

**FLOUR BLUFF
INDEPENDENT SCHOOL DISTRICT
2018-2019
STUDENT CODE OF CONDUCT**



**2505 Waldron Road
Corpus Christi, Texas 78418**

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 at 694-9220.

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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 (Code) is the district's response to the requirements of Chapter 37 of the Texas Education Code.

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

The law requires the district to define misconduct that may—or must—result in a range of specific disciplinary consequences including removal from a regular classroom or campus, out-of-school suspension, placement in a disciplinary alternative education program (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. It remains in effect during summer school and at all school-related events and activities outside of the school year until an updated version adopted by the board becomes effective for the next school year.

In accordance with state law, the Student Code of Conduct shall be posted at each school campus or shall be available for review at the office of the campus principal. Additionally, the Student Code of Conduct shall be posted on the district's website at www.flourbluffschools.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.

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 shall prevail.

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

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
11. Index

REPORTING A SAFETY CONCERN OR POSSIBLE VIOLATION OF THE FBISD STUDENT CODE OF CONDUCT

In order to protect the safety of the school environment for all students, parents, staff and community members, the district takes a strong stance regarding enforcement of safety measures and the FBISD Student Code of Conduct.

Students, parents, community members and district employees are expected to report any concerns immediately to district/school administrators that jeopardize the safety of any individual or group of individuals at school, school-related events or in association with school. The best and most direct route to seek assistance is to report the safety concern or possible violation of the SCOC directly to a campus administrator, such as an assistant principal or principal. The more detail a report contains, the more likely the school or district administration will be able to intervene and work to prevent any further concerns. Key questions an administrator will ask include:

- **What occurred?**
- **When did it occur? (date, time)**
- **Where did it occur?**
- **Specifically, who was involved?**
- **How was each person involved?**
- **Why did this occur? (if you know)**
- **Are there any other details you have?**

Campus and district administrators may be contacted through the following phone numbers:

Early Childhood Principal	694-9070
Primary Principal	694-9695
Elementary Principal	694-9595
Intermediate Principal	694-9495
Junior High Principal	694-9395
High School Principal	694-9195
District Administration	694-9202

Reports may be made through the district website at: www.flourbluffschoools.net



Additionally, reports may be made through Crimestoppers at:



Flour Bluff Independent School District 2018-2019 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.flourbluffschools.net.

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

- All clothing must fit and be worn properly.
- All clothing must be appropriate for school.
- Revealing or tight-fitting materials/apparel are not appropriate.
- Garments may not have oversized pockets.
- Clothing are to be free of holes or frays.
- School-provided, athletics-issued garments are to be worn only during the designated athletic activities.
- All articles/layers of clothing together must meet the dress code requirements. No coats will be allowed to cover inappropriate dress.
- 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, red on red, blue on blue, camouflage on camouflage, etc.)
- The midriff may not be visible, even when hands are raised above the head.
- Undergarments must not be visible.

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

- 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.
- Items must be properly sized, fitted, and worn so as not to expose the midriff, other body parts or undergarments.
- Tights or leggings may be worn under another garment that meets the dress code.
- Must be standard jeans/denim/pants/slacks/shorts/skirts/dresses. Clothing must be no shorter than a dollar bill's width (2 ¾ inches) above the kneecap.
 - (Dollar bill's width does not apply at grades PK-4, Principal discretion).
- At grades PK-6, girls are strongly encouraged to wear shorts/tights/leggings under dresses, due to involvement in physical activities.

Shirts/Tops/Sweaters/Jackets/Coats

- No low cut fronts, cutouts or cleavage showing.
- The following items of clothing are not appropriate for school wear, if worn alone:
 - Muscle shirts
 - Tank tops (may be worn with other layers, if the other layers meet dress code)
 - Backless, see-through, short, bare-midriff, cut-out tops and/or strapless attire
 - Tops with thin shoulder straps (may be worn with other layers, if the other layers meet dress code)
- Shoulder straps of shirts/tops/dresses must be at least the width of a dollar bill at grades 3-12.
- No trench coats/oversized jackets/coats are permitted.

Hair

- Male students will be clean-shaven.
- Hair must be clean, trimmed and kept out of the eyes.
- Sideburns may not be longer than the bottom of the ear.
- No arrangements that are distracting in the educational environment:
 - Designs (such as mohawks, rat tails, words, symbols, etc.)
 - Styles

Symbols

- Any article of clothing that displays illegal activities, 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.

Accessories

- Beads, earrings, armbands, wristbands, or other items, which symbolize anti-social group membership will not be worn. This includes spiked rings, other spiked jewelry, wallet chains, or gang related jewelry.
- Head coverings - (for example, hats, caps, hoods, etc.) 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, large chains).
- Bandannas are not allowed.
- Jewelry on teeth or in the mouth are **not** permitted.

Shoes

- Shoes or sandals must be worn at all times.
- All shoes must fit appropriately (securely and appropriately fastened).
- Closed-toe and closed-heel shoes are strongly encouraged at grades PK-6, due to safety and outdoor activities.
- At grades PK-8, strapless, open-heeled sandals/shoes are **not** allowed.
- Platform, high heel or stacked sole shoes more than one-inch-high are not permitted at grades PK-4.
- It is beneficial for the students to wear tennis shoes or sports shoes to activities such as P.E./Athletics or recess.
- 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

In an effort to teach expectations for dress at ages where students generally begin selecting their own clothing and where students tend to mature physically, a standardized dress code has been implemented for grades 3-8.

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, leggings, walking shorts, or skirts/skorts/dresses. Jeans/denim/pants/slacks/shorts/skirts/skorts/dresses must be standard-style.
- Shorts may have a solid color stripe on the side seam.
- Overalls are not permitted.
- Sweatpants are not permitted.
- No distracting embellishments or stitching.

Shirts

Shirts may be short or long-sleeved.

There are three (3) styles of acceptable shirts: All shirts must be appropriately buttoned/closed.

- 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
- Spirit shirt - Flour Bluff I.S.D. themed t-shirt
- Zippers or sleeveless shirts are **NOT** permitted.
- Solid-colored shirts may be worn under the required shirts.
- May **NOT** have pictures, graphics, insignias, logos, stripes or designer logos/emblems larger than one inch visible on shirt, collar or sleeve.
- **Collarless sweatshirts are permitted**

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 blanket inspections and 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 any time when students are not present.
2. Classrooms and other common areas may be sniffed by trained dogs at any time 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.

Reporting Crimes

School administrators shall report crimes as required by law and shall 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.

Revoking Transfers

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

Participating in Graduation Activities

The district has the right to limit a student's participation in graduation activities for violating the district's Code.

Participation might include a speaking or other leadership role, as established by district policies and procedures.

Students eligible to give the opening and closing remarks or to lead activities in the graduation ceremony shall be notified by the campus principal. Notwithstanding any other eligibility requirements, in order to be considered as an eligible student to give the opening or closing remarks or lead activities in the graduation ceremony, a student shall not have engaged in any serious misconduct in violation of the district's Code, including out-of-school suspension, removal to a DAEP, or expulsion during his or her last two semesters.

See DAEP—Restrictions during Placement, for information regarding a student assigned to a DAEP at the time of graduation.

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
- Avoid riding bikes, skateboards, roller blades or scooters on district property
- 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 may 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 required to:

1. Demonstrate courtesy, even when others do not
2. Behave in a responsible manner, always exercising self-discipline
3. Attend all classes, regularly and on time
4. Prepare for each class; take appropriate materials and assignments to class
5. Meet district and campus standards of grooming and dress
6. Obey all campus, classroom and school transportation rules
7. Bicycles should be locked at all times during the school day to avoid theft
8. Respect the rights and privileges of students, teachers, and other district staff and volunteers
9. Respect the property of others, including district property and facilities
10. Cooperate with and assist the school staff in maintaining safety, order, and discipline
11. Report illegal behavior to a school employee as soon as possible (i.e., a principal, assistant principal, teacher, counselor, bus driver, other administrator)
12. Become familiar with the Student Code of Conduct
13. Avoid violations of the Student Code of Conduct
14. Accept the consequences of infractions
15. Abide by all laws
16. Seek changes in policies and regulations only in an orderly, responsible manner through proper channels
17. 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:

1. Being tardy to class
2. Refusing to follow classroom rules
3. Refusing to participate in classroom activities or fulfill assignments
4. Neglecting to bring appropriate materials to class

5. Possessing and/or using nuisance items
6. Eating or drinking in an undesignated area
7. Disrupting the orderly classroom process
8. Running, making excessive noise, or other disruptions in halls, buildings, classrooms or other supervised settings
9. There should be an immediate and consistent intervention of any behavior which impedes the orderly operation of the classroom and school.

Positive Behavioral Support Initiative (PBSI):

To support our students, the Positive Behavioral Support Initiative (PBSI) 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 may not include all offenses or the most severe 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 Program (DAEP) Placement, Placement and/or Expulsion for Certain 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.

Examples include, but are not limited to:

Disregard for Authority

Students shall not:

1. 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
2. Leave school grounds or school-sponsored events without permission (See glossary—FBISD is a Closed Campus.)
3. Trespass
4. Disobey rules for conduct on school buses or transportation (See glossary--Transportation.)
5. Refuse to accept discipline management techniques assigned by a teacher or principal

Mistreatment of Others

Students shall not:

1. Use profanity or vulgar language or make obscene gestures
2. Direct profanity, vulgar language, or obscene gestures toward others, including another student or district employee/volunteer
3. Fight or scuffle (See glossary for definitions of terminology. For assault, see DAEP and Expulsion.)
4. Commit an assault
5. Threaten a district student, employee, or volunteer, including off school property, if the conduct causes a substantial disruption to the educational environment
6. Wear, write, gesture, speak or communicate gang symbols/language or other prohibited symbols
7. 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.)
8. Engage in bullying, harassment, or making hit lists (See glossary for all three terms.)
9. Engage in conduct that constitutes sexual or gender-based harassment or sexual abuse, whether by word, gesture, or any other conduct, directed toward another person, including a district student, employee or volunteer
10. Engage in conduct that constitutes dating violence (See glossary.)
11. Engage in inappropriate or indecent exposure of private body parts or undergarments (i.e. self-exposure or causing the exposure of others)
12. Participate in hazing (or initiation rites) (See glossary.)
13. Cause an individual to act through the use of or threat of force (coercion)
14. Commit extortion, coercion or blackmail (obtaining money or an object of value from an unwilling person)
15. Engage in inappropriate verbal, physical, or sexual conduct directed toward another person, including a district student, employee or volunteer
16. 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
17. 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

Students shall not:

1. 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.]
2. Deface or damage school property—including textbooks, lockers, furniture, and other equipment—with graffiti or by other means (See glossary.)
3. Steal (or assisting in stealing) from others, including students, staff, or the District/school
4. Commit or assist in a robbery or theft even if it does not constitute a felony according to the Texas Penal Code. (For felony robbery, aggravated robbery and theft, see DAEP Placement and Expulsion.)

Possession of Prohibited Items

Students shall not possess, use, sell, give or deliver/distribute:

1. fireworks of any kind, smoke or stink bombs, or any other pyrotechnic device;
2. a razor, box cutter, chain, or any other object used in a way that threatens or inflicts bodily injury to another person;
3. a “look-alike” weapon;
4. an air gun or BB gun;
5. sling shots;
6. ammunition;
7. a stun gun;
8. a pocketknife or other knife (See DAEP Placement or Expulsion.);
9. mace or pepper spray;
10. pornographic material;
11. tobacco products, including electronic cigarettes, e-cigarettes, vapor pens (TEC 38.006);
12. matches or a lighter;
13. a laser pointer for other than an approved use (circumstances may result in suspension or DAEP placement);
14. 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.)

15. skates, skateboards, roller blades, roller shoes, Rip-sticks, etc. are to be kept at home and are not allowed on school property. (See glossary.)

Possession and/or Use of Telecommunications or Other Electronic Devices

Telecommunication Devices

FNCE (LEGAL) and (LOCAL)

Telecommunication devices are those that emit an audible signal, vibrate, display a message, or otherwise summon or deliver a communication to the possessor. [Telecommunication devices are defined as items such as, but not limited to, cell phones, smart phones, blackberries, electronic readers, netbooks, tablets and laptops with the capability of sending and receiving messages or information, and any related accessories (including but not limited to wires, headphones, and ear clips).]

Elementary students in Pre-K, K, 1st and 2nd grade shall not possess a telecommunication device during the instructional day (7:45 am to 2:55 pm), while riding to/from school on District transportation, during tutorials or detention, or while participating in a school-sponsored extracurricular activity on or off school property. For example, a primary student performing at a PTA meeting or on a field trip to the zoo may not be in possession of a telecommunication device; however, a primary student could possess a telecommunication device at an event open to the public (in which the student is not performing) such as at a carnival or a sporting event.

Elementary students in grades 3-6 may possess telecommunication devices; however, these devices are only to be used for instructional purposes under the direction of a teacher. These devices should be turned off and not visible at all other times.

Junior high and high school students are allowed to possess telecommunication devices with certain restrictions. Students are expected to be respectful of the rules related to telecommunication devices in the school setting.

Students are not allowed:

- to have devices ring during class causing disruptions,
- to be distracted from instruction because they are sending/receiving text messages,
- to use a device to cheat on tests and other classroom work,
- to use technology to take inappropriate photos/videos, scan tests and other classroom work, etc.

In order to allow telecommunication devices on campus during the school day, **the following guidelines will be required of secondary students who choose to bring these devices to school:**

Junior High and High School Students

Telecommunication devices may be used throughout the instructional day primarily for educational purposes at the direction of the teacher. Devices that include phone and texting features should be in the “silent” mode (set to vibrate) during the instructional day or while riding to/from school on District transportation. Students should not use the devices to receive or place personal calls, participate in social media (such as Twitter, Facebook, Instagram, etc.) or send/read personal messages during engaged instructional time. No ear phones, ear buds or other ear devices are allowed in the hallway due to safety concerns.

- **Locker rooms and restroom areas.** The use of telecommunication devices in locker rooms and restroom areas at any time while at school or at a school-related or school-sponsored event is strictly prohibited.
- **After-school use.** When attending afterschool activities, telecommunication devices must be in the “silent” mode inside the venue of an afterschool activity held indoors (i.e. basketball game, theater arts production, choir or band concert, carnival, etc.). Students must go into a foyer or outside prior to using a telecommunication device at an indoor afterschool event such as a fine arts event and other types of assembly in which common courtesy dictates that talking is prohibited.
- **Responsibility.** If a student brings a telecommunication device to school, it is the student’s responsibility to keep the item secure. The school will not be responsible for telecommunication devices that are damaged, lost or stolen; however, as with other personal property brought to school, administrators will conduct investigations as time permits in an effort to recover lost/stolen items or to determine the person(s) responsible for damages, and will assess discipline as appropriate.
- **School Emergencies and Safety Restrictions.** Ensuring that school officials, law enforcement officers and other emergency agencies will have adequate means of communication during an emergency is of utmost importance to the safety of all students. Therefore, students are asked to turn off telecommunication devices and to not make phone calls or send/receive text messages during an emergency situation that occurs at school until the crisis stage is over unless they are instructed to do so by a staff member or an emergency responder. Students will participate in emergency drills to prepare for these situations. (Parents are asked to refrain from making calls to the school since there are only a few phone lines into the school, and these phone lines are strategic in communicating with emergency responders. In addition, parents are asked to refrain from calling on telecommunication devices or sending text messages to keep the airwave frequencies open for emergency responders. As soon as feasible, school personnel will allow students to make phone calls to parents.)
- **State or Major Assessments.** Violation of the telecommunication device guidelines during the administration of any state or major course assessment (STAAR, TAKS, and TELPAS; Advanced Placement, End-of-Course, or semester exam) may result in an invalid assessment and/or will be regarded as cheating. The student’s test will be invalidated with appropriate disciplinary action assessed.
- **Noncompliance.** The student who violates the telecommunication device guidelines will be assessed a disciplinary referral for not following a directive as outlined in the *Student Code of Conduct*.

- **Unclaimed Telecommunication Devices.** If a telecommunication device is not reclaimed by the parent/guardian within 30 days of the date of notification or the end of the school year (whichever is later), notice will be given to the company whose name and address or telephone number appears on the telecommunication device indicating that the device will be disposed of as allowed by State law.

Under no circumstances should telecommunication devices be used to take photos/videos in any school facility other than for instructional purposes under the direction of a teacher or at an event open to the public. If an administrator suspects that a device may contain photos/videos taken at school or inappropriate photos/videos, the photos/videos will be reviewed in the presence of the student or parent/guardian prior to the device being returned to the student. Students will be required to delete school-related photos/videos that were taken in violation of these guidelines. Additionally, police will be contacted if an administrator has reason to believe that a photo/video might be a violation of law.

Likewise, if an administrator suspects that a telecommunication device was used in violation of these guidelines and/or for cheating, the administrator may review the call history and/or text messages in the presence of the student or parent/guardian prior to the device being returned to the student.

Illegal, Prescription and Over-the-Counter Drugs

Students shall not:

1. 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.)
2. Possess, use, give, or sell related to any prohibited substance (Examples may include, but are not limited to: K2, bath salts, synthetic forms of marijuana, etc.) (See glossary for “paraphernalia.” See DAEP Placement.)
3. Possess or selling of look-alike drugs or attempt to pass items off as drugs or contraband (See DAEP Placement.)
4. 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.)
5. Abuse drugs, medication, prescription drugs or over-the-counter drugs at school or school-related events (See Expulsion.)
6. Abuse or 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.)
7. 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; additionally, a doctor's written permission is required for personal use of an inhaler or antiphilaxics (See DAEP Placement.)

Misuse of Technology Resources and the Internet

Students shall not:

1. Violate policies, rules, or agreements (for acceptable computer utilization) signed by the student and the student's parent regarding the use of technology resources
2. 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
3. Attempt to alter, destroy, or disable district technology resources including but not limited to computers and related equipment, district data, the data of others, or other networks connected to the district's system, including off school property, if the conduct causes a substantial disruption to the educational environment
4. 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; student phones and electronic devices may be searched
5. 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
6. Send, post or possess electronic messages that are abusive, bullying, cruel, harmful, socially aggressive, obscene, sexually oriented, threatening, harassing, damaging to another's reputation, or illegal, including cyberbullying and "sexting," either on or off school property, if the conduct causes a substantial disruption to the educational environment
7. Use e-mail, text messaging, twittering, etc. or websites to engage in or encourage illegal behavior or threaten school safety, including off school property, if the conduct causes a substantial disruption to the educational environment.
8. A copy of the "Responsible Use Guide" (RUG) can be accessed at www.flourbluffschool.net

Safety Transgressions

Students shall not:

1. Drive recklessly
2. Fail to wear identification badges as required
3. Violate safety rules or directives
4. Possess published or electronic material that is designed to promote or encourage illegal behavior or that could threaten school safety
5. Engage in verbal (oral or written) exchanges that threaten the safety of another student, a school employee, or school property
6. Make false accusations or perpetrate hoaxes regarding school safety
7. Engage in any conduct that school officials might reasonably believe will substantially disrupt the school program or incite violence (See glossary.)
8. Throw or irresponsibly use objects that can cause bodily injury or property damage
9. Discharge a fire extinguisher without valid cause
10. Engage in conduct relating to a false alarm or report (including, but not limited to, a bomb threat or a false 911 call) or a terroristic threat involving a public school.

Miscellaneous Offenses

Students shall not:

1. Arrive late (tardy)
2. Violate compulsory attendance laws/skip class or other school activities (i.e. truancy)
3. Violate dress and grooming standards as communicated in the student handbook and the Student Code of Conduct
4. Sell items at school, other than those approved by an appropriate administrator
5. Cheat or copy the work of another (called plagiarism or academic dishonesty)
6. Gamble
7. Falsify records, passes, or other school-related documents (i.e. forge a name on official documents, etc.)
8. Behave in a way that disrupts the school environment or educational process or the teacher's ability to teach (general disruption).
9. Engage in actions or demonstrations that substantially disrupt or materially interfere with school activities (i.e. boycotts, sit-ins, etc.) or enter unauthorized areas

10. Exhibit inappropriate displays of affection (i.e. kissing, body embraces, etc.)
11. Contact others (physically) in an inappropriate manner.
12. Post or distribute unauthorized printed material in violation of district policy (See glossary.)
13. Repeatedly violate other communicated campus or classroom standards of conduct
14. Accrue office referrals of any combination of offenses (i.e. behavior has not changed as a result of a previous referral.)
15. Commit a single (first time office referral) violation of a serious nature
16. 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 shall be designed to improve conduct and to encourage students to adhere to their responsibilities as members of the school community. Disciplinary action shall draw on the professional judgment of teachers and administrators and on a range of discipline management techniques. Disciplinary action shall be correlated to the seriousness of the offense, the student's age and grade level, the frequency of misbehavior, the student's attitude, the effect of the misconduct on the school environment, and statutory requirements. Discipline consequences will be applied consistently on each campus.

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

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

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 shall 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 until an ARD committee meeting has been held to review the conduct. (See glossary.)

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

1. Verbal correction, oral or written —verbal reprimands or warnings
2. Conference with the student
3. Cooling-off time or “time-out”
4. Seating changes within the classroom
5. Temporary or permanent confiscation of items that disrupt the educational process
6. Rewards or demerits or removal of privileges
7. Behavioral contracts (listing steps for improvement)
8. Counseling by teachers, counselors, or administrative personnel
9. Note or call to parent
10. Parent-teacher conferences
11. Grade reductions for cheating, plagiarism, and late work and as otherwise permitted by policy
12. Detention, including outside regular school hours (after-school, Saturday, etc.)
13. 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.)
14. Referral to a counselor, administrator, truancy officer or law enforcement
15. Assignment of school duties such as cleaning or picking up litter

16. 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
17. Techniques or penalties identified in individual student organizations' extracurricular standards of behavior
18. 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
19. Restriction or revocation of district transportation privileges
20. Temporary or permanent loss of driving and parking privileges or other privileges
21. School-assessed and school-administered probation
22. Restitution for damage—payment for destruction of property
23. Out-of-school suspension, as specified in the Out-of-School Suspension section of this Code
24. Placement in a DAEP, as specified in the DAEP section of this Code
25. Expulsion, as specified in the Expulsion section of this Code
26. Placement and/or expulsion in an alternative educational setting, as specified in the Placement and/or Expulsion for Certain Offenses section of this Code
27. Referral to an outside agency or legal authority for criminal prosecution in addition to disciplinary measures imposed by the district
28. 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
29. 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,
2. Intent or lack of intent at the time the student engaged in the conduct, and
3. The student's disciplinary history. (See glossary.)

Notification

The principal or appropriate administrator shall notify a student's parent by phone or in writing of any violation that may result in a detention outside of regular school hours, an 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.

It is important that parents and administrators mutually communicate with one another regarding concerns about behavior and/or violations of the law in regards to school or school-related activities. At times, law enforcement may be involved in investigating or addressing a violation of the law and may preclude the administrator or district from contacting the parent.

Appeals

Questions from parents regarding disciplinary measures should be addressed to the teacher or campus administration, as appropriate. Appeals or complaints regarding the use of specific discipline management techniques should be addressed in accordance with policy FNG (LOCAL). A copy of the policy may be obtained from the principal's office or the central administration office or through Policy Online at the following address:
www.flourbluffschools.net

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

Removal from the School Bus

A bus driver may refer a student to the principal's office to maintain effective discipline on the bus. The principal must employ additional discipline management techniques, as appropriate, which can include restricting or revoking a student's bus riding privileges and other potential consequences depending on the seriousness of the violation.

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 shall schedule a conference with the student's parent; the student; the teacher, in the case of removal by a teacher; and any other administrator. The appropriate administrator will notify the student of the consequences of the Student Code of Conduct violation.

At the conference, the appropriate administrator shall inform the student of the misconduct for which he or she is charged and the consequences. The administrator shall 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)

1. 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 shall take into consideration:

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

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 4th 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 shall have an informal conference with the appropriate administrator who shall advise the student of the conduct of which he or she is accused. The student shall be given the opportunity to explain his or her version of the incident before the administrator's decision is made.

The 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 shall be determined by the appropriate administrator, but shall not exceed three school days.

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

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

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 shall take into consideration:

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

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:

1. 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
2. Directing profanity, vulgar language, or obscene gestures toward a District employee/volunteer
3. Hazing (initiation rites) (See glossary.)
4. Gambling
5. Possessing fireworks of any kind, smoke or stink bombs, or any other pyrotechnic or concussion device
6. Trespassing
7. Stealing or assisting in stealing from students, staff, or the District/school (theft)
8. Committing or assisting in theft even if it does not constitute a felony according to the Texas Penal Code (Felony theft offenses are addressed later in the Student Code of Conduct.)
9. Damaging or vandalizing property owned by others
10. Defacing or damaging school property—including textbooks, lockers, furniture, and other equipment—with graffiti or by other means (See glossary.)
11. Committing extortion, coercion, or blackmail (obtaining money or another object of value from an unwilling person).
12. Forcing an individual to act through the use of force or threat of force
13. Using the Internet or other electronic communications to threaten students or employees, or cause disruption to the educational program (i.e. cyberbullying).
14. Sending or posting electronic messages that are abusive, obscene, sexually oriented, threatening, harassing, damaging to another person's reputation, or illegal
15. Engaging in any misbehavior that gives school officials reasonable cause to believe that such conduct will substantially disrupt the school program, incite violence, or cause disruption to the educational program
16. Violating computer use policies, rules, or agreements signed by the student, and/or agreements signed by the student's parent
17. Falsifying records, passes or forgery of a name on official documents
18. Possessing, giving or distributing material that is pornographic
19. Refusing to accept discipline management techniques assigned by a teacher, principal or school authority

20. Engaging in disruptive actions or demonstrations that substantially disrupt or interfere with school activities (ex. Vape pens)
21. Continual violation of compulsory attendance laws/skipping class or other school activities (truancy)
22. Leaving school grounds or school-sponsored events without permission
23. Possessing, selling or attempting to sell or possess look-alike drugs or items attempted to be passed off as drugs or contraband
24. Violating (or failing to comply with) the District's policy/procedures on taking prescription drugs and over-the-counter drugs at school
25. 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
26. Discharging a fire extinguisher, without valid cause
27. Possessing mace or pepper spray
28. Possession of a weapon prohibited by District policy (includes knives of any size, location-restricted knife) (See required/discretionary expulsions.)
29. Possessing sling shots
30. Possessing, delivering or using a paintball gun
31. Committing an assault (See expulsion.)
32. Failing to comply with directives or consequences given by school personnel (defying authority or insubordination)
33. Possessing, selling, delivering or attempting to sell, possess or deliver a "look-alike" weapon
34. Acting in retaliation against students, employees or volunteers (Also, see Expulsion section.)
35. 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.)
36. 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
37. 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.)
38. A student may be placed in a DAEP for committing single (first-time office referrals) of a more serious nature

39. Bullying, cyberbullying, 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
40. Engaging in harassment motivated by race, color, religion, national origin, disability, or age and directed toward another student or District employee/volunteer
41. Engaging in inappropriate verbal, physical, or sexual conduct or threatening behavior (verbal or written behavior) directed toward another student or a District employee/volunteer or school behavior
42. Repeatedly violating other communicated campus or classroom standards of behavior
43. Physical aggression.

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:

1. Involvement in gang activity, including criminal gang activity, participating as a member or pledge, or soliciting another person to become a pledge or member of a gang (See glossary.)
2. Involved in criminal mischief, not punishable as a felony
3. Involved in a federal firearms violation, for a student six years of age or younger
4. Involved in/making false threats, hoaxes or accusations regarding school safety
5. Possessing, selling, delivering, or attempting to sell, possess or deliver seed or pieces of marijuana in less than a usable amount; or any controlled substance or dangerous drug
6. Possessing pictures, drawings or 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
7. Possessing, delivering or using a stun gun/taser
8. Possessing, delivering or using a paintball gun/air soft gun
9. Inappropriate or indecent exposure of a student's private body parts (i.e. self-exposure or causing exposure of another person)
10. Possessing, using, giving, or selling, delivering, or attempting to sell or possess paraphernalia related to any prohibited substance (See glossary.)
11. 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
12. Committing or assisting in a 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.)

13. Assault,

14. 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:

- a) Being under the influence of any amount of marijuana, synthetic marijuana, a controlled substance, or a dangerous drug,
- b) Being under the influence of any amount of alcohol; or committing a serious act or offense while under the influence of alcohol,

2.

Felony Offenses Other Than Title V and Off-Campus Behaviors:

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 that the student has engaged in conduct punishable as a felony, other than aggravated robbery or those listed as offenses involving injury to a person in Title 5 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. (See glossary.)

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:

1. Engages in conduct relating to a false alarm or report (including, but not limited to, 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.)
2. 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:
 - a) Engages in conduct punishable as a felony
 - b) Commits an assault (see glossary) under Texas Penal Code 22.01(a)(1)
 - c) Behaves in a manner that contains the elements of the offense of public lewdness or indecent exposure
 - d) Engages in expellable conduct and is between six and nine years of age
 - e) Commits a federal firearms violation and is younger than six years of age

- f) 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.)
- g) Engages in conduct punishable as aggravated robbery or a felony listed under Title 5 (see glossary) of the Texas Penal Code when the conduct occurs off school property and not at a school-sponsored or school-related event and:
 - 1. The student receives deferred prosecution,
 - 2. A court or jury finds that the student has engaged in delinquent conduct, or
 - 3. The superintendent or designee has a reasonable belief that the student engaged in the conduct. (See glossary.)

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

Flour Bluff I.S.D. operates under an 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 shall 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 shall 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 **shall schedule a conference** within three school days with the student's parent, the student, and the teacher, in the case of a teacher removal.

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

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 shall write a placement order. A copy of the DAEP placement order shall 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 shall deliver to the juvenile court a copy of the placement order and all information required by Section 52.04 of the Family Code.

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

Coursework Notice

The parent or guardian of a student placed in a DAEP shall be given written notice of the student's opportunity to complete coursework required for graduation, at no cost to the student. The notice shall include information regarding all methods available for completing coursework. (i.e., summer school, distance learning, before/after school programs, correspondence coursework)

Length of Placement

The duration of a student's placement in a DAEP shall 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 shall be determined on a case-by-case basis. DAEP placement shall 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:

Conduct Minimum and Maximum Length of Time

- 1. Discretionary (**may**) 15-90 days*
- 2. Mandatory (**shall/must**) 31 days to one calendar year*

Students at the Intermediate level (5th/6th 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 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. If the days are extended, another placement conference will be held with the student and parent.

Students must demonstrate success at the Disciplinary Alternative Education Program in order to return to the home campus. If the student demonstrates successful days, the student will earn the opportunity to be released early from the assigned placement at the DAEP. If the student violates the Student Code of Conduct while at the DAEP, the student may receive an additional placement(s) at the DAEP. The DAEP includes the following components:

- 1. Behavior modification techniques
- 2. Counseling
- 3. Character Education
- 4. Highly structured and closely supervised environment
- 5. Classroom and homework assignments
- 6. Mandatory tutoring
- 7. 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.)

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

Exceeds One Year

Placement in 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 that violates the district's Code. (See glossary.)

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 shall 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 Online at the following address: www.flourbluffschools.net.

Disciplinary consequences shall 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 co-curricular 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 shall 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 shall be the last instructional day, and the student shall be allowed to participate in the graduation ceremony and related graduation activities unless otherwise specified in the 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 shall 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 shall also be reviewed. At the review, the student or the student's parent shall be given the opportunity to present arguments for the student's return to the regular classroom or campus. The student may not be returned to the classroom of a teacher who removed the student without that teacher's consent.

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 misconduct 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 shall 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 shall review the student's placement and schedule a review with

the student's parent not later than the third day after the superintendent or designee receives notice from the prosecutor. The student may not be returned to the regular classroom pending the review.

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

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

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

Withdrawal during 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 shall 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 shall 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, shall reduce the period of the placement so that the total

placement does not exceed one year. After a review, however, the placement may be extended beyond a year if the district determines that the student is a threat to the safety of other students or employees or the extended placement is in the best interest of the student.

Emergency Placement Procedure

When an emergency placement occurs, the student shall be given oral notice of the reason for the action. Not later than the tenth day after the date of the placement, the student shall 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 Offenses

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

Registered Sex Offenders

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

If the student is under any form of court supervision, including probation, community supervision, or parole, the placement shall 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'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 shall recommend whether the student should return to the regular classroom or remain in the placement. Absent a special finding, the board or its designee must follow the committee's recommendation.

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

Newly Enrolled Student

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

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 aggravated robbery or a felony offense under Title 5 (see glossary) of the Texas Penal Code. The student must:

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

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

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

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.

Newly Enrolled Students

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

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 Alternative Education Program (NCJJAEP).

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

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

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:

- a) Aggravated assault
- b) Sexual assault
- c) Aggravated sexual assault
- d) Murder
- e) Capital murder
- f) Criminal attempt to commit murder or capital murder
- g) Aggravated robbery
- h) Breach of computer security

Engaging in conduct relating to a false alarm or report (including, but not limited to, 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

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

1. Selling, giving, or delivering to another person, or possessing, using, or being under the influence of marijuana, synthetic marijuana, K – 2, salts, an illegal substance, or a dangerous drug, if the conduct is not punishable as a felony (See glossary.)
2. Selling, giving, delivering or attempting to deliver 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
3. Selling, giving, possessing, delivering or attempting to deliver 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
4. Engaging in conduct that contains the elements of an offense relating to abusable volatile chemicals (glue, aerosol, paint, etc.)
5. Engaging in conduct that contains the elements of assault under Section 22.01(a)(1) against an employee or a volunteer (regardless of where the assault occurs, if the assault is in retaliation for the employee or volunteer’s work with the district)
6. Engaging in deadly conduct (See glossary.)
7. 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

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

1. Aggravated assault, sexual assault, or aggravated sexual assault
2. Arson (See glossary.)
3. Murder, capital murder, or criminal attempt to commit murder or capital murder
4. Indecency with a child, aggravated kidnapping, manslaughter, criminally negligent homicide, or aggravated robbery
5. Continuous sexual abuse of a young child or children
6. Felony drug- or alcohol-related offense
7. 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

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

While in DAEP

A student may be expelled for engaging in serious misbehavior that violates the District's Student Code of Conduct, despite documented behavioral interventions, while placed in a DAEP. (See glossary.) For purposes of discretionary expulsion from a DAEP, serious misbehavior means:

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

Mandatory Expulsion: Misconduct That Requires Expulsion

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

Under Federal Law

Bringing to school a firearm, as defined by federal law. “Firearm” under federal law includes:

1. Any weapon (including a starter gun) that will, is designed to, or may readily be converted to expel a projectile by the action of an explosive
2. The frame or receiver of any such weapon
3. Any firearm muffler or firearm weapon
4. Any destructive device, such as any explosive, incendiary or poison gas bomb, or grenade

Under Texas Penal Code

1. Using, exhibiting, or possessing the following, as defined by the Texas Penal Code:
 - a) 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
 - b) An illegal knife, location-restricted 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,
 - c) A club 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 (See glossary.)
 - d) 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, a zip gun or a tire deflation device (See glossary.)
2. Behaving in a manner that contains elements of the following offenses under the Texas Penal Code:
 - a) Aggravated assault, sexual assault, or aggravated sexual assault
 - b) Arson (See glossary.)
 - c) Murder, capital murder, or criminal attempt to commit murder or capital murder
 - d) Indecency with a child
 - e) Injury to a child, an elderly person, or a disabled person
 - f) Abandoning or endangering a child
 - g) Deadly conduct

- h) Terroristic threat
 - i) Aiding a person to commit suicide
 - j) Tampering with a consumer product
 - k) Aggravated kidnapping
 - l) Aggravated robbery
 - m) Manslaughter
 - n) Criminally negligent homicide
 - o) Continuous abuse of a young child or children
 - p) 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
3. Engaging in retaliation against a school employee or volunteer combined with one of the above-listed mandatory expulsion offenses

Under Age Ten

When a student under the age of ten engages in behavior that is expellable behavior, the student will not be expelled, but shall 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 shall schedule a hearing within a reasonable time. The student's parent shall be invited in writing to attend the hearing.

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

- 1. Another appropriate classroom
- 2. In-school suspension
- 3. Out-of-school suspension
- 4. 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 shall 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 shall 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 shall 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 shall deliver to the student and the student's parent a copy of the order expelling the student.

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

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

Length of Expulsion

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

No district academic credit shall 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 shall 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 shall 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 shall 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 shall be given verbal notice of the reason for the action. Within ten days after the date of the emergency expulsion, the student shall 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 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.

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

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

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 when a student or group of students engages in written or verbal expression, expression through electronic means, or physical conduct that occurs on school property, at a school-sponsored or school-related activity, or in a vehicle operated by the district and a school district's board of trustees or the board's designee determines that the behavior:

1. Has the effect or will have the effect of physically harming a student, damaging a student's property, or placing a student in reasonable fear of harm to the student's person or of damage to the student's property; or
2. Is sufficiently severe, persistent, and pervasive enough that the action creates an intimidating, threatening, or abusive educational environment for a student.
3. This conduct is considered bullying if it:
 1. Exploits an imbalance of power between the student perpetrator who is engaging in bullying and the student victim through written or verbal expression or physical conduct; and
 2. Interferes with a student's education or substantially disrupts the operation of a school.
4. **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 or Technology Resources 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.

Cyberbullying is the use of electronic means to torment, threaten, harass, humiliate, embarrass, bully, intimidate or otherwise target another person. It may involve the use of information and communication technologies to support deliberate, repeated, and/or hostile behavior by an individual or group that is intended to harm others. It may include sending or posting electronic messages that are abusive, obscene, sexually-oriented, revealing, harassing or illegal. The following behaviors may be considered cyberbullying:

Flaming: Online fights using electronic messages with angry and vulgar language

Harassment: Repeatedly sending nasty, mean, and insulting messages

Denigration: Sending or posting gossip or rumors about a person to damage his or her reputation or friends

Impersonation: Pretending to be someone else and sending or posting material to get that person in trouble or in danger or to damage that person's reputation

Outing: Sharing someone's secrets or embarrassing information or images online

Trickery: Talking someone into revealing secrets or embarrassing information, then sharing it online

Exclusion: Intentionally and cruelly excluding someone from an online group

Cyberstalking: Repeated intense harassment and denigration that includes threats or creates significant fear

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

Deadly conduct 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 are allowed to use a paging device or cellular telephone according to the District “Bring your own Device” Policy. During assessments, electronic devices are required to be submitted to the school authorities until the assessment is completed.

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 principle 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.
4. **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.)
5. **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.
3. 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. Phones and electronic equipment are 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 an illegal substance into a human body.

Pornography/pornographic material includes, but is not limited to obscene writings, drawings, photographs, or the like.

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

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 misbehavior means:

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

Serious or persistent misbehavior includes but is not limited to:

1. Behavior that is grounds for permissible expulsion or mandatory DAEP placement
2. Behavior identified by the district as grounds for discretionary DAEP placement
3. Actions or demonstrations that substantially disrupt or materially interfere with school activities
4. Refusal to attempt or complete school work as assigned
5. Insubordination
6. Profanity, vulgar language, or obscene gestures
7. Leaving school grounds without permission
8. Falsification of records, passes, or other school-related documents
9. Refusal to accept discipline assigned by the teacher or principal

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).

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

Title 5 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 and other disciplinary actions.** 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.

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

**FLOUR BLUFF INDEPENDENT SCHOOL DISTRICT
ACKNOWLEDGMENT OF DISTRIBUTION OF THE STUDENT/PARENT
HANDBOOKS AND STUDENT CODE OF CONDUCT
2018-2019**

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. The district also provides Student/Parent Handbooks with information to assist you.

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

Thank you,

Mr. Brian Schuss,
Superintendent

We acknowledge that we have been offered the option to receive a paper copy of the Flour Bluff Independent School District Student Code of Conduct and Student/Parent Handbooks for the 2018-2019 school year or to electronically access it on the district's website at www.flourbluffschoools.net. We understand that students will be held accountable for their behavior and will be subject to the disciplinary consequences outlined in the Code.

We have chosen to:

- Receive a paper copy of the Student Code of Conduct and Student Handbooks.
- Accept responsibility for accessing the Student Code of Conduct and Student/Parent Handbooks on the district's website.

Print name of student: _____

Signature of student: _____

Print name of parent: _____

Signature of parent: _____

Date: _____ **School:** _____ **Grade level:** _____

Sign this page and return it at registration or to the student's school. Thank you.