



UNITED INDEPENDENT SCHOOL DISTRICT AGENDA ACTION ITEM

TOPIC: Approval of the 2018-2019 Student Code of Conduct

SUBMITTED BY: Annette Perez **OF:** Student Relations/Discipline Management

APPROVED FOR TRANSMITTAL TO SCHOOL BOARD: _____

DATE ASSIGNED FOR BOARD CONSIDERATION: June 20, 2018

RECOMMENDATION:

It is recommended that the UISD Board of Trustees approve the 2018-2019 Student Code of Conduct.

RATIONALE:

A Student Code of Conduct District Wide Revision Committee composed of administrators, parents, community members, and students met to review and recommend changes to the Student Code of Conduct on April 2, 2018.

Chairperson for this Committee: Annette Perez

On April 18, 2018, all recommended changes to the Student Code of Conduct were presented and approved by the District Educational Improvement Council for their approval and additional input was obtained.

BUDGETARY INFORMATION: 2017-2018 Budget

BOARD POLICY REFERENCE AND COMPLIANCE: Chapter 37-Texas Education Code



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Outline of the most significant changes to the 2017-2018 Student Code of Conduct:

SECTION I -- GENERAL

Campus Behavior Coordinator: United ISD is a District of Innovation and is exempt from TEC Section 37.0012. As required by law, a person at each campus must be designated to serve as the campus behavior coordinator. The designated person may be the principal of the campus or any other campus administrator selected by the principal. The campus behavior coordinator is primarily responsible for maintaining student discipline. The District maintains a current list of the persons serving as a campus behavior coordinator in the student handbook or on the District's website, www.usd.net.

SECTION II

UNIFORMS/STANDARDIZED DRESS:

Standardized dress/uniforms consists of khaki, navy blue, or black solid shorts, skirts, skorts, jumpers, capris, skinny pants, cargos style pants/short, carpenter pants, and trousers with a solid white, **black** or navy blue, long or short-sleeved blouses, or shirts with collars (polo style or button style), shall be worn by all students enrolled in each District elementary, middle school, and high school. A solid navy, **black**, white, or designated high school color shall also apply to optional undershirt/turtleneck.

JJAEP: ...

Notice to Parents: The **campus administrator/campus behavior coordinator** shall promptly notify a student's parent by phone or in person of any violation that may result in in-school or out-of-school suspension, placement in a DAEP, placement in a JJAEP, or expulsion. The **campus administrator/campus behavior coordinator** shall also notify a student's parent if the student is taken into custody by a law enforcement officer under the disciplinary provisions of the Education Code... If the parent has not been reached by telephone or in person by 5:00 p.m. of the first business day after the day the disciplinary action was taken, the campus behavior coordinator shall send written notification by U.S. Mail. If the campus behavior coordinator is not able to provide notice to the parent, the principal or designee shall provide the notice.

SECTION III-Managing Student Behavior and Consequences of Inappropriate Conduct

Videotaping of Students: For safety purposes, video/audio equipment will be used to monitor student behavior **at school activities/operations, district property, buses, by/on law enforcement vehicles/personnel and in common areas on campus and District.** Students will not be told when the equipment is being used. The principal, **law enforcement, campus behavior coordinator, other administrator, or appropriate District personnel** may review the tapes routinely and document student misconduct. Discipline shall be imposed in accordance with the Student Code of Conduct.

Bullying and Harassment Violations:

While on district property or while at a district-sponsored event, students are prohibited from possessing, sending, forwarding, posting, accessing, or displaying electronic messages that are abusive, obscene, sexually oriented, threatening, harassing, damaging to another's reputation, or illegal and result in a substantial disruption to the educational environment. This prohibition also applies to conduct off school property, regardless of who the equipment's owner is if it results in a substantial disruption to the educational environment.

Techniques:...

14. Assigned school duties other than class tasks, **including, such tasks as cleaning or picking up litter.**

SECTION IV - INAPPROPRIATE CONDUCT

LEVEL I -- Minor Offenses: Miscellaneous Offenses:

13. **Unless authorized by the school principal/designee, students are prohibited from bringing or possessing on campus/school activity any object, gadget, or item that has no educational purpose and/or may distract from teaching and learning (i.e. spinner, ball, vovo, slime, sticky hands, etc.). (Exception: The object is an educational need as documented in the student's accommodation plan).**



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Discretionary Placement In A Disciplinary Alternative Education Program (D.A.E.P.)

Mistreatment of Others:

- Engages in two or more fights. Please note: a student may be placed at the DAEP on the first occurrence if the conduct causes a substantial disruption to the educational environment.
- Engages in inappropriate physical contact against a teacher or school employee.
- Engages in two or more bullying or hazing offenses including cyberbullying offenses (including but not limited to: slamming, trash talking, threatening, obscene, degrading/damaging to another's reputation, or encouraging self-harm or harm to others). Please note: a student may be placed at the DAEP on the first occurrence regardless if the conduct originated off school property, if the conduct causes a substantial disruption to the educational environment. Incidents may result in a criminal offense(s) as per the Texas Penal Code
- Possesses, records, displays, broadcasts, gives, sells, provides, issues, manufactures, procures, mails, delivers, transfers, distributes, circulates, disseminates, presents, exhibits, advertises, promotes, or transmits visual/audio material of a person's intimate areas, changing rooms or other areas presumed to be private, sexual conduct (actual or simulated) or otherwise invasive, abusive, offensive, sexually oriented, intimate or provocative, regardless if the material reveals the person's identity or regardless if the person created or consented to the creation of said material. This applies to conduct which originated off school property, if the conduct causes a substantial disruption to the educational environment. Incidents may result in a criminal offense(s) as per the Texas Penal Code.

Possession/Use of Prohibited Items:

- Is found in possession of a knife with a blade length up to and including 5 1/2 inches. (Please note: Illegal knives are addressed in the Mandatory Expulsion section of the Student Code of Conduct.)
- Possession of residue (including seeds), or consuming or possessing any food or beverage which contains alcohol, marijuana, any controlled substance or dangerous drug.

Prescription and Over-the-Counter Drugs:

- Abusing the student's own prescription drug, giving a prescription drug to another student or possessing/exhibiting or using another person's prescription drug. Please note: Following a warning, if a student fails to submit prescribed medication to the School Nurse, a student may be placed at the DAEP if he/she possesses their own prescribed medication. School-related drug offenses are also addressed in the Mandatory Placement and Expulsion section of the Student Code of Conduct. (See Student Handbook - "Medicine at School" for medication procedures).

LEVEL IV—EXPULSIONS:

Discretionary Expellable Offenses: Offenses Which May Result in Expulsion:

Any Location: A student may be expelled if the student engages in the following, regardless of where the conduct took place:

- Engaging in conduct that contains the elements of one of the following offenses against another student without regard to where the conduct occurs more than 500 feet off campus and while the student is not in attendance at school sponsored or school-related activity: aggravated assault, sexual assault, aggravated sexual assault, murder, capital murder, criminal attempt to commit murder or capital murder or aggravated robbery (Section 29.03, Texas Penal Code).



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Within 300 Feet:

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

- Aggravated assault, sexual assault, or aggravated sexual assault.
- Arson. (See glossary.)
- Murder, capital murder, or criminal attempt to commit murder or capital murder.
- Indecency with a child, aggravated kidnapping, manslaughter, criminally negligent homicide, or aggravated robbery.
- Continuous sexual abuse of a young child or children.
- Felony drug- or alcohol-related offense.
- Carrying on or about the student's person a handgun, an illegal knife, or a club, as these terms are defined by state law. (See glossary.)
- Possessing, manufacturing, transporting, repairing, or selling a prohibited weapon, as defined by state law. (See glossary.)
- Possession of a firearm, (as defined by federal law). (See glossary.)

MANDATORY EXPELLABLE OFFENSES

Additional Offenses Requiring Expulsion: (On Campus or School-Related): A student shall be expelled from school if the student, on school property or while attending a school-sponsored event or school-related activity on or off school property:

Federal Law: Engages in conduct which is a firearm violation, as defined by federal law (18 U.S.C., Section 921).

1. Bringing to school or possessing at school, including any setting that is under the district's control or supervision or at a school activity, a firearm, as defined by federal law. (See glossary.)

NOTE: Mandatory expulsion under the federal Gun Free Schools Act does not apply to a firearm that is lawfully stored inside a locked vehicle, or to firearms used in activities approved and authorized by the district when the district has adopted appropriate safeguards to ensure student safety.

Engages or possesses a firearm under federal law which includes:

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

Texas Penal Code: Engages in conduct that contains the elements of the offense of unlawfully carrying weapons under Section 46.02, Texas Penal Code, or elements of an offense relating to prohibited weapons under Section 46.05, Texas Penal Code which includes the use or possession of the following: Carrying on or about the "student's" person the following, as defined by the

Texas Penal Code:

2. A handgun, defined by state law as any firearm designed, made, or adapted to be used with one hand. (See glossary.) Note: A student may not be expelled solely on the basis of the student's use, exhibition, or possession of a firearm that occurs at an approved target range facility that is not located on a school campus, while participating in or preparing for a school-sponsored, shooting sports competition or a shooting sports educational activity that is sponsored or supported by the Parks and Wildlife Department, or a shooting sports sanctioning organization working with the department. [See policy FNCG(LEGAL).]

A firearm as defined by the Texas Penal Code.

3. An illegal knife, as defined by state law (See Glossary.) The Texas Penal Code, which includes a knife with a blade over 5 1/2 inches, hand instrument designed to cut or stab another by being drawn, dagger, including but not limited to, a dirk, stiletto, and poniard.



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4. A club as defined by state law (See Glossary.)
5. Possessing, manufacturing, transporting, repairing, or selling a prohibited weapon, as defined in state law. (See glossary.)

SECTION V -- Searches, Metal Detectors, Questioning of Students, and Taking Students Into Custody

Searches: ...

Areas such as lockers, which are owned by the District and jointly controlled by the District and student, may be searched, and school administrators, law enforcement or other appropriate personnel may routinely conduct blanket locker searches.

GLOSSARY

AGGRAVATED ROBBERY: is defined in part by Texas Penal Code 29.03(a) as when a person commits robbery and: 1. Causes serious bodily injury to another; 2. Uses or exhibits a deadly weapon; or 3. Causes bodily injury to another person or threatens or places another person in fear of imminent bodily injury or death, if the other person is: a. 65 years of age or older, or b. A disabled person.

ASSAULT: A person commits an offense if the person intentionally, knowingly, or recklessly causes bodily injury to another. ((See Tex. Penal Code Section §22.01(a)(1)); intentionally or knowingly threatening another with imminent bodily injury §22.01(a)(2); or as intentionally or knowingly causing physical contact with another that can reasonably be regarded as offensive or provocative (See Tex. Penal Code Section §22.01(a)(3)).

DATING VIOLENCE: Dating violence occurs when a person in a current or past marriage or dating relationship, intentionally uses physical, sexual, verbal, or emotional abuse to harm, threaten, intimidate, or control another person in the relationship, as defined by Family Code 71.0021.

FIREARM: is defined by federal law (18 U.S.C. § 921(a)) as: 1. Any weapon (including a starter gun) that will, is designed to, or may readily be converted to expel a projectile by the action of an explosive; 2. The frame or receiver of any such weapon; 3. Any firearm muffler or firearm weapon; or 4. Any destructive device, such as any explosive, incendiary or poison gas bomb, or grenade. Such term does not include an antique firearm.

HANDGUN is defined by Texas Penal Code 46.01(5) as any firearm that is designed, made, or adapted to be fired with one hand.

PROHIBITED WEAPON: under Texas Penal Code 46.05(a) means 1. An explosive weapon; 2. A machine gun; 3. A short-barrel firearm or firearm silencer, unless registered with the U.S. Bureau of Alcohol, Tobacco, Firearms, and Explosives or classified as a curio or relic by the U.S. Department of Justice (applicable to 1, 2 and 3); 4. Knuckles; 5. Armor-piercing ammunition; 6. A chemical dispensing device; 7. A zip gun; or 8. A tire deflation device.

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

UNDER THE INFLUENCE: means lacking the normal use of one's mental or physical faculties, as determined by the school nurse, law enforcement, or campus administrator, considering the preponderance of the evidence.