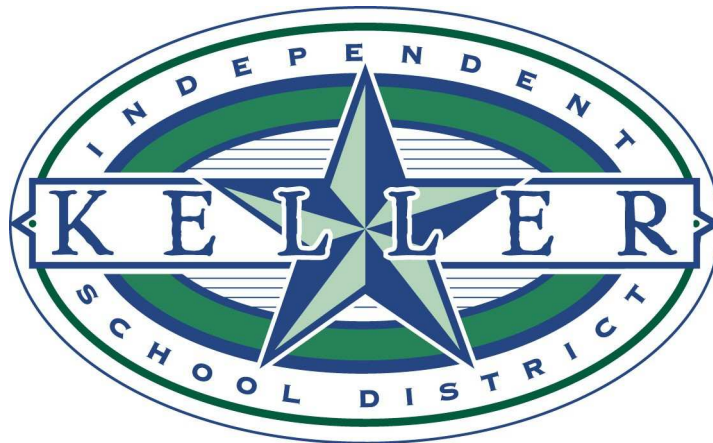


Keller Independent School District

Student Code of Conduct

2008-2009



Keller ISD does not discriminate on the basis of race, religion, color, national origin, sex or handicap. The District has been designated to coordinate compliance with non-discrimination requirements of Title IX. The District has been designated to coordinate compliance with the non-discrimination requirements of Section 504 of the Disability Act of 1973.

The Keller ISD will take steps to assure that lack of English language skills will not be a barrier to admission and participation in all educational and vocational programs.

STUDENT CODE OF CONDUCT

ACKNOWLEDGMENT

Student Code of Conduct Acknowledgment

Dear Student and Parent:

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

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

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

Thank you.

James Veitenheimer
Superintendent of Schools

We acknowledge that we have received a copy of the Keller Independent School District (Keller ISD) Student Code of Conduct for the 2008–2009 school year and understand that students will be held accountable for their behavior and will be subject to the disciplinary consequences outlined in the Code.

Print name of student: _____

Signature of student: _____

Print name of parent: _____

Signature of parent: _____

Date: _____

School: _____

Grade level: _____

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

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STUDENT CODE OF CONDUCT

STUDENT CODE OF CONDUCT

Purpose

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

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

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

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

In accordance with state law, the Code will be posted at each school campus or will be available for review at the office of the campus principal. Parents will be notified of any conduct violation that may result in a student being suspended, placed in a DAEP, or expelled.

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

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

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School District Authority and Jurisdiction

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

The district has disciplinary authority over a student:

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

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

The district has the right to search a student's locker when there is reasonable cause to believe it contains articles or materials prohibited by the district. The district has the right to search, including use of trained dogs, classrooms and other common areas at any time when students are not present.

Reporting Crimes

School administrators will report crimes as required by law and will call local law enforcement when an administrator suspects that a crime has been or will be committed on campus.

Revoking Transfers

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

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Standards for Student Conduct

Each student is expected to:

- Demonstrate courtesy, even when others do not.
- Behave in a responsible manner, always exercising self-discipline.
- Attend all classes, regularly and on time.
- Prepare for each class; take appropriate materials and assignments to class.
- Meet district and campus standards of grooming and dress.
- Obey all campus and classroom rules.
- Respect the rights and privileges of students, teachers, and other district staff and volunteers.
- Respect the property of others, including district property and facilities.
- Cooperate with and assist the school staff in maintaining safety, order, and discipline.
- Adhere to the requirements of the Student Code of Conduct.

General Conduct Violations

The categories of conduct below are prohibited at school and all school-sponsored or related events and activities, including in school buses, field trips, contests, and athletic competitions, but the list does not include the most serious offenses. In the subsequent sections on Suspension, DAEP Placement, Placement and/or Expulsion for Certain Serious Offenses, and Expulsion, severe offenses that require or permit specific consequences are listed. Any offense, however, may be serious enough to result in Removal from the Regular Educational Setting as detailed in that section.

Students shall not:

Disregard for Authority

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

Mistreatment of Others

- Use profanity or vulgar language or make obscene gestures.

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- Use inappropriate or demeaning language, either verbal or written (including swear words, abbreviations, acronyms, or other terms as determined by the administration.
- Fight or scuffle. (For assault see DAEP Placement and Expulsion)
- Threaten a district student, employee or volunteer, including off school property if the conduct causes a substantial disruption to the educational environment.
- Engage in bullying, harassment, or making hit lists. (See glossary for all three terms)
- Engage in conduct that constitutes sexual harassment or sexual abuse, whether by word, gesture, or any other conduct directed toward another person, including a district student, employee or volunteer.
- Engage in conduct that constitutes dating violence, including the intentional use of physical, sexual, verbal, or emotional abuse to harm, threaten, intimidate, or control another person with whom the student has or has had a dating relationship.
- Engage in inappropriate or indecent exposure of private body parts.
- Participate in hazing. (See glossary)
- Cause an individual to act through the use of or threat of force (coercion).
- Commit extortion or blackmail (obtaining money or an object of value from an unwilling person).
- Engage in inappropriate verbal, physical, or sexual conduct directed toward another person, including a district student, employee, or volunteer.
- Record the voice or image of another without the prior consent of the individual being recorded or in any way that disrupts the educational environment or invades the privacy of others.

Property Offenses

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

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Possession of Prohibited Items

- Possess or use:
 - fireworks of any kind, smoke or stink bombs, or any other pyrotechnic device;
 - a razor, box cutter, chain, or any other object used in a way that threatens or inflicts bodily injury to another person;
 - a “look-alike” weapon;
 - an air gun or BB gun;
 - ammunition;
 - a stun gun;
 - any type of knife, whether illegal or not;
 - mace or pepper spray;
 - pornographic, obscene or sexually oriented material;
 - tobacco products;
 - matches or a lighter;
 - a laser pointer for other than an approved use; or
 - any articles not generally considered to be weapons, including school supplies, when the principal or designee determines that a danger exists. (For weapons and firearms see DAEP Placement and Expulsion)

Possession of Telecommunications Devices

- Students shall not turn on a paging device, including cellular telephones, while on campus during regular school hours unless authorized to do so by a teacher or administrator. A “paging device” is a telecommunications device that emits an audible signal, vibrates, displays a message, or otherwise summons or delivers a communication to the possessor. View FNCE (LOCAL) Board Policy on line at www.KellerISD.net or you may obtain a copy of the policy from the Education Center located at 350 Keller Parkway, Keller, TX 76248.
- Students who violate the policy shall be subject to disciplinary measures. A District employee who views, hears, or discovers a student using a paging device, cell phone, or other telecommunications device during an unauthorized time shall confiscate and deliver the device to an administrator. Confiscated paging devices, cell phones, or other devices may be returned to the student or parent at the end of the school day after a payment of a \$15.00 administrative fee is received FNCE (LEGAL). This handbook serves as notification to parents and students that the school will dispose of any confiscated telecommunications device, including paging devices and cell phones, at the end of each semester if no claim is made and no fee is paid. The

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school assumes no responsibility for lost or stolen telecommunications devices.

Illegal, Prescription and Over-the-Counter Drugs

- Possess or sell seeds or pieces of marijuana in less than a usable amount. (For illegal drugs, alcohol, and inhalants see DAEP Placement and Expulsion)
- Possess, use, give, or sell paraphernalia related to any prohibited substance. (See glossary for “paraphernalia”)
- Possess or sell look-alike drugs or attempt to pass items off as drugs or contraband.
- Abuse the student’s own prescription drug, give a prescription drug to another student, or possess or be under the influence of another person’s prescription drug on school property or at a school-related event. (See glossary for “abuse”)
- Abuse over-the-counter drugs. (See glossary for “abuse”)
- Be under the influence of prescription or over-the-counter drugs that cause impairment of the physical or mental faculties. (See glossary for “under the influence”)
- Have or take prescription drugs or over-the-counter drugs at school other than as provided by district policy.

Misuse of Computers and the Internet

- Violate computer use policies, rules, or agreements signed by the student or the student’s parent.
- Attempt to access or circumvent passwords or other security-related information of the district, students, or employees or upload or create computer viruses, including off school property if the conduct causes a substantial disruption to the educational environment.
- Attempt to alter, destroy, or disable district computer equipment, district data, the data of others, or other networks connected to the district’s system, including off school property if the conduct causes a substantial disruption to the educational environment.
- Use the Internet or other electronic communications to threaten district students, employees, or volunteers, including off school property if the conduct causes a substantial disruption to the educational environment.
- Send or post electronic messages that are abusive, obscene, sexually oriented, threatening, harassing, damaging to another’s reputation, or illegal, including off school property if the conduct causes a substantial disruption to the educational environment.
- Use e-mail or Web sites at school to encourage illegal behavior or threaten school safety.

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Safety Transgressions

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

Miscellaneous Offenses

- Violate dress and grooming standards as communicated in the student handbook.
- Cheat or copy the work of another.
- Gamble.
- Falsify records, passes, or other school-related documents.
- Engage in actions or demonstrations that substantially disrupt or materially interfere with school activities.
- Repeatedly violate other communicated campus or classroom standards of conduct.

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

Discipline Management Techniques

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

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

Students with Disabilities

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

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

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

Techniques

The following discipline management techniques may be used—alone or in combination—for behavior prohibited by the Student Code of Conduct or by campus or classroom rules:

- Verbal correction, oral or written.
- Cooling-off time or “time-out.”
- Seating changes within the classroom.
- Temporary confiscation of items that disrupt the educational process.
- Rewards or demerits.
- Behavioral contracts.
- Counseling by teachers, counselors, or administrative personnel.
- Parent-teacher conferences.
- Grade reductions for cheating, plagiarism, and as otherwise permitted by policy.
- Detention.
- Sending the student to the office or other assigned area, or to in-school suspension.
- Assignment of school duties such as cleaning or picking up litter.
- Withdrawal of privileges, such as participation in extracurricular activities, parking, eligibility for seeking and holding honorary offices, or membership in school-sponsored clubs and organizations.
- Penalties identified in individual student organizations' extracurricular standards of behavior.
- Withdrawal or restriction of bus privileges.
- School-assessed and school-administered probation.
- Out-of-school suspension, as specified in the Suspension section of this Code.
- Placement in a DAEP, as specified in the DAEP section of this Code.

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- Placement and/or expulsion in an alternative educational setting, as specified in the Placement and/or Expulsion for Certain Serious Offenses section of this Code.
- Expulsion, as specified in the Expulsion section of this Code.
- Referral to an outside agency or legal authority for criminal prosecution in addition to disciplinary measures imposed by the district.
- Other strategies and consequences as determined by school officials.

Notification

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

Appeals

Parental questions or complaints regarding disciplinary measures should be addressed to the teacher or campus administration, as appropriate, and in accordance with policy FNG(LOCAL). A copy of the policy may be obtained from the principal's office or the central administration office or through Policy On Line at the following address:
(<http://www.tasb.org/policy/pol/private/220907/>).

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

Listing of Offenses and Consequences by Level

LEVEL I

Level I Disciplinary Offenses

Level I acts of misconduct include, but are not limited to, repeated infractions of classroom management procedures or rules, or other misconduct that disrupts the educational process. The following is a non-inclusive list of behavior infractions:

1. Tardy to class.
2. Refusing to follow classroom rules.
3. Refusing to participate in classroom activities or fulfill assignments.
4. Failure to bring appropriate material to class.
5. Possessing and/or using nuisance items.
6. Eating, drinking, or gum chewing in an undesignated area.
7. Disruption of the orderly classroom process.
8. Running, making excessive noise, obstructing, or other disruptions in halls, buildings, classrooms, or other supervised settings.

Level I Disciplinary Options

The classroom teacher may use one or more of the following consequences:

1. Warning.
2. Teacher/student or administrator/student conference.

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3. Parent conference or call.
4. In-class disciplinary actions or assignment.
5. Withdrawal of student privileges.
6. Detention.
7. Counselor / student conference.
8. Confiscation of nuisance items or materials.
9. Supervised campus service assignment.

LEVEL II

Level II Disciplinary Offenses

1. Repeated violations of Level I offenses. When a student's behavior does not change as a result of action taken at **Level I**, and the student is being seen in the principal's office for a repeated **Level I** infraction, the student is moved to **Level II** for discipline purposes.
2. Dress code violation.
3. Failure to tell the truth during the course of an investigation.
4. Unexcused absences or tardies.

Level II Disciplinary Options

Any one or any combination of the following or a lower level may be applied:

1. Any discipline technique outlined in **Level I**.
2. Any combination of teacher, principal, or appropriate administrator, parent and student conference.
3. Office / campus detention during lunch or free time.
4. In-school suspension up to three days.
5. After school detention.
6. Friday Night School/Saturday School

LEVEL III

Level III Disciplinary Offenses

Level III acts of misconduct include those student infractions which are somewhat more serious than those in **Level I** and **Level II** in their effect on the orderly process of the school program.

Examples of misconduct include, but are not limited to the following:

1. Repeated violations of Level II offenses.
2. Not attending detention.
3. Cheating or copying from the internet or other student's work.
4. Plagiarism
5. Leaving the classroom, building, grounds, or assigned activity without permission.
6. Repeated violation of the school district dress code.
7. Using profane, obscene, indecent, or racially or ethnically offensive language and/or physical gestures to other students.
8. Failure to comply with lawful directives issued by school personnel.
9. Truancy.

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10. Altering school records or documents, or forgery of a name on school documents.
11. Vandalism to or defacing school property.
12. Excessive absences or tardies.
13. Inappropriately engaging in acts of familiarity with other students.
14. Bullying/Cyber bullying.
15. Throwing or irresponsible use of objects that can cause bodily injury or damage to property.
16. Possession or use of tobacco products.
17. Exhibiting any unacceptable or unwanted physical contact that could, but does not result in injury.
18. Recklessness in an automobile.
19. Damaging property of others.
20. Insubordination or defiance of authority.
21. Possessing a pocket knife.
22. Violation of KISD Telecommunication Acceptable Use policy.
23. Threats, oral or written, to do bodily harm to another, or to the property of another.
24. Posting or distributing unauthorized communicative materials on school premises.

Level III Disciplinary Options

Any one or any combination of the following or a lower level may be applied:

1. Any combination of discipline techniques outlined in Level I or Level II.
2. Grade penalty for copying or cheating.
3. Detention.
4. Exclusion from extracurricular activities.
5. In-school suspension.
6. Restoration and/or restitution.
7. Withdrawal of selected student privileges.
8. Supervised campus service assignment.
9. Suspension from school not to exceed three days at a time.
10. Placement in the District Alternative Education Program from 30-45 days.
11. Involvement of law enforcement personnel.
12. Confiscation of prohibited items. (Electronic Devices returned to with a 15 dollar charge)
13. Saturday-School.
14. After-School Detention.
15. Referral to KISD Truant Officer.
16. Deny, revoke, suspend, or terminate use of KISD Telecommunication equipment.

LEVEL IV

Level IV Serious Offenses

Level IV offenses include those acts of misconduct that seriously disrupt the educational process, endanger or seriously affect other students, and perhaps violate the law. Examples include, but are not limited to the following:

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1. Any repeated offense of **Level III**, or a new violation while being disciplined for a **Level III** offense.
2. Repeated acts of disobedience or disorderly behavior, which may prove to be detrimental to the school, harmful to health and safety, or inhibiting to the rights of others.
3. Being disrespectful toward school personnel or refusing to comply with lawful requests or directions of school personnel.
4. Threats, oral or written, to do bodily harm to teachers or staff, or to the property of another.
5. Interfering with school authorities or school programs through boycotts, sit-ins, trespassing, food fights, or other riotous activities.
6. Fighting, which is defined as physical conflict between two or more individuals. When students are disciplined for fighting, self-defense may be considered by the campus Administration prior to making a disciplinary decision.
7. Stealing, robbery, extortion, gambling, or arson.
8. Use of profane, obscene, indecent, immoral, or offensive language and/or gestures directed toward school personnel.
9. Failure to comply with assigned disciplinary consequences.
10. Possessing a device, object, or substance that could cause bodily harm to individuals in any school setting.
11. Failure to report to school personnel the knowledge of an event, device, object, or substance that could cause bodily harm to individuals in any school setting.
12. Possession, use, or distribution of any substance represented to be a drug or alcohol.
13. Repeated violations of possession or use of tobacco products.
14. Indecent exposure, sexual misconduct, and/or sexual harassment.
15. Hazing.
16. Gang-related behavior or activity, or gang membership.
17. Possession of drug paraphernalia.
18. Burglary of a school facility or major vandalism to District property.
19. Assault.
20. Severe violation of the KISD Telecommunication Acceptable Policy.
21. Placing or discharging fireworks.
22. Pledging to join, or soliciting membership in a public school fraternity, sorority, secret society, or gang as defined in TEC 37.121.
23. Off-campus conduct that a District administrator reasonably believes may be punishable as a felony, other than a Title 5 offense, and that the student's presence in the regular setting threatens the safety of other students or teachers and will be detrimental to the educational process.

Level IV Disciplinary Options

Any one or any combination of the following or a lower level may be applied:

1. Suspension from school not to exceed three days at a time.
2. Involvement by law enforcement personnel.
3. Disciplinary Alternative Education Placement (DAEP).
30-45 days for Discretionary Placements (Texas Education Code 37.006)
45-60 days for Mandatory Placements (Texas Education Code 37.006)

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Assignment to the DAEP prohibits a student from attendance at or participation in school sponsored or school-related activities, possible loss of elective classes and prohibits the student from being on any KISD school facilities during the term of assignments.

4. Reassignment of classes.
5. Expulsion to JJAEP.

LEVEL V

Level V Mandatory Removal

If a student commits any of the following acts while within 300 feet of school property as measured from any point on the school's real property line, or while attending a school-sponsored or school related activity on or off the property, he or she shall be removed to an alternative education program:

1. Engages in conduct involving a public school that involves the elements of false alarm or report as defined by Penal Code 42.06.
2. Engages in conduct punishable as a felony.
3. Commits assault as defined by Penal Code 22.01.
4. Makes a terrorist threat as defined by Penal Code 22.07.
5. Sells, gives, delivers, uses, or possess marijuana, a controlled substance as defined by Chapter 481, Health and Safety Code, or by 21 U.S.C. 801 et seq.; a dangerous drug as defined by Chapter 483, Health and Safety Code, or an alcoholic beverage as defined by 1.04 of the Alcoholic Beverage Code.
6. Commits a serious offense under the influence of alcohol.
7. Commits an offense relating to abuseable glue or aerosol paint under 485.031 through 483.035, Health and Safety Code, or other volatile chemicals under Chapter 484, Health and Safety Code.
8. Engages in public lewdness under Penal Code 21.07.
9. Engages in indecent exposure under Penal Code 21.08.
10. Engages in retaliation against a school employee under Penal Code 36.06 except, if the student commits a mandatory expellable offense against any employee in retaliation for or as a result of the employee's employment with the school district, the student must be expelled under TEC 37.007.
11. Engages in conduct punishable as a felony as defined in Title 5 of the Texas Penal Code and the student:
 - a. Has received deferred prosecution.
 - b. Is found by a court or jury to have engaged in delinquent conduct.
 - c. The Superintendent or designee reasonably believes the student has engaged in conduct punishable as a felony under Title 5.
12. In addition, a student shall be removed from class and placed in a disciplinary alternative education program under 37.008 (TEC), based on conduct occurring off campus and while the student is not in attendance at a school-sponsored or school-related activity if:
 - a. The student receives deferred prosecution for conduct defined as a felony by Section 53.03 of the Family Code.
 - b. A court or jury finds that the student has engaged in delinquent conduct as defined in the Family Code 53.03 or for conduct defined as a Title 5 felony in the Penal Code.

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- c. The Superintendent or the Superintendent's designee has a reasonable belief that the student has engaged in conduct defined as a Title 5 felony in the Penal Code. The terms of removal **will** prohibit the student from attending or participating in school-sponsored or school related activities.

Level V Disciplinary Options

1. Discretionary Removals (Texas Education Code 37.007) – 45-60-90 days in DAEP
2. Mandatory Removals (Texas Education Code 37.007) – 60-90 days in DAEP

Discretionary Expulsion

If a student commits any of the following acts while within 300 feet of school property (except number 1, which is not limited), as measured from any point on the school's real property line, or while attending a school-sponsored or school-related activity on or off the property, he or she may be removed to an alternative education program:

1. Engages in conduct involving a public school that contains the elements of the offense of false alarm or report, or terrorist threat by Penal Code 22.07 or 42.06.
2. Sells, gives, or delivers to another person or possesses, uses, or is under the influence of any amount of marijuana or controlled substance, a dangerous drug, or alcohol beverage.
3. Engages in conduct that contains the elements of an offense against a school district employee or a volunteer.
4. Engages in conduct that contains the elements of deadly conduct.
5. Engages in conduct that contains the elements of any offense listed in Subsection (a) (2) (A) or (C) or the offense of aggravated robbery under Section 29.03 of the Penal Code against another student without regard to whether the conduct occurs on or off of school property or while attending a school-sponsored activity on or off of school property.
6. A student may be expelled if while placed in the DAEP the student continues to engage in serious or persistent misbehavior that violates the district's student code of conduct.
7. If the student engages in conduct that contains the elements of criminal mischief and if the conduct is punishable as a felony.

Mandatory Expulsion

A student shall be expelled from school for a period of time determined by the administrator or designee if the student, on school property or while attending a school-sponsored or school-related activity on or off of school property uses, exhibits, or possesses:

1. A firearm under Penal Code 46.01.
2. An illegal knife, as defined in Penal Code 46.01(6).
3. A club as defined by Penal Code 46.01(1).
4. A weapon listed as a prohibited weapon under Penal Code 46.05, including:
 - a. Explosive weapons.
 - b. A machine gun.
 - c. A short-barreled firearm.

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- d. A switchblade knife.
- e. Knuckles.
- f. Armor-piercing ammunition.
- g. A chemical dispensing device.
- h. A zip gun.
- 5. Aggravated assault under Penal Code 22.02.
- 6. Sexual assault under Penal Code 22.011.
- 7. Aggravated sexual assault under Penal Code 22.021.
- 8. Arson under Penal Code 28.02.
- 9. Murder under Penal Code 19.02.
- 10. Capital murder under Penal Code 19.03.
- 11. Criminal attempt to commit murder or capital murder under Penal Code 15.01.
- 12. Indecency with a child under Penal Code 21.11.
- 13. Aggravated kidnapping under Penal Code 20.04.
- 14. The offense of selling, giving, or delivering, using, or possessing marijuana, and/or a controlled substance as defined by Chapter 481, Health and Safety Code, or by 21 U.S.C. 801, et seq., a dangerous drug as defined by Chapter 483, Health and Safety Code, or an alcoholic beverage as defined by 1.04 of the Alcoholic Beverage Code if the conduct is punishable as a felony.
- 15. Aggravated Robbery under Penal Code 29.03.
- 16. Manslaughter under Penal Code 19.04.
- 17. Criminal Negligent Homicide under Penal Code 19.05.
- 18. Continuous sexual abuse of young child or children under Penal Code 21.02
- 19. Registered Sex Offender
- 20. Retaliation against school employee by engaging in any conduct listed in 37.007 (a).
- 21. In addition, expulsion is mandated for a student who commits any of the offenses listed above whether on or off school property and whether school associated or not "against any employee in retaliation for or as a result of the employee's employment with a school district retaliation." Terms of expulsion shall deny the student access to all District activities and school property. Federal law requires that a student expelled for a firearms violation must be expelled from the student's regular campus for a period of at least one year, subject to individual modifications made by the Superintendent.

Level V Mandatory Expulsion Disciplinary Option:

- 1. The least amount of time a student may be expelled from the Keller Independent School District to the Juvenile Justice Alternative Education Program (JJAEP) is 90 days.

Students Under Ten Years of Age

- 1. Students under age six cannot be removed from class and placed in a Disciplinary Alternative Education Program.
- 2. Elementary students cannot be placed in a Disciplinary Alternative Education Program with students not in elementary school.
- 3. Students between six and ten years of age who commit an expellable offense must be placed in a disciplinary Alternative Education Program.

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4. Expelled students ten years and older may be provided continued educational services at the discretion of the district.

Students younger than ten years of age may not be expelled, except those who must be expelled in accordance with federal law.

Removal from the Regular Educational Setting

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

Routine Referral

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

Formal Removal

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

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

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

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

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

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

Returning Student to Classroom

When a student has been formally removed from class by a teacher for conduct against the teacher containing the elements of assault, aggravated assault, sexual assault, aggravated sexual assault, murder, capital murder,

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or criminal attempt to commit murder or capital murder, the student may not be returned to the teacher's class without the teacher's consent.

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

Suspension

Misconduct

Students may be suspended for any behavior listed in the Code as a general conduct violation, DAEP offense, or expellable offense.

In deciding whether to order suspension, the district will take into consideration:

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

Process

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

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

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

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

Disciplinary Alternative Education Program (DAEP) Placement

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

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

1. Self-defense (see glossary),

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2. Intent or lack of intent at the time the student engaged in the conduct, and
3. The student's disciplinary history.

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

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

***Misconduct
Identified in State
Law***

In accordance with state law, a student **may** be placed in a DAEP for any one of the following offenses:

- Involvement in a public school fraternity, sorority, or secret society, including participating as a member or pledge, or soliciting another person to become a pledge or member of a public school fraternity, sorority, secret society or gang. (See glossary)
- Involvement in criminal street gang activity. (See glossary)

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

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

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

A student **must** be placed in a DAEP (unless expelled) if the student:

- Engages in conduct relating to a false alarm or report (including a bomb threat) or a terroristic threat involving a public school. (See glossary)
- Commits the following offenses on school property or within 300 feet of school property as measured from any point on the school's real property boundary line, or while attending a school-sponsored or school-related activity on or off school property:
 - Engages in conduct punishable as a felony.
 - Commits an act that contains the elements of an assault (see glossary) under Texas Penal Code 22.01(a)(1).

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- Sells, gives, or delivers to another person, or possesses, uses, or is under the influence of marijuana, a controlled substance, or a dangerous drug in an amount not constituting a felony offense. (School-related felony drug offenses are addressed in the Expulsion section.) (See glossary for “under the influence”)
- Sells, gives, or delivers to another person an alcoholic beverage; commits a serious act or offense while under the influence of alcohol; or possesses, uses, or is under the influence of alcohol, if the conduct is not punishable as a felony offense. (School-related felony alcohol offenses are addressed in the Expulsion section.)
- Behaves in a manner that contains the elements of an offense relating to abusable volatile chemicals.
- Behaves in a manner that contains the elements of the offense of public lewdness or indecent exposure.
- Engages in expellable conduct and is between six and nine years of age.
- Commits a federal firearms violation and is younger than six years of age.
- Engages in conduct that contains the elements of the offense of retaliation against any school employee or volunteer on or off school property. (Committing retaliation in combination with another expellable offense is addressed in the Expulsion section of this Code.)
- Engages in conduct punishable as a felony listed under Title 5 (see glossary) of the Texas Penal Code when the conduct occurs off school property and not at a school-sponsored or school-related event and:
 1. The student receives deferred prosecution (see glossary),
 2. A court or jury finds that the student has engaged in delinquent conduct (see glossary), or
 3. The superintendent or designee has a reasonable belief (see glossary) that the student engaged in the conduct.

Sexual Assault and Campus Assignments

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

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Emergencies	In an emergency, the principal or the principal's designee may order the immediate placement of a student in a DAEP for any reason for which placement in a DAEP may be made on a nonemergency basis.
Process	Removals to a DAEP will be made by the principal or the principal's designee.
<i>Conference</i>	<p>When a student is removed from class for a DAEP offense, the appropriate administrator will schedule a conference within three school days with the student's parent, the student, and the teacher, in the case of a teacher removal.</p> <p>At the conference, the appropriate administrator will inform the student, orally or in writing, of the reasons for the removal and will give the student an explanation of the basis for the removal and an opportunity to respond to the reasons for the removal.</p> <p>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.</p>
<i>Placement Order</i>	<p>After the conference, if the student is placed in the DAEP, the appropriate administrator will write a placement order. A copy of the DAEP placement order will be sent to the student and the student's parent.</p> <p>Not later than the second business day after the conference, the board's designee will deliver to the juvenile court a copy of the placement order and all information required by Section 52.04 of the Family Code.</p> <p>If the student is placed in the DAEP and the length of placement is inconsistent with the guidelines included in this Code, the placement order will give notice of the inconsistency.</p>
Length of Placement	<p>The duration of a student's placement in a DAEP will be determined by the principal or the principal's designee.</p> <p>The duration of a student's placement will be determined on a case-by-case basis. DAEP placement will be correlated to the seriousness of the offense, the student's age and grade level, the frequency of misconduct, the student's attitude, and statutory requirements.</p> <p>The maximum period of DAEP placement shall be one calendar year except as provided below.</p>
<i>Exceeds One Year</i>	<p>Placement in a DAEP may exceed one year when a review by the district determines that:</p> <ol style="list-style-type: none">1. The student is a threat to the safety of other students or to district employees, or2. Extended placement is in the best interest of the student. <p>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</p>

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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 DAEP administrator and sending school principal must determine that:

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

Exceeds 60 Days

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

Appeals

Questions or complaints from parents regarding disciplinary measures should be addressed to the campus administration, in accordance with policy FNG(LOCAL). A copy of this policy may be obtained from the principal's office or the central administration office or through Policy On Line at the following address:

<http://www.tasb.org/policy/pol/private/220907>.

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

Restrictions during Placement

The district does not permit a student who is placed in a DAEP to participate in any school-sponsored or school-related extracurricular or cocurricular activity.

For seniors who are eligible to graduate and are assigned to a DAEP at the time of graduation, the last day of placement in the program will be the last instructional day, and the student will not be allowed to participate in the graduation ceremony and related graduation activities unless otherwise specified in the DAEP placement order.

Placement Review

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

Additional Misconduct

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

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

Notice of Criminal Proceedings

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

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

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

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

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

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

Withdrawal during Process

When a student violates the district's Code in a way that requires or permits the student to be placed in a DAEP and the student withdraws from the district before a placement order is completed, the district may complete the proceedings and issue a placement order. If the student then 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

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order after the student withdraws, the next district in which the student enrolls may complete the proceedings and issue a placement order.

Newly Enrolled Students

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

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

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

Emergency Placement Procedures

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

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Placement and/or Expulsion for Certain Serious Offenses

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

Registered Sex Offenders

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

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

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

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

Review Committee

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

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

Newly Enrolled Student

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

Appeal

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

Certain Felonies

Regardless of whether placement or expulsion is required or permitted by one of the reasons in the DAEP Placement or Expulsion sections, in

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accordance with Education Code 37.0081, a student **may** be expelled and placed in either DAEP or JJAEP if the board or its designee makes certain findings and the following circumstances exist in relation to a felony offense under Title 5 (see glossary) of the Texas Penal Code. The student must:

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

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

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

Hearing and Required Findings

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

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

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

Length of Placement

The student is subject to the placement until:

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

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Newly Enrolled Students

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

Expulsion

In deciding whether to order expulsion, the district will take into consideration:

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

A student **may** be expelled for:

Discretionary Expulsion: Misconduct That May Result in Expulsion

Any Location

- Engaging in the following no matter where it takes place:
 - Conduct that contains the elements of assault under Penal Code 22.01(a)(1) in retaliation against a school employee or volunteer.
 - Criminal mischief, if punishable as a felony.
- Engaging in conduct that contains the elements of one of the following offenses against another student, without regard to where the conduct occurs:
 - Aggravated assault.
 - Sexual assault.
 - Aggravated sexual assault.
 - Murder.
 - Capital murder.
 - Criminal attempt to commit murder or capital murder.
 - Aggravated robbery.
- Engaging in conduct relating to a false alarm or report (including a bomb threat) or a terroristic threat involving a public school.
- Committing any of the following offenses on or within 300 feet of school property, as measured from any point on the school's real property boundary line, or while attending a school-sponsored or school-related activity on or off school property:
 - Selling, giving, or delivering to another person, or possessing, using, or being under the influence of marijuana, a controlled

At School, Within 300 Feet, or at School Event

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substance, or a dangerous drug, if the conduct is not punishable as a felony.

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

Within 300 Feet of School

- Engaging in the following conduct while within 300 feet of school property, as measured from any point on the school's real property boundary line:
 - Aggravated assault, sexual assault, or aggravated sexual assault.
 - Arson.
 - Murder, capital murder, or criminal attempt to commit murder or capital murder.
 - Indecency with a child, aggravated kidnapping, manslaughter, criminally negligent homicide, or aggravated robbery.
 - Continuous sexual abuse of a young child or children.
 - Felony drug- or alcohol-related offense.
 - Use, exhibition, or possession of a firearm (as defined by state law), an illegal knife, a club, or prohibited weapon, or possession of a firearm (as defined by federal law).

Property of Another District

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

While in DAEP

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

Mandatory Expulsion: Misconduct That Requires Expulsion

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

Federal Law

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

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

Texas Penal Code

- Using, exhibiting, or possessing the following, as defined by the Texas Penal Code:
 - A firearm (any device designed, made, or adapted to expel a projectile through a barrel by using the energy generated by an explosion or burning substance or any device readily convertible to that use).
 - An illegal knife, such as a knife with a blade over 5½ inches; hand instrument, designed to cut or stab another by being thrown; dagger, including but not limited to a dirk, stiletto, and poniard; bowie knife; sword; or spear.
 - A club (see glossary) such as an instrument specially designed, made, or adapted for the purpose of inflicting serious bodily injury or death by striking a person with the instrument, including a blackjack, nightstick, mace, and tomahawk.
 - A prohibited weapon, such as an explosive weapon, a machine gun, a short-barrel firearm, a firearm silencer, a switchblade knife, knuckles, armor-piercing ammunition, a chemical dispensing device, or a zip gun. (See glossary)
- Engaging in conduct that contains elements of the following offenses under the Texas Penal Code:
 - Aggravated assault, sexual assault, or aggravated sexual assault.
 - Arson. (See glossary)
 - Murder, capital murder, or criminal attempt to commit murder or capital murder.
 - Indecency with a child.
 - Aggravated kidnapping.
 - Aggravated robbery.
 - Manslaughter.
 - Criminally negligent homicide.
 - Continuous sexual abuse of a young child or children.

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- Behavior punishable as a felony that involves selling, giving, or delivering to another person, or possessing, using, or being under the influence of marijuana, a controlled substance, a dangerous drug, or alcohol; or committing a serious act or offense while under the influence of alcohol.
- Engaging in retaliation against a school employee or volunteer combined with one of the above-listed mandatory expulsion offenses, with the exception of a federal firearm offense, on or off school property or at a school-related activity.

Under Age Ten

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

Emergency

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

Process

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

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

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

Hearing

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

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

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

The board of trustees delegates to the Superintendent or Superintendent designee authority to conduct hearings and expel students.

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Appeal of Expulsion

Appeals must be filed with the Executive Director of the appropriate level (Elementary, Intermediate and Middle or Secondary Administration) within two school days of receipt of the principal's written decision. A hearing shall be conducted within five school days of receipt of the appeal letter. The hearing will be heard before a three member Board of Review convened at the Central Administration Building. The hearing shall be a review of the information presented at the school-level hearing. During the time of the appeal, the student shall remain in the JJAEP. If no appeal is received within the specified timeframe, the right to appeal is waived.

The decision of the Board of Review may be appealed to the Board of Trustees of the school district by filing written notice with the Superintendent of Schools within two school days of receipt of written notification. During the time of the appeal, the student shall remain in the JJAEP.

The appeal shall be considered at a future Board Meeting. The decision of the Board shall be based on the record made at the appeal hearing.

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

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

Expulsion Order

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

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

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

Length of Expulsion

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

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

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

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

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

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

Withdrawal during Process

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

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

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

Additional Misconduct

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

Restrictions during Expulsion

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

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

Newly Enrolled Students

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

If a student expelled in another state enrolls in the district, the district may continue the expulsion under the terms of the expulsion order, may place

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the student in a DAEP for the period specified in the order, or may allow the student to attend regular classes if:

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

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

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

Emergency Expulsion Procedures

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

DAEP Placement of Expelled Students

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

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Glossary

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

Abuse is improper or excessive use.

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

Arson is a crime that involves starting a fire or causing an explosion with intent to destroy or damage:

1. Any vegetation, fence, or structure on open-space land; or
2. Any building, habitation, or vehicle:
 - a. Knowing that it is within the limits of an incorporated city or town;
 - b. Knowing that it is insured against damage or destruction;
 - c. Knowing that it is subject to a mortgage or other security interest;
 - d. Knowing that it is located on property belonging to another;
 - e. Knowing that it has located within it property belonging to another; or
 - f. 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.

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

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

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

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

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

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

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

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

Deferred adjudication is an alternative to seeking a conviction in court that may be offered to a student 17 years of age or older in a criminal court or 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 not mandatory and is left to or regulated by a local decision maker.

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

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

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

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

Harassment is:

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

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

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

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

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

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

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

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

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

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

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

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

Serious offenses include but are not limited to:

- Murder.
- Vandalism.
- Robbery or theft.
- Extortion, coercion, or blackmail.
- Actions or demonstrations that substantially disrupt or materially interfere with school activities.
- Hazing.
- Insubordination.
- Profanity, vulgar language, or obscene gestures.
- Fighting, committing physical abuse, or threatening physical abuse.

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- Possession or distribution of pornographic, obscene or sexually oriented materials.
- Leaving school grounds without permission.
- Sexual harassment of a student or district employee.
- Possession of or conspiracy to possess any explosive or explosive device.
- Falsification of records, passes, or other school-related documents.
- Refusal to accept discipline assigned by the teacher or principal.
- Selling, giving, or delivering to another person, or possessing, using, or being under the influence of marijuana, a controlled substance, or a dangerous drug.
- Selling, giving, or delivering to another person, or possessing, using, or being under the influence of alcohol; or committing a serious act or offense while under the influence of alcohol.

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

Switchblade is any knife with a blade that folds, closes, or retracts into the handle or sheath and that opens automatically by pressing a button or by the force of gravity or centrifugal force.

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

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

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

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

Use means voluntarily introducing into one's body, by any means, a prohibited substance.

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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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CONSENT “OPT OUT” INFORMATION

*In order to meet District or campus obligations under the No Child Left Behind Act there must be at least annually at the beginning of the school year notification of parents of the specific or approximate dates when the following will occur or are expected to occur: A survey, analysis, or evaluation that concerns student-protected information as described below in Section I. For those surveys that will be funded in whole or in part by U.S. Department of Education funds, the District **must receive** a parent’s consent. For those surveys not funded by the USDE, the District must **allow** a parent to opt-out.*

*Any planned non-emergency, invasive physical examinations or screenings required as a condition of attendance, administered and scheduled by the school in advance and not necessary to protect the immediate health and safety of the student, other than hearing, vision, scoliosis screenings or any physical exam or screening permitted or required under state law. See policies EF and FFAA. The District must **allow** a parent to opt-out of these examinations or screenings. School activities involving the collection, disclosure, or use of personal information collected from a student for the purpose of marketing or selling that information. Depending on what personal information is being collected, disclosed, or used, the District must either receive consent or allow a parent to opt-out of these activities. Should any of the above surveys or activities arise during the school year as part of campus or classroom activities, these guidelines should again be used to determine appropriate notices and consent/opt-out forms to be sent to parents before the surveys or activities are conducted.*

This information shall be provided to you based on the campus your child attends. Contact your campus administrator with any questions.

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ELECTRONIC COMMUNICATION SIGNATURE FORM

Complete this form **ONLY IF YOU DO NOT WANT ACCESS** to the District's electronic communications system.

STUDENT DENIAL OF PARTICIPATION IN AN ELECTRONIC COMMUNICATION SYSTEM

The student statement must be renewed each academic year.

STUDENT:

Name_____

Grade_____

School_____

I have read the District's electronic communications system policy and administrative regulations **AND DO NOT CHOOSE TO PARTICIPATE.**

Student's signature_____

Student's (printed) name_____

Date_____

SPONSORING PARENT OR GUARDIAN

I have read the District's electronic communications system policy and administrative guidelines.

I DO NOT GIVE permission for my child to participate in the District's electronic communications system.

Printed name of parent or guardian_____

Signature of parent or guardian_____

Home address_____

Date_____

Home phone number_____

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EARLY RELEASE FORM

PK-8 Grade Students

Child's Name _____
(Printed)

School _____ Grade _____

To: PRINCIPAL

Should it become necessary to have an unscheduled early dismissal of children from school during the day because of emergency conditions, please have my child do one of the following: **CHECK ONE**

1. Ride the bus home early if he/she rides the bus every day. ☐
2. Walk home early. ☐
3. Wait at school until I can pick him/her up. ☐
4. Wait at school until regular dismissal time and then walk home. ☐
5. Other _____ ☐
Please specify

Parent's signature

Date

Parent's printed name

Home Phone

Work Phone

Authorized Person(s) to Pick Child Up Other Than Parent

Printed name

Home Phone

Work Phone

Printed name

Home Phone

Work Phone

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NOTICE TO PARENTS: DIRECTORY INFORMATION

Certain information about district students is considered directory information and will be released to anyone who follows the procedures for requesting the information unless the parent or guardian objects to the release of the directory information about the student. If you do not want Keller ISD to disclose directory information from your child's education records without your prior written consent, you must notify the district in writing by September 9, 2006.

Keller ISD has designated the following information as directory information "student's name, address, telephone number, e-mail address, date and place of birth, grade level, photographs, most recent educational institution attended, dates of attendance, major fields of study, participation in officially recognized activities and sports, weight and height of athletic participants, and honors and awards received.

- ☐ I object to the release of all the directory information.

Please Note: If you have objected to the disclosure of directory information, Keller ISD will not be able to include such information in student directories, student yearbooks, or district publications (such as athletic game programs, concert programs, commencement programs, group or individual photos, cable school news segments, KISD website, broadcast media or district press releases to broadcast media, newspapers, or other publications) **unless** you also provide your consent to the release of such information for such purposes in the space provided below. If you do not object to the release of directory information, it can be used for such purposes.

- ☐ I consent to the release of directory information for limited school-sponsored purposes, including student directories, student yearbooks, and district publications.

For High School: Release of Information to Military Recruiters or Institutions of Higher Education.

Federal law requires districts receiving assistance under the Elementary and Secondary Education Act of

1965 (20 U.S.C. § 6301, *et. seq.*) to provide a military recruiter or an institution of higher education, on

request, with the name, address, and telephone number of a secondary student unless the parent has advised the district that the parent does not want the student's information disclosed without the parent's prior written consent. If you do not wish to have your student's information released, please check the box provided below.

- ☐ I object to the release of my student's name, address, and telephone number to a military recruiter or institution of higher education.

Student Name (Printed) _____ Date _____

Parent Name (Printed) _____

Parent Name (Signature) _____ Date _____

This form must be returned to the campus no later than September 9, 2007.

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KELLER INDEPENDENT SCHOOL DISTRICT

CODE OF CONDUCT SIGNATURE FORM

☐ I CHOOSE TO ACCESS THE ELECTRONIC FORM OF THE STUDENT CODE OF CONDUCT **ON-LINE** AT www.kellerisd.net.

☐ I REQUEST TO RECEIVE A **PRINTED HARD COPY** OF THE STUDENT CODE OF CONDUCT. I understand that the campus will forward a copy to me as quickly as possible upon receipt of this request.

Failure to sign and return this form does not exempt me/us from compliance with the laws, policies, rules and regulations of the State of Texas and of the Keller Independent School District.

Date

Campus / School

Grade

Printed Student's Name

Signature of Student

Printed Name of Parent or Guardian

Signature of Parent/Guardian