

BOARD OF TRUSTEES  
AGENDA

Workshop

Regular

Special

(A)  Report Only

Recognition

Presenter(s):

Briefly describe the subject of the report or recognition presentation.

(B)  Action Item

Presenter(s):      SAMUEL MIJARES, DEPUTY SUPERINTENDENT FOR C & I  
                                 CLINT WHEELER, DAEP DIRECTOR

Briefly describe the subject of the report or recognition presentation.

**CONSIDER AND TAKE APPROPRIATE ACTION ON THE REQUEST TO APPROVE THE 2016-2017 STUDENT CODE OF CONDUCT.**

(C) Funding Source: Identify the course of funds if any are required

(D) Clarification: Explain any question or issues that might be raised regarding this item.

**Discipline Alternative  
Education Program**

# Memo

**To:** Gilberto Gonzalez, Superintendent of Schools

**From:** Clint Wheeler, DAEP Director <sup>d</sup>

**cc:** Samuel Mijares, Deputy Superintendent for Curriculum & Instruction

**Date:** August 2, 2017

**Re:** Additions to the 2017-2018 Student Code of Conduct

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**Attached please find committee recommendations to the 2017-2018 Student Code of Conduct for consideration by the school board.**

## **Proposed Additions - Student Code of Conduct 2017-2018 School Year**

Prohibited Item - Fidget spinners or like gadgets

### **SECTION XVII: BULLYING AND OTHER TYPES OF HARASSMENT**

Eagle Pass ISD encourages all students and staff members to foster a climate of mutual respect for others to enhance the District's educational purpose. Each student is expected to respect the rights and privileges of other students, teachers, and District staff members. Students shall not engage in harassment motivated by age, race, color, ancestry, national origin, sex, handicap or disability, marital status, religion, political affiliation, sexual orientation, gender identity and/or gender expression directed toward another student. A substantial determination of harassment against a student shall result in disciplinary action.

The term "harassment" includes repeated, unwelcome, and offensive jokes, slurs, and or other oral, written, graphic, or physical conduct relating to an individual's race, color, religion, national origin or disability that creates an intimidating, hostile, or offensive educational environment. The term also includes threatening to cause harm or bodily injury to another student, engaging in sexually intimidating conduct, causing physical damage to the property of another student, subjecting another student to physical confinement or restraint, or maliciously taking any action that substantially harms another student's physical or emotional health of safety.

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

Any student who believes that he or she has experienced bullying or believes that another student has experienced bullying should immediately report the alleged conduct to a teacher, counselor, principal or other District employee.

Any District employee who suspects or receives notice that a student or group of students has or may have experienced bullying shall immediately notify the principal or designee. A report may be made orally or in writing. The principal or designee shall convert any oral reports to written form.

#### **Procedures for Investigation of Bullying**

1. The principal or designee shall determine whether the allegations in the report, if proven, would constitute prohibited conduct as defined by policy FFH, including dating violence and harassment or discrimination on the basis of race, color, religion, gender, national origin, or disability. If so, the District shall proceed under policy FFH. If the allegations could constitute both prohibited conduct and bullying, the investigation under FFH shall include a determination on each type of conduct.

2. The principal or designee shall conduct an appropriate investigation based on the allegations in the report. The principal or designee shall properly take interim action calculated to prevent bullying during the course of an investigation, if appropriate.
3. Absent extenuating circumstances, the investigation should be completed within 10 District business days from the date of the initial report alleging bullying; however, the principal or designee shall take additional time if necessary to complete a thorough investigation.
4. The principal or designee shall prepare a final, written report of the investigation. The report shall include a determination of whether bullying occurred, and if so, whether the victim used reasonable self-defense. A copy of the report shall be sent to the superintendent or designee.
5. If an incident or bullying is confirmed, the principal or designee shall promptly notify the parents of the victim and of the student who engaged in bullying.
6. If the results of an investigation indicate that bullying occurred, the District shall promptly respond by taking appropriate disciplinary action in accordance with the District's *Code of Student Conduct* and may take corrective action reasonably calculated to address the conduct.
7. A student who is a victim of bullying and who used reasonable self-defense in response to the bullying shall not be subject to disciplinary action.
8. The discipline of a student with a disability is subject to applicable state and federal law in addition to the *Code of Student Conduct*.
9. To address a request for a transfer on the basis of bullying, the principal or designee shall refer to FDB for transfer provisions.
10. The principal or designee shall notify the victim, the student who engaged in bullying, and any students who witnessed the bullying of available counseling options.
11. If the investigation reveals improper conduct that did not rise to the level of prohibited conduct or bullying, the District may take action in accordance with the *Code of Student Conduct* or any other appropriate corrective action.
12. To the greatest extent possible, the District shall respect the privacy of the complainant, persons against whom a report is filed, and witnesses. Limited disclosures may be necessary in order to conduct a thorough investigation.
13. A student or parent that is dissatisfied with the outcome of the investigation may appeal through FNG (LOCAL), beginning at the appropriate level.
14. Retention of records shall be in accordance with CPC (LOCAL).

Allegations and investigation of claims of sexual harassment are addressed above in the section entitled "Procedure for Sexual Harassment/Dating Violence Complaints (Title IX Investigations)."

**Cyber-Bullying** means bullying that is done through the use of any electronic communication device, including through the use of a cellular or other type of telephone, a computer, a camera, electronic mail, instant messaging, text messaging, a social media application, in Internet website, or any other Internet-based communication tool.