
7. Scuffling or fighting.
8. Using obscene and/or unacceptable language.
9. Littering the bus.
10. Disturbing others.
11. Eating or drinking on the bus.
12. Tampering with the bus and/or equipment.
13. Possessing or being under the influence of marijuana, alcohol, a controlled substance, a dangerous drug, or a “look-alike” (something represented to be a prohibited substance).
14. Using the emergency door when no emergency exists.

VIOLATIONS OF ANY OF THESE RULES, unsafe acts, or any other applicable campus rules or the Student Code of Conduct **MAY RESULT IN LOSS OF BUS PRIVILEGES**. In case of serious misconduct that endangers the safety of other passengers or the driver, the driver shall have the authority to call law enforcement for assistance.

The following violations are regarded as **SERIOUS INFRACTIONS** and **SHALL** result in automatic suspension of transportation privileges for the remainder of the year.

1. Physical harm to student or driver.
2. Physical damage to school vehicles.
3. Throwing objects from the bus.
4. Possession of drugs, alcohol, or tobacco.

Video cameras are utilized in the District to promote compliance with the rules of conduct.

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

**Use** means voluntarily introducing into one’s body, by any means, a prohibited substance. Use may be determined by admission. Use may be detectable by the student’s physical appearance, actions, breath, or speech. Use also means the student has smoked, ingested, injected, imbibed, inhaled, drunk or otherwise taken internally a prohibited substance.

**Verbal abuse** is any disrespectful act or communication (verbal or written) directed to another person that is threatening or non-threatening in nature. This may include but is

not limited to: verbal threats made through name calling, insults, derogatory statements, slurs, profanity or vulgarity.

**Weapons**--A student shall not go onto or near the school premises with a firearm, explosive weapon, or knife, unless pursuant to written regulations or written authorization of the District. The student shall not interfere with activities, occupancy, or use of any building or portion of the campus by exhibiting, using, or threatening to exhibit or use, the firearm, explosive weapon, or knife.

Students are also prohibited from bringing to school or a school-related activity any other weapons or “look-alike” (something represented to be a prohibited weapon). This prohibition will not normally apply to school supplies such as pencils and compasses, unless they are used in a mean or threatening manner. (See Alcohol and Drug-Free, Weapon-Free School Zone.)

Students may not bring to school, or any school-related activity, or have in their possession, or in their vehicle, any weapons prohibited by law or local policy including but not limited to the following:

1. Knives of any size, including pocket knives
2. Fireworks or concussion devices of any kind
3. Clubs
4. Hand instrument designed to cut or stab another by being thrown
5. Metallic or hard surfaced knuckles
6. Firearms
7. Explosive weapons
8. Slingshots
9. Paintball guns
10. Armor-piercing ammunition, principally for pistols and revolvers
11. Chemical dispensing devices
12. Zip guns
13. Stun guns
14. Taser guns
15. Any other object, including handmade device, which by the way is used or intended to be used, threatens, or is capable of inflicting bodily injury to another person

Desks, lockers and cars parked on school premises may be inspected by school personnel if there is a reasonable suspicion to believe they contain a weapon. Canine alert provides reasonable suspicion.

The administration of each campus will recommend to the Superintendent that all students involved with weapons defined by the Texas Education Code be expelled from school.

Possession of weapons not listed in the Expellable Offenses in TEC will result in Disciplinary Alternative Education Placement. (DAEP)

Possession of a “look-alike” firearm is prohibited and may result in serious consequences. Any “look-alike” weapon used in a threatening or disruptive manner may result in removal to a DAEP.

**Zip gun** is a device or combination of devices, not originally a firearm, but adapted to expel a projectile through a smooth-bore or rifled-bore barrel by using the energy generated by an explosion or burning substance.

## Index of Major Offenses

Alcohol (felony-related) 41  
Alcohol (under the influence) 27, 28, 41  
Alcohol (possessing, selling, giving, delivering, using) 27, 28, 41  
Ammunition 26  
Arson 41  
Assault 25, 38, 39, 41  
Assault (aggravated) 38, 39, 41  
Assault (sexual) 38, 39, 41  
Assault (aggravated, sexual) 38, 39, 41  
Blackmail 24  
Bomb Threat 28, 38  
Bullying 24, 26  
Chemicals (abusable, volatile) 39  
Clubs 39, 41  
Coercion 24  
Controlled substance 39, 41  
Computer use (violation of) 13, 14, 25, 26  
Criminal mischief 26, 38  
Deadly conduct 39  
Disruption/demonstrations 25  
Drugs (felony) 39, 41  
Drugs (look alike) 25  
Drugs (paraphernalia) 14, 27  
Drugs (prescription and over-the-counter) 14, 25, 39, 41  
Drugs (selling, giving, delivering, possessing, using) 14, 25, 27, 39, 41  
Drugs (under the influence) 14, 25, 27, 39, 41  
Electronic messages/material 24, 26  
Extortion 24  
False alarm/report 28, 38  
False threats/hoaxes/  
Accusations 26, 28, 38  
Falsifying records/forgery 25  
Felonies (Title V)  
28, 29, 36, 38, 39, 41  
Felonies (non-Title V)  
28, 29, 36, 38, 39, 40, 41  
Fighting 11  
Fire Extinguisher (misuse) 25, 28, 38  
Firearms 40, 41  
Firearms (federal) 40, 41  
Fireworks 24  
Force (threat of, use of) 24  
Gambling 24  
Gang-related activity 24, 26  
Graffiti 24  
Harassment 26  
Hate-Related Incidents 24  
Hazing 24  
Homicide 38, 39, 40, 41  
Indecency with a child 39, 41  
Indecent/inappropriate exposure 26, 28  
Insubordination 25  
Internet 14, 15, 16, 24  
Kidnapping 39, 41  
Knives 39, 40, 41  
Knuckles 41  
Lewdness (public) 28  
Mace/pepper spray 25

Manslaughter 38, 39, 41  
 Medication 14, 25, 27, 39, 41 (also see  
 Drugs)  
 Murder 38, 39, 40, 41  
 Murder (capital) 38, 39, 40, 41  
 Murder (criminal attempt) 38, 39, 40, 41  
 Physical contact (inappropriate) 16  
 Pornographic material 13  
 Profanity 11  
 Retaliation 25, 28, 38, 40, 41  
 Robbery 27, 38, 39, 40, 41  
 Robbery (aggravated) 38, 39, 40, 41  
 Scuffling/horseplay 11  
 Secret societies 26  
 Sexual abuse 29, 36, 38, 39, 40, 41  
 Sexual assault 29, 36, 38, 39, 40, 41  
 Sexual contact 29, 36, 38, 39, 40, 41  
 Sexual harassment 26, 27  
 Sexual offenders 29, 36, 38, 39, 40, 41  
 Stealing 24  
 Stun gun 26  
 Terroristic threat 28, 38  
 Theft 24, 26  
 Threatening behavior 24, 25, 26  
 Title V offenses (felony injury to a  
 person) 28, 29, 36, 37, 38, 39, 40, 41  
 Trespassing 24  
 Truancy 25  
 Vandalizing 24  
 Verbal exchange (inappropriate) 24, 26  
 Weapons (items not generally  
 considered to be or look alike) 25  
 Weapons (federal firearm) 39, 40, 41  
 Weapons (general) 25, 39, 40, 41

This index is intended to be a quick reference and is not all inclusive of offenses in the Code of Conduct.

# ACKNOWLEDGMENT

## Student Code of Conduct Acknowledgment

Dear Student and Parent:

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

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

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

Thank you.

Dr. Julie Carbajal,  
Superintendent

---

We acknowledge that we have received a copy of the Flour Bluff Independent School District Student Code of Conduct for the 2009-2010 school year and understand that students will be held accountable for their behavior and will be subject to the disciplinary consequences outlined in the Code. **Check one below:**

\_\_\_ We agree to access a copy of the District Student Code of Conduct through the District website at [www.flourbluffschoools.net](http://www.flourbluffschoools.net) .

\_\_\_ We are taking a printed copy.

Print name of student: \_\_\_\_\_

Signature of student: \_\_\_\_\_

Print name of parent: \_\_\_\_\_

Signature of parent: \_\_\_\_\_

Date: \_\_\_\_\_

School: \_\_\_\_\_ Grade level: \_\_\_\_\_

**Sign this page and return it to the student's school. Thank you.**