

**Spring Branch Independent School District**

***Student Code of Conduct***

**2024<sup>5</sup>-202<sup>5</sup>6**



## Our Values: The Spring Branch Way

**The foundation of success, for our students and our school system, is rooted in our core values and these values define the Spring Branch Way.**

Our five Core Values affirm who we are, what we stand for, how we treat each other, what we prioritize, and what guiding principles we live by as members of the Spring Branch ISD family. Our Core Values are easily remembered as **The Five C's**. They focus us on what matters most and provide a unified sense of purpose.

These essential, non-negotiable ideals and expectations define who we are as Spring Branch ISD, individually and collectively, when we are at our best.

- **Every Child**—We put students at the heart of everything we do.
  - Every child. Every day. Every minute. Every way.
  - What's Best for the Child Drives the Decision
  - Infinite Possibilities Through Education
- **Collective Greatness**—We, as a community, leverage our individual strengths to reach challenging goals.
  - Surpass Expectations
  - Everyone's Work Matters
  - Diversity Makes Us Stronger
- **Collaborative Spirit**—We believe in each other and find joy in our work.
  - Each of Us is Committed to All of Us
  - Together We're Better
  - Assume the Best
- **Limitless Curiosity**—We never stop learning and growing.
  - Empowered to Innovate
  - Tenaciously Embrace Challenges
  - Unleashed Potential
- **Moral Compass**—We are guided by strong character, ethics and integrity.
  - Personal Responsibility
  - Kindness and Mutual Respect
  - Trustworthiness

# Table of Contents

|  | Page        |
|--|-------------|
| <b>Introduction.....</b>   | <b>C-1</b>  |
| Development of the <i>Student Code of Conduct</i> .....  | C-1         |
| Code of Civility.....  | C-1         |
| Parent Protocol for the Problem-Solving Process.....   | C-2         |
| Rights and Responsibilities.....   | C-2         |
| District Jurisdiction.....   | C-2         |
| Guidelines for Disciplinary Actions.....   | C-3         |
| Campus Behavior Coordinator.....   | C-3         |
| Levels of Violations in <i>Student Code of Conduct</i> .....   | C-3         |
| Procedures for Student Discipline Referrals.....   | C-3         |
| Procedures for Student Removal by Teachers.....  | C-4         |
| Security Personnel.....  | C-4         |
| <b>Behavior Intervention Strategies and Supports.....</b>  | <b>C-4</b>  |
| Tier I Positive Behavior Intervention Systems.....   | C-4         |
| Tier II Interventions.....   | C-5         |
| Tier III Interventions.....  | C-6         |
| <b>System of Care.....</b>   | <b>C-6</b>  |
| <b>Student Code of Conduct Levels of Behavior.....</b>   | <b>C-7</b>  |
| LEVEL I    Minor Infractions.....  | C-7         |
| LEVEL II    Serious Disruptive Behavior.....   | C-8         |
| LEVEL III    Serious or Persistent Misbehavior.....  | C-9         |
| LEVEL IV    Offenses Resulting in Placement to a Disciplinary Alternative Education Program (DAEP).....                              | C-10        |
| LEVEL V    Offenses Resulting in Expulsion/Referral to the Harris County Juvenile Justice Alternative Education Program (JJAEP)..... | C-12        |
| <b>Registered Sex Offenders.....</b>   | <b>C-13</b> |
| <b>Discipline for Students with Disabilities.....</b>  | <b>C-15</b> |
| <b>Definitions and Explanations of Student Violations.....</b>   | <b>C-15</b> |
| Assault (Level IV Offense).....  | C-15        |
| Bullying (Level II–IV Offense).....  | C-15        |
| Cheating (Level II/III Offense).....   | C-17        |
| Dating Violence.....   | C-17        |
| Disruption of Classes or School Activities (Level III/IV Offense).....   | C-17        |
| Disruption of Lawful Assembly (Level IV Offense).....  | C-18        |
| Dress Code Violation (Level I Offense).....  | C-19        |
| Drug/Alcohol Possession/Use (Level III–V Offense).....   | C-19        |
| Fighting.....  | C-20        |
| Gangs, Fraternities, Sororities, and Secret Societies (Level II–IV Offense).....   | C-20        |
| Gang-Free Zones.....   | C-20        |
| Harassment (Level III Offense).....  | C-21        |

|   | <b>Page</b> |
|---|-------------|
| Hazing (Level III Offense) .....  | C-21        |
| Insubordination (Level III/IV Offense).....   | C-21        |
| Marijuana .....   | C-21        |
| Misuse of Technology Resources and the Internet .....                                   | C-21        |
| Personal Telecommunications Devices / Electronic Devices .....                          | C-22        |
| Retaliation .....   | C-23        |
| Sexual Harassment (Level III Offense) .....   | C-23        |
| Tobacco / Vaping / Possession / Use (Level III Offense).....                            | C-24        |
| Unauthorized Distribution of Publications (Level III Offense).....                      | C-24        |
| Unexcused Tardiness— <i>Secondary Only</i> (Level I Offense).....                       | C-24        |
| Vandalism (Level III Offense).....  | C-25        |
| Weapons (Level V Offense) .....   | C-25        |
| <b>Definitions and Explanations of Disciplinary Consequences .....</b>                  | <b>C-25</b> |
| Parent-Teacher Conferences .....  | C-25        |
| Detention (Level I/II Offense) .....  | C-26        |
| In-School Suspension (ISS) .....  | C-26        |
| Alcohol and Marijuana Intervention Program* .....                                       | C-26        |
| Out-of-School Suspension .....  | C-26        |
| Referral to Elementary Student Support Program (ESSP)— <i>Elementary Students</i> ..... | C-27        |
| Disciplinary Alternative Educational Programs (DAEP) .....                              | C-27        |
| Disciplinary Alternative Educational Program Placement .....                            | C-28        |
| Emergency Placement or Expulsion .....  | C-30        |
| Expulsion (Level V Offense).....  | C-30        |
| Scholastic Penalties .....  | C-31        |
| Temporary Removals for Other Reasons .....  | C-31        |
| <b>Appeals and Hearings .....</b>   | <b>C-32</b> |
| Appeals of Placement to the Off-Campus Discipline Centers.....                          | C-32        |
| Appeals of Expulsions .....   | C-32        |
| Expulsion Hearings .....  | C-33        |
| Conference / Hearing / Review .....   | C-33        |
| <b>Miscellaneous Provisions.....</b>  | <b>C-33</b> |
| Audio-Visual Taping and Video Surveillance .....  | C-33        |
| Commencement Exercises .....  | C-34        |
| SBISD Police Department.....  | C-34        |
| Unauthorized Persons.....   | C-34        |
| Interrogations and Searches by School Official / Administrators .....                   | C-35        |
| Questioning of Students by Law Enforcement Officers / Officials.....                    | C-35        |
| Students Taken Into Custody.....  | C-35        |
| Arrested Students .....   | C-36        |
| Physical Restraint .....  | C-36        |

|   |             |
|---|-------------|
| <b>Appendix .....</b>   | <b>C-37</b> |
| Rights and Responsibilities of Students .....                       | C-37        |
| <i>Educational Atmosphere .....</i>                                 | <i>C-37</i> |
| <i>Reporting of Progress .....</i>                                  | <i>C-37</i> |
| <i>Attendance.....</i>  | <i>C-37</i> |
| <i>Information and Privacy of Records.....</i>                      | <i>C-38</i> |
| <i>First Amendment Rights .....</i>                                 | <i>C-38</i> |
| <i>Student Government .....</i>                                     | <i>C-38</i> |
| <i>Search and Seizure.....</i>                                      | <i>C-39</i> |
| <i>Discipline .....</i>   | <i>C-39</i> |
| <i>Citizenship .....</i>  | <i>C-39</i> |
| Rights and Responsibilities of Parents .....                        | C-39        |
| <i>Parents/guardian have the right to:.....</i>                     | <i>C-40</i> |
| <i>Parents/guardian have the responsibility to:.....</i>            | <i>C-40</i> |
| Rights and Responsibilities of Teachers .....                       | C-41        |
| <i>Teachers have the right to:.....</i>                             | <i>C-41</i> |
| <i>Teachers have the responsibility to: .....</i>                   | <i>C-42</i> |
| Rights and Responsibilities of the Principal.....                   | C-43        |
| <i>The principal has the right to:.....</i>                         | <i>C-43</i> |
| <i>The principal has the responsibility to: .....</i>               | <i>C-43</i> |
| Responsibilities of the District Administration.....                | C-44        |
| <i>The District Administration has the responsibility to: .....</i> | <i>C-44</i> |
| <i>The Board has the responsibility to: .....</i>                   | <i>C-44</i> |

## Introduction

If you have difficulty accessing the information in this document because of disability, please contact the district office at 713-464-1511.

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. Spring Branch Independent School District (SBISD) schools foster a climate of mutual respect for the rights of others. SBISD considers the need of every child and provides positive replacement behaviors when implementing discipline protocols. Students are expected 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* (the *Code*) are established to achieve and maintain order in the SBISD schools. Students are governed by this *Code* and those who violate the *Code* or rights of others or who violate SBISD or campus rules shall be subject to the provisions contained within this *Student Code of Conduct*.

A discipline violation includes the planning of, or conspiring to commit an infraction and/or commission of an offense. Certain offenses may result in the filing of charges by the SBISD Police Department through the Harris County District Attorney's Office, Harris County Juvenile Probation Department, or the Harris County Justice of the Peace Court depending on the nature of the misconduct. Principals are required, by law, to report certain activities to the SBISD Police Department. Persons detained by the SBISD Police Department for criminal charges, including juveniles 10-16 years of age, must be fingerprinted and photographed before being released back to a parent or being transported to a juvenile holding facility. The District will take into consideration self-defense, the disciplinary history of the student, intent or lack of intent at the time the student engaged in the conduct, or a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct concerning any infraction that may result in suspension, discipline alternative education program placement, or expulsion.

All ticketable offenses may require transporting the student to the SBISD Police Department.

This *Student Code of Conduct* is the product of collaboration between SBISD and the Harris County Juvenile Board. SBISD and the Harris County Juvenile Board have entered into a Memorandum of Understanding concerning various requirements. The Memorandum of Understanding between SBISD and the Harris County Juvenile Board is incorporated by reference into this *Student Code of Conduct*.

The SBISD Board of Trustees adopted the following *Student Code of Conduct* (the *Code*) at a meeting held on May 20, 2024.

## Development of the *Student Code of Conduct*

The District's *Code* was developed through a cooperative effort of the District Improvement Team, District administrators, and the Harris County Juvenile Board as required in *TEC Section 37.001*.

A draft of the *Code* was initially prepared by District administrative personnel and reviewed by the District's legal advisors. The draft was then submitted for review and comment to the District Improvement Team comprised of representatives of parents, teachers, administrators, and community business leaders.

## Code of Civility

Civility is the affirmation of what is best about each of us individually and collectively, not just an absence of harm. Therefore, SBISD requires that we communicate (faculty and staff, students, parents, guardians and members of the community) in the following manner:

Treat each other with courtesy and respect at all times:

1. Listen carefully
2. Share opinions and concerns in a civil manner
3. Refrain from loud or offensive language
4. Refrain from profanity or offensive gestures
5. Refrain from threats, including but not limited to causing property damage or bodily harm

Take responsibility for your actions:

1. Share accurate information
2. Manage anger appropriately
3. Refrain from disrupting or interfering with classroom or school operations

Cooperate with one another:

1. Obey school rules and district policy
2. Respect each other's time
3. Notify one another when we have information that affects student safety or success
4. Respond when asked for assistance
5. Understand that compromise is key

Failure to follow the Code of Civility may result in limited access to campuses and district properties.

## **Parent Protocol for the Problem-Solving Process**

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Although we strive for collaboration at all times, parents/guardians may require additional assistance in resolving a situation. Please familiarize yourself with SBISD's general problem-solving process which includes:

- 1 Contact the appropriate campus staff member immediately. The most direct route to resolving a concern is to confer directly with the person involved. (Example: If the concern is related to the classroom, the teacher should be the person contacted.)
- 2 If not satisfied, contact the appropriate administrator (Assistant Principal or Principal) in charge of the campus and responsible for concerns that may arise from the school's operation. Explanations of policies and procedures, various clarifications and all types of campus information are available at the campus level.
- 3 Contact the appropriate central office administrator within a week. This may be a Director, Executive Director, Community Superintendent, or Associate Superintendent. This step should be taken only when steps 1 and 2 have not resolved the concern.

## **Rights and Responsibilities**

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The rights and responsibilities of SBISD students, parents, teachers, principals, and district administrators are laid out in the Rights and Responsibilities section in the Appendix. The purpose of this section of the *Code* is to provide a brief description of the more important rights and responsibilities of students. In general, students should have the maximum freedom allowable under law, commensurate with the school's responsibility for student health, safety, and welfare. Consequently, the school does not relinquish its authority and responsibility. Within each school, the principal has the responsibility for maintaining the orderly educational process. Maintenance of the orderly educational process shall be accomplished in a manner which both respects the rights and recognizes the responsibilities of students.

## **District Jurisdiction**

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The District has jurisdiction over its students during the regular school day and while going to and from school on District transportation. Within the District's jurisdiction is any activity during the school day on school grounds; attendance at any school-related activity, regardless of time or location; and any school-related misconduct, regardless of time or location. The District's jurisdiction also includes any student whose conduct at any time and in any place interferes with or obstructs the mission or operations of the District or the safety or welfare of students or staff members or causes a substantial and material disruption on campus.

## Guidelines for Disciplinary Actions

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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 but are not limited to the following:
  - \* Seriousness of the offense;
  - \* Student's age;
  - \* Student's disciplinary history;
  - \* Intent or lack of intent at the time the student engaged in the conduct;
  - \* Self defense;
  - \* A disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct;
  - \* Potential effect of the misconduct on the school environment;
  - \* Any mitigating factors.
- The Board prohibits the use of corporal punishment in the District. Students shall not be spanked, paddled, or subjected to other physical force as a means of discipline violations of the *Student Code of Conduct*.

## Campus Behavior Coordinator

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The administrators on each campus have been designated by the Board as the Campus Behavior Coordinator(s) for that campus with the authority to:

- Assess and implement the campus discipline management plan in cooperation with teachers and staff;
- Remove a student from campus for compelling non-disciplinary reasons or pending a conference;
- Investigate allegations of student misconduct which includes questioning students and searching a student or the student's belongings if there is reasonable suspicion that the student has violated a specific rule or law and the school administration reasonably expects that the search could produce evidence of that violation;
- Conduct conferences regarding removal of students to alternative educational placement; to make determination of violation of the *Student Code of Conduct*; and, upon such determination, to determine the duration of removal and the alternative educational placement to which a student should be removed.

The Superintendent or designee has been designated by the Board to conduct hearings concerning expulsion of students and to issue orders of expulsion upon determination of guilt of incorrigible conduct as a result of such hearings.

## Levels of Violations in *Student Code of Conduct*

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The *Code* classifies student violations according to their significance. There are five levels of increasingly serious violations. Minor offenses are classified as Level I violations. The most serious offenses are classified as Level V. Each level carries a range of consequences and learning experiences that are appropriate for the particular violation. Due to the nature of some infractions they may be listed under more than one level. In these cases, the principal will decide upon the appropriate level and consequence according to the specific circumstances of the violation. Repeated violations in one level may result in disciplinary consequences at the next level.

## Procedures for Student Discipline Referrals

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Most Level I offenses are considered minor violations of the *Student Code of Conduct* and, therefore, a written report of such offenses is ordinarily not required to be filed with the school principal or other appropriate administrator. However, if the teacher (1) imposes school detentions, (2) removes the student to the principal's office, or (3) has the student enter a behavioral contract, the teacher will file with the school principal or the other appropriate administrator a written report, not to exceed one page, documenting the violation.



A teacher with knowledge that a student has violated the *Student Code of Conduct* at Level II or higher must file a written report with the school principal. The principal or other appropriate administrator will send a copy of the report to the student's parents or guardian as soon as possible but not later than three school days after receipt of the report from the teacher. All consequences will be recorded and kept on file for future reference.

## Procedures for Student Removal by Teachers

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A teacher may send a student to the principal's office to maintain effective discipline in the classroom. The principal shall respond by employing appropriate discipline management techniques consistent with the *Student Code of Conduct*.

A teacher may remove from class a student:

- 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; *or*
- Whose behavior the teacher determines is so unruly, disruptive, or abusive that it seriously interferes with the teacher's ability to communicate effectively with students in the class or with the ability of the student's classmates to learn.

If a teacher removes a student from class, the principal may place the student into another appropriate classroom, into in-school suspension, or into a disciplinary alternative educational program (DAEP). The principal may not return the student to that teacher's class without the teacher's consent unless the Placement Review Committee determines that such placement is the best or only alternative available. The terms of the removal may prohibit the student from attending or participating in school-sponsored or school-related activities.

Each school shall establish a three-member committee to determine placement of a student when a teacher refuses the return of a student to the teacher's class and make recommendations to the District regarding readmission of expelled students. Members shall be appointed as follows:

- The campus faculty shall choose two teachers to serve as members and one teacher to serve as an alternate member;
- The principal shall choose one member from the professional staff of the campus;
- The teacher refusing to re-admit the student may not serve on the committee.

## Security Personnel

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To ensure sufficient security and protection of students, staff, and property, the board employs Spring Branch Independent School District police department. In accordance with law, the board has coordinated with the campus behavior coordinator and other district employees to ensure appropriate law enforcement duties are assigned to security staff. The law enforcement duties of district peace officers are listed in [Board Policy CKE \(LOCAL\)](#).

## Behavior Intervention Strategies and Supports

### Tier I Positive Behavior Intervention Systems

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Tier I interventions support the entire population of a school through the development of school-wide expectations that focus on appropriate behaviors, skill development, and behavioral well-being. Tier I interventions reflect the specific needs of the school population; therefore, implementation may look different at each campus. Systematically teaching behavioral expectations and acknowledging students for meeting them is a more proactive approach to discipline than waiting for misbehavior to occur. Tier I student interventions are implemented to help meet the school-wide expectations.

### Tier I prevention strategies may include:

- **Daily Meetings (Community Circles):** Classroom meetings in which the teacher and all students come together are usually for one of two purposes: to build community at a relatively peaceful time or to resolve a conflict. At the morning meeting, students sit in a circle and do activities together that help build caring within the group and between individuals. The meeting provides a place students come to understand the truest meaning of “finding common ground.” They come to see, tolerate, and appreciate the ways of one another, including their teachers. The most basic element of caring that aids this process is the genuine willingness to listen attentively.
- **Student Advisories:** Students meet in small groups with an adult advisor to focus on character and civic development. Students discuss day-to-day issues, define their values, develop a trusting relationship with an adult advocate, hone communication skills, and participate in social justice or service learning projects. Student Advisories offer emotional support for students during adolescence. Ideally, the advisory teacher is someone students know they can trust and talk to about their progress in school. The activity can provide peer recognition in an accepting environment, and offset peer pressure and negative responses from peers in other areas.
- **Mentoring program:** Involves pairing students with mentors (a school counselor, teacher, fellow student, or community member) who help their personal, academic, and social development.
- **Positive Reinforcement System:** Involves identifying classroom behaviors for which a student can earn positive reinforcement every time a set goal is met. (ex: First, then; 3 positive behaviors earns 1 reward; 5 positive behaviors earns 1 reward, etc.)
- **Conference:** Involves students, parents, guardians, and teachers in discussion about the school-wide expectations and classroom expectations.

### De-Escalation strategies:

- Show students you understand. Listen well, with sincere concern, to create positive relationships among students and adults. Trust then becomes the foundation for academic success and conflict resolution.
- Provide open-ended prompts. Say, for example, “What was that like for you?” or “Tell me more about that.” This gets more than a “Yes” or “No” response, and helps students tell their story.
- Use reflective listening when intervening in a conflict. Get the attention of an escalated person by reflecting back the feelings you hear in a nonjudgmental way. Let students tell their story—say just enough to help them do it.
- Help students problem-solve disputes. Use open-ended questions and reflective listening to help students think about what happened. Trust that, with guidance, students will identify a solution that works for them.

Students who require additional interventions should be referred to the Student Support Committee.

### Student Support Committee (SSC)

Each campus has a team that drives the implementation of Response to Intervention: Behavior (RtI:B) for the school. This team may include a building administrator, school counselor, CIS (Communities in Schools)/CYS (Community Youth Services), and/or teachers. The team uses data and evidence-based practices to develop and implement a plan of action to address the student’s behavioral need. The Plan of Action includes, but is not limited to, a student SMART (Specific, Measurable, Attainable, Relevant, Time-bound) goal and the identification of progress monitoring tools to track student progress towards the goal in Tiers I, II and III. The data captured by these tools are reviewed by the SSC to determine the success of implementation, student growth and/or continued areas of need.

## Tier II Interventions

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Tier II interventions provide supplemental supports for students whose needs are not being met through Tier I strategies. Interventions within the Tier II system are designed for a smaller number of students who require more supplemental supports for skill development.

Decisions to implement Tier II supports are determined by the SSC based on records of student behavior/ student data. Effective interventions are meant to produce measurable changes in behavior and improvement in a student’s success.

## Tier II Interventions may include:

- **Social Skills:** Structured, ongoing lessons about social skills allow students to learn routines, expectations, and behavior standards. This intervention should reinforce/correct behavior and allow expectations surrounding behavior to be more personalized.
- **Check-in Check-out (CICO):** Students check in with designated CICO Facilitator(s) before the beginning and at the end of each school day to receive positive contact, pre-corrects, reminders of school-wide expectations and, if needed, basic school supplies. At the end of each class period, classroom teachers provide behavioral feedback on a progress monitoring card.
- **Structure Breaks:** Provide students with a cool down time to prevent escalations and allow students time away from a potentially stressful situation. This may help some students with poor attention to re-focus and/or provide an opportunity for movement for a student who has trouble sitting.
- **Sensory Bucket:** A container with interactive tools designed to meet the sensory needs.
- **Conference:** Involves students, parents, guardians, teachers, school staff, and principals in discussion about student misbehavior and potential solutions that address social, academic, and personal issues related to the behavior.

## Tier III Interventions

Tier III interventions are individualized and intended for students who are identified as having persistent behavioral concerns. The goal of these interventions is to diminish behaviors of concern and increase a student's skills. The SSC is responsible for using data and evidence-based practices to develop and implement a Tier III plan of action to address the student behavioral need.

### Tier III Interventions may include:

- **Cool Down Corner:** This is an identified area of the classroom that a student may access tools and resources that will support changes in behavior. This area should be calming and encourage relaxation so that students begin to identify their emotions and apply strategies that mitigate disruption to others. This should be non-punitive and a positive intervention that student is accessing.
- **Restorative Practices (RP):** A whole-school approach that uses various communicative techniques focused on affective statements and proactive community building activities.
- **Peer mediation:** A form of conflict resolution in which students help other students deal with and develop solutions to conflict.
- **Conference:** Involves students, parents, guardians, teachers, school staff, and principals in discussion about student misbehavior and potential solutions that address social, academic, and personal issues related to the behavior.
- **Referral to appropriate substance use counseling services:** Occurs for behaviors related to substance use, or with those for whom there is reason to believe substance use counseling is needed. Contact [the campus's Professional School Counselor](#). ~~SBISD System of Care, 713-251-8442.~~
- **Referral to The Harris Center for Mental Health and IDD or other social services:** Provides services to qualifying students. SBISD has a partnership to service all students with mental health needs in the District. For the referral and/or more information, contact the campus's Professional School Counselor ~~-or SBISD- System of Care, 713-251-8442.~~

## System of Care

The System of Care team provides a wide variety of supports across the district including, but not limited to, Tier III student behavior support, teacher coaching within multi-tiered systems of support (MTSS), and campus/district professional development in topics such as classroom culture, Response to Intervention (RtI), restorative practices, mental health awareness, and [character education](#)~~social-emotional learning~~. For more information, reach out to the System of Care team at 713-251-8439 or [systemofcare@springbranchisd.com](mailto:systemofcare@springbranchisd.com).

## Student Code of Conduct Levels of Behavior

SBISD *Student Code of Conduct* ensures that all students have the opportunity to develop their skills, knowledge, and competencies in a nurturing and accountable school setting. Discipline is one aspect of school culture and the management system and should be reasonable, timely, fair, age-appropriate, and match the severity of the student's misbehavior.

### LEVEL I Minor Infractions

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Minor infractions usually are not of a severe nature, but may indicate a specific need.

The goal of Level I discipline is to identify student needs and provide support so students are able to behave in ways that positively contribute to academic achievement, social-emotional well-being, and school success. It should foster a school environment that maintains safe and orderly learning communities and balances the needs of the student, the needs of those directly affected by behaviors, and the needs of the overall school community.

**Level I incidents may include, but are not limited to:**

- Disruption of school activities; including virtual learning.
- Bringing any item, foods or beverages with logos images, offensive words or any other print that is not school appropriate are prohibited on campus, district events and activities. This includes but is not limited to logos and company names of beers, alcohol, vaping and drugs. Bringing these items to school may result in disciplinary action.
- Giving false information either verbally or in writing to a school staff member;
- Failure to follow the directions of a teacher, principal, bus driver, supervisor, or other school staff member;
- Disrespect towards a staff member;
- Gambling;
- Tardiness or truancy;
- Littering of school grounds;
- Trespassing;
- Repeated / severe offense of dress code violations [see [Dress Code Violation](#), p. C-18, C-19 and Dress Code, *Student/Parent Handbook*].

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For Level I incidents, behaviors should be supported using one or more of the management techniques appropriate for the student, the school environment, and the situation:

- Restorative Justice circle;
- Mediation/conflict resolution;
- Behavior contracts;
- Bus warnings;
- Parent/family conference with the student;
- In-class redirection/warning;
- Change of seat assignment;
- Confiscation of inappropriate item(s);
- Warning to comply with dress code;
- Loss of privilege(s);
- Parent conference with teacher and Administrator;
- Parent phone call or note;
- Verbal warning;
- Teacher or designated staff counsels with the student;

- Additional in-class support/supplementation;
- Special education students—refer to IEP; and §504 students—refer to 504 accommodations;

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For Level I incidents, the following corrective actions and/or Level II interventions may be applied:

- Assignment to in-school suspension;
- Removal from bus transportation;
- Detention [see [Detention](#), p. C-25];
- Special education students—refer to IEP; and §504 students—refer to 504 accommodations;

A student shall not be recommended for DAEP placement for Level I offenses. For students with persistent Level I incidents, campus personnel shall continue to progress through tiered intervention behavior supports. Every effort should be made to include the student's parent/guardian in the process.

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## **LEVEL II Serious Disruptive Behavior**

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In general, Level II incidents are considered more serious in nature and will need more intensive learning experiences.

The discipline techniques at this stage are designed to teach the students positive alternative behaviors or to impress upon the student the consequences of negative behavior. After investigating the scope and nature of the incident, the campus administrator may implement any one or more of the discipline management techniques.

Level II serious disruptive incidents may include, but are not limited to:

- Possession of articles inappropriate for school including electronic devices (i.e. iPods, radios, CD players, etc.), pepper spray, matches, laser pointers, and/or printed material not appropriate for school [see [Personal Telecommunications Devices/Electronic Devices](#), p. C-21,22];
- Improper use of telecommunication devices, authorized or unauthorized [see [Personal Telecommunications Devices/Electronic Devices](#), p. C-21,22];
- Cheating [see [Cheating](#), p. C-17];
- Harassment, or bullying/cyber-bullying [see [Bullying](#), p. C-15, C-16];
- Persistent level I offenses;
- Vandalism [see [Vandalism](#), p. C-24];
- Gang Activity [see [Gangs](#), p. C-20].
- Zoom bombing or other disruptions of video-based instruction. [See [Misuse of Technology Resource and the Internet](#), page C-21.]

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For Level II incidents, behaviors should be supported using one or more of the management techniques appropriate for the student, the school environment, and the situation:

- Conference with campus administrator;
- Behavioral contracts;
- Loss of privilege(s);
- Confiscation of inappropriate item(s);
- Partial or complete denial of attendance and/or participation in extracurricular activities;
- Before/after school and/or Saturday detention [see [Detention](#), p. C-25];
- Removal from class for campus ISS;
- Parent notification/parent conference;
- Teacher removal from class, documented behavior;

- Special education students—refer to IEP; and §504 students—refer to 504 accommodations;
- Referral to SBISD Police Department for appropriate legal action.

A second Level II incident may result in any of the above consequences or out-of-school suspension (OSS) for up to three days and/or an additional assignment to in-school suspension (ISS). Repeated or serious Level II incidents may ultimately result in assignment to a DAEP.

### **LEVEL III Serious or Persistent Misbehavior**

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After reasonable discipline management techniques have been attempted 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 assign in-school suspension (ISS) or out-of-school suspension (OSS) (up to three days) or remove a student to a disciplinary alternative educational program (DAEP).

If a student is suspended, the student's absence(s) shall be considered excused if the student satisfactorily completes the class assignments for the period of suspension within the same number of days of his/her suspension, after the student's return to school.

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

- Vandalism [see [Vandalism](#), p. C-24];
- Gang activity, including being a member of a gang [see [Gangs](#), p. C-20];
- Tampering with, changing, or altering records or documents of the District by any method, including, but not limited to, computer access or other electronic means;
- Cheating—denial of credit [see [Cheating](#), p. C-17];
- Violation of a documented school stay-away agreement
- Directing profanity, vulgar language or obscene gestures toward other student, school personnel, or any other person;
- Engaging in verbal abuse, i.e., name-calling, ethnic or racial slurs, or derogatory statements and/or actions addressed publicly to others that may disrupt the school program or incite violence;
- Use/possession of tobacco [see [Tobacco /Vaping /Possession/Use](#), p. C-23];
- Fighting [see [Fighting](#), p. C-20];
- Harassment or Bullying [see [Bullying](#), p. C-15, C-16 and [Harassment](#), p. C-20];
- Insubordination [see [Insubordination](#), p. C-21];
- Use of force or threat;
- Engaging in any form of sexual harassment of another student or staff member [see [Sexual Harassment](#), p. C-23];
- Planning and/or organizing and/or instigating and/or participating in an activity that causes substantial disruption of the educational program;
- [Violating the District/Campus safety protocols.](#)
- Possession of any weapon not prohibited in Level V, including but not limited to BB/pellet guns, knives, razors, box cutters, "look-alike" weapons, chains, ammunition, or stun guns [see [Weapons](#), p. C-24, C-25];
- Possession of ammunition, fireworks, matches or a lighter, or other dangerous instruments;
- Misdemeanor theft;
- Extortion, coercion, kidnapping, or blackmail;
- Damaging and/or destroying and/or altering district electronic devices and/or software by any method including, but not limited to, the use of computer software viruses or other electronic means;
- Inappropriately using instructional materials including electronic devices or other technology;
- Hazing [see [Hazing](#), p. C-21];
- Possessing drug paraphernalia, as drug paraphernalia is defined by the *Texas Controlled Substance Act*



(Article 4476-15, Vernon's Texas Civil Statutes) [see [Drug/Alcohol Possession/Use](#), p. C-19, C-20];

- Nonfelony criminal mischief;
- Persistent Level II offenses.

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For Level III incidents, behaviors should be supported using one or more of the management techniques appropriate for the student, the school environment, and the situation:

- Assignment to in-school suspension (ISS); and/or
- Out-of-school suspension (up to three days); and/or
- Assignment to a DAEP (District or Highpoint); and/or
- Certain offenses may result in filing a charge by the SBISD Police Department;
- Special education students—refer to IEP; and §504 students—refer to 504 accommodations;
- A student who is involved in a Level III incident and is suspended or placed in a DAEP is prohibited from attending or participating in school-sponsored or school-related activities.

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## **LEVEL IV Offenses Resulting in Placement to a Disciplinary Alternative Education Program (DAEP)**

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A student will be placed in a disciplinary alternative education program (District DAEP or Highpoint or the Harris County Juvenile Justice Alternative Education Program) for any of the following incidents if committed on school property or while attending school-sponsored or school-related activities on or off school property.

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

- Serious or persistent misbehavior after the student has been placed in a campus ISS and continues to violate the District *Student Code of Conduct*;
- Regardless of where the conduct occurs, engaging in conduct involving a public school that contains the elements of the offense of false alarm or report (under *Section 42.06, Texas Penal Code*), or terroristic threat (*Section 22.07, Texas Penal Code*);
- Assault of an individual under *Section 22.01 (a) (2) (a) (3), Texas Penal Code*;
- On or within 300 feet of school property or while attending a school-sponsored or school-related activity on or off school property, engaging in conduct punishable as a felony other than those felony offenses listed in Level V of the *Student Code of Conduct*;
- On or within 300 feet of school property or while attending a school-sponsored or school-related activity on or off school property, engaging in conduct that contains the elements of the offense of assault under *Section 22.01 (a) (1), Texas Penal Code*;
- On or within 300 feet of school property or while attending a school-sponsored or school-related activity on or off school property, selling, giving, delivering, possessing, using, or being under the influence of marijuana, THC, or e-cigarettes.
- On or within 300 feet of school property or while attending a school-sponsored or school-related activity on or off school property, selling, giving, delivering, possessing, using, or being under the influence of marijuana or a controlled substance (real or imitation) (as defined by *Chapter 481, Health and Safety Code*, or by *21 U.S.C. Section 801 et. Seq.*), including any marijuana-like substance that is commonly found in K2, Spice, or any synthetic substance that produces psychoactive effects, or a dangerous drug (as defined by *Chapter 482, Health and Safety Code*) or an abusable volatile chemical under *Section 485.031-485.034, Health and Safety Code*, if punishable as a misdemeanor;
- On or within 300 feet of school property or while attending a school-sponsored or school-related activity on or off school property, selling, giving, or delivering to another person an alcoholic beverage (as defined by *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 [see [Drug/Alcohol Possession/Use](#), p. C-19];
- On or within 300 feet of school property or while attending a school-sponsored or school-related activity on or off school property, engaging in conduct that contains the elements of the offense of public lewdness (under *Section 21.07, Texas Penal Code*) or indecent exposure (under *Section 21.08, Texas Penal Code*);

- On or within 300 feet of school property or while attending a school-sponsored or school-related activity on or off school property, engaging in conduct that contains the elements of the offense of aggravated robbery (under *Section 29.03, Texas Penal Code*);

Engaging in conduct occurring off campus and while the student is **not** in attendance at a school-sponsored or school-related activity if:

- \* The student receives deferred prosecution under *Section 53.03, Texas Family Code*, for conduct defined as a felony offense in *Title 5, Penal Code*; or
  - \* A court or jury finds that the student has engaged in delinquent conduct under *Section 54.03, Texas Family Code*, for conduct defined as a felony offense in *Title 5, Penal Code*; or
  - \* The Superintendent or the Superintendent's designee has a reasonable belief that the student has engaged in conduct defined as a felony offense in *Title 5, Penal Code*.
- Regardless of time or location, engaging in conduct on or off school property that contains the elements of the offense of retaliation under *Section 36.06, Texas Penal Code*, against any school employee;
  - Engaging in conduct that contains the elements of an offense of deadly conduct under *Section 22.05, Penal Code*;
  - Engaging in conduct that contains elements of the offense of criminal mischief under *Section 28.03, Penal Code*, if the conduct is punishable as a felony;
  - Engaging in conduct that contains the elements of the offense of harassment under *Section 42.07 (a) (1), (2), (3), or (7), Penal Code*, against any employee of the school district.
  - Off campus, non-violent felony, if the Superintendent/designee has a reasonable belief 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;
  - Breach of Computer Security, under the *Penal Code*, is a permissive expellable offense if a student accesses a district's computers, computer system, or computer network and knowingly alters, damages, or deletes district property or information;
  - A student who is younger than 10 years of age shall be removed from class and placed in a disciplinary alternative education program if the student engages in conduct that would be an expellable offense for students 10 years old or older. A student who is under 10 years of age who possesses a firearm shall be expelled but shall receive education in the DAEP during the term of the expulsion. See the list of expellable offenses in [Level V](#) of the *Student Code of Conduct*;
  - *Title 5 Expulsions*: After an opportunity for a hearing, a student may also be expelled from SBISD and placed in the Harris County Juvenile Justice Alternative Education Program if, regardless of when the offense occurred, the location of the offense, or whether the student was enrolled in the District at the time of the offense, a student:
    - \* has received deferred prosecution under the *Family Code* for conduct defined as a felony offense in *Title 5 of the Penal Code*;
    - \* has been found by a court or jury to have engaged in delinquent conduct under the *Family Code* for conduct defined as a felony offense in *Title 5 of the Penal Code*;
    - \* is charged with engaging in conduct defined as a felony offense in *Title 5 of the Penal Code*;
    - \* has been referred to a juvenile court for allegedly engaging in delinquent conduct under the *Family Code* for conduct defined as a felony offense in *Title 5 of the Penal Code*;
    - \* has received probation or deferred adjudication for a felony offense under *Title 5 of the Penal Code*;
    - \* has been convicted of a felony offense under *Title 5 of the Penal Code*; or
    - \* has been arrested for or charged with a felony offense under *Title 5 of the Penal Code*.

Before being expelled, the principal must also determine the student's presence in the classroom threatens the safety of the other students or teachers; will be detrimental to the educational process; or is not in the best interests of the District's students. *Title 5* felonies include criminal homicide; murder; capital murder; manslaughter; criminally negligent homicide; kidnapping; aggravated kidnapping; indecency with a child; sexual assault; aggravated sexual assault; sexual coercion; injury to a child, elderly individual, or disabled individual; abandoning or endangering a child; deadly conduct; terroristic threat; aiding suicide; tampering with a consumer product; smuggling of persons; trafficking of persons; public lewdness; indecent exposure; bestiality; improper relationship between educator and student; harassment by persons in certain



correctional facilities; harassment of public servant; improper photography or visual recording. The expulsion shall last until:

- \* the student graduates from high school;
- \* 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.

A decision under this section is final and may not be appealed; however, the placement shall be reviewed at intervals not to exceed 120 days.

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**Level IV consequences may include, but are not limited to:**

- Assignment to a DAEP;
- Special education students will be referred to an ARD Committee and §504 students referred to 504 Committee;
- Referral will be made to SBISD Police Department for appropriate legal action; District police may not issue Class C citations on school property, *Senate Bill 393* and *Senate Bill 1114*.
- Expulsion to the Harris County Juvenile Justice Alternative Education Program;
- A student who is involved in a Level IV incident and is placed in a DAEP is prohibited from attending or participating in school-sponsored or school-related activities.

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**DAEP Extended Placement Option**

If necessary, in collaboration with the home campus principal, the DAEP administrator may suggest that a student remain in the program for up to 60 days, with or without the approval of the parent. This recommendation may be based on the student's best interest, whether it is for academic and behavioral reasons or for serious misconduct, persistent misbehavior, or failure to satisfactorily complete the program.

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**LEVEL V Offenses Resulting in Expulsion/Referral to the Harris County Juvenile Justice Alternative Education Program (JJAEP)**

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A student shall be expelled for any of the following offenses that occur on District school property or while attending a school-sponsored or school-related activity of a school in another district in Texas.

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

- 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;
  - \* A location-restricted knife, such as a knife with a blade over 5½ 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;
  - \* A club;
  - \* A prohibited weapon, such as an explosive weapon, a machine gun, a short-barrel firearm, a firearm silencer, a switchblade knife, knuckles, armor-piercing ammunition, a chemical dispensing device, or a zip gun. [see [Weapons](#), p. C-24];
  - \* Possession of or conspiring to possess any explosive or improvised explosive device.

- Engaging in conduct containing the elements of the following under the *Texas Penal Code Title 5*:
  - \* Aggravated assault, sexual assault, or aggravated sexual assault;
  - \* Arson;
  - \* Murder, capital murder, or criminal attempt to commit murder;
  - \* Aggravated robbery;
  - \* Manslaughter;
  - \* Criminally negligent homicide;
  - \* Indecency with a child;
  - \* Aggravated kidnapping;
  - \* Behavior related to an alcohol or drug offense that could be punishable as a felony;
  - \* Retaliation against a school employee, combined with one of the above listed offenses on or off school property or at a school-sponsored or school-related activity;
  - \* Continuous sexual abuse of young child or children.
- After being placed in a DAEP for disciplinary reasons, continuing to engage in serious misbehavior that violates the District *Student Code of Conduct*. Serious misbehavior is defined as deliberate violent behavior that poses a direct threat to the health or safety of others; extortion, meaning the gaining of money or other property by force or threat; conduct that constitutes coercion, as defined by *Section 1.07, Penal Code*; or conduct that constitutes the offense of public lewdness under *Section 21.07 of the Penal Code*, indecent exposure under *Section 21.08 of the Penal Code*; criminal mischief under *Section 28.03 of the Penal Code*; personal hazing under the *Education Code*, or harassment under *Section 42.07(a)(1) of the Penal Code*, of a student or district employee.
  - \* If during the term of placement in a DAEP the student engages in additional misconduct for which placement in a DAEP or expulsion is required or permitted, additional proceedings may be conducted, and the campus behavior coordinator and/or administrator designee may enter an additional disciplinary order as a result of those proceedings with the approval of the Executive Director of Administration.

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#### Consequences for misbehavior Level V are as follows:

The length of expulsion may be up to one year. Under federal law, any student who brings a firearm as defined in *18 U.S.C. Section 921*, regardless of the student's age, must be expelled from the student's regular campus for a period of at least one year, except that the Superintendent may modify the length of the expulsion.

**A student who violates the provisions of Level V *Student Code of Conduct* and is expelled will be referred to the Harris County Juvenile Court [see [Expulsion](#), p. C-30]. The Juvenile Courts may order an expelled student or a student who commits a felony off campus to attend the JJAEP. Referral to SBISD Police Department for appropriate legal action.**

- Special education students will be referred to an ARD Committee and §504 students referred to 504 Committee;
- A student who is involved in a Level V incident and is placed in JJAEP is prohibited from attending or participating in school-sponsored or school-related activities.

## Registered Sex Offenders

### Students Required to Register as Sex Offenders

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:

- threatens the safety of other students or teachers;
- will be detrimental to the educational process; or
- 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 with 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 Procedures for Registered Sex Offenders**

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:
  - threatens the safety of other students or teachers;
  - will be detrimental to the educational process; or
  - 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:
  - does not threaten the safety of other students or teachers;
  - will not be detrimental to the educational process; and
  - 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 with a disability and receives special education services, must be made in compliance with the *Individuals with Disabilities Education Act, 20 U.S.C.* 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 transfers to the District during the student's mandatory placement, the Board's designee will convene a review committee as described above to determine the student's appropriate placement.

The committee may recommend:

- that the student be assigned to the DAEP for the remainder of the time unserved in the student's previous district, plus an additional semester, without conducting any additional review of the student's placement between semesters;

- that the student be assigned to the DAEP for the remainder of the time unserved in the student's previous district; or
- that the student be placed in the regular classroom.

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

- threatens the safety of other students or teachers;
- will be detrimental to the educational process; or
- is not in the best interests of the District's students.

## Discipline for Students with Disabilities

Disciplinary actions regarding special education and Section 504 eligible students shall be in accordance with the student's service plan/IEP subject to the requirements of state and federal law, including, but not limited to, appropriate manifestation determinations. Information regarding the applicable procedures may be obtained from a campus administrator or the District special education department.

## Definitions and Explanations of Student Violations

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

Other misconduct not specified in this *Student Code of Conduct* may be dealt with by any appropriate discipline management technique(s) or assignment to the Disciplinary Alternative Education Program, depending upon the nature of the misconduct.

For purposes of the *Code*, a student who is apprehended in the process of committing an act which 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. Offenses of attempt may be punishable in the same manner as the offense which was attempted.

### Assault (Level IV Offense)

Students are prohibited from assaulting anyone on school property, within 300 feet of school property, at any school-related event, in a situation which is school-related, or in any way which is detrimental to the educational process.

An assault as defined by *Section 22.01(a), Penal Code*:

(a) A person commits an offense if the person:

- (1) Intentionally, knowingly, or recklessly causes bodily injury to another, including the person's spouse;
- (2) Intentionally or knowingly threatens another with imminent bodily injury including the person's spouse;  
or
- (3) Intentionally or knowingly causes physical contact with another when the person knows or should reasonably believe that the other will regard the contact as offensive or provocative.

### Bullying (Level II–IV Offense)

Bullying is defined in *Section 37.0832* of the *Education Code* as a single significant act or a pattern of acts by one or more students directed at another student that exploits an imbalance of power and involves engaging in written or verbal expression, expression through electronic methods, or physical conduct that:

- 1 Has the effect or will have the effect of physically harming a student, damaging a student's property, or placing a student in reasonable fear of harm to the student's person or of damage to the student's property;
- 2 Is sufficiently severe, persistent, or pervasive enough that the action or threat creates an intimidating, threatening, or abusive educational environment for a student;
- 3 Materially and substantially disrupts the educational process or the orderly operation of a classroom or school; or
- 4 Infringes on the rights of the victim at school.
- 5 Bullying includes cyberbullying. Cyberbullying is defined in state law as bullying that is done through the use of any electronic communications device, including through the use of:
  - A cellular or other type of telephone
  - A computer
  - A camera
  - Electronic mail
  - Instant messaging
  - Text messaging
  - A social media application
  - An internet website
  - Any other internet-based communication tool
- 6 Bullying is prohibited by the district and could include:
  - Hazing
  - Threats
  - Taunting
  - Teasing
  - Confinement
  - Assault
  - Demands for money
  - Destruction of property
  - Theft of valued possessions
  - Name-calling
  - Rumor-spreading
  - Ostracism

If a student believes that he or she has experienced bullying or has witnessed bullying of another student, it is important for the student or parent to notify a teacher, school counselor, principal, or another District employee as soon as possible to obtain assistance and intervention. Procedures for reporting allegations of bullying may be found on the district's website. A student may anonymously report an alleged incident of bullying. The administration will investigate any allegations of bullying and related misconduct. The district will also provide notice to the parent of the alleged victim and the parent of the student alleged to have engaged in bullying.

If the results of an investigation indicate that bullying has occurred, the administration will take appropriate disciplinary action. Disciplinary or other action may be taken even if the conduct did not rise to the level of bullying. The District will also contact the parents of the victim and of the student who was found to have engaged in the bullying by the third business day after an alleged incident of bullying has been reported. Available counseling options will be provided to these individuals, as well as to any students who have been identified as witnesses to the bullying.

Any retaliation against a student who reports an incident of bullying is prohibited.

The principal may, in response to an identified case of bullying, decide to transfer a student found to have engaged in bullying to another classroom at the campus. In consultation with the student's parent, the student

may also be transferred to another campus in the District. The parent of a student who has been determined by the District to be a victim of bullying may request that his or her child be transferred to another classroom or campus within the District.

A copy of the District's policy is available in the principal's office, superintendent's office, and on the District's web site. [Board Policy FFI \(LOCAL\)](#).

A student or parent who is dissatisfied with the outcome of an investigation may appeal through [Board Policy FNG \(LOCAL\)](#).

Bullying also includes any form of harassment or the making of hit list. Hit list is defined as a list of people targeted to be harmed using a firearm as defined by *Section 46.01(3), Penal Code*; a knife as defined by *Section 46.01(7), Penal Code*; or any other object to be used with intent to cause bodily harm.

Harassment is defined as threatening to cause harm or intimidating conduct, causing physical damage to the property of another student, subjecting another student to physical confinement or restraint, or maliciously taking any action that substantially harms another student's physical or emotional health or safety.

The penalty under this section could range from Level II to Level IV. The level will depend upon the specific actions of the student as well as the overall effect on the school.

## **Cheating (Level II/III Offense)**

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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, products or content generated by artificial intelligence (AI) tools as one's own, is also defined as cheating. The penalty for cheating will be a 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.

## **Dating Violence**

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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 the other 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. This type of conduct is considered harassment if the conduct is so severe, persistent, or pervasive that it affects the student's ability to participate in or benefit from an educational program or activity; creates an intimidating, threatening, hostile, or offensive educational environment; or substantially interferes with the student's academic performance. [Board Policy FFH \(LOCAL\)](#)

Examples of dating violence against a student may include, but are not limited to, physical or sexual assaults, name-calling, put-downs, threats to hurt the student or the student's family members or members of the student's household, destroying property belonging to the student, threats to commit suicide or homicide if the student ends the relationship, threats to harm a student's current dating partner, attempts to isolate the student from friends and family, stalking, or encouraging others to engage in these behaviors.

## **Disruption of Classes or School Activities (Level III/IV Offense)**

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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.

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 classwork or school activities or involves substantial disorder or invasion of the rights of other students, officials, guests, 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.

Virtual/remote/distance learning by students will follow the same learning and behavioral expectations as in a traditional classroom. Should a student violate technology expectations or input inappropriate content, the student and his/her parent will be contacted. Depending on the infraction, any violation regarding misuse of technology or content, may lead to the student forfeiting his/her ability to utilize virtual learning and incur discipline consequences in accordance with the *Student Code of Conduct* (see [Board Policy CQ](#) and SBISD acceptable use policy for electronic services for students). Any inappropriate behavior will follow the Student Code of Conduct.

## **Disruption of Lawful Assembly (Level IV Offense)**

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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.

Virtual/remote/distance learning by students will follow the same learning and behavioral expectations as in a traditional classroom. Should a student violate technology expectations or input inappropriate content, the student and his/her parent will be contacted. Depending on the infraction, any violation regarding misuse of technology or content may lead to the student forfeiting his/her ability to utilize virtual learning and incur discipline consequences in accordance with the *Student Code of Conduct* (see [Board Policy CQ](#) and SBISD acceptable use policy for electronic services for students).

## Dress Code Violation (Level I Offense)

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The school has a legitimate interest in requiring proper dress and personal grooming for every student. It is essential to the effectiveness of the educational process that any model of dress that tends to disrupt or distract from the proper learning environment of the school be prohibited. The student's personal dress and grooming should not lead school officials to believe that such dress and grooming will disrupt, interfere with, disturb, or detract from school activities, nor create a health or other hazard to the student's safety or the safety of others. Costumes and/or accessories worn on school campuses (with the exception of the costumes worn by the student or staff member designated by the campus as the school mascot and/or school-wide events approved by campus administration) are prohibited as they are considered unsafe and tend to distract and/or disrupt normal school operations. Costume is defined as non-uniform attire and attire that is designed to emulate a person and/or being other than the student. Costumes shall only be permitted with principal approval and for the purpose of a school-related activity.

The District shall adopt and distribute specific standards concerning dress and personal grooming in the *Student/Parent Handbook* or supplement of each school which are consistent with general guidelines outlined by the Board.

If the principal determines that a student's grooming or clothing violates the school's dress code, the student will be given an opportunity to correct the problem at school and return to the classroom. If the problem cannot be corrected at the school, the principal will work with the student and parent to obtain an acceptable change of clothing for the student in a way that minimizes loss of instructional time. Repeated or severe offenses may result in more serious disciplinary action in accordance with the Student Code of Conduct.

The principal, in cooperation with the sponsor, coach, or other person in charge of an extracurricular activity, may regulate the dress and grooming of students who participate in extracurricular activities.

## Drug/Alcohol Possession/Use (Level III-V Offense)

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Possession, use, and delivery of any alcohol or drugs (real or imitation) is strictly prohibited, no matter how small the quantity. Some students believe that if the blood alcohol level is not over the criminal level, that school sanctions do not apply. This is not correct.

School discipline will be applied if any amount of drugs or alcohol is used or possessed at school, at a school-related event, or prior to coming to school or a school-related event. This includes the following:

- 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 (real or imitation);
- Any marijuana-like substances that are commonly found in K2, Spice, or any synthetic substance that produces psychoactive effects;
- Alcohol or any alcoholic beverage;
- Any abusable glue, aerosol paint, or any other chemical substance for inhalation;
- Any other intoxicant, or mood-changing, mind-altering, or behavior-altering drug;
- Correction fluid, white out, etc.

District police may not issue Class C citations on school property, *Senate Bill 393* and *Senate Bill 1114*.

**"Possess"** means actual care, custody, control, or management of a prohibited substance or drug paraphernalia. A prohibited item found or observed on the student's person or 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"** means smoke, ingest, imbibe, drink, or otherwise absorb. Use may be evidenced by the student's appearance, actions, speech, breath, or aroma.

**Students coming on school premises or to a school function after using alcohol or other prohibited drugs are subject to disciplinary action.**

**"Under the Influence"** means 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.

The principal is responsible for determining whether a student has been using drugs or alcohol. However, a comprehensive drug screen, administered in a health facility designated by the District and within two hours of apprehension of the alleged use, may be accepted as conclusive evidence for use. Other methods of detection may be used to determine whether a student has or has not used drugs or alcohol.

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 only §504 is currently using drugs or alcohol and 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]

The use and possession of CBD, cannabidiol, is prohibited on campus and any district property, unless it has been medically approved by a health care provider. All documentation for medicinal use must be on file in the campus clinic. Distribution to a student must be dispensed by the campus nurse.

## **Fighting**

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Students should do everything possible to avoid physical contact with other students. We always consider self-defense, but it is rarely justified as an acceptable excuse for fighting and is only considered in rare circumstances.

## **Gangs, Fraternities, Sororities, and Secret Societies (Level II-IV Offense)**

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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.

A school district board of trustees or an educator shall recommend placing in a disciplinary alternative educational program (DAEP) any student under the District'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, Hi-Y, Girl Reserves, DeMolay, Rainbow Girls, Pan-American Clubs, scholarship societies, or other similar educational organizations sponsored by state or national education authorities.

The penalty under this section could range from Level II to Level IV. The level will depend upon the specific actions of the student as well as the overall effect on the school.

## **Gang-Free Zones**

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Certain criminal offenses, including those involving organized criminal activity such as gang-related crimes, will be elevated if they are committed in a gang-free zone. For purposes of the District, a gang-free zone includes a school bus and a location in, on, or within 1,000 feet of any District-owned or leased property or campus playground.

## Harassment (Level III Offense)

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Harassment, in general terms, is conduct so severe, persistent, or pervasive that it affects the student's ability to participate in or benefit from an educational program or activity; creates an intimidating, threatening, hostile, or offensive educational environment; or substantially interferes with the student's academic performance.

Examples of harassment may include, but are not limited to, offensive or derogatory language directed at a person's religious beliefs or practices, accent, skin color, or need for accommodation; threatening, intimidating, or humiliating conduct; offensive jokes, name-calling, slurs, or rumors; physical aggression or assault; graffiti or printed material promoting racial, ethnic, or other negative stereotypes; or other kinds of aggressive conduct such as theft or damage to property. See [Board Policies FFH \(LOCAL\)](#) and [FFH \(LEGAL\)](#).

## Hazing (Level III Offense)

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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. 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. [see [Bullying](#), p. C-15]

## Insubordination (Level III/IV Offense)

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Insubordination refers to, but is not limited to, any form of failure to cooperate with school personnel, failure to submit to the authority of school personnel, and the providing of false information.

## Marijuana

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"Marijuana" is defined as set out in *Section 37.006(a)(2)((C))* of the *Texas Education Code* and *Chapter 481* of the *Texas Health and Safety Code*, or by *21 U.S.C. Section 801* et seq. For district purposes, SBISD includes any substance that is identified as marijuana or derivatives of marijuana (including CBD, THC, or any similar substance). This is also inclusive of real or imitation substances. All forms and/or derivatives of marijuana, real or imitation, are prohibited on campus.

## Misuse of Technology Resources and the Internet

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Students are prohibited from possessing, sending, forwarding, posting, delivering, accessing, or displaying electronic messages or video that are abusive, obscene, sexually oriented, threatening, harassing, damaging to another's reputation, or illegal. This prohibition also applies to conduct off school property, or in a virtual setting, whether the equipment used to send such messages is District-owned, borrowed or personally owned, if it results in a substantial disruption to the educational environment or infringes on the rights of another student at school.

Any person taking, disseminating, transferring, possessing, or sharing obscene, sexually oriented, lewd, or otherwise illegal images or other content, commonly referred to as "sexting," will be disciplined according to the *Student Code of Conduct*, may be required to complete an educational program related to the dangers of this type of behavior, and, in certain circumstances, may be reported to law enforcement. Because engaging in this type of behavior can lead to bullying or harassment, as well as possibly impede future endeavors of a student, we encourage you to review with your child a program that addresses the consequences of engaging in inappropriate behavior using technology.

Students sharing inappropriate photos and electronic communications with SBISD staff will be subjected to disciplinary actions outlined in the *Student Code of Conduct*. Staff members have an obligation to report any inappropriate communications they receive.

Students will refrain from unauthorized use of, or access of files, software, or other resources owned by someone else. Students will use only their assigned login, files, network directories, etc... that are designated for their own use for the purpose designated by their teacher. Logging into a system as someone else is strictly prohibited.

## Personal Telecommunications Devices / Electronic Devices

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Students in grades PK-5 shall not use or have visible or audible telecommunications/electronic devices (e.g. smartphones, smart glasses, smart watches [or the equivalent], ear buds, etc.) during the minutes of the operational and instructional day (arrival through dismissal bell). All telecommunications/electronic devices are to remain silenced (set to “silent,” “do not disturb,” or the equivalent) and in the students’ backpacks. Students requiring telecommunication/device support for medical conditions should see “Medical Exceptions.” Prescription smart glasses must be completely turned off.

Students in grades 6-8 shall not use or have visible or audible telecommunications/electronic devices (e.g. smartphone, smart watches, smart glasses, [or the equivalent], ear buds, etc.) during minutes of the operational and instructional day (arrival through the dismissal bell). All telecommunications/electronic devices are to remain silenced [set to “silent,” “do not disturb” (or the equivalent)] and in students’ backpacks during the instructional day and passing periods. [Students requiring telecommunication/device support for medical conditions should see “Medical Exceptions.”](#) Prescription smart glasses must be completely turned off.

Students in grades 9-12 shall follow campus regulations regarding the use of telecommunications/electronic devices (e.g. smartphones, smart glasses, smart watches [or the equivalent], ear buds, etc.) during the instructional day. [Students requiring telecommunication/device support for medical conditions should see “Medical Exceptions.”](#) Prescription smart glasses must be completely turned off.

All students may use a personal telecommunications/electronic device at athletic or other extra-curricular events or other school-related activities/special events outside of the instructional day.

Personal telecommunications devices shall not be used to take pictures, videos, audio recordings, “AirDrop®,” “Nearby Share” (or comparable wireless), peer-to-peer file (including audio, video, pictures, etc.) for “sharing/transferring and/or accessing social media sites” at any time during the school day or on school grounds, unless authorized. All personal telecommunications/electronic devices shall be set so that incoming calls, text messages, alerts and notifications do not emit audible sounds.

When use of any personal telecommunications/electronic device is granted, the use may not in any way:

- Violate copy written material
- Disrupt the educational process in the District
- Endanger the health or safety of the student or anyone else
- Invade the rights of others at school
- Involve illegal or prohibited conduct of any kind
- Compromise or circumvent the district network and/or data security
- ~~Students may not d~~Damage or vandalize District electronic communication systems or electronic equipment
- ~~Students may not u~~Use another student’s District account(s)

Specifically, the use of any personal telecommunications/electronic device that may be used to take pictures, capture, [or generate](#) images or video in any locker room, bathroom, or other areas in which students dress is prohibited at all times.

Students found in violation of this policy may have their device(s) confiscated and returned per campus guidelines or the Student Code of Conduct.

Parents will be notified when a student violates this policy and/or the Student Code of Conduct related to this policy.

In the event that the personal telecommunications device is not retrieved by the end of the third day after it was confiscated, the campus administrator shall, in a timely manner, send a written notice to the parent/guardian of the student. The notice shall advise the parent/guardian of the date and time that he or she may meet with the campus administrator to retrieve the device and discuss the student’s violation of the District’s policy governing the use of personal telecommunications devices.

The campus administrator shall release the personal telecommunications device to the parent/guardian after the student has completed the necessary consequence, as defined by the Student Code of Conduct, which is assigned by the administration.

All personal telecommunications devices not claimed within 30 calendar days shall become the property of the District.

The District is not responsible for telecommunications/electronic devices brought onto campus or school-related events that become broken, lost or stolen.

Any time a telecommunications/electronic device is taken up as part of an investigation, if there are possible criminal charges, the telecommunications/electronic device will be turned over to the SBISD Police Department. If the investigation involves possible illicit pictures, the names and ages of the persons depicted will be attempted to be identified. If the individuals depicted are in fact minors, and the pictures do violate Penal Statutes, the District Attorney's Office will be contacted and, if appropriate, criminal charges filed.

The telecommunications/electronic device will then remain in the custody of the Police Department and the Courts. Once a telecommunications/ electronic device has been confiscated by the SBISD Police department or any other law enforcement agency, that agency will determine whether or not the telecommunications/electronic device will be returned to the parents/guardian.

## **Retaliation**

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Retaliation against a person who makes a good faith report of discrimination or harassment, including dating violence, is prohibited. Retaliation against a person who is participating in an investigation of alleged discrimination or harassment is also prohibited. A person who makes a false claim or offers false statements or refuses to cooperate with a District investigation, however, may be subject to appropriate discipline.

Examples of retaliation may include threats, rumor spreading, ostracism, assault, destruction of property, unjustified punishments, or unwarranted grade reductions. Unlawful retaliation does not include petty slights or annoyances.

## **Sexual Harassment (Level III Offense)**

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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.

Sexual harassment of a student by an employee or volunteer does not include necessary or permissible physical contact not reasonably construed as sexual in nature, such as comforting a child with a hug or taking the child's hand. However, romantic and other inappropriate social relationships, as well as all sexual relationships, between students and district employees are prohibited, even if consensual.

The District believes that every student has the right to attend District schools and school-related activities free from all forms of discrimination on the basis of sex, including sexual harassment. The District considers sexual harassment of students to be serious and will consider the full range of 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 Superintendent, who serves as the District's *Title IX* coordinator for students.

A complaint alleging sexual harassment by another student or sexual harassment or sexual abuse by a staff member may be presented by a student and/or parents in a conference with the principal or designee or with the

*Title IX* coordinator. The first conference with the student will be held by a person who is the same gender as the student. The conference will be scheduled and held as soon as possible within five days of the request. The complaints will be investigated by the SBISD Police Department which ordinarily will be completed within 10 school days. The student or parents 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 parents, the student or parents within 10 days may request a conference with the Superintendent or designee by following the procedures set out in [Board](#)

[Policy FFH \(LOCAL\)](#). If the resolution by the Superintendent or designee is not satisfactory, the student or parents may present the complaint to the Board as provided by Board policy.

## **Tobacco / Vaping / Possession / Use (Level III Offense)**

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Smoking or vaping is not allowed on any SBISD premises or at school-related functions.

Students shall not possess the following related tobacco products and/or smoking paraphernalia, including but not limited to cigarettes, e-cigarettes, cigars, pipes, snuff, or chewing tobacco, smokeless tobacco, vape pens, vape liquids (whether or not they contain tobacco products), or Juul vaporizers. District police may not issue Class C citations on school property, *Senate Bill 393* and *Senate Bill 1114*.

## **Unauthorized Distribution of Publications (Level III Offense)**

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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 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 attacks 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 designee for review;
- The principal or designee shall approve or disapprove submitted material within two working days of the time the material is received;

The student may appeal disapproval to the Superintendent or designee. [Board Policy FNG \(LOCAL\)](#)

## **Unexcused Tardiness—Secondary Only (Level I Offense)**

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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. Further, for purposes of the *Code*, unexcused arrival at a class after more than fifteen (15) minutes have expired shall be regarded as an unexcused absence. 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.

## **Vandalism (Level III Offense)**

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Students shall not vandalize nor otherwise damage or deface school property including, but not limited to, grounds, furniture, equipment, including digital 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 who damage property will be liable for damages in accordance with the law.

## **Weapons (Level V Offense)**

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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, location-restricted 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:

- Clubs, night sticks, batons, sticks, or items whose use or intentional use may cause harm to another;
- Razors or other sharp cutting devices;
- Metallic knuckles;
- Chains;
- Location-restricted knives;
- Firearms;
- Explosive devices, items, or things, including ammunition;
- Any other object either used in a way that threatens or functions to inflict bodily injury on another person.

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.

## **Definitions and Explanations of Disciplinary Consequences**

### **Parent-Teacher Conferences**

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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 classwork. Parents are encouraged to call the school for an appointment relative to any phase of the student's progress.

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

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.



## Detention (Level I/II Offense)

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For minor infractions of the *Code* (Level I or II) or other policies and regulations, students may be assigned detention before or after school hours or on a Saturday. 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 parents or guardian, if the student is a minor, may be required to provide transportation when the student has been assigned to detention. The decision of the principal is final.

## In-School Suspension (ISS)

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ISS is a disciplinary consequence in which a student is suspended from classes yet remains on campus. The student will be assigned to a specified supervised classroom for the school day and will be separated from all students not assigned to ISS. Though isolated from the regular school setting, students assigned to ISS are expected to study and complete assignments (including quizzes, tests, and projects) during their time in ISS. All students placed in ISS will receive at least one option for receiving the course work that does not require the use of the Internet, *HB3012*. Students assigned to ISS are not eligible to attend or participate in any school activities until the day following the last day of the assignment. The decision of the principal is final.

## Alcohol and Marijuana Intervention Program\*

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The district will provide an **alcohol and marijuana first offense program** for students. The program will include campus consequences (ISS and OSS) and an alcohol and marijuana intervention program led by a district support counselor.

For alcohol and marijuana first offense incidents, behaviors will be supported by the below management techniques appropriate for the student, the school environment, and the situation:

- A maximum of five days of suspension (two days of OSS and three days of ISS), and
- Participation in a district-sponsored intervention program.

If students do not successfully complete the alcohol and marijuana intervention program, then a 45-day DAEP assignment will be administered.

Students are eligible to participate in the first marijuana offense program only as follows:

- Students are only eligible if they possess, use, or are under the influence of marijuana, in violation of *Section 37.006(a)(2)(C)(1)* of the *Texas Education Code*. Students are NOT eligible for the first marijuana offense program if they are accused of selling, giving, or delivering marijuana, in violation of *Section 37.006(a)(2)(C)(1)* of the *Texas Education Code*.
- Students accused of possessing marijuana are only eligible if the amount of marijuana possessed would be punishable as a misdemeanor (i.e. 4 ounces or less) under the *Texas Health and Safety Code* and/or *Penal Code*.

*\*Participation in the program is for first offense incidents with alcohol or marijuana.*

## Out-of-School Suspension

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The district shall not use out-of-school suspension for students in grade 2 or below unless the conduct meets the requirements established in law. All students placed in out-of-school suspension will receive at least one option for receiving the course work that does not require the use of the Internet, *HB3012*.

A student in grade 2 or below shall not be placed in out-of-school suspension unless, while on school property or while attending a school-sponsored or school-related activity on or off school property, the student engages in:

- Conduct that contains the elements of a weapons offense, as provided in *Penal Code Section 46.02* or *46.05*;
- Conduct that contains the elements of assault, sexual assault, aggravated assault, or aggravated sexual assault, as provided by the *Penal Code*; or

- Selling giving, or delivering to another person or possessing, using, or being under the influence of any amount of marijuana, an alcoholic beverage, or a controlled substance or dangerous drug as defined by federal or state law.

A homeless student who is homeless cannot be placed in out-of-school suspension unless the student engages in conduct described in *TEC 37.005, HB692*.

The district shall use a positive behavior program as a disciplinary alternative for students in grade 2 or below who commit general conduct violations instead of suspension or placement in a DAEP. The program shall meet the requirements of law.

The principal or other appropriate administrator may suspend (from school) a student in grades 3-12 who engages in conduct identified in the *Student Code of Conduct* as conduct for which a student may be suspended. An out-of-school suspension may not exceed three consecutive school days. Students assigned to out-of-school suspension are not eligible to attend or participate in any school activities, nor permitted on school grounds, until the day following the last day of the assignment. Out-of-school suspensions are considered excused absences. The District shall not use out-of-school suspension for students below grade 3 unless the student engages in conduct that is alcohol or drug-related or that contains the elements of certain weapons offenses or certain violent offenses under the *Penal Code*. The decision of the principal is final.

## **Referral to Elementary Student Support Program (ESSP)—*Elementary Students***

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Spring Branch ISD shall provide an ESSP that:

- Is provided in a setting other than a student's regular classroom;
- Is located on or off a regular school campus and will be decided by the District;
- An individualized schedule will be provided for students who are assigned to the ESSP in order to meet their academic, social, and emotional needs;
- Focuses on English language arts, mathematics, science, history, and self-discipline;
- Provides for students' educational and behavioral needs;
- Provides appropriate learning resources for classroom instruction;
- Provides supervision and counseling; employs only teachers who meet all certification requirements;
- Provides not less than the minimum amount of instructional time per day;
- Parents must provide transportation to and from ESSP even if the ESSP location is on the student's home campus; and
- The school district does not provide transportation to and from ESSP.

After the parent conference, if the consequence is to place the student at the ESSP, an academic conference and transition plan to ESSP is required. The appropriate administrator shall complete the ESSP referral, and a copy shall be sent to the student's parent/guardian. The appropriate administrator is to submit the complete referral to central office for review and placement approval. Upon approval, the home school will notify the parent/guardian of the earliest possible orientation session at ESSP. The Elementary Student Support Program (ESSP) is a 30 day placement.

Refer to DAEP procedures for the appellate process.

## **Disciplinary Alternative Educational Programs (DAEP)**

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Each school district shall provide a DAEP that:

- Is provided in a setting other than a student's regular classroom;
- Is located on or off a regular school campus;
- Provides for the students who are assigned to the DAEP 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 students' educational and behavioral needs;



- Provides appropriate learning resources for classroom instruction;
- Provides supervision and counseling; employs only teachers who meet all certification requirements; and
- Provides not less than the minimum amount of instructional time per day.

A DAEP placement may provide for a student's transfer to:

- A different campus (District DAEP, Highpoint);
- A school-community guidance center;
- A community-based alternative school.

An off-campus DAEP 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 DAEP.

A student removed to a DAEP 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 DAEP the same allowable expenditure per student attending the DAEP, including federal, state, and local funds that would be allocated 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 or expelled, in an unsupervised setting as a result of conduct for which a student may be placed in a DAEP.

If a student placed in a DAEP 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 DAEP placement under the terms of the order.

If this is the student's first level IV-V discipline offense, a program of educational and support services may be provided to a student and the student's parents/guardians when the violation of the *Student Code of Conduct* relates to a first offense involving marijuana or alcohol. A student will be offered a maximum of five total days of consequences, ISS and OSS, and participation in the district-sponsored intervention program. Failure to successfully complete the district-sponsored intervention program will result in a mandatory placement to the DAEP. All alcohol/marijuana offenses after the first one will result in a recommendation to the DAEP.

If this is a student's first marijuana offense, a program of educational and support services may be provided to a student and the student's parents/guardians when the violation of the *Student Code of Conduct* relates to a first offense involving marijuana. A student will be offered five total days of campus consequences and a district-sponsored intervention program. The district will provide the student with a substance use program. Failure to successfully complete the district-sponsored program will result in a mandatory placement to the DAEP. All drug offenses after the first one will result in a recommendation to the DAEP.

## **Disciplinary Alternative Educational Program Placement**

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A student who has committed a Level III, IV, or V 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 shall be suspended from school or placed in in-school suspension, removed to DAEP, or expelled.

### **Process**

Not later than the third class day after the day on which a student is removed from class or by the appropriate administrator, the campus administrator shall schedule a conference among the principal or the principal's designee, parents or guardians 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 for a period consistent with the *Student Code of Conduct*. Failure of a parent/guardian to meet with a school administrator, within 5 (five) business days, to sign DAEP paperwork will result in DAEP placement without parent/guardian signature.

## Consideration of Mitigating Factors

According to *TEC 37.007*, in deciding whether to place a student in DAEP, regardless of whether the action is mandatory or discretionary, the appropriate administrator shall take into consideration:

1. Self-defense,
2. Intent or lack of intent at the time the student engaged in the conduct,
3. A student's disciplinary history, or
4. A disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct.

## Referral to DAEP

After the parent conference, if the consequence is to place the student at the DAEP, an academic conference is required. The appropriate administrator shall complete the DAEP referral, and a copy shall be sent to the student and the student's parent. The appropriate administrator is to submit the complete referral to central office for review and placement approval. Upon approval, the home school will notify the student and parent/guardian of the earliest possible orientation session at the DAEP. The school district does not provide transportation to and from DAEP. Parents must provide transportation to and from the DAEP location.

## Academic Conference

If the decision is to remove a student to the DAEP, the student and parent/guardian shall meet with the appropriate school counselor or principal designee for an academic conference. The counselor will review the student's current class schedule and grades, as well as the student's graduation plan and transcript. If the parent/guardian is unable to attend, the academic conference form is to be completed and provided to the parent/guardian with a copy of the DAEP referral. The parent/guardian of a student placed in DAEP shall be given written notice of the student's schedule while attending the DAEP. Home campus and DAEP staff are to coordinate for specialized classes. The notice shall include information regarding all methods available for completing coursework.

## Length of Placement

The duration of a student's placement in the DAEP is 45 days. Student progress is reviewed at regular intervals and students may be eligible to exit the DAEP program early. If a student returns to DAEP for a second placement in the same school year, the student is not eligible to exit early.

According to *TEC 37.0082*, the district shall administer the required pre- and post-assessments for students assigned to DAEP for a period of 90 days or longer in accordance with established district administrative procedures for administering other diagnostic or benchmark assessments.

According to *TEC 37.023*, the campus administrator shall coordinate a personalized transition plan for a student released from DAEP, Highpoint, JJAEP, or a juvenile detention center. The campus administrator must include assistance from the school counselor, school district police officer, campus administrator, and classroom teachers.

## Restrictions during Placement

State law prohibits students placed in a DAEP for reasons listed in *TEC 37.006* from attending or participating in school-sponsored or school-related extracurricular or co-curricular activities during the period of placement. In the UIL & TEA Side-by-Side, the TEA prohibits students from participating in a school-sponsored or school-related activity when a student is assigned to a disciplinary alternative education program.

[https://www.uiltexas.org/files/policy/SIDE-BY-SIDE\\_2022-23.pdf](https://www.uiltexas.org/files/policy/SIDE-BY-SIDE_2022-23.pdf)

If there is an extenuating circumstance that requires a student assigned to the DAEP to return to his/her home campus for a specific school event, the decision to allow the student access will be at the discretion and approval of the home campus building principal.

## End of Year Options

Students in grades 6-11 and non-graduating seniors who have not completed their assignment when the school year ends will be required to finish their assignment in either the District DAEP summer program or in the District DAEP when classes resume in the fall. Graduating seniors at DAEP who have completed their academic requirements when the school year ends will be allowed to participate in their school's graduation ceremony.

## Newly Enrolled Students

The district shall continue the DAEP placement of a student who enrolls in the district and was assigned to a DAEP in another district. A newly enrolled student with a DAEP placement from a district in another state shall be placed as any other newly enrolled student if the behavior committed is a reason for DAEP placement in the receiving district.

If a student placed in a DAEP attempts to enroll in another district before the DAEP period is concluded, the DAEP placement order is to be sent to the receiving district at the time other records are provided. The receiving district may continue the DAEP placement for the remainder of the term.

## Emergency Placement or Expulsion

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This subchapter does not prevent the principal or the principal's designee from ordering the immediate placement of a student in the DAEP 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 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. Within a reasonable time after the emergency placement or expulsion, the student shall be accorded the 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 *20 U.S.C. Section 1415(k)(1)* and *7 CFR 300.530*.

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

## Expulsion (Level V Offense)

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A student may be expelled for:

- Engaging in bullying that encourages a student to commit or attempt to commit suicide.
- Inciting violence against a student through group bullying.
- Releasing or threatening to release intimate visual material of a minor or a student who is 18 years of age or older without the student's consent.
- Conduct that contains the elements of assault under *Penal Code 22.01(a)(1)* in retaliation against a school employee or volunteer.

A student who has violated Level V of the *Code* may be expelled. 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.

If the Superintendent or designee determines that a student, after being placed in the District's DAEP, continues to exhibit unacceptable conduct to the extent that keeping the student in the program or the school would seriously impair the ability of the program or the school to provide effective education to other students and that no further reasonable efforts to provide for the continuing education of the student can be made, the student may be expelled and sent to Highpoint or JJAEP. Students who have been expelled from school are not eligible to attend or participate in any school activities until the day following the last day of the assignment.

Any student who has been expelled from another school district in Texas or another state will have that expulsion continued upon enrollment in SBISD until the expulsion period has been completed.

If a student withdraws from the District before the expulsion order is entered, the principal or Board, as appropriate, may complete the proceedings and enter the order. If the student later seeks to re-enroll that year or in a subsequent year, the District may enforce the expulsion order except for any period of expulsion that has been served by the student upon enrollment in another district that honored the expulsion order.

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

#### Level IV/V Disciplinary Measures

1. A student who uses, exhibits, or possesses a firearm as defined by 18 U.S.C. 921 shall be expelled for at least one (1) calendar year from the date of the offense.
2. A student who is expelled for conduct relating to a felony offense under Title V., Penal Code, or the felony offense of aggravated robbery under Section 29.03, Penal Code shall be expelled for a length of forty-five (45) school days to ninety (90) school days. The student is subject to expulsion until the student graduates, the charges are dismissed or reduced to a misdemeanor offense, or the student completes the term of placement or is assigned to another program.
3. A student registered as a sex offender with/without court supervision who is expelled shall be expelled for 90 school days. The expulsion may last through the graduation of the student, until the student is not required to register as a sex offender, or until the student is assigned to another program.
4. A student who commits any other Level IV offense shall be expelled for a period of 45 school days up to 90 school days.

### Scholastic Penalties

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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.

### Temporary Removals for Other Reasons

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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 parents, the parents' 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 parents prior to removing a student from school premises. If the parents cannot be notified prior to removal, the parents shall be notified of the removal and the reason as soon as possible. Students who have been temporarily removed from regular classes or District premises are not eligible to attend or participate in any school activities until the day following the last day of the assignment.

## Appeals and Hearings

### Appeals of Placement to the Off-Campus Discipline Centers

The decision of the campus administrator in proceedings for removal of a student to an off-campus discipline center may be appealed to a District panel. A student, parent, guardian, or representative desiring to appeal a decision of the campus administrator to the District panel shall give written notice of the appeal to such officials within three school days after the decision of the campus administrator 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. There are two levels of appeal:

1. **Campus Level:** To the building principal.
2. **District Level:** If the student, parent, guardian, or representative desires to appeal the building principal's decision, then the Superintendent or designee may convene a panel of administrators from other campuses to hear the appeal and provide impartial input. After hearing and reviewing all information pertaining to the incident, the panel issues the District level's decision, which is final. There shall be no appeal of the District level decision.

During the pendency of an appeal of a placement to an off-campus discipline center, the student may not be denied the privileges of the home campus unless the home campus principal determines that the student's continued presence on campus presents a continuing danger of physical harm to the student or other individuals. In the event of such a determination, the student shall be suspended for a maximum of three days.

All decisions on appeal shall be made on the basis of the evidence received at the campus level appeal. Decisions on appeal shall be announced as soon as possible and shall be communicated in writing to the student's parents, guardian, or representative.

### Appeals of Expulsions

The hearing decision by the superintendent's designee for the 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 designee in an expulsion proceeding shall give written notice of appeal to the Superintendent within three 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 whose decision is under appeal, the aspects of the decision which the student wishes to appeal, and the grounds for such appeal. Promptly following receipt of timely notice of appeal, the Superintendent or designee, as the case may be, shall notify the student's parents, guardian, or representative, usually in writing, of the date, time, and place at which the appeal will be heard.

During the pendency of an appeal in an expulsion proceeding, a student will be denied the privileges of the home campus unless the Superintendent or designee determines otherwise. However, the student will not be charged with unexcused absences during the pendency 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 pendency 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 in 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's or parent's choice. Appellate hearings before the Board will be heard before a quorum of the Board members.

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. Decisions on 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 pendency of such a further appeal in an expulsion proceeding, the student shall be expelled pending further appeals and no educational services shall be provided.

## Expulsion Hearings

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If a student is recommended by the principal for expulsion, a hearing will be held in a timely manner. The superintendent's designee will give notice of the hearing and communicate the time and place of the hearing to the student's parent, guardian or parent representative.

## Conference / Hearing / Review

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If a student's placement in a DAEP is to extend beyond the end of the semester, a student's parents or guardian are 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 DAEP 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 DAEP.

A student placed in a DAEP 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 parents 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, 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 parents or guardian is invited, in writing, to attend. At the hearing, the student may be represented by the student's parents or guardian or another adult who can provide guidance to the student and who is not an employee of the District. 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 the Board's designee shall deliver to the student and the student's parents or guardian a copy of the order placing the student in a DAEP or expelling the student.

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

## Miscellaneous Provisions

### Audio-Visual Taping and Video Surveillance

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Texas law allows school personnel to utilize video/audio taping to record activities related to instruction, curricular or extracurricular activities, or safety purposes. Video/audio tapes that are created and maintained by anyone at the District other than the SBISD Police Department or a SBISD Police Department employee will not be used for any other purpose other than those listed above without signed parental consent (or consent of the student if the student is age 18 or older).



Video surveillance equipment that monitors District common areas and buses is maintained by the SBISD Police Department. All video surveillance recordings are created by the SBISD Police Department for the purpose of law enforcement and safety, and are maintained by the SBISD Police Department. Video surveillance recordings created and maintained by the SBISD Police Department may also be used by District officials to view certain recorded events and to determine appropriate action to take in response to such events.

Upon request of a parent of a student who receives special education services, a staff member, or a board member, state law requires the District to place video and audio recording equipment in a self-contained special education classroom in which the student spends at least 50 percent of his or her instructional day. The majority of students in this type of classroom must also be students who receive special education services. Before the District places a video camera in a classroom or other setting in which a child receives special education services, the District will provide notice to parents. Please speak directly with the principal for further information or to request the installation and operation of this equipment.

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## Commencement Exercises

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A graduating senior assigned to DAEP who has completed all academic requirements when the school year ends and who would otherwise participate in the graduation ceremony at the student's home campus may not be allowed to participate if the student's participation presents a risk of physical injury to self or others. The decision will be made by the principal of the home campus in consultation with the principal's supervisor and central administration.

A graduating senior expelled to the JJAEP, or placed at Highpoint, who completes all academic requirements for graduation by the end of the school year may not participate in the graduation ceremony at the student's home campus if the period of expulsion to the JJAEP, or placement at Highpoint, has not been completed when the school year ends.

If a graduating senior expelled to the JJAEP, or placed at Highpoint, has completed all academic requirements for graduation and has completed all days of the expulsion to the JJAEP, or placement at Highpoint, by the last instructional day of the school year, the student's participation in the graduation ceremony at the student's home campus will be decided by the principal of the student's home campus in consultation with the principal's supervisor and central administration based on a determination whether the student's presence at the graduation ceremony presents a risk of physical harm to self or others.

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## SBISD Police Department

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The mission of the SBISD Police Department is to maintain social order at all SBISD facilities and properties within carefully prescribed policy and ethical, statutory, and constitutional restrictions. The District police 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. The SBISD Police Department operates 24 hours a day, seven days a week. They are located at 9009 Ruland and can be reached by telephone by calling 713-984-9805.

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## Unauthorized Persons

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In accordance with *Education Code 37.105*, a school administrator, school resource officer (SRO), or district police officer shall have the authority to refuse entry or eject a person from district property if the person refuses to leave peaceably on request and:

- 1 The person poses a substantial risk of harm to any person; or
- 2 The person behaves in a manner that is inappropriate for a school setting, and the person persists in the behavior after being given a verbal warning that the behavior is inappropriate and may result in refusal of entry or ejection.

Appeals regarding refusal of entry or ejection from district property may be files in accordance with [Board Policy FNG \(LOCAL\)](#) or [GF \(LOCAL\)](#), as appropriate.

## **Interrogations and Searches by School Official / Administrators**

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School officials may search a student or a student's property when there are reasonable grounds for suspecting that the search will discover evidence that the student has violated or is violating either the law or the *Code*. Vehicles are also subject to search. A School Official/Administrator may question or search a student at school without parental consent or notification.

Areas such as lockers, 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 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.

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 SBISD Police Department's Explosive Detection Team. The search pattern may include, but not be limited to, classrooms, lockers, vehicles, gyms, and locker rooms. District officials may question a student regarding the student's own conduct or the conduct of other students regarding discipline matters. Board Policy FNF (LOCAL)

## **Questioning of Students by Law Enforcement Officers / Officials**

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When law enforcement officers or other lawful authorities other than an SBISD Police Department Officer wish to question or interview a student at school, the principal will cooperate fully regarding the conditions of the interview, if the questioning or interview is part of a child abuse investigation.

In other circumstances:

- The principal will verify and record the identity of the officer or other authority and ask for an explanation of the need to question or interview the student at school.
- The principal ordinarily will make reasonable efforts to notify the parents unless the interviewer raises what the principal considers to be a valid objection.
- The principal ordinarily will be present unless the interviewer raises what the principal considers to be a valid objection.

## **Students Taken Into Custody**

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State law requires the District to permit a student to be taken into legal custody:

- To comply with an order of the juvenile court.
- To comply with the laws of arrest.
- By a law enforcement officer if there is probable cause to believe the student has engaged in delinquent conduct or conduct in need of supervision.
- By a probation officer if there is probable cause to believe the student has violated a condition of probation imposed by the juvenile court.
- By an authorized representative of Child Protective Services, Texas Department of Family and Protective Services, a law enforcement officer, or a juvenile probation officer, without a court order, under the conditions set out in the Family Code relating to the student's physical health or safety.
- To comply with a properly issued directive to take a student into custody.

Before a student is released to a law enforcement officer or other legally authorized person, the principal will verify the officer's identity and, to the best of his or her ability, will verify the official's authority to take custody of the student.

The principal will immediately notify the superintendent or designee and will ordinarily attempt to notify the parent unless the officer or other authorized person raises what the principal considers to be a valid objection to notifying the parents. Because the principal does not have the authority to prevent or delay a student's release to a law enforcement officer, any notification will most likely be after the fact.



## **Arrested Students**

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If a District student at school is subject to arrest or apprehension by a law enforcement officer other than an SBISD Police Department officer, 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.

The principal shall immediately use his or her best efforts to notify the parents/guardians and the Superintendent or designee.

## **Physical Restraint**

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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;
- Follow specific procedures outlined in a behavior management plan for an identified disabled student.

# Appendix

## Rights and Responsibilities

### Rights and Responsibilities of Students

#### Educational Atmosphere

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- Students have the **right** to a well-balanced, appropriate educational program at all levels in elementary, middle, and senior high schools.
- Students have the **responsibility** to strive for academic growth by participating to the utmost of their abilities including being prepared for each class with appropriate materials and assignments.
- Students have the **right** to study under qualified instructors in an atmosphere free from bias, prejudice, and disruption.
- Students have the **responsibility** to contribute to the development of a positive climate, maintaining such an atmosphere by exhibiting respect toward others, conducting themselves in a responsible manner, being properly attired and groomed, and refraining from violations of the *Code* and *Plan*.
- Students have the **right** to appropriate counseling for educational problems.
- Students have the **responsibility** to seek counseling for educational problems.

#### Reporting of Progress

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- Students have the **right** to receive an academic grade that reflects their academic achievement.
- Students have the **responsibility** to maintain reasonable standards of academic performance commensurate with their abilities.
- Students have the **right** to be notified of unsatisfactory progress midway through each grading period while sufficient time remains to take corrective action.
- Students have the **responsibility** to make every effort to improve their performance upon receipt of the notification of unsatisfactory progress.
- Students have the **right** to receive conduct grades consistent with their behavior.
- Students have the **responsibility** to conduct themselves in each class in ways that contribute to the learning environment, including obeying all classroom and school rules.

#### Attendance

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- Students have the **right** to information on policies and rules that define excused absences, unexcused absences, and tardiness to school or class.
- Students have the **responsibility** to take advantage of their educational opportunities by attending all classes daily and on time.
- Students have the **right** to appeal a decision pertaining to an absence and shall not be penalized in any way for excused absences.
- Students have the **responsibility** to provide school officials with an adequate explanation with appropriate documentation indicating the reason for an absence.
- Students have the **right** to make up classwork within a specified length of time in case of all absences except truancy.

- Students have the **responsibility** to request the makeup assignments from their teachers upon their return to school and to complete this work within a specified length of time.

## Information and Privacy of Records

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- Students have the **right** to be protected by legal provisions which prohibit the release of personal identifiable information to other than legally authorized persons without the consent of the parents/guardian or eligible student (over eighteen years of age). (*Texas Open Records Law* and *Federal Privacy Act of 1974*)
- Students, with such parental consent as may be required, have the **responsibility** to complete and deliver a release of information to third parties, including **release of student directory information**.
- Students have the **right** to inspect, review, and challenge the information contained in those records directly relating to the student.
- Students have the **responsibility** for providing the school any information that may be useful in appropriate educational or emergency decisions including current address/telephone information.

## First Amendment Rights

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- Students have the **right** to beliefs of their own established religion.
- Students have the **responsibility** to respect the religious beliefs of others.
- Students have the **right** to express themselves and their points of view.
- Students have the **responsibility** to exercise their freedom of expression in a manner respecting the rights of others—including the right of others to disagree—avoiding interference with the orderly process of education in their school or the District and understanding that they are accountable and subject to discipline for expressions which are obscene, libelous or slanderous, or otherwise inconsistent with the norms of conduct set forth in the *Code*.
- Students have the **right** to assemble peacefully under the direction of a faculty advisor on school grounds or in school buildings in a manner which does not disrupt or interfere with the educational process or restrict the passage of persons on the school premises.
- Students have the **responsibility** to plan for, to seek approval of, and to conduct those activities which are consistent with the educational objectives of the school.
- Students have the **right** to seek membership in clubs, groups, and activities which have authorized sponsors and whose purpose conforms to those of the school.
- Students have the **responsibility** to demonstrate appropriate conduct during the school day and at school activities.

## Student Government

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- Students have the **right**, under the direction of a faculty advisor, to form and operate a student government within their respective schools.
- Student government officers and representatives have the **responsibility** to be alert to the needs of the school and the concerns of the student body and to work toward responding to those needs and concerns to the best of their abilities.
- Students have the **right** to seek office in student government or any organization under the rules and procedures of that organization, regardless of race, ethnic origin, disabling condition, sex, color, creed, or political beliefs.
- Students have the **responsibility** to conduct election campaigns in a positive, mature manner with all due respect for opponents and with due regard to their general responsibilities concerning exercise of First Amendment rights.

## Search and Seizure

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- Students have the **right** to privacy of their person and their personal possessions unless the principal or other school official has reasonable grounds for suspecting that the student is concealing material dangerous to the student body or prohibited by law or the policies and administrative procedures of the District.
- Students have the **responsibility** not to carry or conceal any such material that is prohibited by law, Board policies, or which would distract from the educational process. Students are responsible for the content of their lockers. Lockers remain the property of the school. Students should not expect lockers to be private, as they are subject to search at any time if reasonable grounds exist for suspecting that they contain any prohibited substance or property belonging to another. Lockers are to be kept locked. Students who permit others to use or share their lockers should bear in mind that they remain responsible for the contents of their lockers. Students shall be responsible for any prohibited item found in District property provided to the student. [Board Policy FNF \(LOCAL\)](#)

## Discipline

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- Students have the **right**—with regard to disciplinary matters—to reasonable, fair, and patient treatment which does not violate their legal rights.
- Students have the **responsibility** to behave in a manner which does not disrupt or interfere with the educational process and to become familiar with the policies and procedures outlined in the *Student/Parent Handbook*, including established appeal procedures.
- Students have the **right** to be informed of any charges against them and to be afforded the opportunity to explain their actions prior to any decision imposing discipline.
- Students have the **responsibility** to be honest in responding to the charges against them and to cooperate with staff in investigation of disciplinary cases, including volunteering information when the student has knowledge relating to a serious offense.

## Citizenship

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- Students have the **right** to enjoy the basic rights of citizenship which are recognized and protected by the laws of this country and state for persons of their age and maturity, as well as the right to the respect of classmates, teachers, and other school personnel.
- Students have the **responsibility** to respect the rights and property of classmates, teachers, other school personnel, and the District.
- Students should have the **right** of access to textbooks, library books, technology, and materials to support the curriculum.
- Students have the **responsibility** for the care and return of textbooks, library books, technology, and materials and may be charged for replacement or damage of these books and/or materials.

## Rights and Responsibilities of Parents

A cooperative relationship among parents, teachers, and principals is an essential ingredient in the success in any school. Parents have certain rights and responsibilities based on the common good as well as on legal precedent. Throughout the *Plan*, “parents” include a single parent, legal guardian, or person having lawful guardianship, or person having lawful control of the student.

**Texas Education Code Chapter 26** spells out the rights of parents and are included below. The **TEC** is maintained on the web by Texas Legislature ONLINE at [www.capitol.state.tx.us/](http://www.capitol.state.tx.us/).

- Purpose;
- Definition;
- Rights concerning academic programs;

- Access to student records;
- Access to state assessments;
- Access to teaching materials;
- Access to Board meetings;
- Right to full information concerning student;
- Consent required for certain activities;
- Exemption from instruction (temporarily from class or other school activity that conflicts with religious or moral belief);
- Complaints (grievance procedure) [see [Board Policy FNG \(LOCAL\)](#)];

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### **Parents/guardian have the right to:**

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- Expect a safe learning environment for the student;
- Expect respect for themselves and the student;
- Expect qualified teachers implementing organized instruction;
- Receive notification of student progress at regular intervals;
- Receive notification of each serious or recurring discipline problem;
- Receive notification of student's learning problem;
- Receive assistance in helping their student achieve his/her optimal potential;
- Expect a comprehensive, challenging, well-balanced, flexible curriculum, which includes the Texas Essential Knowledge and Skills;
- Expect fair and consistent discipline of the student;
- Request a transfer if your student becomes a victim of a violent criminal offense while in or on the grounds of the school your student attends [see [Board Policies FDE \(LEGAL\)](#) and [FDE \(LOCAL\)](#)];
- Request professional qualification of teachers and staff;
- Opt out of non-emergency, evasive physical examination or screening required as a condition of attendance, administered and scheduled by the school in advance and not necessary to protect the immediate health and safety of the students. Exceptions are hearing, vision, or scoliosis screenings, or any physical exam or screening permitted or required under state law [see [Board Policies EF](#) and [FFAA](#)];
- Receive notice of and deny permission for your student's participation in any survey or activity that would involve the collection, disclosure, or use of personal information gathered for the purpose of marketing, selling, or otherwise disclosing that information;
- Inspect a survey created by a third party before the survey is administered or distributed to your student.

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### **Parents/guardian have the responsibility to:**

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- Establish and maintain in the home a positive attitude toward education with appropriate expectations of student achievement;
- Make every effort to provide for the physical needs of the student;
- Ensure compliance with school attendance requirements and promptly report and explain absences and tardiness of which they have knowledge;
- Encourage and lead the student to develop proper study habits at home and provide an area in the home conducive to the student's reading and studying;
- Communicate regularly with the school concerning the student's conduct and progress, bringing to the attention of school authorities any learning problem or condition of which they have knowledge which could relate to their student's education;

- Schedule and participate in a parent-teacher conference to discuss the student's school progress and welfare as needed, but certainly when the student receives a failing grade in any academic subject or an unsatisfactory conduct grade;
- Discuss report cards and school assignments with the student;
- Ensure the student's attendance at school tutorials as required or as need arises;
- Maintain up-to-date home, work, and emergency telephone numbers and other pertinent information at the school;
- Keep themselves informed of school policies and academic requirements of school programs;
- Teach their student to pay attention and obey rules;
- Be legally liable for property damage caused by (a) the negligent conduct of the student if such conduct is reasonably attributable to the negligent failure of the parents to exercise that responsibility, or (b) the willful or malicious conduct of their student;
- Participate in school-related organizations and activities including the parent training workshops for home reinforcement of study skills and specific curriculum objectives;
- Ensure that the student is attired in accordance with District and campus dress code at school and school-sponsored activities;
- Follow the procedures outlined in the *Student/Parent Handbook* for authorizing the dispensing of prescription and/or non-prescription drugs to students at school;
- Complete and deliver a release of information form if they do not wish to authorize the release of personal information to third parties, including release of student directory information;
- Report to the school office and follow all check-in procedures before proceeding to any other area of the school;
- Cooperate with principal(s), teachers, and staff;
- Become familiar with the *Code* and school rules set forth in the *Student/Parent Handbook*, as confirmed by their submission at the beginning of each school year by signing a statement that they have reviewed and understand the *Student/Parent Handbook*, and have become familiar with classroom discipline plans communicated by the student's teachers.

## Rights and Responsibilities of Teachers

The classroom teacher is the key figure in organizing, facilitating, and expediting the process of learning. The teacher makes instructional decisions which should increase the probability of student learning. This role carries with it certain rights and responsibilities in order to provide effective instruction. Throughout the *Plan*, "teacher" includes all certified instructional personnel and support staff.

### Teachers have the right to:

- Teach in an environment conducive to effective instruction;
- Expect instructional resources to support the curriculum;
- Select methods to teach those elements of the curriculum area they are assigned in ways that effectively meet the intellectual, emotional, and social needs of the students;
- Expect support from the principal in maintaining positive learning environment and in helping students achieve the instructional goals of the classroom;
- Be notified by parents of any concerns or conditions that may affect the learning of the student;
- Expect the respect of parents and students;
- Expect students' cooperation, attentiveness in class, and completion of assigned academic work;
- Be notified by parents of any concerns or complaints that they may have concerning classroom conditions, rules, or instructions;



- Receive fair and unbiased evaluations by certified appraisers;
- Direct student activities in order to maintain an environment conducive to effective instruction;
- Develop, implement, and maintain an effective classroom management plan;
- Be assured of all legal rights recognized by state and federal statutes.

## **Teachers have the responsibility to:**

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- Prepare and implement daily lesson plans with objectives appropriate to an effective instructional program for all students;
- Exhibit an attitude of respect, free from bias or prejudice, for all students and parents;
- Teach the curriculum required by the District and the State to meet or exceed the standards of performance required by the District;
- Refine and update content and materials for the assigned subject area/grade;
- Keep abreast of current research in the learning process and characteristics of learners;
- Be prepared daily to perform instructional duties effectively demonstrating appropriate preparation, assignments, and resource materials;
- Develop and implement a consistent and effective classroom discipline plan in compliance with District procedures, policies, and the *Plan*, and to inform principals, students, and parents of the content of that classroom plan. The discipline management plan for the classroom should be built on the following principles:
  - \* The dignity of the student should be preserved in the process;
  - \* A positive classroom climate which promotes academic/personal growth is based on mutual respect and trust;
  - \* Misbehavior should be addressed immediately, consistently, and fairly;
  - \* Private correction is preferable to public correction;
  - \* Responses to misbehavior should be immediate, but should not unduly disrupt instruction;
  - \* Disciplinary methods should promote a consistent, positive learning climate, including rules, consequences, and procedures for positive reinforcement;
  - \* Each teacher will develop a range of alternatives, including contact with the parents, that he/she will use when responding to misbehavior (*see SBISD Discipline Referral Sheet*).
- Contact parents regarding any learning or discipline problems concerning the student and encourage parent communication with the school, including participation in parent-teacher conferences;
- Notify parents of the student's progress and any significant changes in achievement and/or behavior;
- Keep the principal informed of any recurring or serious discipline problems in the classroom or on the campus;
- Assist in implementation of the plan on the campus, including initiating appropriate disciplinary procedures with students who are on campus and appear to be violating the *Code* or campus rules;
- Maintain confidentiality and professionalism when dealing with student records and sensitive communications concerning the welfare of the student;
- Serve as an appropriate role model for students in accordance with the standards of the teaching profession;
- Develop procedures to provide positive reinforcement for appropriate student behavior;
- Encourage good work habits and student self-discipline that will lead to the accomplishment of personal goals;
- Relate to and respect students;
- Contribute to appropriate and consistent discipline of students by being punctual and having regular attendance.

## Rights and Responsibilities of the Principal

The competent performance of the principal is essential in creating an environment where teachers can instruct effectively and students can learn. Throughout the *Plan*, “principal” includes all administrative personnel assigned to a campus. The principal has the following rights and responsibilities.

### The principal has the right to:

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- Expect student, parent, and staff commitment to effective instruction for all students and to an educational environment conducive to the pursuit of that goal;
- Establish campus rules and procedures in order to create an environment conducive to effective instruction and learning;
- Require teachers to develop and implement effective classroom discipline management systems which are consistent with the District/campus plan including actions to handle minor disciplinary infractions and parental contact and involvement;
- Expect parental involvement and support of school efforts to maintain a safe, effective learning environment;
- Expect assistance from the District Administration when dealing with problems at the campus level;
- Expect students to participate to the best of their abilities in the instructional program and contribute to a positive educational environment.

### The principal has the responsibility to:

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- Respond to discipline problems referred to the principal by teachers;
- Promote effective instruction and discipline of all students including appropriate assistance to students in learning mature self-discipline and positive suggestions for improvement of student behavior;
- Ensure that each teacher has a classroom management plan that is proactive and provides fair and impartial treatment of all students;
- Serve as an appropriate role model for the students on the campus in accordance with standards of the profession;
- Provide effective instructional leadership;
- Administer and provide leadership for discipline management and for the evaluation of the *Plan* and *Code*;
- Encourage parent communication with the school, including participation in parent-teacher conferences to discuss student progress, or lack thereof, and student conduct or misconduct;
- Endeavor to protect the rights of students, teachers, and parents;
- Establish policies and procedures that provide positive reinforcement to students whose behavior is appropriate;
- Develop and maintain a plan to provide for the safety and welfare of students, teachers, and staff;
- Develop policies and procedures to ensure that parents are notified of their student’s progress and any significant changes in his/her achievement and/or behavior;
- Work diligently to establish and maintain a positive school climate which provides frequent, realistic opportunities for students, staff, and parents to participate in the identification and resolution of school-related concerns;
- Promote a cooperative working relationship among students, parents, and staff;
- Adhere to the procedures set forth in the *Plan*, *Code*, and campus/District policies;
- Work diligently to ensure an effective instructional program for all students;
- Develop and implement a campus system for discipline record-keeping and reporting procedures in compliance with the *Plan*, *Code*, and District policy.

## Responsibilities of the District Administration

Throughout the *Plan* and *Code*, “District Administration” includes all administrative personnel and support staff whose duties include responsibility for District-wide programs.

### **The District Administration has the responsibility to:**

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- Provide comprehensive, challenging, flexible curriculum and activities directed toward meeting the needs of all students and providing the resources necessary to implement those plans;
- Implement Board policies, rules, and regulations which facilitate the establishment and maintenance of an atmosphere conducive to effective, efficient quality instruction;
- Establish and maintain a positive organizational climate at the District level which provides frequent realistic opportunities for personnel, students, and parents to participate in the identification and resolution of District-related concerns;
- Provide training in effective, efficient instructional principles and strategies for principals and teachers.

### **The Board has the responsibility to:**

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- Provide the necessary high quality leadership personnel, equipment, and materials to assure effective instruction and optimal educational opportunities for every student;
- Enact policies, rules, and regulations which will facilitate the establishment and maintenance of an atmosphere conducive to effective and efficient quality instruction;
- Monitor and verify that the Administration is effectively implementing and administering Board policy, rules, and regulations;
- Establish and maintain a positive educational climate that promotes effective and efficient quality instruction;
- Be accountable to the patrons of the District for its actions.