

**ROBSTOWN INDEPENDENT SCHOOL DISTRICT
AGENDA ACTION SHEET**

Date: August 14, 2023

Subject: 2023-2024 Student Code of Conduct

Administrator Responsible: Diana L. Silvas

Position: Deputy Superintendent

A. Purpose of Agenda Item:

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Information Only

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Action Needed

B. Authority for this Action:

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Local Policy

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Law or Rule

C. Strategic Objective, Goal, or Need Addressed:

D. Summary: TASB provides school districts updates to the Student Code of Conduct every year. This year the Model Student Code of Conduct was revised to include the legislative updates

E. Alternatives Considered:

F. Comments Received:

G. Administrative Recommendation: That the Board approve the 2023-2024 Student Code of Conduct

H. Fiscal Impact and Cost:

I. Monitoring and Reporting Time Line:

**Student Code of Conduct Changes
2023-2024**

TEXT	EDITORIAL NOTES	RISD PG #
General Conduct Violations		
Possession of Prohibited Items Tobacco products, cigarettes, e-cigarettes, and any component, part, or accessory for an e-cigarette device;	The Health and Safety Code requires the school board to prohibit students from possessing or using e-cigarettes and their related components under the Education Code. HB 114 requires mandatory placement in a DAEP for offenses related to e-cigarettes.	8
Miscellaneous Offenses		
Students shall not: • Violate dress and grooming standards as communicated in the Student Handbook.	HB 567 prohibits a school district dress code or grooming policy, including a student dress code or grooming policy for any extracurricular activity, from discriminating against a hair texture or protective hairstyles commonly or historically associated with race. The bill does not define "protective hairstyle", but specifies these hairstyles include braids, locks, and twists. Information relating to student dress code is located in the Model Student Handbook. Review the district's dress code and revise as needed.	10
Mandatory Placement: Misconduct That Requires DAEP Placement		
A student must be placed in a DAEP if the student: Sells, gives, or delivers to another person or possesses, uses, or is under the influence of marijuana, a controlled substance, or a dangerous drug in an amount not constituting a felony offense. (School-related felony drug offenses are addressed in Expulsion on page 56.) (See glossary for "under the influence", "controlled substance," and "dangerous drug.") • Sells, gives, or delivers to another person or possesses, uses, or is under the influence of marijuana or THC. A student with a valid prescription for low-THC cannabis as authorized by Chapter 487 of the Health and Safety Code does not violate this provision. (School-related felony drug offenses are addressed in Expulsion on page 54.) (See glossary for "under the influence" "controlled substance," and "dangerous drug.") • Sells, gives, or delivers to another person an alcoholic beverage; commits a serious act or offense while under the influence of alcohol; or possesses, uses, or is under the influence of alcohol, if the conduct is not punishable as a felony offense. (School-related felony alcohol offenses are addressed in Expulsion on page 53.) • Behaves in a manner that contains the elements of an offense relating to abusable volatile chemicals. • Sells, gives, or delivers to another person or possesses or uses an e-cigarette. • Behaves in a manner that contains the elements of the offense of public lewdness or indecent exposure. (See glossary.)	HB 114 requires mandatory placement in a DAEP for selling, giving, delivering, possessing, using, or being under the influence of marijuana, THC, or e-cigarettes within 300 feet of school property as measured from any point on the school's real property boundary line, or while attending a school-sponsored or school-related activity on or off school property. Chapter 37 allows districts to choose expulsion or mandatory placement in a DAEP for any amount of marijuana, THC, a controlled substance, a dangerous drug, alcohol, or abusable volatile chemical offenses. A district is prohibited from enacting, adopting, or enforcing a rule or regulation that prohibits the possession of low-THC cannabis as authorized by The Texas Compassionate Use Act, Chapter 487 of the Health and Safety Code, which permits prescriptions for low-THC cannabis in limited circumstances. If a student has a prescription, any possession or use of low-THC cannabis should not be considered a violation of the adjacent text. Follow the district's policies and procedures for prescription medications. [See FFAC and FFAF.]	19
When a student is removed from class for a DAEP offense, the campus behavior coordinator or appropriate administrator shall schedule a conference within three school days with the student's parent, the student, and, in the case of a teacher removal, the teacher. At the conference, the campus behavior coordinator or appropriate administrator shall provide the student: • Information, orally or in writing, of the reasons for the removal; • An explanation of the basis for the removal; and • An opportunity to respond to the reasons for the removal. Following valid attempts to require attendance, the district may hold the conference and make a placement decision regardless of whether the student or the student's parents attend the conference.	HB 114 makes clear that conference provisions in Education Code 37.009 (a) apply to all removals for mandatory placement in a DAEP under Education Code 37.006(a). FOC(EXHIBIT), found in the Regulations Resource Manual, provides a sample notice of a removal conference.	20
Placement Order After the conference, if the student is placed in a DAEP, the campus behavior coordinator shall write a placement order. A copy of the DAEP placement order and information for the parent or person standing in parental relation to the student regarding the process for requesting a full individual and initial evaluation of the student for purposes of special education services shall be sent to the student and the student's parent. Not later than the second business day after the conference, the board's designee shall deliver to the juvenile court a copy of the placement order and all information required by Section 52.04 of the Family Code. If the student is placed in a DAEP and the length of placement is inconsistent with the guidelines included in this Code of Conduct, the placement order shall give notice of the inconsistency.	HB 3928 amends Chapter 37 to require the district to provide information to a student's parent about the process for requesting a full individual and initial evaluation of the student for purposes of special education services when a student is placed for a mandatory DAEP offense. FOC(EXHIBIT), found in the Regulations Resource Manual, provides sample placement orders.	21

<p>DAEP at Capacity If a DAEP is at capacity at the time the CBC is deciding placement for conduct related to marijuana, THC, an e-cigarette, alcohol, or an abusable volatile chemical, the student shall be placed in ISS then transferred to a DAEP for the remainder of the period if space becomes available before the expiration of the period of the placement.</p> <p>If a DAEP is at capacity at the time the CBC is deciding placement for a student who engaged in violent conduct, a student placed in a DAEP for conduct related to marijuana, THC, an e-cigarette, alcohol, or an abusable volatile chemical may be placed in ISS to make a position in the DAEP available for the student who engaged in violent conduct. If a position becomes available in a DAEP before the expiration of the period of the placement for the student removed, the student shall be returned to a DAEP for the remainder of the period.</p>	<p>HB 114 states when a DAEP is at capacity, a student who engaged in conduct related to marijuana, THC, an e-cigarette, alcohol, or an abusable volatile chemical must be placed in ISS until the student can be transferred to a DAEP if space becomes available before the expiration of the period of the placement.</p> <p>In addition, when a DAEP is at capacity, a student in a DAEP for conduct related to marijuana, THC, e-cigarette, alcohol, or an abusable volatile chemical may be moved to ISS to create space for a student who engaged in violent conduct. If space becomes available, the removed student must be returned to a DAEP to complete the period of the placement.</p> <p style="text-align: right;">21</p>		
<p style="text-align: center;">Glossary</p> <table> <tr> <td data-bbox="131 472 743 737"> <p>Harassment includes: Causing the telephone of another to ring repeatedly or making repeated telephone communications anonymously or in a manner reasonably likely to harass, annoy, alarm, abuse, torment, embarrass, or offend another; e. Making a telephone call and intentionally failing to hang up or disengage the connection; f. Knowingly permitting a telephone under the person's control to be used by another to commit an offense under this section; i. Making obscene, intimidating, or threatening telephone calls or other electronic communications from a temporary or disposable telephone number provided by an internet application or other technological means.</p> </td><td data-bbox="743 472 1500 737"> <p>HB 1427 expands the offense of harassment under Penal Code 42.07 to include making obscene, intimidating, or threatening telephone calls or other electronic communications from a temporary or disposable telephone number. The definition of harassment in the glossary has been updated to reflect the language in the Penal Code.</p> <p style="text-align: right;">38-39</p> </td></tr> </table>		<p>Harassment includes: Causing the telephone of another to ring repeatedly or making repeated telephone communications anonymously or in a manner reasonably likely to harass, annoy, alarm, abuse, torment, embarrass, or offend another; e. Making a telephone call and intentionally failing to hang up or disengage the connection; f. Knowingly permitting a telephone under the person's control to be used by another to commit an offense under this section; i. Making obscene, intimidating, or threatening telephone calls or other electronic communications from a temporary or disposable telephone number provided by an internet application or other technological means.</p>	<p>HB 1427 expands the offense of harassment under Penal Code 42.07 to include making obscene, intimidating, or threatening telephone calls or other electronic communications from a temporary or disposable telephone number. The definition of harassment in the glossary has been updated to reflect the language in the Penal Code.</p> <p style="text-align: right;">38-39</p>
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