



Brownsville Independent School District

Agenda Category: General Function Board of Education Meeting: 6/11/2024

Item Title: 2024-2025 Student Code of Conduct X Action
Information
Discussion

BACKGROUND:

The Student Code of Conduct Handbook is reviewed and revised annually to communicate to students, parents, staff members and the community, the outlined student disciplinary rules, standards of behavior, discipline procedures and consequences for misconduct.

Attached is a draft copy of the proposed changes to the 2024-2025 Student Code of Conduct Handbook. The Board is being provided with an outline of proposed changes to the 2024-2025 Handbook, which have been highlighted in yellow. The changes to the Student Code of Conduct Handbook beginning section (I-XXI pages) are a result of Department Director input which is then reviewed by the Attendance/Discipline Committee. The final copy of the 2024-2025 Student Code of Conduct Handbook sent for printing will include any and all additional policies, administrative regulations, and procedures duly adopted by the Board.

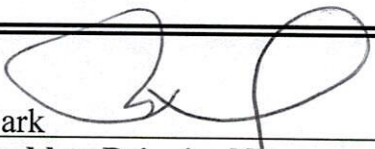
FISCAL IMPLICATIONS:

A total of \$5,000.00 has been budgeted from local funding for printing by the Department of Pupil Services.

RECOMMENDATION:

Recommend approval to adopt the Student Code of Conduct for the 2024-2025 school year. A total of \$5,000.00 has been budgeted from local funding for printing by the Department of Pupil Services.

Approved for Submission to Board of Education:


Randy Park

Submitted by: Principal/Program Director

Dr. Nellie Cantu

Recommended by: Chief Operations Officer

Dr. Nellie Cantu

Approved by: Chief Operations Officer


Dr. Jesus H. Chavez, Superintendent

When Necessary, Additional Background May Follow This.

Brownsville Independent School District



Transmittal Form

TO: Miguel Salinas, *Staff Attorney*

FROM: Randy Park, *Director Pupil Services*

DATE: May 7, 2024

RE: 24-25 BISD Student Code of Conduct

RECEIVED

MAY 09 2024

Office of the Staff Attorney

☐

For Your Approval

☐

As Per Your Request

☒

For Your Signature

☐

Please Advise

☐

For Your Information

☒

For Your Review



Brownsville Independent School District

Department of Pupil Services
708 Palm Blvd., Brownsville, TX 78521,
(956) 544- 3966



ATTORNEY COMMUNICATION

To: Mr. Miguel Salinas
BISD Staff Attorney

From: Randy Park
Director for Pupil Services

Date: May 7, 2024

RE: 2024 – 2025 BISD Student Code of Conduct

I have compared the 2023 – 2024 and 2024 – 2025 Brownsville Independent School District Student Code of Conduct.

The following are the changes reflected in the BISD Student Code of Conduct,

- See attached Updated Change Page Sheet
- Transfer Verbiage (Policy Change) on pg. XI
- Technology Verbiage on pg. XVI
- 504 Section Verbiage on pg. XVIII
- Special Needs Verbiage on pg. XIX
- General Conduct Violations (30 days) – Prohibited items on pg. 4

Please review and advice as this Agreement is a proposed action item for the next board meeting scheduled for June 11, 2024.

Thank you for your assistance.

Randy M. Park
Director Pupil Services

2024- 2025 Student Code Of Conduct (Updates)

Section	BISD Authority and Jurisdiction:	
Pg. XI	Transfers -Intra-District	BISD Policy Change
Pg. XVI - XVIII	Technology - language changes	BISD Technology Department Change
Pg. XVIII - XIX	Students under section 504 - language changes	BISD Section 504 Department Change
Pg. XIX - XXI	Students with Special Needs	BISD Special Services Department Change
Pg. 4	General Conduct Violations (30 Days) - Prohibited Items	TASB Recommendation

because of flooding or bad weather), campuses will choose an alternative attendance taking time for that day. The campus must maintain documentation of the alternative time, the attendance recorded at that time, and the official reason for the delayed attendance taking (refer to PEIMS Student Attendance Accounting Handbook).

EARLY DISMISSAL OR RELEASE IN CUSTODY OF ADULTS

Early dismissal will be granted for the same reasons allowed for excused absences. Students are encouraged to schedule appointments with their doctors or dentists other than during school hours. However, when emergency demands, the appointment should be made as early or as late in the school day as possible. Students leaving the campus for any reason must check out through the health clinic (nurse's office) and the school's main office. Upon early release, **it is the campus' option** to have the parent sign an Early Release Form stating the parent acknowledges that their child may not be eligible for the campus perfect attendance award.

No student shall be taken from a class to talk with any adult or be permitted to leave school with any adult unless the identity of the adult and his or her relation to the student is clearly established to the satisfaction of the principal or designee. The administration will make every effort to notify the student's parents in every case. Parents must notify the campus administration in writing of the adult members of the family who are authorized to pick up their children from campus. Each school will use the District form for this purpose.

HOME SCHOOLING (As per Policy FEA Local)

Parents have the right to provide home schooling for their children. To be home schooled the following must be met;

- A letter, signed and dated, from the parent/guardian stating that the student is being home schooled is acceptable documentation when addressed to the District and received by the campus administrator. Letters from parents/guardians must indicate the actual date home schooling began.
- If the parents refuse to submit a letter of notification or if the District has evidence that the school-age child is not being home-schooled within legal requirements, the District may investigate further and, if warranted, shall pursue legal action to enforce the compulsory attendance law.

TRANSFERS - INTRA-DISTRICT (6th-12th grade) - School of Choice (Updated FDB Local 2/6/24)

When a student resides within the BISD district boundaries and is requesting a campus that is not within his/her attendance zone, the parent must complete an intra-district transfer application. These applications may be completed in person at the Department of Pupil Services located at 708 Palm Blvd #121 or online at <https://www.bisd.us/departments/business-and-operations/pupil-services>.

Approval of such a request shall follow policy FDB Local and departmental guidelines. A parent applying for a student transfer shall provide the following: 1) proof of residence; any correspondence reflecting parents mailing address delivered through USPS, 2) student's birth certificate, 3) photo identification card of person submitting the application, and 4) student's school identification number or state I.D. number (FDB Local). Only one Intra-District transfer per student per school year may be provided. **Transportation is the responsibility of the parent.**

An approved transfer may only be revoked at the end of a semester for the following reasons:

- If the campus and respective grade level become overcrowded; or
- If a parent fails to abide by the school standards for academic progress, attendance, discipline, and cooperation with school staff (FDB Local).

A denied transfer may be appealed to the appropriate cluster Area Assistant Superintendents for the zoned and requested schools (FDB Local).

A student who engages in bullying or is a victim of bullying (**includes cyberbullying**) may be transferred to another class or another campus if it's opened for transfers. In such cases, transfer students may be returned to their home school. Students should check with their campus principals for additional details.

Note: An intra-district transfer does not imply eligibility to participate in extracurricular or UIL activities (athletics, band, etc.), special programs at the requested school, transportation, or placement in the student's present high school ranking at the requested school (see UIL Requirements). **All existent transfer shall roll over and be handled at the existing campus.**

TRANSFERS - INTER-DISTRICT

When a non-resident student, who lives outside Brownsville, desires to attend BISD, an Inter-district transfer application form is requested. These forms are available the entire instructional year and may be obtained online through the Department of Pupil Services, or www.bisd.us. The Texas Education Code does not allow a district the authority to revoke any transfer mid-year except for nonpayment of tuition.

TRANSFERS – OPEN ENROLLMENT (PK-5th grade)

Open Enrollment for PK-8th grade allows parents to enroll their children at any BISD Elementary and Middle School campus of their choice throughout the instructional school year provided:

1. Space is available for additional students,

- a parent, guardian or designated adult at the bust stop.**
2. Students must follow the driver's directions at all times.
3. **Students should be at their bus stop ten minutes before pick up. The bus driver will not wait for those who are late.**
4. Student must present or scan student identification/school ID and/or RFID card upon request when boarding the school bus.
5. Student must not stand on the traveled portion of the roadway while waiting for the bus.
6. Students should not run while crossing the street. They should cross at least 10 feet in front of a bus and never cross behind it.
7. While waiting at the bus stop, students must respect the property of homeowners and businesses in the area.
8. Students must not run alongside a moving bus, but wait until it has stopped and then walk to the front door.
9. Students must enter the bus in an orderly fashion and in accordance with the bus driver's instructions. They must go directly to their seat and remain seated and not be walking around or change from seat to seat while the bus is in motion.
10. Students may not use profanity, or vulgar language, or make obscene gestures on the bus. Verbal altercations are prohibited and may be constituted as fighting.
11. Students must not extend their arms, legs, or head out of the bus.
12. Students should not talk to driver while the bus is in motion, except in an emergency.
13. When departing the bus, students should move quickly and safely from the unloading area.
14. Students should not throw food or trash in the bus or out of the bus window.
15. Students are permitted on or off the bus **ONLY AT AUTHORIZED STOPS.**
16. Students are not allowed to change their clothing on the bus.
17. Students are not permitted to board the school bus with food items, soft drinks, or bottled containers.
18. Students may not use tobacco products, drugs, alcohol, or any controlled substance on the bus. Again, all BISD Student Code of Conduct Rules applies while riding the bus.
19. Students will be held responsible for any damages they caused to BISD property and will be **required to pay for damages.** The students must inform the bus driver of any damages immediately. Students causing damages will automatically lose bus privileges. If the infraction occurs within the last six weeks of the school year, the privileges will be lost for the time remaining in that semester and for the next semester.
20. Students should never use the emergency door in the rear of the bus for boarding or leaving the bus, unless there is an emergency. Any student opening or jumping out from any emergency exit including the entrance door or triggering the alarm and/or tampering with the emergency handles will automatically lose bus privileges. If the infraction occurs within the last six weeks of the school year, the privileges will be lost for time remaining in that semester and for the next semester.
21. Fighting will not be tolerated as it endangers all students on the bus. Any student fighting on the bus will automatically lose bus privileges for the remainder of the semester. If the infraction occurs within the last six weeks, privileges will be lost until the end of the next semester.
22. Video cameras are placed on school buses for your protection and safety. Any student who tampers with the cameras will lose bus privileges. If the infraction occurs within the last six weeks of the school year, privileges will be lost for the time remaining in that semester and for the next semester.

School Bus Discipline Procedures

Students who do not conduct themselves properly may lose the privilege of riding the bus to or from school or on field trips with their class. Students are expected to follow all safety rules. The following schedule will be followed depending on seriousness of the incident. Parents will be notified at each occurrence by a school administrator. Video cameras are placed on buses to monitor student behavior for safety reasons. Except for

#19, #20, #21 and #22 outlined above, the following procedures will be followed:

1. First Offense-Student will be sent to campus administration and with the cooperation of the Transportation Department; the student will be placed on probation and issued a warning.
2. Second Offense-Student may be suspended from riding the bus for a maximum of five days.
3. Third Offense-Student may be suspended from riding the bus for a maximum of ten days.
4. Fourth Offense-Student will be suspended from riding the bus for the remainder of the semester.
5. **Students sent to an alternative placement for disciplinary reasons are not eligible for transportation services. (see Student Code of Conduct.)**

Note: The above rules and procedures also apply to any student riding in any and all district vehicles. These consequences are subject to change depending on the severity of the rule violation.

Exceptions: A student with a disability who has transportation designated as a related service in the student's IEP or who requires district transportation in order to receive FAPE, and as detailed under Section 504, a change in transportation services for a student with a disability for whom transportation is a related service requires Section 504 committee or the student's ARD committee attention for appropriate action.

DIGITAL RESOURCES AND/OR INTERNET

Access to **various technologies** continues to increase throughout the District. With access comes student responsibility to use the

equipment carefully and appropriately. Campus level administrators are responsible for disseminating and enforcing applicable District policies and acceptable user guidelines. They are also responsible for securing a signed user agreement from all student users to ensure compliance with the policies and guidelines.

A particularly powerful component of technology usage is access to the Internet. The responsibility for using the Internet appropriately includes four components: (1) District-installed software, which blocks identified inappropriate sites; (2) Student acknowledgment of acceptable use guidelines; (3) Teacher supervision; and (4) Student self-monitoring.

The District has taken appropriate action to block inappropriate sites; however, no software can be fully effective. Access to the Internet is given as a privilege to students who agree to act in a considerate and responsible manner. Students are responsible for good behavior on the Internet just as they are in a school building. General school rules for behavior and communications apply. Network storage areas may be treated like school lockers. Network administrators/teachers may review files and communications to maintain system integrity and ensure that users are using the system responsibly. Users should not expect that files would always be private. The following are not permitted during on-line usage:

1. Sending or displaying offensive messages or pictures, or video;
2. Creating, accessing, or processing obscene or threatening language or harassing, insulting, or discriminatory remarks;
3. Damaging or injecting viruses into computers, computer systems, or computer networks;
4. Violating copyright laws, including illegal installation of copyrighted software for use on District computers;
5. Using another person's password.
6. Trespassing, deleting, examining, copying, or modifying files, data, or work belonging to others without their prior consent;
7. Intentionally wasting limited resources, including the use of "chain letters" and messages broadcast to mailing lists or individuals; Employing the network for commercial purposes or private business; and
8. Revealing the personal address, Social Security number, account number(s), or phone number of yourself or any other person without written permission from the teacher.
10. Using proxies to bypass BISD's internet filtering system.
11. Willfully and knowingly manipulate and/or hack into BISD's network system.

Violations may result in suspension or revocation of on-line access as well as other student disciplinary or legal action.

Brownsville Independent School District Issued Mobile Devices.

Students are responsible for the general care of the mobile device that has been issued to them by their home school. Mobile Devices that are broken or fail to work properly must be taken to the home campus for an evaluation of the device.

1. General Precautions

- a. Follow the Mobile Device and Brownsville Independent School District Acceptable Use Agreements.
- b. Students must keep the device and its case free of damage, while not in use.
- c. Secure the Mobile Device at all times. Never leave the Mobile Device in an area that is unsupervised or unlocked.

Bring Your Own Device (BYOD)

Student who choose to bring their own devices to school will adhere to the BISD **Bring Your Own Device (BYOD)** Administrative Procedures as stated below:

- 1) "Definition of "Device"- For purpose of BYOD, "Device" means a privately-owned wireless and/or portable electronic hand-held equipment that includes, but is not limited to, existing and emerging mobile communication systems and smart technologies, portable internet devices, etc.
- 2) Internet- Only the internet gateway provided by the school may be accessed while on campus. Personal internet connective devices such as but not limited to cell phones / cell network adapters are not permitted to be used to access outside internet sources at any time.
- 3) Security and Damages - Responsibility to keep the device secure rests with the individual owner. BISD is not liable for any device stolen or damaged while on campus. If a device is stolen or damaged, it will be handled through the administrative office similar to other personal artifacts that are impacted in similar situations. It is recommended that skins (decals) and other custom touches are used to physically identify your device from others. Additionally, protective cases for devices are encouraged.

B.Y.O.D. Student Agreement

The use of technology to provide educational material is not a necessity but a privilege. A student does not have the right to use his or her laptop, cell phone or other electronic device while at school. When abused, privileges will be taken away. When respected, they will benefit the learning environment as a whole.

Students and parents/guardians participating in B.Y.O.D. must adhere to the BISD Student Code of Conduct, as well as all Board policies and Administrative Procedures.

Additionally, technology devices:

- Student takes full responsibility for his or her school district issued device and keep it with himself or herself at all times. The school is not responsible for the security of the school district issued device.
- BISD and Computer Services personnel cannot attempt to troubleshoot, repair, correct, or be responsible for malfunctioning personal hardware or software.

- Must be turned off while on school campus unless the teacher, or other designated adult, allows the student to use the device for educational purposes.
- May not be used to cheat on assignments or tests, or for non-instructional purposes (such as making personal phone calls and text/instant messaging).
- May not be used to record, transmit or post photographic images or video of a person, or persons on campus during school activities and/ or hours.
- Student accesses only files on the **school district issued** device or internet sites which are relevant to the classroom curriculum.
- Student complies with teachers' request to shut down the computer or close the screen.
- Student acknowledges that the school's network filters will be applied to one's connection to the internet and will **not** attempt to bypass them.
- Student understands that bringing on premises or infecting the network with a Virus, Trojan, or program designed to damage, alter, destroy, or provide access to unauthorized data or information is in violation of the AUP policy and will result in disciplinary actions.
- The school district has the right to collect and examine any device that is suspected of causing problems or was the source of an attack or virus infection.
- Student realizes that printing from personal technology devices will not be possible at school.
- The technology device is charged prior to bringing it to school **and** runs off its own battery while at school.

Vehicles on Campus

To obtain a driver's license, a student between the ages of 16 and 18 must provide to the Department of Public Safety a copy of the TEA Verification of Enrollment and Attendance Form signed by the principal. The school must verify that the student has met the 90 percent attendance requirement in each class for the semester preceding the date of application. The student can obtain this form at the campus records room where attendance will be verified. It is recommended that students who enrolled in Driver's Education classes during the summer need to secure this form before school closes for summer vacation. Vehicles parked on school property are under the jurisdiction of the school. The school reserves the right to search any vehicle at any time if reasonable grounds exist to do so.

Only high school students are allowed to drive cars to school. All students must have a parking permit for their vehicle in order to park on District property. A student must have a valid driver's license and proof of insurance in order to get a parking permit. If students plan to use their vehicles during school hours, they must have the principal's permission. Loitering in and around automobiles is not permitted.

A student has full responsibility for the security of his/her vehicle. A student is held responsible for any prohibited objects or substances that are found in his/her vehicle and will be subject to disciplinary action by the District as well as referred for criminal prosecution. Note: Parking permits may be revoked for inappropriate behavior/driving on campus.

DISCIPLINE AND STUDENTS' RIGHTS

Students Rights

Students have full rights of citizenship as guaranteed in the United States Constitution and its amendments. These rights must not be bridged, obstructed, or in other ways altered except in accordance with the law. Education is one of these rights. Students are responsible for attending school regularly, for making conscientious efforts in their schoolwork, and for following school rules. Most importantly, students, faculty, staff, and administration alike share a responsibility for making schools good places in which to learn.

The Brownsville Independent School District does not discriminate on the basis of race, religion, color, national origin, sex, age, or disability in providing education or providing access to the benefits of educational services, activities, and programs, including Career and Technology, in accordance with Title VI of the Civil Rights Act of 1964, as amended; Title IX of the Education Amendments of 1972; Age Discrimination Act of 1975 (34 CFR Part 110); Section 504 of the Rehabilitation Act of 1973, as amended; Title II of the Americans with Disabilities Act of 1990; and local Board policies. The District designates the Area Superintendent for Human Resources or designee to coordinate its efforts to comply with Title IX of the Education Amendments of 1972. The Office of Human Resources is located at 1900 Price Road, Brownsville, Texas 78521. The District designates the Department Administrator to coordinate its effort to comply with Section 504 of the Rehabilitation Act of 1973.

STUDENTS UNDER SECTION 504

The placement of a student with a disability who receives services under Section 504 of the Rehabilitation Act of 1973, as amended, may be made only by a duly constituted campus Section 504 committee. This committee must be composed of persons who are knowledgeable about the student, the evaluation data, and the placement options. All disciplinary actions regarding a student with a disability, who receives Section 504 services, shall be determined in accordance with federal law and regulations, including the provision of functional behavioral assessments (FBA); positive behavioral interventions, strategies, and supports; behavioral intervention plans and the Manifestation Determination Review (MDR) where

applicable. Any disciplinary action regarding a student with disabilities that would constitute a change in placement under federal law may only occur after a manifestation determination review has been conducted by the student's Section 504 committee. OCR considers a suspension or placement of a student with a disability for more than 10 consecutive school days a significant change in placement. A series of short-term suspensions that are each 10 days or fewer in duration may create a pattern of removals that constitutes a significant change in placement according to OCR. *Suspension of Handicapped Students*, 307 IDELR 07 (OCR 1989); *Long-Term Suspension or Expulsion of Handicapped Students*, 307 IDELR 05 (OCR 1988).

Accordingly, the same procedural safeguards and substantive protections granted to a student in connection with long-term suspensions, including the right to not be excluded for disability-related misconduct, are extended to the student in this instance. OCR cites the following factors as relevant to the determination as to whether a series of short-term suspensions constitutes a change in placement:

- The length of each suspensions
- The total amount of time that the student is excluded from school.
- The proximity of the suspensions to each other.

All determinations must be made on a case-by-case basis. Under Section 504, any long-term disciplinary action (accumulation of over 10 consecutive school days, usually in the form of a removal to a disciplinary alternative education program (AEP) or expulsion) regarding a student with disabilities that would constitute a change in placement under federal law may only occur after a Manifestation Determination review (MDR) had been conducted by the student's Section 504 committee.

In-School Suspensions

In-school suspensions that total more than 10 consecutive school days (or a total of more than 10 school days) may be a significant change in placement under IDEA and Section 504 if they result in an interruption in the services or educational program that the district must provide to the student with a disability. For purposes of Section 504, an in-school suspension does not count toward a pattern where the services provided are comparable to those given prior to the suspension. 52 IDELR 138 (OCR 2009).

Engaging in the use of Illegal Drugs and Alcohol

Section 504 allows districts to discipline all students with disabilities who are current drug users for use or possession of drugs in violation of the district's disciplinary code. 29 USC 705 (20) (C) (iv). A student who is currently using illegal drugs is not considered a student with a disability under Section 504, the student can be disciplined under the district's regular code of student conduct, even with a drug addiction. If a student commits a drug or alcohol offense at school and is a "current" user, student forfeits right to Manifestation Determination Review (MDR) or Section 504 due process hearing. OCR defines "current illegal use of drugs" as evidence of use or distribution (distribution is considered within the definition of "use") "recently enough to justify a reasonable belief that a person's drug use is current or that continuing use is a real and ongoing problem." *OCR Senior Staff Memorandum*, 19 IDELR 859 (OCR 1992).

For more information contact the Director for Section 504 (Students) at 548-8679.

STUDENTS WITH SPECIAL NEEDS

It is the policy of this district that all students, including children with disabilities, who receive special education services, shall be treated fairly and equitably (FO Local). Discipline shall be based on an assessment of the circumstances of each case. Any behavior management technique and/or discipline management practice must be implemented in such a way as to protect the health and safety of the student and others. No discipline management practice shall inflict injury, cause harm, demean, or deprive the student of basic human necessities.

All disciplinary actions regarding a student with a disability, who receives special education services, shall be determined in accordance with federal law and regulations, including the provision of functional behavioral assessments; positive behavioral interventions, strategies, and supports; behavioral intervention plans and the manifestation determination review where applicable.

A student with a disability, who receives special education services, may not be confined in an area of seclusion, or any other specially designed locked space as either a discipline management practice or as a behavioral management technique. When a behavior is considered to be imminent harm to self, others, or destruction of school property, an approved restraint technique may be necessary and campus personnel are required to follow local and state PEIMS reporting documentation and required to inform the parents about the incident. A local education agency (LEA) that decides to change the placement of the child with a disability, who receives special education services, because of a violation of a code of student conduct must comply with the MANIFESTATION DETERMINATION framework safeguards.

For the purpose of removals of a student with a disability, who receives special education services, from the student's current educational placement, a change of placement occurs if (including OSS and ISS removals):

- The removal is for more than 10 consecutive school days; or
- The student has been subjected to a series of removals that constitute a pattern.

On the date on which the decision is made to make a removal that constitutes a change of placement, the LEA must: notify the parent/adult student of that decision and provide the parent/adult student the Notice of Procedural Safeguards.

If a student with a disability who receives special education services is placed at the Juvenile Justice Alternative Education Program

(JJAEP), the District must notify and invite a JJAEP representative to the Placement ARD Meeting. The representative may participate in the meeting to the extent that the meeting relates to the student's placement in the program.

For more information, contact Special Services at 548-8400.

Student Process for Concerns/Complaints/Grievances

Informal Process – The Board encourages students and parents to discuss their concerns and complaints through informal conferences with the appropriate teacher, principal or other campus administrator. Concerns should be expressed as soon as possible to allow early resolution at the lowest possible administrative level. Thereafter, the respective Area Assistant Superintendent for each campus is available to assist parents and students whose issue was not resolved at the campus level.

Formal Process - If an informal conference regarding a complaint fails to reach the outcome requested by the student or parent, the student or parent may initiate the formal process by timely filing the Brownsville Independent School District "written complaint form". The District has adopted a standard complaint policy FNG (LOCAL) and FNG (EXHIBIT) for those complaints and concerns which cannot be resolved through the informal process. This complaint policy includes specific procedures and timelines that must be followed. A copy of these policies and forms may be obtained in the Principal's or Superintendent's office or at the District's website: www.bisd.us. A parent/guardian or adult student must first seek resolution to the complaint by discussing it informally with the teacher, a counselor, or assistant principal, and/or finally the principal prior to invoking formal grievance procedures. If all the informal levels have been exhausted and the complaint has not been resolved, the adult student or parent/guardian may petition the Superintendent or designee in writing to hear the complaint.

Complaints within the scope of Section 504, including complaints concerning the identification, evaluation, or educational placement of a student with a disability, shall be submitted in accordance with FB and the procedural safeguards handbook. Complaints within the scope of the Individuals with Disabilities Education Act, including complaints concerning identification, evaluation, educational placement, or discipline of a student with a disability, shall be submitted in accordance with EHBAER, FOF, and the procedural safeguards handbook provided to parent of all students referred to special education.

Student Right of Appeal (Subject to MDR as Outlined Above)

Suspension- The principal's decision to suspend (out of school or in school) a student is final and cannot be appealed. An out of school (OSS) suspension may not exceed three school days per incident. An in-school suspension (ISS) may vary at the discretion of the principal but is limited to an equivalent total of **10** days within a school year for students who receive special education services.

Short Term Removal - A short-term removal (30 days) to a Disciplinary Alternative Education Placement (DAEP) - Brownsville Academic Center (BAC) is appealable to the Superintendent's Designee. To appeal, parents must submit written notice within **two school days** of receipt of order for removal to the Administrator for Department of Pupil Services whose office is located at 708 Palm Blvd., 544-3966. The Superintendent Designee's decision is final and cannot be appealed.

Long Term Removal- A long term removal (45 days or more) to a Disciplinary Alternative Education Placement (DAEP) - Brownsville Academic Center (BAC) is appealable to the Superintendent's Designee. To appeal, parents must submit written notice within **two school days** of receipt of order for removal to the Administrator for Department of Pupil Services whose office is located at 708 Palm Blvd and telephone number is 544-3966. The Superintendent Designee's decision is final and cannot be appealed.

Placements- A decision by the Superintendent's Designee, the Administrator for Department of Pupil Services, to place a student in a Disciplinary Alternative Education Placement (DAEP) / Juvenile Justice Alternative Education Placement (JJAEP) may be appealed to the District Committee. Parent's written appeal must be delivered to the Department of Pupil Services within **three school days** of receipt of placement order from the District's Hearing Officer. Failure to meet the required timeline denies the parent the right to appeal.

Student Welfare: Freedom from Harassment- FFH (Local) and FFH (Legal).

The District encourages parental and student support in its efforts to address and prohibit harassment including sexual harassment in the public schools. The District prohibits sexual harassment and harassment based on person's race, color, gender, national origin, disability, or religion. Sexual harassment of a student by a District employee and/or another student includes both welcome and unwelcome sexual advances; request for sexual favors; sexually motivated physical, verbal, or non-verbal conduct; or other conduct or communication of a sexual nature when:

1. A District employee causes the student to believe that the student must submit to the conduct in order to participate in a school program or activity, or that the employee will make an educational decision based on whether or not the student submits to the conduct; or
2. The conduct is so severe, persistent, or pervasive that it:
 - a. Affects the student's ability to participate in or benefit from an educational program or activity, or otherwise adversely affects the student's educational opportunities; or
 - b. Creates an intimidating, threatening, hostile, or abusive educational environment.

Prohibited harassment of a student is defined as physical, verbal, or non-verbal conduct based on the student's race, color, gender, national origin, disability or religion that is so severe, persistent or pervasive that the conduct:

1. Affects the student's ability to participate in or benefit from an educational program or activity, or creates an
2. Intimidating, threatening hostile, or offensive educational environment;
3. Has the purpose or effect of substantially or unreasonably interfering with the student's academic performance; or otherwise adversely affects the student's educational opportunities.

Student Welfare: Harassment Reporting Procedures

Any student who believes that he or she has experienced harassment should immediately report the alleged acts to a teacher, counselor, principal, or other District employee. Reports of harassment shall be made as soon as possible after the alleged acts. The process to be followed is outlined in policy FFH (Local).

DISCIPLINARY ALTERNATIVE EDUCATION PLACEMENT (DAEP)

Aside from in-school suspension (ISS) and out-school suspension (OSS), the District provides the following Disciplinary Alternative Education Placements (DAEP):

Brownsville Academic Center (BAC)

The BISD Brownsville Academic Center (BAC) is an alternative campus for students who have been removed or placed from one of the BISD secondary campuses. This alternative campus will provide students with a well-disciplined environment that provides consistency, structure, intense academics, and supported related services to enable the student to grow intellectually, socially, emotionally and psychologically. Students removed for a discretionary offense will attend BAC for 30 days. Students removed for long term mandatory placement will attend BAC for 45 school days. Upon successful completion of the criteria for exit, BAC students will return to their original campus. Length of term may be reduced for perfect attendance in conjunction with appropriate conduct, at the BAC Principal's discretion, not to exceed one day for each week. Any long-term disciplinary action (accumulation often instructional course periods and / or days) regarding a student with disabilities that would constitute a change in placement under federal law may only occur after a manifestation determination review has been conducted by the student's ARD committee

When a student is being removed or placed at the Brownsville Academic Center (BAC) or placed at Juvenile Justice Alternative Education Program (JJAEP), campus administrators may place the student in In-School Suspension (ISS) or Out-of-School Suspension (OSS) pending a hearing for removal or placement. OSS should be used as a last resort for any offense. When a student placement is being appealed to the District Committee, consequences will not be deferred pending the outcome of the hearing for state mandated offenses. Students placed at the Brownsville Academic Center must comply with the exit requirement before they can return to a BISD campus. This holds true for any placed student who withdraws from BISD. Students charged with a felony outside the school district, may be placed in the Brownsville Academic Center.

Juvenile Justice Alternative Education Placement (JJAEP)

Students, who are placed for a mandatory (180 school days) or sometimes, a discretionary offense (90 school days), will be placed to the Juvenile Justice Alternative Education Placement in San Benito, Texas. Students must be at least 10 to 17 years of age, or 18 years of age at the time and throughout the period of placement. Students placed for mandatory offenses will attend for a period not less than 180 attended school days with an optional 90 attended school day review.

Assigning campus is campus of accountability for student performance.

BISD DRESS CODE

The BISD Dress Code guidelines can be found in the Student-Parent Handbook. A student may be disciplined in accordance with the Student Code of Conduct for a violation of the BISD Dress Code.

equipment with graffiti or by other means.

- Steal from students, staff, or the school.
- Commit or assist in a robbery or theft even if it does not constitute a felony according to the Penal Code (For felony robbery, aggravated robbery, and theft, see Removals to DAEP.
- Possession of stolen property.
- Enter without authorization, district facilities that are not open for operations.

Possession of Prohibited Items

Students shall not unlawfully carry, possess or use:

- Fireworks of any kind, smoke or stink bombs, or any other pyrotechnic device
- A razor, box cutter, chain, or any other object used in a way that threatens or inflicts bodily injury to another person
- A “look-alike” weapon that is intended to be used as a weapon or could reasonably be perceived as a weapon
- An air gun or BB gun
- Ammunition
- A firearm silencer or suppressor
- A hand instrument designed to cut or stab another by being thrown
- *A location-restricted knife
- *A club
- *A firearm
- A stun gun
- *Knuckles
- A pocketknife or any other small knife
- Mace or pepper spray
- Pornographic material
- Tobacco products, including e-cigarettes; and any component, part, or accessory for an e-cigarette device
- Non-tobacco nicotine products
- Matches or a lighter
- A laser pointer for other than an approved use or
- Any articles not generally considered to be weapons, including school supplies, when the principal or designee determines that a danger exists.

*For weapons and firearms, see **DAEP – Placement and/or Expulsion for Certain Offenses** on page 13. In many circumstances, possession of these items is punishable by mandatory expulsion under federal or state law.

Possession of Telecommunication Device

Student shall not:

- Use a telecommunication device, including a cellular telephone, or other electronic device in violation of district and campus rules.

Illegal Prescription and Over-the Counter Drugs

Students shall not violate Health & Safety Code:

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

Misuse of Technology Resources and the Internet

Students shall not:

- Violate policies, rules, or agreements signed by the student or the student’s parent regarding the use of technology resources.
- Attempt to access or circumvent passwords or other security-related information of the district, students, or employees or upload or create computer viruses, including off school property if the conduct causes a substantial disruption to the educational environment.
- Attempt to alter, destroy, or disable district technology resources including but not limited to computers and related equipment, district data, the data of others, or other networks connected to the district’s system, including off school property if the conduct causes a substantial disruption to the educational environment.
- Use the Internet or other electronic communications to threaten or harass district students, employees, or volunteers including off school property if the conduct causes a substantial disruption to the educational environment or infringes on the