

Brazosport Independent School District

# Student Code of Conduct

**2011-2012**

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**August 2011**

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# Brazosport I. S. D.

## Student Code of Conduct

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## I. Purpose of *Student Code of Conduct*

All students are entitled to benefit from the basic rights recognized and protected by law for persons of their age and maturity attending the public schools of the state. BISD schools foster a climate of mutual respect for the rights of others. Students are required to respect the rights and privileges of other students, teachers, and other school employees. The rules of conduct and discipline contained within this *Student Code of Conduct* are established to achieve and maintain order and safety in the Brazosport schools. Students are governed by this *Code* and those who violate the *Code* or rights of others or who violate BISD or campus rules shall be subject to the provisions contained within this *Student Code of Conduct*.

The *Student Code of Conduct* that follows is the District's specific response to requirements of Chapter 37 of the Texas Education Code. The law requires the District to define misconduct that may and/or must result in a range of specific disciplinary consequences. This *Code* is an outgrowth of collaboration among district and campus staff, parents, and other community members. This *Code*, adopted by the Board of Trustees, provides information and direction to students and parents regarding standards of behavior as well as consequences of misconduct.

## II. Designation of Authority and Jurisdiction

Principals and assistant principals [under the supervision of the Superintendent](#) are charged with the responsibility of general student conduct and behavior regulations. Such responsibility carries with it, among other things, the authority of said school personnel to suspend a student, remove a student from class, make assignments to Disciplinary Alternative Education Programs (DAEP), and to expel a student from school for violation of applicable district policies and state law or to take any other appropriate disciplinary action.

The Board hereby designates the principal and assistant principal [under the supervision of the Superintendent](#) of each school as hearing officers for all school-level hearings and conferences regarding assignments of student discipline. In the event that the principal and assistant principal [under the supervision of the Superintendent](#) cannot serve as a hearing officer, the Superintendent may designate another district administrator to serve as hearing officer.

The Board also designates the principal and assistant principal [under the supervision of the Superintendent](#) of each school as the Board designee to assign student discipline including campus-level discipline, in-school suspension, central secondary school, or suspension to a student for violation of this *Student Code of Conduct* and any applicable school district policies. Any decision of the principal or assistant principal [under the supervision of the Superintendent](#) to assign a student to the in-school suspension center, to central secondary school, or to suspend a student (according to law) is final and may not be appealed from the campus-level. As the Board's designee, the appropriate principal or assistant principal [under the supervision of the Superintendent](#) shall set the term for assignments to the in-school suspension center or to central secondary school.

The Board hereby authorizes the Superintendent to designate a hearing panel for appeals of the school-level hearing decisions as may be necessary or required. The District has jurisdiction over its students during the regular school day and while going to and from school on district transportation. [The District has jurisdiction over its students during lunch periods in which a student is allowed to leave campus.](#) The District's jurisdiction also includes, but is not limited to, any activity during the school day on school grounds and on public property within 300 feet of school property, attendance at any school-related activity, regardless of time or location, and any school-related misconduct, regardless of time or location.

The District also has jurisdiction over students when they engage in conduct punishable as a felony or based on retaliation against a school employee or volunteer, regardless of time or location. The District also has jurisdiction over students when they engage in conduct on school property of another school district or while attending a school-sponsored or school-related activity of a school in another school district. The District also has jurisdiction over students when criminal mischief is committed on or off school property or at a school-related event, or when a student is required to register as a sex offender.

In deciding whether to order suspension, removal to a DAEP or expulsion, the district must take into consideration self defense, the student's disciplinary history, intent or lack of intent at the time the student engaged in the conduct, and any disability that substantially impaired the student's capacity to appreciate the wrongfulness of the student's conduct, except as required under the Individuals with Disabilities Act (IDEA) and any related federal regulations.

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However, when determining an appropriate length for assignment, the principal or other appropriate administrator may, when appropriate, consider self-defense, intent or lack of intent at the time the student engaged in the conduct or the student's disciplinary history. Self-defense may be considered as a mitigating circumstance only when the student has a reasonable belief that the student's response is immediately necessary to protect himself/herself against the other's use or attempted use of improper force that could result in serious bodily injury. Reasonable belief in the school setting means a belief that would be held by the school principal or other appropriate administrator in the same circumstances as the actor. Each student is responsible for making every effort to avoid the use of any force and is expected to remove himself or herself from the situation if at all possible. The District does not condone or authorize students to use force against another individual, even if that individual provokes or instigates a fight or altercation.

### III. *Student Code of Conduct Levels of Behavior*

#### A. **LEVEL I – Minor Disruptive Behavior**

The first category is most important because a teacher's early corrective action will usually avoid the need to progress to more restrictive categories. Students' first signs of misbehavior usually are not of a severe nature, but are signals for special attention. Communication, cooperation, and encouragement of positive behavior are the key ingredients at this level of remediation.

A student shall be disciplined for any of the following offenses if committed on school property, on or within 300 feet of school property as measured from any point on the school's real property boundary line, or while attending school-sponsored or school-related activities on or off school property.

##### 1. **Level I offenses may include, but are not limited to:**

- Talking in class;
- Chewing gum;
- Running in halls;
- Being out of seat at inappropriate times;
- Being tardy (more than three tardies are excessive);
- Cutting in lines, pushing or shoving;
- Being loud, rude, and/or making unnecessary noises;

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- Eating or drinking outside of designated areas;
- Failing to complete assigned work;
- Disturbing other students – verbal disruption;
- Being inattentive and/or disruptive in class;
- Refusing to follow instructions of school personnel;
- Using insulting language;
- Violating safety rules;
- Violating other communicated classroom/campus rules;
- Failure to have supplies and/or materials;

**2. Level I consequences may include, but are not limited to:**

- Denial of classroom privileges;
- Verbal correction;
- Conference with the student;
- Special duties in classroom;
- Behavioral contracts;
- Parent telephone call, letter, and/or conference;
- Individualized behavior modification;
- Warning;
- Before school, lunch, or after school detention;
- Teacher removal to principal's office;
- Referral to BISD Security for appropriate legal action;
- Special education students and §504 students – refer to IEP.

Most Level I offenses are considered only classroom violations of the *Student Code of Conduct* and, therefore, a written report of such offenses may be completed, but is not required to be completed and/or filed with the school principal or other appropriate administrator. Persistent misbehavior of Level I may lead to consequences in Level II.

**B. LEVEL II – Disruptive Behavior**

A teacher may remove a student from class who has been documented by the teacher to repeatedly interfere with the teacher's ability to communicate effectively with the students in the class or with the ability of the student's classmates to learn. A teacher may remove a student from class whose behavior the teacher determines is so unruly, disruptive, or abusive that it seriously interferes with the teacher's ability to communicate effectively with the students in the class or with the ability of the student's classmates to learn. The terms of the removal (at the principal's discretion) may prohibit the student from attending or participating in school-sponsored or school-related activities. As described below, the Discipline Management Plan and the *Student Code of Conduct* apply to all students, including students with disabilities.

A student shall be disciplined for any of the following offenses if committed on school property, on or within 300 feet of school property as measured from any point on the school's real property boundary line, on a school bus, or while attending school-sponsored or school-related activities on or off school property.

1. **Level II disruptive offenses may include, but are not limited to:**

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- Repeated violations of the offenses outlined in Disruptive Behaviors Level I;
- Misbehavior on school bus;
- Horseplay at school, on bus, or at bus stop;
- Use of electronic devices at school such as, but not limited to, MP3's, Ipods, cell phones, PDA's, digital cameras, games, etc. – are not permitted.
- Violation of communicated expectations of student conduct and/or school rules;
- Possession of articles inappropriate for school including but not limited to: radios, magazines, books, laser pointers, or printed material not appropriate for school;
- Improper dress/dress code violations;
- Violation of campus-based procedures regarding the use of backpacks;
- Cheating – denial of credit;
- Activities relating to unapproved organizations (fraternity, sorority, or secret society);
- Altering records or forging a signature;
- Exhibiting unacceptable physical contact not resulting in injury (i.e., pushing);
- Failing to abide by school rules at extracurricular or co-curricular activities;
- Failure to abide by published campus rules and procedures;
- Inappropriate public display of affection;
- Leaving class/campus without permission;
- Loitering, littering, trespassing, or abusing residential property on the way to and/or from school;
- Posting, videoing, recording, or distributing unauthorized communicative materials at school;
- Refusing to follow directions and instructions given by school personnel;
- Riding in-line skates, skate boards, roller/shoe skates, scooters, or bicycles on campus during the school day or during school activities;
- Bringing or possessing a motorized scooter during the school day or school related activity;
- Throwing objects, causing or participating in disturbances in the classroom, cafeteria, hallways, restrooms, and playgrounds;
- Violation of attendance policy – unexcused absences and tardies.

2. **Level II consequences may include, but are not limited to:**

- Conference with campus administrator;
- Suspension from school bus;
- Behavioral contracts;
- Partial or complete denial of attendance and/or participation in extracurricular activities;
- Probation;
- In-school suspension;
- Before school, lunch, after school and/or Saturday detention;
- Removal from class for up to three school days;
- Parent notification;
- Teacher removal from class, documented behavior;

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- Special education; and §504 students – refer to IEP;
- Referral to BISD Security for appropriate legal action.

Persistent misbehavior of Level II may lead to consequences in Level III.

### C. **LEVEL III – Serious or Persistent Misbehavior (Suspension/ DAEP)**

After reasonable discipline management techniques have been imposed and the campus administrator determines that the student's presence in the regular classroom is disruptive to other students or persistent misbehavior violates the previously communicated standards of student conduct, the building administrator may remove a student to a disciplinary alternative educational program and/or home suspension (up to three days).

A student shall be disciplined for any of the following offenses if committed on school property, on or within 300 feet of school property as measured from any point on the school's real property boundary line, or while attending school-sponsored or school-related activities on or off school property.

#### 1. **Behaviors leading to such action may include, but are not limited to:**

- Continued violations of behaviors described in Level I and Level II;
- Throwing objects that may cause bodily injury or damage property;
- Vandalism – damage to property, \$0 to \$50.00;
- Involvement in criminal street gang activity;
- Falsification of school documents-forgery;
- Obscene/inappropriate language, gestures, or physical contact;
- Ethnic or racial slurs, name calling;
- Practicing or promoting witchcraft or occult activities;
- Use/possession of tobacco;
- Possession of matches/lighter;
- Possession of pocket knife;
- Fighting;
- Insubordination;
- Use of force or threat;
- Causing or participating in school/classroom disturbances, including but not limited to discharging fire extinguisher, stink bomb, etc;
- Engaging in any other conduct that disrupts the school or educational process;
- Criminal mischief, not punishable as a felony;
- Hazing;
- A reasonable belief that the student has engaged in conduct punishable as a felony, other than aggravated robbery or those listed as offenses involving injury to a person in Title 5 of the Texas Penal Code, that occurs off school property and not at a school-sponsored or school-related event, if the student's presence in the regular classroom threatens the safety of other students or teachers or will be detrimental to the educational process;
- Truancy from school/class or leaving class or school grounds without permission;
- Failure to comply with school policies;
- Bullying, harassment, hit list, gambling, graffiti, hazing, obscene gestures or actions;
- Stealing; \$0 to \$50.00;

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- Possession or distribution of pornographic or obscene material (either hardcopy or on the Internet);
- Violation of any provisions of the Internet Acceptable Use Agreement;
- Attempts to access or circumvent passwords or other security-related information of the District, students or employees or upload or create computer viruses (or Trojans, spyware, or any kind of malware), including off school property if the conduct causes a substantial disruption to the educational environment;
- Attempts to alter, destroy, or disable District technology resources including but not limited to computers and related equipment, district data, the data of others, or other networks connected to the District's system, including off school property if the conduct causes a substantial disruption to the educational environment;
- Use of the Internet or other electronic communications (including but not limited to text messages, e-mail or electronic social networking websites) to threaten District students, employees, or volunteers, including off school property if the conduct causes a substantial disruption to the educational environment;
- Sending, posting, or possessing electronic messages that are abusive, obscene, sexually oriented, threatening, harassing, damaging to another's reputation, or illegal, including cyberbullying and "sexting," either on or off school property, if the conduct causes a disruption to the educational environment;
- Use of e-mail or Web sites to engage in or encourage illegal behavior or threaten school safety, including off school property if the conduct causes a substantial disruption to the educational environment;
- Defiance of authority or school personnel;
- Serious or persistent misbehavior after the student has been placed in a campus ISS and continues to violate the District's *Student Code of Conduct*;
- Refusal to accept discipline management techniques proposed by teachers or school administrators.

**2. Consequences for serious or persistent misbehavior Level III may include, but are not limited to:**

- Assignment to in-school alternative educational program;
- Suspension (up to three days) unlimited number of times per year;
- Referral to BISD Security for appropriate legal action;
- Special education students and § 504 students – refer to IEP;
- Assignment to District Central Secondary School;
- Assignment to the District Disciplinary Alternative Education Program.

The District will notify the parent or guardian of a student's violation of the *Student Code of Conduct* that results in a suspension from school or a removal to a disciplinary alternative education program. Persistent misbehavior at Level III may lead to assignment at the District's DAEP. A student who commits a Level III offense and is suspended or placed in a district off-campus DAEP is prohibited from attending or participating in school sponsored or school-related activities. Any student who is assigned to an off-campus DAEP (Secondary Discipline Alternative Education Program/JJAEP) on the last day of instruction of the semester in which the student becomes eligible to graduate shall be prohibited from participating in any and all graduation exercises and/or graduation-related activities regardless of the time of year the graduation activities are held.

**D. LEVEL IV – Offenses for Which a Student Shall be Placed in the District Disciplinary Alternative Education Program**

A student shall be placed in a disciplinary alternative education program for any of the following offenses if committed on school property, on or within 300 feet of school property as measured from any point on the school's real property boundary line, or while attending school-sponsored or school-related activities on or off school property.

**1. Behaviors leading to such action may include, but are not limited to the following:**

- Repeated violations of the offenses outlined in Level III;
- Intentionally, knowingly, or recklessly causing bodily injury to another person;
- Intentionally or knowingly threatening another with imminent bodily harm, or placing another in fear of imminent bodily harm;
- Intentionally or knowingly causing physical contact with another when the student knows or should reasonably believe that the other will regard the contact as offensive or provocative;
- The use, gift, sale, delivery, possession, or being under the influence of alcohol, marijuana, other controlled substances, dangerous drugs, or abusable glue or volatile chemicals (not constituting a felony offense);
- Possession of any weapon not prohibited in Level VI, including but not limited to BB/pellet guns, knives, etc.;
- Possession of ammunition;
- Vandalism, \$50.01 and up;
- Stealing or theft, \$50.01 and up;
- Robbery;
- Extortion, coercion, kidnapping, or blackmail;
- Aggressive, disruptive actions or group demonstrations which substantially disrupt or materially interfere with school activities;
- Profanity, vulgar language, or obscene gestures directed toward teachers or other school employees;
- Engaging in conduct punishable as aggravated robbery or a felony listed under Title 5 of the Texas Penal Code when the conduct occurs off school property and not at a school-sponsored or school-related event and:
  - i. The student receives deferred prosecution,
  - ii. A court or jury finds that the student has engaged in delinquent conduct, or
  - iii. The Superintendent or designee has a reasonable belief that the student engaged in the conduct.
- Sexual harassment of a district employee or a student;
- Engaging in conduct that constitutes dating violence;
- Possession of or conspiring to possess any explosive or explosive device;
- Possession or distribution of material that is pornographic or obscene which threatens others or incites others to violence;
- Making or assisting in making threats, including threats against individuals, bomb threat, and unfounded 911 calls and falsely reporting fire alarms;
- Use of force or threat against a teacher, administrator, or other school employee;
- Public lewdness;
- Incineration of property or material;
- Indecent exposure;

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- Disruption of Lawful Assembly
- Drug paraphernalia;
- Commits a federal firearms violation and is younger than 6 years of age;
- Terroristic threat;
- Any expellable offense committed by a student between 6 and 9 years of age.

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**2. Consequences for serious or persistent misbehavior Level IV are as follows:**

A student shall be placed in a District disciplinary alternative educational program for committing any of the offenses outlined above. A student shall also be placed in a District disciplinary alternative educational program for engaging in conduct that contains the elements of a felony or retaliation against a school employee whether the student is on or off school property. When a change of placement is involved, special education students will be referred to an ARD Committee and § 504 students referred to a § 504 committee. BISD Security or local police may also be contacted for appropriate legal action.

Mandatory placement into the disciplinary alternative educational program is also required for students who engage in conduct involving a public school that contains the elements of the offense of false alarm under Section 42.06 of the Texas Penal Code. Such violations may also result in discretionary expulsion for false alarm under Section 42.06 of the Texas Penal Code, or terroristic threat under Section 22.07 of the Texas Penal Code.

A student shall also be placed in a District disciplinary alternative education program 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 received deferred prosecution under Section 53.03, Family Code, for conduct defined as a felony offense in *Title 5, Penal Code*;
- b. a court or jury finds that the student has engaged in delinquent conduct under Section 53.04, Family Code, for conduct defined as a felony offense in *Title 5, Penal Code*;
- c. the Superintendent or designee has a reasonable belief that the student has engaged in conduct defined as a felony offense in *Title 5, Penal Code* or felony criminal mischief;
- d. the Superintendent or designee has a reasonable belief that the student has engaged in conduct defined as a felony offense other than those defined in *Title 5, Penal Code*, and the continued presence of the student in the regular classroom threatens the safety of other students or teachers or will be detrimental to the educational process. In determining whether there is a reasonable belief that a student has engaged in conduct defined as a felony offense by the Penal Code, the Superintendent or the Superintendent's designee may consider all available information, including the information furnished under Article 15.27, Code of Criminal Procedure.

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The District will notify the parent or guardian of a student's violation of the *Student Code of Conduct* that results in removal to a disciplinary alternative education program. Persistent or serious misbehavior of Level IV may lead to expulsion and referral to a Brazoria County Court. A judicial court may order an expelled student to attend Brazoria County Juvenile Justice Alternative Education Program. A student who commits a Level IV offense and is placed in a DAEP is prohibited from attending or participating in a

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school-sponsored or school-related activity. Any student who is assigned to an off-campus DAEP (Secondary Discipline Alternative Education Program/JJAEP) on the last day of instruction of the semester in which the student becomes eligible to graduate shall be prohibited from participating in any and all graduation exercises and/or graduation-related activities regardless of the time of year the graduation activities are held. Students removed from their home school campus are not to be on or about any BISD campus until they have completed their DAEP assignment(s).

**E. LEVEL V – Offenses for Which a Student May be Expelled and Referred to the Brazoria County Juvenile Justice Alternative Education Program**

A student aged 10 or older may be expelled from school if the student on school property, within 300 feet of school property as measured from any point on the school's real boundary line or while attending a school-sponsored or school-related activity on or off of school property:

**1. Behaviors leading to such action may include, but are not limited to the following:**

- a. a student who engages in conduct involving a public school that contains the elements of the offense of false alarm or report under Section 42.06, Penal Code, or terroristic threat under Section 22.07, Penal Code on or off school property;
- b. a student who engages in serious or persistent misbehavior while the student is placed in a disciplinary alternative education program;
- c. a student who engages in criminal mischief, if punishable as a felony whether committed on or off school property or at a school-related event;
- d. a student who engages in selling, giving, or delivering to another person or possessing or using or being under the influence of any amount of marijuana or a controlled substance, as defined in Chapter 481, Texas Health and Safety Code or by 21 U.S.C. Section 801 et seq; or a dangerous drug as defined in Chapter 483, Texas Health and Safety Code;
- e. a student who engages in selling, giving, or delivering to another person an alcoholic beverage as defined in Section 1.04, Alcoholic Beverage Code; committing a serious act or offense while under the influence of alcohol; or possessing, using, or being under the influence of an alcoholic beverage;
- f. a student who engages in conduct that contains the elements of assault as described in Section 22.01(a)(1), Texas Penal Code, against a school district employee or volunteer;
- g. a student who engages in conduct that contains the elements of assault as described in Section 22.01(a)(1), Texas Penal Code, against a school district employee or a volunteer in retaliation for or as a result of the person's employment or association with the school district, without regard to whether the conduct occurs on or off of school property or while attending a school-sponsored or school-related activity on or off of school property;
- h. a student who engages in conduct that contains the elements of an offense relating to an abusable volatile chemical under Sections 485.031 through 485.034, Health and Safety Code;
- i. A student who engages in conduct that contains the elements of the offense of deadly conduct under Section 22.05, Penal Code;

- j. A student who engages in expellable conduct under TEC 37.007(a) (Level VI Offense) or possesses a firearm, as defined by 18 U.S.C. Section 921 within 300 feet of school property as measured from any point on the school's real boundary line.

## **2. Title 5 Expulsions**

The Superintendent, as the Board's designee, after an opportunity for a hearing, may expel a student and elect to place the student in the JJAEP under 37.0081 if:

- 1) the student:
  - a) has received deferred prosecution under Section 53.03, Family Code, for conduct defined as aggravated robbery or a felony offense in Title 5, Penal Code;
  - b) has been found by a court or jury to have engaged in delinquent conduct under Section 54.03, Family code, for conduct defined as aggravated robbery or a felony offense in Title 5, Penal Code,
  - c) is charged with engaging in conduct defined as aggravated robbery or a felony offense in Title 5, penal Code;
  - d) has been referred to a juvenile court for allegedly engaging in delinquent conduct under Section 54.03, Family Code, for conduct defined as aggravated robbery or a felony offense in Title 5, Penal Code;
  - e) has received probation or deferred adjudication for aggravated robbery or a felony offense under Title 5, Penal Code;
  - f) has been convicted of aggravated robbery or a felony offense under Title 5, Penal Code; or
  - g) has been arrested for or charged with a felony offense under Title 5, Penal Code, and
- 2) the Board or the Board's designee determines that the student's presence in the regular classroom:
  - a) threatens the safety of other students or teachers;
  - b) will be detrimental to the educational process; or
  - c) is not in the best interest of the District's students.

Any decision by the Superintendent under this section is final and may not be appealed. The Superintendent may order placement under the circumstances listed above regardless of (1) the date on which the 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. The District's standard guidelines for lengths of removals do not apply; however, the student will be provided a review of placement at intervals not to exceed 120 days. Placement under this section shall last:

- Until the student graduates from high school; or
- The Title 5 felony charges that resulted in the expulsion are dismissed or reduced to a misdemeanor offense; or
- The student completes the term of the placement or is assigned to another program.

## **3. Consequences for misbehavior Level V are as follows:**

- a. a student who violates the provisions of Level V *Student Code of Conduct* may be expelled and may be referred to the Brazoria County Juvenile Court or other

appropriate judicial authority. The Court may order an expelled student or a student who commits a felony off campus to attend the Juvenile Justice Alternative Education Program. A referral to BISD Security or local police for appropriate legal action may also occur. The District will notify the parent or guardian of a student's violation of the *Student Code of Conduct* that results in expulsion;

- b. special education students will be referred to an ARD Committee and § 504 students referred to the § 504 committee;
- c. a student under the age of ten (10) who commits an expellable offense shall be placed in the District's Disciplinary Alternative Education Program.

**F. LEVEL VI – Offenses for Which a Student Shall be Expelled and Referred to the Brazoria County Juvenile Justice Alternative Education Program**

A student aged 10 or older shall be expelled from school if the student on school property or while attending a school-sponsored or school-related activity on or off of school property:

**1. Behaviors leading to such action may include, but are not limited to the following:**

- a. A student who violates the provisions in TEC 37.007.
  - A firearm violation, as defined by federal law. A firearm under federal law includes the following:
    - \* any weapon (including a starter gun), which will or is designed to or which 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.
  - Use, exhibition, or possession of the following, under the *Texas Penal Code*:
    - \* a firearm 46.01(3), unless the use, exhibition, or possession of the firearm occurs at an off-campus approved target range facility while participating in or preparing for a school-sponsored shooting sports competition or a shooting sports educational activity that is sponsored or supported by the Parks and Wildlife Department or a shooting sports sanctioning organization working with the department; Deleted: <#>a firearm 46.01(3);¶
    - \* an illegal knife, such as a knife with a blade over 5 ½ inches; a hand instrument designed to cut or stab another by being thrown including, but not limited to, a dart, stiletto, poniard, dagger, bowie knife, sword, or spear 46.01(6);
    - \* a club 46.01(1);
    - \* 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, zip gun 46.05, or a tire deflating device. Deleted: or a
  - Engages in conduct containing the elements of the following under the *Texas Penal Code*:
    - \* aggravated assault, sexual assault, or aggravated sexual assault 22.02, 22.011, 22.021;
    - \* arson 28.02;



- \* murder, capital murder, or criminal attempt to commit murder 19.02, 19.03, 15.01;
- \* indecency with a child 21.11;
- \* aggravated kidnapping 20.04;
- \* behavior related to an alcohol or drug offense that could be punishable as a felony TEC 37.006(a), (2) or (3);
- \* retaliation against a school employee, combined with one of the above listed offenses (with the exception of a federal firearm offense) on or off school property or at a school-sponsored or school-related activity TEC 37.007(3) (C);
- \* aggravated robbery 29.03;
- \* manslaughter 19.04;
- \* criminally negligent homicide 19.05;
- \* continuous sexual abuse of a young child or children 21.02.

**2. Consequences for misbehavior Level VI are as follows:**

- a. A student who violates the provisions of Level VI *Student Code of Conduct* and shall be expelled and referred to the Brazoria County Juvenile Justice Alternative Education Program. Referral to BISD Security or local police for appropriate legal action shall also occur. The District will notify the parent or guardian of a student's violation of the *Student Code of Conduct* that results in expulsion.
- b. Special education students will be referred to an ARD Committee and § 504 students referred to the § 504 committee.
- c. A student under the age of ten (10) who commits an expellable offense shall be placed in the district's Disciplinary Alternative Education Program. A student under age six (6) shall not be placed in the district's Disciplinary Alternative Education Program unless the student commits a federal firearm offense.

## IV. Explanations

The following provisions delineate actions or activities that the District considers violations of the norm of student conduct. Students who are guilty of such offenses will be subject to disciplinary action specified in the *Student Code of Conduct*. The behaviors described are representative of the most frequent types of offenses and are **not** to be considered all-inclusive.

**Any student who commits an offense, which is not listed, will be subject to the discretionary authority of the principal or principal's designee.**

For purposes of the *Code*, a student who is apprehended in the process of committing an act that would constitute an offense under the Code if completed shall be considered to have committed the offense, whether or not all elements of the offense had been completed before apprehension. A student who endeavors to commit an act, which is an offense under the *Code*, and is unsuccessful for reasons other than apprehension, e.g., an attempt to enter another student's locker to steal which is unsuccessful because of inability to accomplish entry shall be considered to have committed the offense of attempting to commit the act, e.g., attempted theft or robbery. An attempted offense may be punishable in the same manner as if the offense were committed.

### A. Disciplinary Alternative Educational Programs TEC 37.008

Each school district shall provide a disciplinary alternative educational program that:

- is provided in a setting other than a student's regular classroom;



- is located off a regular school campus;
- provides for the students who are assigned to the disciplinary alternative educational program to be separated from students who are not assigned to the program;
- focuses on English language arts, mathematics, science, history, and self discipline;
- provides for student's educational and behavioral needs;
- provides supervision and counseling;
- employs only teachers who meet all certification requirements established under Subchapter B, Chapter 21; and
- provides not less than the minimum amount of instructional time per day required by Section 25.082(a).

A disciplinary alternative educational program may provide for a student's transfer to:

- a different campus (DAEP or JJAEP);
- a school-community guidance center;
- a community-based alternative school.

An off-campus disciplinary alternative educational program is not subject to a requirement imposed by this title, other than limitations on liability or a reporting requirement.

Each school district shall cooperate with government agencies and community organizations that provide services in the district to students placed in a disciplinary alternative educational program.

Upon enrollment, in order to assess a student's academic growth during placement in the DAEP, the district shall administer to a student placed in a program for a period of 90 school days or longer an assessment instrument approved by the commissioner for that purpose. The instrument shall be administered initially on placement of the student in the program; and subsequently on the date of the student's departure from the program, or as near to that date as possible.

The parent or guardian of a student placed in DAEP shall be given written notice of the student's opportunity to complete coursework required for graduation, at no cost to the student. The notice shall include information regarding all methods available for completing the coursework.

A student removed to a disciplinary alternative educational program is counted in computing the average daily attendance of students in the district for the student's time in actual attendance in the program.

A school district shall allocate to a disciplinary alternative educational program the same expenditure per student attending the disciplinary alternative educational program, including federal, state, and local funds that would be allowed to the student's school if the student were attending the student's regularly assigned education program including a special education program.

A school district may not place a student, other than a student suspended as provided

under *TEC 37.005* or expelled as provided under *TEC 37.007*, in an unsupervised setting as a result of conduct for which a student may be placed in a disciplinary alternative educational program. An elementary school student may not be placed in a DAEP with a student who is not an elementary school student.

If a student placed in a disciplinary alternative educational program enrolls in another school district before the expiration of the period of placement, the board of trustees of the district requiring the placement shall provide to the district in which the student enrolls, at the same time other records of the student are provided, a copy of the placement order. The district in which the student enrolls may continue the disciplinary alternative educational program placement under the terms of the order.

A program of educational and support services may be provided to a student and the student's parents when the offense involves drugs or alcohol as specified under Section 37.006 or 37.007.

## **B. Disciplinary Alternative Educational Program Placement**

A student who has committed a Level III or IV offense as defined in the *Student Code of Conduct* shall be considered to have engaged in serious or persistent misbehavior that threatens to impair the educational efficiency of the school and, if found guilty, may be placed in a disciplinary alternative educational program or expelled. Similarly, a student who commits two or more violations of the *Code* may be found to have engaged in persistent or serious misbehavior that threatens to impair the educational efficiency of the school and, if found guilty, may be sent to a disciplinary alternative educational program.

BISD offers several disciplinary alternative educational programs. At the campus level, students may be assigned to In-school Suspension. At the district level, students may be assigned to Central Secondary School, Project G.R.O.W. or the Secondary Disciplinary Alternative Education Program. These district level programs are located at the Lighthouse Learning Center.

Before removing a student to a disciplinary alternative educational program, the principal or designee shall hold a conference. The student's parent, guardian, or representative shall be notified, by telephone or other appropriate means, of the conference and their right to be present. The meeting should be held within three days of the offense. At the conference, the appropriate administrator shall inform the student, orally or in writing, of the reasons for the removal and shall give the student an explanation of the basis for the removal and an opportunity to respond to the reasons for the removal.

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After the conference, if the student is placed in the DAEP, the appropriate administrator shall write a placement order. A copy of the DAEP placement order shall be sent to the student and the student's parent. Not later than the second business day after the conference, the board's designee shall deliver to the juvenile court a copy of the placement order and all information required by Section 52.04 of the Family Code. If the student is placed in the DAEP and the length of placement is inconsistent with the guidelines included in this Code, the placement order shall give notice of the inconsistency.

The Board delegates to the principal and assistant principal under the supervision of the Superintendent the authority to remove a student to a disciplinary alternative education

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program. The appropriate principal will determine the duration of a student's placement in a disciplinary alternative education program. In determining the length of assignment for the student, the principal, or assistant principal under the supervision of the Superintendent may consider the seriousness of the offense, the discipline record of the student, the age of the student, the effect of the misconduct on the school environment, and/or previous assignments of other students for similar misconduct.

A student placed in a disciplinary alternative education program in another district who enrolls in Brazosport ISD before the expiration of the period of placement will continue the discipline alternative education program placement at the district's discretion.

Brazosport ISD may place a student in a disciplinary alternative education program if:

- 1) the student was placed in a disciplinary alternative education program by an open-enrollment charter school under section 12.131 and the charter school provides to the district a copy of the placement order; or
- 2) the student was placed in a disciplinary alternative education program by a school district in another state; and
  - a) the out-of-state district provides to the district a copy of the placement order; and
  - b) the grounds for the placement by the out-of-state district are grounds for placement in Brazosport ISD.

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

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

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

If a student was placed in a disciplinary alternative education program or expelled by a school district in another state for a period that exceeds one year and if that placement is continued, Brazosport ISD shall reduce the period of the placement so that the aggregate period does not exceed one year unless, after a review, the district determines that:

- 1) the student is a threat to the safety of other students or to district employees; or
- 2) extended placement is in the best interest of the student.

### C. Appeals

BISD adheres to *Due Process* procedures and provides an appeal process for students removed to a disciplinary alternative education program.

- **In-school Suspension, Central Secondary School, and Suspension**

The Board designates the principal and assistant principal under the supervision of the Superintendent of each school as the Board designee to assign a student to an in-school suspension center, central secondary school, or to suspend (according to law) a student for violation of this Student Code of Conduct and/or any

applicable district policies. As the Board's designee, the principal or assistant principal under the supervision of the Superintendent shall set the term for assignments to the in-school suspension center or to central secondary school. Any decision of the principal or assistant principal under the supervision of the Superintendent to assign a student to the in-school suspension center, to central secondary school, or to suspend a student (according to law) is final and may not be appealed beyond the campus level.

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- **Project G.R.O.W. and Secondary Disciplinary Alternative Education Program**

The Board designates the principal and assistant principal under the supervision of the Superintendent of each school as the Board designee to assign a student to Project G.R.O.W. or the Secondary Disciplinary Alternative Education Program as provided in this *Student Code of Conduct* and applicable with district policies.

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A student, his/her parent, guardian, or representative desiring to appeal a decision of the campus principal may appeal to the Superintendent or his designee. The student, his/her parent, guardian, or representative shall give written notice of the appeal to such officials within seven (7) workdays after the decision of the principal is communicated to the parents, guardian, or representative. Failure to give timely notice of appeal shall constitute a waiver of the student's right to appeal.

Any notice of appeal shall contain the student's name, the date of issuance of the decision under appeal, the name of the official whose decision is under appeal, the aspects of the decision which the student wishes to appeal, and the grounds for such appeal. Promptly (within seven [7] school days) following receipt of timely notice of appeal, the Superintendent, or his designee, as the case may be, shall notify the student's parent, guardian, or representative, usually in writing, of the date time and place at which the appeal will be heard.

Pending the outcome of the student's appeal of a disciplinary alternative education program assignment, the student shall be placed in a disciplinary alternative education program. The decision of the Superintendent or designee on an appeal of a disciplinary alternative education program assignment shall be final. No appeal to the Board is available.

- **Expulsions**

The decision of the Superintendent or his designee in proceedings for expulsion of a student may be appealed to the Board. The parents, guardian, or representative of a student desiring to appeal to the Board the decision of the Superintendent or his designee in an expulsion proceeding, shall give written notice of appeal to the Superintendent within seven (7) school days after the date the decision which is under appeal is communicated to parents, guardian, or representative. Failure to give timely notice of appeal or to prosecute such appeal in a reasonable time shall constitute a waiver of the student's right to appeal.

Any notice of appeal shall contain the student's name, the date of issuance of the decision under appeal, the name of the official who decision is under appeal, the aspects of the decision which the student wishes to appeal, and the grounds for

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such appeal. Promptly, (within seven [7] school days) following receipt of timely notice of appeal, the Superintendent, or his designee, as the case may be, shall notify the student's parent, guardian, or representative, in writing, of the date, time and place at which the appeal will be heard.

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During the time of an appeal in an expulsion proceeding or the placement in the District's disciplinary alternative educational program, a student will be denied the privileges of the home campus unless the Superintendent or his designee determines otherwise. However, the student will not be charged with unexcused absences during the time of the appeal and will be allowed to remain current on all coursework, provided, however, in the case of expulsion, that if the appeal is denied, credit will not be given for any coursework performed during time of the appeal unless the decision on appeal provides that such credit shall be given.

Appellate hearings shall be limited to the matters and issues set forth in the student's notice of appeal and shall generally be conducted on the basis of the testimony given and evidence introduced during the initial hearing, unless the District official or appellate body determines that it is the interest of the educational process to permit introduction of new or additional matters during the appeal. The student shall be entitled to representation in any appeal by an adult of the student or parent's choice. Appellate hearings before the Board will be heard before a quorum of the Board members, and may be heard in a closed meeting, unless the parent requests in writing an open meeting.

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All decisions on appeal shall be made on the basis of the evidence received at the appellate hearing. Decisions on appeal shall be announced as soon as possible after the conclusion of the appellate hearing and shall be communicated in writing to the student's parents, guardian, or representative. Decision in appeals from expulsion hearings shall be in writing. The decision of a majority of the Board members hearing an appeal shall constitute the decision of the Board in an appeal.

A decision of the Board on appeal shall become final unless the student is entitled to timely appeal under applicable federal or state law.

A student who appeals a decision of the Board shall give the Board notice of such appeal by delivering a copy of the document by which such appeal is perfected to the Superintendent. During the time of such a further appeal in a removal to a disciplinary alternative educational program proceeding, the student may be removed to a disciplinary alternative educational program. During the time of such a further appeal in an expulsion proceeding, the student shall be expelled pending further appeals and no educational services shall be provided.

#### **D. Assault (Level IV - VI Offense)**

**TEC 37.006, 37.007**

Students are prohibited from assaulting anyone on school property, on or within 300 feet of school property as measured from any point on the school's real property boundary line, at any school-related event, in a situation that is school-related, or in any way that is detrimental to the educational process. An assault is defined as:

- intentionally, knowingly, or recklessly causing bodily injury to another person;
- intentionally or knowingly threatening another with imminent bodily harm, or placing another in fear of imminent bodily harm;

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- intentionally or knowingly causing physical contact with another when the student knows or should reasonably believe that the other will regard the contact as offensive or provocative.

#### **E. Attendance (Level I – III Offense)**

Children in Texas must attend school through their 18th birthday unless exempted by law. School staff members investigate and report violations of the state compulsory attendance law to the appropriate court authorities.

##### **1. Absences**

Students are required by State law to be in attendance for at least 90 percent of the days a class is offered in a semester in order to receive credit for classes in which they are enrolled. Unexcused absences may receive a disciplinary consequence.

If a student accumulates sufficient excused absences to be unable to meet the per semester attendance requirement, the principal or his designee may recommend to the Campus Attendance Committee to grant the student credit for that class for that semester.

If a student accumulates a sufficient number of unexcused absences to be unable to meet the per semester attendance requirement, a recommendation will be made by the principal or his designee to the Campus Attendance Committee to deny the student credit for that class for that semester.

Upon being notified of the recommendation to deny a student credit, a student's parent may request a hearing before the Campus Attendance Committee to present information regarding why the child's absences should not result in loss of credit. This request must be made in writing within five school days of receipt of notification. The Campus Attendance Committee may find that denial of credit is appropriate or that the parent has presented compelling evidence that the child should not be denied credit.

Absences documented and verified for the following reasons, but not limited to, will be classified as excused:

- personal illness;
- serious or documented illness or death in the family;
- medical or dental appointments;
- quarantine;
- weather or road conditions making travel dangerous;
- religious holy day observance;
- court-ordered or legally related absence;
- days of suspension for which assignments are satisfactorily completed;
- Other unusual causes acceptable to the principal;
- Lice – maximum 2 days.

Absences for reasons other than those listed above, but not limited to, will be considered unexcused and may result in disciplinary consequences. Students must be in attendance the majority of the school day in order to participate in school extracurricular or co-curricular activities on that day.

## **2. Reporting Absences**

A student will not be counted absent for an appointment with a doctor, dentist or other health care professional if the student attends school at any time on the day of the appointment, provides appropriate documentation, and if the student satisfactorily completes the missed school work in a reasonable amount of time.

When a student is absent, the student must return to school with a note signed by the parent that provides the following information: the student's name and grade; the date(s) of the absence, the reason for the absence, (i.e., the student had the flu, a court appearance); and the parent's daytime telephone number or a contact number if possible. The note from the parent must be received within 48 hours of the student's return to school or the absence will become an unexcused absence. A note regarding student's absence, signed by a student even with the parent's permission, will be considered a forgery, and the student will be disciplined. A principal may require a physician's verification of an illness at any time.

## **3. Activity Absences**

Participation in school-sponsored extracurricular and co-curricular activities is not considered an absence from school. However, students may not miss any class to participate in any one or a combination of such activities more than 10 times during a school year, four in the first semester and six in the second semester. Students participating in activities approved by the Commissioner of Education as non-school extracurricular activities may not be absent to participate in these activities or a combination of commissioner-approved activities and school extracurricular activities more than 10 times during the school year. Participation in a non-school, commissioner-approved activity results in an excused absence provided it is within the limit previously mentioned.

## **4. Leaving School Early**

For a student to leave the campus during the school day he must take a written note, signed by his parent, to the attendance personnel before school that day. The note should contain the full name of the student, date, grade, time and reason for dismissal, and his parent's daytime phone number. The student will obtain his permit to leave from the attendance personnel before he reports to his last class of the day. He must show the permit to the teacher in his last class at the time he is to leave. The student must sign out at the attendance office as he leaves the building in order not to be considered truant.

## **5. Truancy**

Truancy is an absence of more than 15 minutes from class without a valid excuse. Leaving class early without teacher permission constitutes truancy. Truancy counts as an unexcused absence from each class missed. Repeated truancy will result in a referral to the principal or assistant principal [under the supervision of the Superintendent](#) for disciplinary action.

## **6. Tardies**

A student who is late to school must report to the attendance personnel, sign in and get a tardy slip. A note from the parent explaining the tardy is requested. The

tardy may be excused or unexcused. Being in class on time, means being seated with materials and supplies when the bell begins to ring. Tardies to class are unexcused unless the student has a pass indicating a staff member detained him. A student is subject to disciplinary action upon his first tardy.

## **7. Warning Notice**

**TEC 25.093, 25.094**

Parents should be aware that if child is absent from school on 10 or more days or parts of days within a six-month period in the same school year or on three or more days or parts of days (including tardies) within a four-week period:

- a. The student's parent is subject to prosecution for failure to require their child to attend school as required by law; and
- b. The student is subject to prosecution for failure to attend school.

Parents will be notified if their child has been absent from school without excuse on three days or parts of days within a four-week period and that it is their responsibility to monitor their child's school attendance and require them to attend school. The notice will also advise parents that they are subject to prosecution for contributing to truancy. Parents will be invited to a conference between school officials and the parent to discuss the absences.

Failure to receive a notice does not create a defense to prosecution for either of the above-described offenses.

## **8. Attendance Officer**

Principals and assistant principals [under the supervision of the Superintendent](#) are assigned as the attendance officers of Brazosport Independent School District. The attendance officer investigates possible violations of the compulsory attendance law and verifies questions of student residency. The attendance officer presents evidence of compulsory attendance law violations to the court. The attendance officer also is asked to verify questions of student residency. Students' failure to attend school will result in complaints being filed against their parents in a Justice of the Peace Court or the Municipal Court.

## **F. Backpacks**

No wheeled backpacks are allowed.

## **G. Bullying/Sexual Harassment/Dating Violence**

Brazosport ISD prohibits conduct that consists of bullying, sexual harassment, or dating violence. In addition to the penalties and consequences set forth in this Student Code of Conduct, pursuant to state law, on the request of a parent or other person with authority to act on behalf of a student who is victim of bullying/sexual harassment/dating violence, a student who is a victim of such conduct as determined by the Board of Trustees, may receive a transfer to another classroom at the campus which the victim was assigned at the time of the bullying/sexual harassment/dating violence occurred; or a campus in the school district other than the campus to which the victim was assigned at the time of the bullying/sexual harassment/dating violence occurred.

The Board of Trustees or the Board's designee shall verify that a student has been a victim of bullying/sexual harassment/dating violence before transferring the student under



this section. Past student behavior may be considered when identifying bullying/sexual harassment/dating violence. The determination by the Board of Trustees or the Board's designee is final and may not be appealed. The district is not required to provide transportation to a student who transfers to another campus. There are no hearings or appeals for a transfer due to bullying/sexual harassment/dating violence behavior.

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.

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

#### **H. Cheating (Level II Offense)**

Cheating shall be defined as giving or receiving information or help on a test, possession of any unauthorized material during a test, copying another student's assignment or knowingly allowing another unauthorized student to copy from his/her assignment, submitting duplicate work, or having someone else complete an assignment on behalf of the student. Plagiarism, the use of another's ideas or products as one's own, is also defined as cheating. The penalty for cheating will be zero for work involved and the student will be subject to appropriate disciplinary action in cheating offenses. All students involved will be subject to disciplinary action.

#### **I. Conference/Hearing Review**

**TEC 37.009**

Not later than the third class day after the day on which a student is removed from class under Section 37.002(b) or (d), the school principal shall schedule a conference among the principal or the principal's designee, a parent or guardian of the student, the teacher removing the student from class, and the student. The student may not be returned to the regular classroom pending the conference. Following the conference, and whether or not each requested person is in attendance after valid attempts to require the person's attendance, the principal shall order the placement of the student as provided by Section 37.002 for a period consistent with the *Student Code of Conduct*.

If a student's placement in a disciplinary alternative educational program is to extend beyond the end of the semester, a student's parent or guardian is entitled to notice of and an opportunity to participate in a proceeding before the Board's designee, as provided by District Board policy. Any decision of the Board's designee under this subsection is final and may not be appealed.

Before it may place a student in a disciplinary alternative educational program for a period that extends beyond the end of the school year, the Board's designee must determine that:

- The student's presence in the regular classroom program presents a danger of physical harm to the student or to another individual; or
- The student has engaged in serious or persistent misbehavior that violates the District's *Student Code of Conduct*.

The Board's designee (principal) shall set a term for a student's placement in a disciplinary alternative educational program under Section 37.002 or 37.006.

A student placed in a disciplinary alternative educational program under Section 37.002, 37.006 or 37.007 shall be provided a review of the student's status by the Board's designee at intervals not to exceed 120 days. At the review, the student or the student's parent or guardian must be given the opportunity to present arguments for the student's return to the regular classroom or campus. The student may not be returned to the classroom of the teacher who removed the student without that teacher's consent. The teacher may not be coerced to consent.

Before a student may be expelled under Section 37.007, the board or the board's designee must provide the student a hearing at which the student is afforded appropriate due process as required by the federal constitution and which the student's parent or guardian is invited, in writing, to attend. At the hearing, the student is entitled to be represented by the student's parent or guardian or another adult who can provide guidance to the student and who is not an employee of the school district. If the school district makes a good-faith effort to inform the student and the student's parent or guardian of the time and place of the hearing, the district may hold the hearing regardless of whether the student, the student's parent or guardian, or another adult representing the student attends. If the decision to expel a student is made by the board's designee, the decision may be appealed to the board. The decision of the board may be appealed by *trial de novo* to a district court of the county in which the school district's central administrative office is located.

The Board or Board's designee shall deliver to the student and the student's parent or guardian a copy of the order placing the student in a disciplinary alternative educational program under Section 37.002 or 37.006 or expelling the student under Section 37.007.

After the District notifies the parents or guardian that the student has been expelled, the parent or guardian shall provide adequate supervision of the student during the period of expulsion.

#### J. Corporal Punishment Board Policy (FO) (Local)

Corporal punishment is permitted in order to preserve an effective educational environment, free from disruption, unless the student's parent or guardian has provided a signed statement prohibiting its use. Corporal punishment shall be reasonable and moderate and may not be administered maliciously or for the purpose of revenge. Such factors as the size, age, and physical, mental, and emotional condition of the student; the type of instrument to be used; the amount of force to be used; and the part of the body to be struck shall be considered before administering any corporal punishment.

A disciplinary record shall be maintained and shall contain the name of the student, the type of misconduct, any previous disciplinary actions, the type of corporal punishment administered, the names of witnesses present and the date and time of the punishment. Disciplinary records shall be made available to parents or the student, whichever is appropriate.

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- Corporal punishment should be used sparingly, cautiously, and with the best interest of the student in mind. However, when corporal punishment is to be administered, the following procedures are to be followed: corporal punishment can only be done with the approval of the Superintendent. corporal punishment will be administered by the school principal, assistant principal, or other professional designated by the principal in the presence of one other District professional employee and in a designated place out of view of other students.
- When administered, respect for the student is foremost, and punishment will be done in a private place.
- The student must be made aware of why he/she is to receive corporal punishment and should have the opportunity to say if there is any family or medical reason why he/she should not receive said punishment.
- The principal is responsible for determining that the adult, who is administering the corporal punishment, whether it is himself/herself or another adult, is doing so in a respectful manner and without any emotional involvement.

#### **K. Detention (Level I/II Offense)**

For minor infractions of the *Code* (Level I or II) or other policies and regulations, students may be detained after school hours. Before assigning students to detention, the teacher or principal shall inform the student of the conduct that allegedly constitutes the violation and the student shall be given an opportunity to explain his/her version of the incident.

The student's parent or guardian, if the student is a minor, may be required to provide transportation when the student has been assigned to detention.

#### **L. Disciplinary Actions – Description and Procedure**

When imposing discipline, District personnel shall adhere to the following guidelines:

- Discipline shall be administered when necessary to protect students, school employees, or property; maintain essential order and discipline; and promote an environment conducive to learning.
- Students shall be treated fairly and equitably. Discipline shall be based on a careful assessment of the circumstances of each case. Factors to consider shall include the following:
  - \* seriousness of the offense;
  - \* student's age;
  - \* frequency of misconduct;
  - \* student's attitude;
  - \* potential effect of the misconduct on the school environment;
  - \* any mitigating factors, including but not limited to whether the student has a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct.

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#### **M. Disciplinary Procedures for Students with Disabilities I.D.E.A. & TEC 37.004**

Disciplinary actions regarding special education students shall be in accordance with the *Code* except as noted in this section. For the purpose of this section, a disabled student is

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a student who has been evaluated in accordance with *the Individuals with Disabilities Education Act (I.D.E.A.)* and *34 Code of Federal Regulations* relating to full and individual evaluations and determined by an Admission, Review, and Dismissal (ARD) Committee to need special education and related services due to an identified disability or impairment as defined by those laws.

**Deleted:** as being orthopedically disabled, deaf-blind, visually impaired, auditory impaired, mentally retarded, emotionally disturbed, learning disabled, speech impaired, autistic, other health impaired, or multiply disabled who because of those impairments, needs special education and related services.

Students with disabilities served under IDEA will be disciplined in accordance with state and federal law. The Discipline Management Plan and Student Code of Conduct apply to all students, including a student with disabilities.

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

▪ **Disciplinary Procedures for § 504 Only Students**

Disciplinary actions regarding § 504 students only shall be in accordance with the *Code* except as noted in this section. For the purpose of this section, a § 504 student is a student who has qualified in accordance to the Rehabilitation Act 1973 § 504.

Students with disabilities served pursuant to Section 504 will be disciplined in accordance with state and federal law. The Discipline Management Plan and Student Code of Conduct apply to all students, including Section 504 students.

**N. Disruption of Classes or School Activities  
(Level I – IV Offense)**

**TEC 37.123, 37.124**

For purposes of the *Code*, “school property” includes the public school campuses or school grounds upon which any public school is located, and any grounds or buildings used by District schools for assemblies or other school-related activities; and “public property” includes any street, highway, alley, public park, or sidewalk not owned by the District.

No student shall be permitted on school property or on public property within 500 feet of school property to disrupt willfully, alone or in concert with others, the conduct of classes or other school activities. Conduct that disrupts classes or other school activities includes the following actions:

- emissions, by any means, of noise of an intensity that prevents or hinders instruction;
- enticement or attempted enticement of students away from classes or other school activities that students desire or are required to attend;
- prevention or attempted prevention of students from attending classes or other school activities that students desire or are required to attend;
- admission to an educational activity or area without consent of either the principal or teacher and either through acts of misconduct and/or use of loud or profane language, causing disruption of class activities;
- threats against District property including but not limited to fire, arson, or bombing.

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Conduct by a student or students, either in or out of class, that for any reason – whether because of time, place, or manner of behavior – materially disrupts class work or school activities or involves substantial disorder or invasion or rights of other students, officials, guest, participants, or employees at school or school-related activities is prohibited.

Student demonstrations and similar activities shall be prohibited when there is evidence that may reasonably lead school authorities to forecast substantial disruption on, or material interference with, normal school operations or approved school activities.

**O. Disruption of Lawful Assembly (Level IV Offense) TEC 37.123, 37.124**

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

- Obstructing or restraining the passage of any person in an exit, entrance, or hallway of any building without the authorization of the principal or the District;
- Seizing control of any building or portion of a building for the purpose of interfering with an administrative, educational, research, or other authorized activity;
- Preventing or attempting to prevent by force or violence or the threat of violence any lawful assembly authorized by the District administration, principal, or the Board;
- Disrupting by force or violence or the threat of force or violence a lawful assembly in process;
- Obstructing or restraining the passage of any person at an exit or entrance to a campus or property; or preventing or attempting to prevent, by force, violence or threat, the entrance or exit of any person to or from property or campus without authorization of the District.

A lawful assembly or school-related activity is disrupted when any person in attendance is rendered incapable of participating in the assembly due to the use of force or violence or due to a reasonable fear that force or violence is likely to occur.

**P. Dress Code Violation (Level II Offense)**

Appropriate student dress and grooming is that which is deemed in good taste, reflecting the standards of the community of which the schools are an integral and visible part. The dress and grooming of students conveys an image of the schools and students, influencing how others respond to and judge the Brazosport Independent School District and its students, as well as contributing to the school climate to which students themselves respond.

**Since it is impractical to list every possibility of dress and grooming, final decisions concerning what is acceptable are left to a building administrator.** Guidelines and administrative decisions regarding appropriate dress will reflect concern for health and safety of students and the influence of specific dress or grooming on the overall educational climate of the school. The guidelines will be reviewed periodically to ensure that they continue to reflect community expectations while permitting individual choices and recognizing acceptable current fashions.

The principal or assistant principal [under the supervision of the Superintendent](#) shall determine appropriateness of dress. Clarification regarding apparel should be obtained from the principal or assistant principal [under the supervision of the Superintendent](#) prior to wearing it to school. Campus student handbooks address this issue more specifically.

The principal, in connection with the sponsor, coach, or other person in charge of an extracurricular activity, may regulate the dress and grooming of students who participate in the activity if the principal reasonably believes that the student's dress or grooming:

1. Creates a hazard to the student's safety or to the safety of others;
2. Will prevent, interfere with, or adversely affect the purpose, direction or effort required for the activity to achieve its goals.

These regulations are applicable to the conduct of students while in attendance at school, while on school property, or at school-sponsored activities. These regulations also apply to student behavior at other times that impairs, interferes with, or obstructs the missions, processes, or functions of the District.

All students are expected to dress in a manner that is generally accepted in the community as appropriate for the age of the child and for the activities in which he/she participates.

1. Hats, caps, headbands, or bandanas are not to be worn during the instructional day.
2. Clothing shall be of appropriate size, length, and fitting to cover undergarments when the student is standing, sitting, stooping, or bending as interpreted by the campus administration. "Appropriate length" of shorts/skirts/dresses means 2.5 inches between the bottom of the apparel and the top of the knee. Pants should **FIT** the waist area and should not be oversized, sagged or have holes.
3. Shirt length should not extend below the finger tips when standing upright.
4. No uncovered halters, tank tops, strapless tops, spaghetti tops, see-through garments, bare midriff, or bare tops may be worn.
5. Form-fitting, stretch clothing such as biking shorts, body suits, leotards, tights, legging, etc., shall not be worn except when worn appropriately as an undergarment beneath clothing. These are permitted to be worn as appropriate for physical education and extra-curricular school sponsored/approved activities.
6. Clothing/accessories with inappropriate writing, inappropriate drawings/pictures, or inappropriate advertisements, to include but not limited to drugs, alcohol, tobacco, violence, prison activities, gang activities, sexual innuendoes, cultural divisiveness and/or racial intolerance may not be worn.
7. Visible tattoos are not allowed. Any tattoo, artificial design or adornment not hidden must be removed or completely covered.

8. No ~~“grillz,” or any jewelry or decorative mouth inserts serving no medical/dental/orthodontic purpose,~~ are permitted.

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9. Earrings may be worn only by female students. No other body piercing adornment is allowed.
10. Hair length for boys, in a free fall manner, may extend to the eyebrows in front, to the bottom of the ear, or to the bottom of a standard shirt collar. Boy's hair length should not extend further than 2 inches from the scalp (i.e. afro, spiked, etc.) and other unusual styling (i.e. streaking colors, designs, or other “exotic” appearances) is not permitted. Boys may not wear ponytails.
11. Facial hair (beards, mustaches, etc.) are not permitted. Sideburns may not extend below the bottom of the ear or be extreme.
12. The District prohibits the presence of any apparel, jewelry, accessory, notebook, or manner of grooming which denotes membership in gangs.
13. Any grooming or dress fad that the principal determines materially or substantially detracts from or interferes with the educational program and/or creates a health or hazard to the student's safety or others, may be prohibited.

All students shall be in compliance with the provisions of the dress code and grooming codes in order to enroll in school at the beginning of the school term. New students to the district shall be required to comply with the provisions of the dress and grooming codes upon enrolling and prior to attending class. During the school year, if a student's dress and grooming is in violation of the provisions of the dress code, the student may be subject to disciplinary action at the discretion of the campus administration. Persistent violation of the dress code may result in additional disciplinary action. Students who violate a provision of the dress code relating to extracurricular activities may be removed or excluded from the extracurricular activity for such period as the principal may determine. All students shall be accorded due process safeguards before any disciplinary action may be taken. An exception to the dress code above regarding No. 1 ('Hats, caps, headbands, or bandanas'), No. 10 ('Hair length for boys'), and No. 11 ('Facial hair') will be made for students who, as a matter of their sincerely held religious belief, keep their hair long or uncut, or wear religious headwear or clothing, including but not limited to the Sikh dastaar (turban), the Muslim hijab (head scarf), or the Jewish yarmulke (skull cap).

**Q. Drug/Alcohol Possession/Use (Level IV-VI Offense) TEC 37.006, 37.007, 37.122**

No student shall possess, use, transmit; or attempt to possess, use or transmit; or be under the influence of any of the following substances on school premises or off school premises at a school-related activity, function, or event:

- Any controlled substance or dangerous drug as defined by law, without regard to amount, including but not limited to marijuana, any narcotic drug, hallucinogen, stimulant, depressant, amphetamine, or barbiturate;
- Alcohol or any alcoholic beverage;
- Any abusable volatile chemical, aerosol paint, or any other chemical substance for inhalation;

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- Any other intoxicant, or mood-changing, mind-altering, or behavior-altering drugs;
- Correction fluid, white out, etc.

**“Possess,”** for purposes of this Section and the entire *Code*, means actual care, custody, control, or management. A prohibited item found or observed on the student’s person, in the student’s locker, vehicle, clothing, or belongings will be presumed to be in the student’s possession. There may be more than one person in possession of a prohibited item. As an example, a prohibited item found in a vehicle with more than one student will be presumed to be in the possession of all students present when circumstances indicate knowledge of the prohibited items and have or may exercise care, custody, control, or management of the prohibited item.

**“Use,”** for purposes of this Section and the entire *Code* means smoke, ingest, imbibe, drink, or otherwise absorb. Use may be evidenced by the student’s appearance, actions, speech, breath, or aroma.

**“Under the Influence,”** for purposes of this Section and the entire *Code* 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.

**Deleted:** mean noticeable impairment of a student’s faculties, but is not limited to legal intoxication.

The transmittal, sale, or attempted sale of what is represented to be any of the above listed substances is also prohibited under this rule.

A student who uses a drug authorized by a licensed physician through a prescription specifically for that student’s use shall not be in violation of this rule. Prompt written notice of such usage shall be given to the principal by the student’s parents. Students may not use or possess medicine, prescription or nonprescription, without complying with procedures established in the *Student/Parent Handbook*.

If a disabled student who is designated § 504 only, is currently using drugs or alcohol, violates the district policy on the use or possession of drugs and alcohol, the student loses the procedural protections provided by § 504 and may be disciplined for the violations. [1991 OCR Policy Memorandum on ADA Amendments to § 504 OCR 1991).]

**Students coming on school premises or to a school function after using alcohol or other prohibited drugs are subject to disciplinary action up to and including assignment to the District Disciplinary Alternative Education Program or expulsion.**

## R. Emergency Placement or Expulsion

TEC 37.019

This subchapter does not prevent the principal or the principal’s designee from ordering the immediate placement of a student in the disciplinary alternative educational program if the principal or the principal’s designee reasonably believes the student’s behavior is so unruly, disruptive, or abusive that it seriously interferes with a teacher’s ability to communicate effectively with the students in a class, with the ability of the student’s classmates to learn, or with the operation of school or a school-sponsored activity.

This subchapter does not prevent the principal or the principal’s designee from ordering the immediate expulsion of a student if the principal or the principal’s designee

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reasonably believes that action is necessary to protect persons or property from imminent harm.

At the time of an emergency placement or expulsion, the student shall be given oral notice of the reason for the action. The reason must be a reason for which placement in a disciplinary alternative education program or expulsion may be made on a nonemergency basis. Within a reasonable time after the emergency placement or expulsion, but not later than the 10<sup>th</sup> day after the date of the placement or expulsion, the student shall be accorded appropriate due process. If the student subject to the emergency placement or expulsion is a student with disabilities who receives special education services, the term of the student's emergency placement or expulsion is subject to the requirements of the *I.D.E.A and applicable federal regulations*.

A principal or principal's designee is not liable in civil damages for an emergency placement under this section.

**S. Expulsion (Level V/VI Offenses)**

**TEC 37.007**

A student who has violated Level V or Level VI of the *Code* may be removed immediately from school premises and expelled without resort to the school district's disciplinary alternative educational program if the Superintendent or his designee determines the student is guilty of a Level V or Level VI offense or presents a clear, present, and continuing danger of physical harm to the teacher or other individuals.

A student may be expelled if the student, while placed in a disciplinary alternative education program for disciplinary reasons, continues to engage in serious or persistent misbehavior that violates the district's code of conduct.

A student expelled and assigned to the Brazoria County Juvenile Justice Alternative Education Program (BCJJAEP) for the first time shall remain in the BCJJAEP until the completion of sixty-five (65) successful days. Students assigned a second time to the BCJJAEP must complete ninety (90) successful days. Students assigned a third time to the BCJJAEP must complete one hundred and twenty (120) successful days.

**T. Fraternities, Sororities, Secret Societies, and Gangs  
(Level III Offense)**

**TEC 37.121**

A person commits an offense if the person is as follows:

- A member of, pledges to become a member of, joins, or solicits another person to join or pledge to become a member of a public school fraternity, sorority, secret society, or gang;
- Not enrolled in a public school and solicits another person to attend a meeting of a public school fraternity, sorority, secret society, or gang or a meeting at which membership in one of those groups is encouraged.

A school district board of trustees or an educator shall recommend placing in a disciplinary alternative educational program any student under the person's control who violates this section.

An offense under this section is a Class C misdemeanor.

In this section, a "public school fraternity, sorority, secret society, or gang" means an

organization composed wholly or in part of students of public primary or secondary schools that seeks to perpetuate itself by taking in additional members from the students enrolled in school on the basis of the decision of its membership rather than on the free choice of a student in the school who is qualified by the rules of the school to fill the special aims of the organization. The term does not include Boy Scouts, Girl Scouts, Hi-Y, Girl Reserves, DeMolay, Rainbow Girls, Pan-American Clubs, scholarship societies, or other similar educational organizations sponsored by state or national education authorities, including but not limited to those listed in Section 37.121(d) of the Education Code.

**U. Hazing (Level III/IV Offense)**

**TEC 37.151, 37.152**

Hazing includes any willful act done by a student either individually or with others to another student for the purpose of subjecting the other student to indignity, humiliation, intimidation, physical abuse, or threats of abuse, social ostracism, shame, or disgrace, as is defined more fully in Texas Education Code section 37.151.

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No student shall engage in any form of hazing, nor shall any student encourage or assist any other person in hazing. Students shall have prior written approval from the principal for any type of "initiation rites" of a school club or organization.

**V. Parent-Teacher Conferences**

**TEC 21.404, 37.009**

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Each teacher is assigned one class period per day to be used for parent conferences as well as planning and preparing for class work. Parents are encouraged to call the school for an appointment relative to any phase of the student's progress.

An administrator shall conduct a conference with a student's parent(s) when a student is removed to a disciplinary alternative educational program or when a teacher recommends removal from the class. When such conference is required, a teacher or other school employee may also conduct a second conference as a follow-up within the same school year.

The teacher or school employee convening a required conference shall attempt to conduct the conference by personal attendance, but if this method is impractical, the conference may be conducted by telephone. If attempts to conduct a required conference by either of these methods are unsuccessful, the conference may be conducted by correspondence directed to the parent at the parent's current address, as reflected on the school's records. Teachers or other school employees involved shall document their efforts to schedule and conduct required parental conferences.

Teachers or other school employees may request a conference with a student's parents(s) whenever there has been a minor offense or whenever the teacher or employee perceives the need for parental cooperation in enforcing the *Code*.

**W. Unauthorized Distribution of Publications  
(Level III Offense)**

**TEC 37.123, 37.124**

Distribution of written material by students may be restricted pursuant to the following guidelines:

- Distribution may be limited in order to prevent material and substantial

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interference with the normal school operations in circumstances where there is evidence that disruption will likely result directly from the distribution.

- Reasonable administrative regulations as to the time, place, and manner of distribution may be prescribed to promote orderly administration of school activities by preventing disruption, but shall not be designed to stifle expression.
- Content of material to be distributed shall conform to the following:
  - \* Drug-, sex-, or alcohol-related materials that are inappropriate for the age and maturity of the person likely to receive the material or that endorse actions harmful to the health and safety of students shall not be distributed;
  - \* Libelous, scandalous, obscene, or defamatory materials shall be prohibited from distribution and/or viewing on the Internet;
  - \* Publications that criticize Board members or school officials or advocate violations of the *Code* or campus rules may be prohibited when there is evidence that reasonably supports a forecast that material and substantial disruption of normal school operations will result from the publication;
  - \* Hate literature that scrupulously attracts ethnic, religious, racial or other groups and similar irresponsible publications aimed at creating hostility and violence shall be banned. Only literature that could reasonably support a forecast of material and substantial disruption of normal school operations is affected by this restriction.

All school publications and other written material intended for distribution to students on school or District property or at school-sponsored activities shall be submitted for review before distribution according to the guidelines set out above and according to the following procedures:

- Material shall be submitted to the principal or a designee for review;
- The principal or designee shall approve or disapprove submitted material within three working days of the time the material is received;
- The student may appeal disapproval to the Superintendent or his designee who shall decide the appeal within three working days of its receipt.

#### **X. Scholastic Penalties**

**TEC 25.087**

A student removed by school officials from regular classes pursuant to this *Plan* for any reason other than expulsion will receive an excused absence and will be expected to complete any coursework assigned within a time designated by the teacher. No academic penalty will be assessed based solely on the disciplinary infraction.

Pending an appeal of an expulsion to the Board, students will be allowed to remain current on all coursework. However, if the appeal is denied, the student will not receive credit for that work. Students who are expelled will not receive credit for work missed during expulsion.

Pending an appeal to the Commissioner of Education on placement to a disciplinary alternative educational program, the student may be removed to a disciplinary alternative educational program and will be allowed to remain current on all coursework.

#### **Y. School Bus Behavior (Level II Offense)**

**TEC 37.126**

Students and parents should realize that school bus transportation is a privilege, not a

right, and that a principal may suspend students from riding on any school bus for violations of the following rules and regulations. Students will also be subject to disciplinary actions for such violation. (Most of the offenses are classified as Level II unless misbehavior involves another offense defined in the *Code*, i.e., weapons, fighting.)

- Students must be on time at designated bus stops. Buses cannot wait for tardy students.
- Students shall obey the driver's suggestions and help the driver to assure safety at all times.
- Students must ride the bus they are assigned. Buses will load and unload only at designated stops.
- Students must stay off the roadway while waiting for the bus and should form a line to get on the bus.
- Students shall cross at least fifteen feet in front of the bus when crossing the road, never at the rear of the bus.
- Students are to wait until the bus has come to a complete stop before attempting to enter or leave the bus. Students shall remain seated while the bus is in motion. Students shall enter or leave the bus only at the front door except in the case of an emergency.
- Students must not leave the bus without the driver's consent except at home or school. No unauthorized stops will be made.
- Students shall occupy any seat assigned by the driver; keep feet out of aisles, off seats, and backs of seats; and sit erect with feet on the floor.
- Students must sit three in a seat, filling back seats first, when conditions require it.
- Musical instruments must be held by the owner. They may not be left in aisles, at front, or by the rear door.
- Students must keep head, arms, and hands inside the bus.
- Students shall be courteous! No profane or vulgar language is allowed.
- Students shall keep the bus clean. Eating, drinking, or use of tobacco on the bus is prohibited.
- Animals, weapons, or other materials that might infringe on passenger safety are not allowed on the bus.
- Fighting, pushing, or shoving will not be tolerated.
- Students shall report to the driver any damage to the property. Damage to the interior or exterior of the bus will result in payment by the student or parent of the student for damages and may result in suspended bus riding privileges for the student.
- Parents are responsible for supervision of the bus stop area prior to the arrival of the bus.
- Students are prohibited from engaging in any misconduct as defined in the *Code*.

**Z. Sexual Harassment (Level IV Offense)**

**TEC 37.083**

Sexual harassment is defined as any unwanted physical, verbal, or visual sexual advances;

requests for sexual favors; and other sexually-oriented conduct, which is offensive or objectionable to the recipient, including, but not limited to: epithets; derogatory or suggestive comments, slurs, or gestures; and offensive posters, cartoons, pictures, or drawings.

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

All students are expected to treat one another courteously, with respect for the other person's feelings; to avoid any behaviors known to be offensive; and to stop these behaviors when asked or told to stop. All students are prohibited from engaging in offensive verbal or physical conduct of a sexual nature directed toward another student. This prohibition applies whether the conduct is by word, gestures, or any other intimidating sexual conduct, including requests for sexual favors that the other student regards as offensive or provocative. Students and/or parents are encouraged to discuss their questions or concerns about the expectations in this area with the teacher; the principal or designee; or the District's Title IX coordinator for students.

A student and/or parent in a conference may present a complaint alleging sexual harassment by another student or sexual harassment or sexual abuse by a staff member with the principal or designee or with the Title IX coordinator. The conference will be scheduled and held as soon as possible within seven days of the request. The principal, principal's designee, or Title IX coordinator that investigates the complaint will complete the investigation of the complaint within seven school days. The student or parent will be informed if extenuating circumstances delay completion of the investigation. The student will not be required to present a complaint to a person who is the subject of the complaint.

If the resolution of the complaint is not satisfactory to the student or parent, the student or parent within seven days may request a conference with the Superintendent or designee by following the procedures set out in **BOARD POLICY FNCJ (Local)**. If the resolution by the Superintendent or designee is not satisfactory, the student or parent may present the complaint to the Board as provided by policy.

#### **AA. Students Required to Register as a Sex Offender**

**TEC 37.301**

Any student who is required to register as a sex offender under Chapter 62 of the Code of Criminal Procedure and who is under any form of court supervision, including probation, community supervision, or parole, shall be removed to the DAEP for at least one semester.

If a student is required to register as a sex offender under Chapter 62 of the Code of Criminal Procedure and is not under any form of court supervision, the District may remove the student to the DAEP for one semester or elect to leave the student in the regular classroom. The district may not leave the student in the regular classroom if the board's designee determines that 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 interests of the district's students.

A student or the student's parent or guardian may appeal the decision to place the student in the DAEP by requesting a conference among the board's designee, the student's parent or guardian, and the student. The conference is limited to the factual question of whether the student is required to register as a sex offender under Chapter 62 of the Code of Criminal Procedure. If the board's designee determines at the conclusion of the conference that the student is required to register as a sex offender under Chapter 62 of the Code of Criminal Procedure, the student shall be placed in the DAEP. The decision of the board's designee is final and may not be appealed.

#### **Review Procedure**

1. At the end of the first semester of a student's placement in the DAEP, the board's designee shall convene a committee to review the student's continued placement in the DAEP. The committee must be composed of:
  - a classroom teacher from the campus to which the student would be assigned were the student not placed in the DAEP;
  - the student's parole or probation officer or, in the case of a student who does not have a parole or probation officer, a representative of the local juvenile probation department;
  - an instructor from the DAEP to which the student is assigned;
  - a school district designee; and
  - a counselor employed by the school district.
2. The committee by majority vote shall determine and recommend to the board's designee whether the student should be returned to the regular classroom or remain in the DAEP.
3. If the committee recommends that the student be returned to the regular classroom, the board's designee shall return the student to the regular classroom unless the board's designee determines that the student's presence in the regular classroom:
  - (a) threatens the safety of other students or teachers;
  - (b) will be detrimental to the educational process; or
  - (c) is not in the best interests of the district's students.
4. If the committee recommends that the student remain in the DAEP, the board's designee shall continue the student's placement in the DAEP unless the board's designee determines that the student's presence in the regular classroom:
  - (a) does not threaten the safety of other students or teachers;
  - (b) will not be detrimental to the educational process; and
  - (c) is not contrary to the best interests of the district's students.
5. If, after receiving the committee's recommendation, the board's designee determines that the student should remain in the DAEP, the board's designee shall before the beginning of each school year convene the review committee described above to review the student's placement in the DAEP.

6. The placement of any student who is a registered sex offender and is also a student with a disability who receives special education services must be made in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. § 1400 *et seq.* The review of the student's placement as described above shall be conducted by the student's Admission, Review, and Dismissal ("ARD") Committee, although the ARD Committee may request that the board's designee convene a regular review committee to assist the ARD Committee in conducting the review.

7. If a student who has been placed in a DAEP or a JJAEP as a registered sex offender and is under any form of court supervision transfers to the District during the student's mandatory placement, the District to which the student transfers may:

- (a) require the student to complete an additional semester in the DAEP, without conducting a review of the student's placement for that semester under Section 37.306; or
- (b) count any time spent by the student in the DAEP in the District from which the student transfers toward the mandatory placement requirement.

8. If a student who has been placed in a DAEP or a JJAEP as a registered sex offender and is **not** under any form of court supervision transfers to the District during the student's mandatory placement, the District shall use the aforementioned review process to determine whether to place the student in the DAEP or the regular classroom.

The District shall not allow the student to return to the regular classroom if the designee determines that the student's presence in the regular classroom:

- (a) threatens the safety of other students or teachers;
- (b) will be detrimental to the educational process; or
- (c) is not in the best interests of the district's students.

#### **BB. Telecommunication Devices**

Students in Brazosport ISD shall not activate, or use a paging device or cellular phone on school property during school hours. Such devices shall not be visible and shall remain off during the instructional school day.

For state testing security, the Texas Education Agency has stated, "Activation of a telecommunications device may result in the invalidation of the test document and/or disciplinary action."

A staff member who discovers a student using, activating or having activated a paging device or cellular phone in violation of District rules, shall report the violation to the appropriate school administrator as determined by school policy. Any property that contains obscenity or pornography or contraband in violation of Texas Law is subject to destruction. The district is not responsible for the loss or theft of items that have been confiscated under district policy.

A student who has had a cellular phone or paging device confiscated will receive written notice from the school principal or designee. The notice will advise the parents of the student that they have thirty (30) days from the date on the notice to retrieve the device by paying an administration fee of \$15.00 to BISD. All paging devices or cellular phones not claimed within thirty (30) days will become the property of BISD.

Telecommunication devices may be retrieved from the hours of 8:00 a.m. to 4:00 p.m. on Monday and Friday.

In this section, *paging device* means telecommunication device that emits an audible signal, vibrates, records, displays a message or otherwise summons or delivers a communication to the possessor.

#### **CC. Temporary Removals for Other Reasons**

**TEC 37.009**

A student may be removed from regular classes or District premises for non-disciplinary reasons when the principal determines there is a compelling reason for doing so. Reasons, which may be considered compelling, include but are not limited to the following:

- Being highly agitated;
- Suffering from any other condition that temporarily threatens the student's welfare, the welfare of others, or the efficient operation of the school.

Any student who is removed from school for a reason shown above and is in a condition that threatens his/her own welfare or the welfare of others shall be released to the parent, the parent's representative, or proper authority including, but not limited to, law enforcement officers and medical personnel.

A student who is removed from regular classes or school premises pending any hearing required by law shall be removed for as short a time as is reasonable under the circumstances.

Before removing a student from school premises for any of the foregoing reasons, the student shall be informed of the reason for the removal and have an opportunity to state any objections to such action. The District shall make reasonable efforts to notify the parent prior to removing a student from school premises. If the parent cannot be notified prior to removal, the parent shall be notified of the removal as soon as possible and the reasons for it.

#### **DD. Tobacco Possession/Use (Level III Offense)**

**TEC 38.006**

No student shall possess or use on school property, on or within 300 feet of school property as measured from any point on the school's real property boundary line, or at school-related functions, (on or off school property), tobacco products, including but not limited to cigarettes, cigars, pipes, snuff, or chewing tobacco.

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#### **EE. Unexcused Tardiness (Level I/II Offense)**

**TEC 25.087**

For the purpose of the *Code*, unexcused tardiness is defined as arriving to class without an acceptable excuse or admit after the tardy bell has rung but:

- before more than fifteen (15) minutes of the class have expired for traditional schedules; or
- before more than thirty (30) minutes of the class has expired for block schedules.

Further, for purposes of the *Code*, unexcused absence is defined as arriving to class without an acceptable excuse or admit after the tardy bell has rung and:

- more than fifteen (15) minutes of the class have expired for traditional schedules; or

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- more than thirty (30) minutes of the class have expired for block schedules.

A teacher shall be entitled to impose appropriate sanctions under the teacher's classroom discipline plan, including denial of academic credit for the day's class if a grade was taken for all other members of the class. In addition, the student will be subject to disciplinary action.

**FF. Vandalism (Level III/IV Offense)**

**TEC 37.101**

Students shall not vandalize nor otherwise damage or deface school property including, but not limited to, grounds, furniture, equipment or vehicles, or the property of others located on school property or used for school purposes or at school-sponsored events. Parents or guardians of students guilty of damaging property will be liable for damages in accordance with the law.

**GG. Weapons (Level IV – VI Offenses)**

**TEC 37.007**

No student shall possess, use, exhibit, or transmit on school or District property or in vehicles provided by the school or District or authorized and utilized for school or District related purposes or at school-related activities, any firearm, explosive device, illegal knife, or other weapon, unless pursuant to written regulations, or written authorization of the District. Students shall not threaten to possess, use, exhibit, or transmit any such device or weapon. This rule is not intended to apply, in the usual case, to school supplies such as pencils, pens, compasses, and the like, unless used or exhibited in a menacing or threatening manner.

If any student possesses, uses, exhibits, or transmits a prohibited device or weapon off school property, and it reasonably appears that the student intended the device or weapon to be taken to, or used for injury on District property, including vehicles or facilities for school related activities, the student will be considered to be in violation of this policy if the conduct is detrimental to or disruptive of the educational process.

Weapons include, but are not limited to, the following:

- fireworks of any kind;
- clubs, nightsticks, batons, sticks, or items whose use or intentional use may cause harm to another;
- razors or other sharp cutting devices;
- metallic knuckles;
- chains;
- illegal knives;
- firearms;
- explosive devices (including ammunition);
- any other object either used in a way that threatens or functions to inflict bodily injury on another person, including but not limited to items listed elsewhere in this Code describing weapons.

The possession or use of articles not generally considered weapons may be prohibited when, in the principal's judgment, a reasonable danger exists to the student in possession, other students, school guests, staff, or school property by virtue of such possession or use.

## V. Definitions

### A. ACCEPTABLE USERS AGREEMENT (AUA)

A written document reviewing terms and conditions for using the Brazosport Independent School District's network and, specifically, the Internet. (See pages ~~46-48~~ of this document.)

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- B. ARD-ADMISSION, REVIEW, AND DISMISSAL COMMITTEE:** The ARD is a committee made up of school staff and parents that address the admittance into special education; review the program (IEP-Individual Education Plan) that is in place; or dismiss the student from special education services. An ARD meeting may be requested by a parent or school staff member when needed. There is an annual ARD meeting held yearly to determine the new IEP and courses or related services the student will need for the upcoming year. The parent is an active member of the ARD meeting. The student may participate in the meeting when it is appropriate.
- C. ATTENDANCE COMMITTEE:** Each campus will have one or more Attendance Committee(s) composed of three to five members designated by the principal. A majority of the Attendance Committee shall be classroom teachers. The Attendance Committee hears the appeal of a student whose attendance has dropped below 90% of the days the class is offered. The Attendance Committee may give class credit to a student because of extenuating circumstances if the student is passing the class. The Attendance Committee may deny credit. The student may appeal the decision of the Attendance Committee to the Board.
- D. BOARD:** The Brazosport Independent School District is governed by a Board of Trustees who, as a body, coordinates and oversees the management of the District. All references to the Board means Brazosport Independent School District Board of Trustees.
- E. BULLYING:** Is a 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.
- F. CAMPUS SITE-BASED DECISION-MAKING COMMITTEE:** The campus level site-based decision-making committee includes campus based professional staff, parents, community members, business representatives, and students. The principal, with the assistance of the campus site-based decision-making committee develops, reviews, and revises the campus improvement plan. A component of the campus improvement plan is discipline management. This committee may be called by various names, example, school renewal team, Campus Improvement, etc.
- G. CANINE UNIT:** The District is authorized by the Board Policy (FNF) to use dogs to sniff for drugs and firearms. The District's use of dogs is to minimize unlawful drugs and firearms being brought to campus.
- H. CENTRAL SECONDARY SCHOOL:** The central school site for schools is located at the Lighthouse Learning Center. Central school is monitored by teacher(s) or instructional

aide(s). The principal or principal's designee shall determine the central school assignment.

Students may be assigned to central school for acts of misconduct that seriously disrupt the orderly educational process in the classroom or the school. In this setting, the student receives assignments/instruction in each course to the extent possible, with little or no opportunity for social interaction with peers. A student in Central School shall not be allowed to participate in extracurricular or after-school activities. The principal determines the length of assignment.

- I. CLASS REASSIGNMENT:** Class reassignment is the removal of a student from his/her assigned classroom to another class on the same campus for serious or persistent misbehavior or illegal act. To the extent possible, the student should continue to receive instruction in the courses he/she was enrolled in when the removal became effective.
- J. CONFERENCE:** A procedure in which the student shall be advised of the conduct with which he or she is charged. The student shall be given an opportunity to explain his or her version of the incident.

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

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**M. DAYS:** Unless otherwise noted, days shall mean school days.

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**N. DETENTION:** Detention Hall is an on-campus setting designed for deprivation of a student's personal time as a disciplinary response. The school has the option of holding detention hall before or after school or on Saturday morning.

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**O. DISCIPLINE MANAGEMENT TECHNIQUE:** Any action at the campus level, taken by a teacher or administrator, which is intended to promote proper behavior and/or discourage misconduct other than expulsion or removal to a Disciplinary Alternative Education Program, including, but not limited to, student-teacher conferences, suspension of extracurricular activities, detention, in-school suspension or Central Secondary School. No hearing is required prior to the use of any discipline management technique listed.

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**P. DISCIPLINE VIOLATION:** A discipline violation includes the planning of or conspiring to commit an offense and/or commission of an offense.

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**Q. DISTRICT DISCIPLINARY ALTERNATIVE EDUCATION PROGRAM:** A supervised educational setting for students who violate the *Student Code of Conduct* or commit serious or illegal acts under such code or the penal code. Disciplinary Alternative Education Programs include:

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On Campus

In-School Suspension

Off Campus

Central Secondary School  
Project G.R.O.W.  
Secondary Disciplinary Alternative Education Program  
JJAEP – Boot Camp

Also, a student may be removed from class and placed in an alternative school by the principal or assistant principal under the supervision of the Superintendent for conduct outside of school and off school property. The student will be placed in an alternative school when it is reasonably believed the student's presence in the regular classroom program or at the home campus presents a danger of physical harm to the student or to other individuals.

Students enrolled at the Lighthouse Learning Center will adhere to an established standardized code of dress.

The disciplinary alternative education program provides for students' core academic courses. The principal determines the length of assignment.

Student eligibility for Successful Outcomes Program at the Lighthouse Learning Center will be determined by campus principal at the time of assignment.

**R. ELEMENTARY SCHOOLS:** For the purpose of reference in the *Student Code of Conduct* the following schools in the Brazosport Independent School District are elementary schools. S. F. Austin, A. P. Beutel, Bess Brannen, O. A. Fleming, Madge Griffith, Jane Long, Elisabet Ney, T. W. Ogg, Gladys Polk, O. M. Roberts, and Velasco.

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**S. EXPULSION HEARING:** A procedure in which the student shall be advised of the conduct, with which he or she is charged, be provided appropriate due process as required by the federal constitution, and which the student's parent or guardian is invited, in writing, to attend. The student may be represented and shall be given the opportunity to explain his or her version of the incident.

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**T. FALSE ALARM OR REPORT:** A person commits an offense if he knowingly initiates, communicates or circulates a report of a present, past, or future bombing, fire, offense, or other emergency that he knows is false or baseless and that would ordinarily:

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- Cause action by an official or volunteer agency organized to deal with emergencies;
- Place a person in fear of imminent serious bodily injury; or
- Prevent or interrupt the occupation of a building, room, place of assembly, place to which the public has access, or aircraft, automobile, or other mode of conveyance.

**U. FIGHTING:** Fighting is defined as mutual combat that results in physical contact, bodily injury, or where one student knowingly and intentionally assaults another student. The principal on each campus may notify the appropriate police department when there is a fight or assault.

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Once the police have been notified by the administration, it will be the discretion of the officer who responds as to whether an arrest should be made. Should the officer make the decision to arrest one or more students, tickets will be issued to each student.

**V. HARASSMENT is:**

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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.

**W. 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.

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**X. IN-SCHOOL SUSPENSION:** A special classroom designated as the in-school suspension room where an instructional aide is always on duty. In this setting, the student receives assignments/instruction in each course to the extent possible, with little or no opportunity for social interaction with peers. The principal or assistant principal [under the supervision of the Superintendent](#) determines the length of assignment.

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**Y. LEAVING CAMPUS:** After arriving on campus, students are not permitted to leave without administrative approval. Students are REQUIRED to go to the office so parents can be notified of the student's intent to leave campus. Leaving campus without permission may result in disciplinary action.

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**Z. METAL DETECTORS:** The District is authorized by the Board to use metal detectors to screen for weapons and other contraband. The District's use of metal detectors is to minimize the risk of weapons on campus and is determined to be a desirable technique for campus security. No student, employee or visitor should be subject to the dangers inherent in a knife, firearm or other weapon being carried onto the campus by another person. Metal detectors may be used during school hours and upon entering buildings for extracurricular activities.

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**AA. PARENT:** The term, "Parent," means a parent, a guardian, a person acting as a parent of a child, or a surrogate parent who has been appointed in accordance with Federal regulations. The term does not include the state if the child is a ward of the state.

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**BB. PERSISTENT:** Two or more violations of the Student Code of Conduct, in general or repeated occurrences of the same violation.

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**CC. PLACEMENT REVIEW COMMITTEE:** Campus must have a three-member committee of two teachers and one other campus professional staff member that determines the placement of a student that a teacher has removed from his or her classroom. The Placement Review Committee also makes recommendation regarding the proper placement of students returning after an expulsion.

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**DD. PRINCIPAL:** Principal includes the chief campus administrator and the assistant principal(s).

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**EE. PROFANE LANGUAGE:** Profane language is any language directed to another person

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with the intent to incite a breach of the peace. Profane language may result in a citation issued by the police.

**FF. PROGRESSIVE DISCIPLINE:** The system of discipline infractions and consequences that are leveled in Levels I, II, III, IV, and V. Level I includes the least serious offenses, while Level V is a serious level of offense, with serious consequences. Under progressive discipline, a student who repeatedly violates a lower level of discipline rules without changing their undesirable behavior may automatically progress to a more serious level of consequence.

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**GG. PROHIBITED ITEMS OR ARTICLES:** In addition to weapons prohibited by law, students shall not possess fireworks of any kind, razors, any bladed instrument including pocket knives, chains, or any other object used in a way that threatens or inflicts bodily injury to another person, or that the principal or designee determines presents a danger to any student, District employee, or District property by virtue of possession or use of the object. Any violation of this policy shall result in disciplinary action deemed appropriate by the principal.

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**HH. PROJECT G.R.O.W. (Elementary Disciplinary Alternative Education Program):** This program is designed to help students reach their full potential by providing a consistent and highly structured alternative instructional environment. Students are assigned a minimum of twenty days, depending on the need at the time of entrance and the social skills progress made. Classes are provided for students grades 1-6. A Project G.R.O.W. team from the home campus determines placement. Individual and group counseling are recommended for both student and parents. Family counseling is also recommended. Academic and social skills instruction will be regular curriculum benefits. Grades will be assigned based on regular classroom expectations.

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**II. ROBBERY:** Taking property of another from his/her person or his/her immediate presence; against his/her will; by violence or threat of violence.

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**JJ. SATURDAY MORNING DETENTION HALL:** A discipline management technique requiring students to attend school on Saturday.

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**KK. SECONDARY SCHOOLS:** For the purpose of reference in the *Student Code of Conduct*, the following schools are secondary schools: Lanier Middle School, Rasco Middle School, Clute Intermediate School, Freeport Intermediate School, Lake Jackson Intermediate School, Brazosport High School, Brazoswood High School, and Lighthouse Learning Center.

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**LL. SERIOUS MISBEHAVIOR:** A Level III, IV, V or Level VI misbehavior or a misbehavior that could result in an assignment to a Disciplinary Alternative Education Program or expulsion.

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**MM. STEALING/THEFT:** To take something that does not belong to one's self; take dishonestly; without permission or acknowledgment.

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**NN. SUPERINTENDENT'S DESIGNATED PANEL:** The Superintendent or designee appoints a panel of three administrators and designates a chairperson for the panel. The panel is appointed for the purpose of hearing appeals of school-level decisions.

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**OO. SUSPENSION:** The principal may suspend a student who engages in conduct for which the student may be placed in a disciplinary alternative education program. Each suspension may not exceed three days.

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**PP. TERRORISTIC THREAT:** A person commits an offense if he threatens to commit any offense involving violence to any person or property with the intent to:

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- Cause a reaction of any type to his threat by an official or volunteer agency organized to deal with emergencies;
- Place any person in fear of imminent serious bodily injury; or
- Prevent or interrupt the occupation or use of a building; room; place of assembly; place to which the public has access; place of employment or occupation; aircraft, automobile, or other form of conveyance; or other public place;
- Cause impairment or interruption of public communications, public transportation, public water, gas, or power supply or other public service;
- Place the public or a substantial group of the public in fear of serious bodily injury; or
- 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).

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**QQ. TITLE 5 OFFENSES:** Title 5 offenses include, but may not be limited to: criminal homicide; murder; capital murder; manslaughter; criminally negligent homicide; false imprisonment; kidnapping; aggravated kidnapping; indecency with child; sexual assault; aggravated assault; aggravated sexual assault; injury to a child, elderly individual, or disabled individual; abandoning or endangering child; deadly conduct; terroristic threat; aiding suicide; tampering with consumer product; coercing, soliciting, inducing gang membership. Some offenses listed above are not punishable as a felony in all situations.

## VI. Miscellaneous Provisions

### Interrogations and Searches

School officials may search a student or a student's property including but not limited to vehicles driven to school by a student and parked on school property, when there is reasonable cause to suspect that the search will discover evidence that the student has violated or is violating either the law or the *Code*. Vehicles and Classrooms are also subject to search.

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Areas such as lockers and desks, which are owned and jointly controlled by the District, may also be searched. Students shall not place, keep, or maintain any article or material in school-owned lockers or desks that is forbidden by District policy or that would lead school officials to a reasonable belief that it would cause a substantial disruption on school property or at a school-sponsored function.

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The nature of any search should be reasonably related to the objective of the search and not excessively intrusive in light of the age and sex of the student and the nature of the suspected infraction. Except in extraordinary circumstances, an adult witness should be present.

Searches may be conducted on any campus by the Drug Dog Detection Team or by BISD Security personnel. The search pattern may include, but not be limited to, classrooms, lockers, vehicles, gyms, and locker rooms.

## **Questioning of Students**

For questioning of a student in school by governmental officials, the following guideline shall apply:

- Before the principal permits the questioning of a student by a governmental official, the official must state the necessity of questioning the student while in school. The questioning official's name and title shall be obtained and recorded by the principal.

## **Arrested Students**

If a District student at school is subject to arrest or apprehension by law enforcement other than BISD Security or governmental official, the principal shall request the following information:

- name, badge number, or official identification of the official;
- statement of probable cause to take the student into custody;
- case number.

If practicable under all relevant circumstances, the principal shall immediately use his or her best efforts to notify the parent and the Superintendent or his designee.

## **Physical Restraint**

Any District employee may, within the scope of the employee's duties, use and apply physical restraint to a student when the employee reasonably believes restraint is necessary to:

- protect a person, including the person using physical restraint, from physical injury;
- obtain possession of a weapon or other dangerous object;
- protect property from serious damage;
- remove from a specific location, including from a classroom or other school property, a student refusing a lawful command of a school employee;
- restrain an irrational student.

*Students with disabilities* have specific procedures outlined in a behavior management plan. These procedures are provided under TEC 37.0021 and Commissioner's Rules §89.1053.

## **Seclusion of Students with Disabilities**

### **TEC 37.0021**

BISD shall not place a student with disabilities in a secluded setting (defined as a locked room less than 50 square feet designed solely to seclude a person). This does not prevent a student's locked, unattended, confinement in an emergency situation while awaiting the arrival of law enforcement personnel if the student possesses a weapon and the confinement is necessary to prevent the student from causing bodily harm to the student or another student.



Time-out is a behavior management technique in which, to provide a student with an opportunity to regain self-control, the student is separated from other students for a limited period in a setting that is not locked and from which the exit is not physically blocked by furniture, a closed door held shut from the outside, or another inanimate object.

**BISD Security**

The mission of BISD Security is to maintain social order at all BISD facilities and properties within carefully prescribed policy and ethical, statutory, and constitutional restrictions. BISD Security officers are licensed state peace officers who are vested with all the powers, privileges, and immunities of peace officers while the officers are performing their duties as defined by Board policies.

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**Extracurricular Activities, Clubs, and Organizations**

Student clubs and performing groups such as, but not limited to, band, choir, cheerleading, and drill and athletic teams may establish standards of behavior-including consequences for misbehavior-that are stricter than those for students in general. If a violation is also a violation of school rules, the consequences specified by the student code of conduct or by local policy will apply in addition to any consequences specified by the organization(s). All standards of behavior and any related consequences established or specified by the applicable organization(s) are adopted and incorporated herein.



# Brazosport Independent School District

## Student Acceptable Use Agreement (Student AUA)

### For Internet/Network Access

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As a student of Brazosport ISD, you are being given access to the BISD network system. You will have Internet access through Brazosport Independent School District's Internet access portal. Our goal in providing this service is to promote educational excellence in our schools by facilitating resource sharing, innovation, and communication. With this opportunity comes responsibility. It is important that you read and understand the District's Student AUA for Internet/Network Access policy (located on the BISD website) and the Internet Acceptable Use Agreement Signature Page. Please notify your teacher or campus principal, if you need help in understanding them.

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While the District uses filtering technology to restrict questionable material, it is not possible to absolutely prevent such access. It is possible that you may run across some material you or the District might find objectionable. It will be your responsibility to follow the rules for appropriate use.

The BISD Tech Department continually monitors network activity creating a more efficient delivery of technology. Be advised that these processes while providing quality service can reveal evidence of inappropriate computer usage or access of inappropriate sites/programs. Inappropriate system use will result in disciplinary and/or legal action in accordance with District policies and applicable laws, which may include the loss of the privilege of using this educational and administrative tool.

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The smooth operation of the BISD network relies upon the proper conduct of the end users who must adhere to strict guidelines. These guidelines are provided so that users are aware of the responsibilities they are about to acquire. In general this requires efficient, ethical and legal utilization of the network resources.

**If a user violates any of these provisions, his or her access to the electronic communication system may be revoked and/or disciplinary/legal action may be taken.**

### Limitation of Liability

The District makes no warranties of any kind, either expressed or implied, that the functions or the services provided by or through the District system will be error-free or without defect. The District will not be responsible for any damage users may suffer, including but not limited to, data loss or interruptions of service. The District is not responsible for the accuracy or quality of the information obtained through or stored on the system. The District will not be responsible for the financial obligations arising from a user's unauthorized use of the system. Users will indemnify and hold the department and its respective districts harmless from any losses sustained by the department as a result of intentional misuse of the system by user.

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## Rules for Appropriate Use:

1) **Acceptable Use** - Network access (including Internet) is provided to support research and education in and among academic institutions by providing access to unique resources and the opportunity for collaborative work. The use of the Internet must be in support of education and research consistent with the educational goals of the Brazosport Independent School District. Use of other organization's networks or computing resources must comply with the rules defined for that network. Transmission of any material in violation of any national or state regulation is prohibited. This includes, but is not limited to: copyrighted material, threatening or obscene material, or material protected by trade secret.

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2) **Privileges** - The use of the Internet is a privilege, not a right, and inappropriate use may result in cancellation of those privileges. The Chief Technology Officer, in accordance with the Superintendent and Board, will deem what constitutes inappropriate use and this decision of what constitutes inappropriate use is final. This document and any other applicable district policy, or law governs any further consequence related to inappropriate use. The administration, faculty, and staff of the Brazosport Independent School District may request the Chief Technology Officer to deny, revoke, or suspend specific user access. Also, the Chief Technology Officer may suspend or revoke access at any time for inappropriate use.

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### 3) Internet/Network Acceptable Use:

- BISD's Internet filtering device is not 100% accurate. The District can make no guarantee that all inappropriate content will be filtered. New internet sites are posted on the web every day; no filtering device will capture or block all inappropriate sites. If you access an inappropriate site, notify a teacher or staff member immediately. If you need access to a blocked appropriate site ask your teacher to use the proper procedure to request that the site be reviewed. Only requests submitted by BISD employees will be considered for review. In addition, only sites used for instructional or school business purposes will be considered for unblocking.
- Use of any tool to circumvent the internet filter is strictly prohibited. This includes, but is not limited to, using proxy servers or accessing other websites that allow you to bypass filters placed within our network.
- Users must respect all copyright laws that protect software owners, artists, and writers. Plagiarism and/or piracy will not be tolerated.
- Posting of personal addresses or phone numbers of students or colleagues is prohibited. Posting of student pictures with full names is prohibited.
- Physical or electronic tampering with computer resources will result in cancellation of privileges and possible disciplinary action.
- Immediately notify your teacher or staff member if inappropriate material is accessed unintentionally.
- The following practices using District wide-area networks shall be prohibited:
  - any use of computing resources for commercial purposes, product advertising, political lobbying, or political campaigning
  - any use that disrupts the educational and administrative goals of the District
  - any use of a network account by anyone but the authorized owner of the account or any use of another's account of any service not under the direct control of the District while on school property or in such a way that disrupts instruction
  - access of materials that has been deemed inappropriate for school use
- Storage Capacity: Users are expected to remain within allocated disk space and delete material which takes up excessive storage space.
- Downloading from Internet: Students shall not download or install any commercial software, shareware or freeware onto workstation drives or disks,
- Downloading of content or music clips by students shall be monitored at all times and must be only for direct instructional purposes, and must be legal.
- Audio or Video Streaming from Internet: Students shall not access the internet for streaming (live) audio (music, etc.) or video (clips, movies, etc.) at anytime, unless approved by their immediate teacher for educational purposes,
- Internet file sharing services, also called Peer-to-Peer Networks are strictly prohibited and violations may result in disciplinary action.
- Personal portable storage devices (jump drives, flash drives, etc.) may be attached to a district computer. Data on the personal portable storage device is subject to review, inspection and confiscation

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by the Chief Technology Officer or other district personnel.

- Social networking services (Myspace, Facebook, Google+, Twitter, etc.) are strictly prohibited and violations may result in disciplinary action.

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**4) Security** - Security on any computer system is a high priority, especially when the system involves many users. If you feel you can identify a security problem on the Internet, you must notify the classroom teacher immediately. Do not demonstrate the problem to other users. Any user identified as a security risk or having a history of problems with other computer systems (mischievous behavior without malicious intent) may be denied access to the Internet/network.

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For the security of data that may be accessible from your networked computer, you must always lock your computer or log out of your computer when you are not sitting in front of it. In addition, your password must be kept secure at all times. Do not share it with other students/people or post it in an accessible location.

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**5) Vandalism** - Vandalism is defined as any malicious attempt to harm or destroy user data, application systems, Internet data, and systems that are connected to any of the Internet or network backbones. This includes, but is not limited to, the uploading or creation of computer viruses, Trojans, spyware, and other malware. Vandalism will result in disciplinary action (which may include cancellation of privileges) and prosecution to the fullest extent of the law.

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**6) Hacking** - Any and all hacking on BISD equipment and applications is strictly prohibited. For the purposes of this document, hacking is defined as any attempt (whether successful or not) to access, override, and/or manipulate any and all BISD data, applications, servers, routers, switches, access points, and any other devices connected to the BISD network. Hacking will result in disciplinary action (which may include cancellation of privileges) and prosecution to the fullest extent of the law.

## Consequences for Inappropriate Internet/Network Use

- Suspension of access to Internet or Network account;
- Disciplinary and/or legal action, in accordance with District policies and applicable laws.

The required signatures on the Internet/Network Acceptable Use Agreement signature page are legally binding and indicate the parties who signed have read the terms and conditions carefully and understand their significance.

The signature page titled 2011-2012 Internet Acceptable Use Agreement can be found at the back of the Student Code of Conduct under Section VI Miscellaneous.

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# Brazosport Independent School District

## 2011-2012

### INTERNET ACCEPTABLE USE AGREEMENT

#### USER/STUDENT

I have read and will abide by the BISD Internet Acceptable Use Agreement. I understand that the use of the District's electronic communication system is a privilege and violation of these provisions is unethical and may result in access to the system being revoked and/or disciplinary/legal action being taken.

User's Printed Name:					
User Signature:			Student ID#:		
School:		Grade:		Date:	

#### PARENT OR GUARDIAN (Must be signed if the user is a minor)

As the parent or guardian of this student, I have read the BISD Internet Acceptable Use Agreement and agree to promote its provisions with my child. I recognize it is impossible for the school district to restrict access to all controversial materials. I further understand that the use of the District's electronic communication system is a privilege and violation of these provisions is unethical and may result in access to the system being revoked and/or disciplinary/legal action being taken.

☐ I give permission for my child to access the Internet within the BISD electronic communication system.

☐ I do not give permission for my child to access the Internet within the BISD electronic communication system.

Signature of parent or guardian: \_\_\_\_\_ Date: \_\_\_\_\_

### ACKNOWLEDGEMENT OF ELECTRONIC DISTRIBUTION OF STUDENT HANDBOOK & STUDENT CODE OF CONDUCT

We accept responsibility for accessing the Student Handbook and the **Student Code of Conduct** by visiting the web address at [www.brazosportisd.net](http://www.brazosportisd.net). We understand that hard copies of the Student Handbook and the **Student Code of Conduct** are available at all Principal offices on each BISD campus if access to the web is not an option.

I understand that the handbook contains information that my child and I may need during the school year and that all students will be held accountable for their behavior and will be subject to the disciplinary consequences outlined in the **Student Code of Conduct**. If I have any questions regarding this handbook or the Code of Conduct, I should direct those questions to the principal at my home campus.

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

Student Name (Please Print)		Grade		Campus
Parent/Guardian Signature				Date
Student Signature				Date

Please sign and return this form to your student's school. Thank you.

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Deleted: My child and I have been offered the option to receive a paper copy or to electronically access at [www.brazosportisd.net](http://www.brazosportisd.net) the Brazosport Independent School District Student Handbook and the **Student Code of Conduct** for 2010-2011-2012. State law requires that the District obtain your signatures.¶ I have chosen to:¶

☐ Receive a paper copy of the Student Handbook and the **Student Code of Conduct**.¶  
☐ Accept responsibility for accessing the Student Handbook and the **Student Code of Conduct** by visiting the Web address listed above.¶

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Deleted: Failure to sign this acknowledgement form does not remove the responsibility of the student to abide by the **Student Code of Conduct**.

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