

Student Code of Conduct Revisions

2019-2020

Security Personnel

To ensure sufficient security and protection of students, staff, and property, the board employs [school resource officers (SROs), and/or security personnel]. 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 policy CKE(LOCAL).

Reason:

SB 1707 requires the district to include the duties of peace officers, school resource officers (SROs), and security personnel in its district improvement plan, Student Code of Conduct, and any other documents that outline the duties of such personnel. The bill also states that such personnel should not be assigned duties out-side of their purview of security. The board is required to coordinate with the campus behavior coordinator and other employees to ensure that peace officers, SROs, and security personnel are not tasked with behavioral or administrative duties better addressed by other district employees.

Threat Assessment and Safe and Supportive School Team

The campus behavior coordinator or other appropriate administrator will work closely with the campus threat assessment safe and supportive school team to implement the district's threat assessment policy and procedures, as required by law, and shall take appropriate disciplinary action in accordance with the Code of Conduct.

Reason:

SB 11 requires districts to adopt threat assessment policies and procedures and establish a team to serve at each campus.

OSS/DAEP/JJAEP

Students who may be homeless or in the conservatorship of DFPS.

Reason:

HB 692 prohibits a district from placing in out-of-school suspension a student who is homeless, unless the student engages in certain conduct. The bill allows for the campus behavior coordinator to work with the homeless liaison to find an appropriate

alternative for the student. In addition, HB 65 requires districts to report to the commissioner information regarding out-of-school suspensions.

HB 811 adds a student's status as homeless or in the conservatorship of DFPS to the list of mitigating factors the district must consider in making a disciplinary decision regarding suspension, placement in a DAEP, expulsion, or placement in a JJAEP.

Prohibited Aversive Techniques

Aversive techniques are prohibited for use with students and are defined as techniques or interventions intended to reduce the reoccurrence of a behavior by intentionally inflicting significant physical or emotional discomfort or pain. Aversive techniques include:

- Using techniques designed or likely to cause physical pain, other than corporal punishment as permitted by district policy. [See policy FO(LOCAL).]
- Using techniques designed or likely to cause physical pain by electric shock or any procedure involving pressure points or joint locks.
- Directed release of noxious, toxic, or unpleasant spray, mist, or substance near a student's face.
- Denying adequate sleep, air, food, water, shelter, bedding, physical comfort, supervision, or access to a restroom facility.
- Ridiculing or demeaning a student in a manner that adversely affects or endangers the learning or mental health of the student or constitutes verbal abuse.
- Employing a device, material, or object that immobilizes all four of a student's extremities, including prone or supine floor restraint.
- Impairing the student's breathing, including applying pressure to the student's torso or neck or placing something in, on, or over the student's mouth or nose or covering the student's face.
- Restricting the student's circulation.
- Securing the student to a stationary object while the student is standing or sitting.
- Inhibiting, reducing, or hindering the student's ability to communicate.
- Using chemical restraints.
- Using time-out in a manner that prevents the student from being able to be involved in and progress appropriately in the required curriculum or any applicable individualized education program (IEP) goals, including isolating the student by the use of physical barriers.
- Depriving the student of one or more of the student's senses, unless the technique does not cause the student discomfort or complies with the student's IEP or behavior intervention plan (BIP).

Reason:

SB 712 and HB 3630 prohibit a district employee, volunteer, or independent contractor from using aversive techniques or causing aversive techniques to be used on a student. The bills clarify that the new provisions do not prohibit a teacher from removing a student from class under Education Code 37.002.

Transition Services

In accordance with law and district procedures, campus staff shall provide transition services to a student returning to the regular classroom from an alternative education program, including a DAEP. See policy FOCA(LEGAL) for more information.

Reason:

HB 2184 requires the DAEP administrator to provide the administrator of the campus where the student is returning with information about the student's progress while in the alternative setting, including an assessment of academic growth and results of any assessments given to the student. The bill also requires that, no later than the fifth day after the student is released back to the campus, the campus administrator must develop a personal transition plan for the student by working with campus personnel.

Board Review of Expulsion

After the due process hearing, the expelled student may request that the board review the expulsion decisions. The student or parent must submit a written request to the superintendent within seven days after receipt of the written decision. The superintendent must provide the student or parent written notice of the date, time, and place of the meeting at which the board will review the decision.

The board shall review the record of the expulsion hearing in a closed meeting unless the parent requests in writing that the matter be held in an open meeting. The board may also hear a statement from the student or parent and from the board's designee.

The board shall hear statements made by the parties at the review and shall base its decision on evidence reflected in the record and any statements made by the parties at the review. The board shall make and communicate its decision orally at the conclusion of the presentation. Consequences shall not be deferred pending the outcome of the hearing.

Reason:

Removes the appeal wording under Expulsions in current student code of conduct.
Questions from parents regarding disciplinary measures should be addressed to the

campus administration. Student or parent appeals regarding a student's expulsion should be addressed in accordance with board policy FNG.

Glossary Changes

Controlled substance means a substance, including a drug, an adulterant, and a dilutant, listed in Schedules I through V or Penalty Group 1, 1-A, 2, 2-A, 3, or 4 of the Texas Controlled Substances Act. The term includes the aggregate weight of any mixture, solution, or other substance contain-ing a controlled substance. The term does not include hemp, as defined by Agriculture Code 121.001, or the tetrahydrocannabinols (THC) in hemp.

Reason:

HB 1325 amends the definition of controlled substance in state law to exclude hemp and to align "hemp" in the Texas Agriculture Code with federal law. As amended by HB 1325, the Agri-culture Code defines hemp as the plant *Canna-bis sativa* L. and any part of that plant with a delta-9 tetrahydrocannabinol (THC) concentration of not more than 0.3 percent, and the THC in hemp. The bill also removes hemp from the definition of marijuana.

Dangerous drug is defined by Health and Safety Code 483.001 as a device or a drug that is unsafe for self-medication and that is not included in Schedules I through V or Penalty Groups 1 through 4 of the Texas Controlled Substances Act. The term includes a device or drug that federal law prohibits dispensing without prescription or restricts to use by or on the order of a licensed veterinarian.

Reason:

Clarification for applying consequences for possible violations of the code of conduct.

Harassment includes:

1. Conduct that meets the definition established in district policies DIA(LOCAL) and FFH(LOCAL); or
2. Conduct that threatens to cause harm or bodily injury to another student, is sexually intimidating, causes physical damage to the property of another student, subjects another student to physical confinement or restraint, or maliciously and substantially harms another student's physical or emotional health or safety as defined in section 37.001 (b) (2) of the Education Code.
3. Conduct that is punishable as a crime under Penal Code 42.07, including the following types of conduct if carried out with the intent to harass, annoy, alarm, abuse, torment, or embarrass another:
 - a) Initiating communication and, in the course of the communication, making a comment, request, suggestion, or proposal that is obscene, as defined by law;

- b) Threatening, in a manner reasonably likely to alarm the person receiving the threat, to inflict bodily injury on the person or to commit a felony against the person, a member of the person's family or household, or the person's property;
- c) Conveying, in a manner reasonably likely to alarm the person receiving the report, a false report, which is known by the conveyor to be false, that another person has suffered death or serious bodily injury; and
- d) Sending repeated electronic communications in a manner reasonably likely to harass, annoy, alarm, abuse, torment, embarrass, or offend another.

Reason:

SB 2432 adds certain forms of harassment under Penal Code 42.07 to the reasons for mandatory DAEP if a student engages in the conduct against an employee on or within 300 feet of school property or while attending a district activity.

Hazing is defined by Section 37.151 of the Education Code as an intentional, knowing, or reckless act, on or off campus, by one person alone or acting with others, directed against a student for the purpose of pledging, initiation into, affiliation with, holding office in, or maintaining membership in a student organization if the act meets the elements in Education Code 37.151, including:

1. Any type of physical brutality;
2. An activity that subjects the student to an unreasonable risk of harm or that adversely affects the student's mental or physical health, such as sleep deprivation, exposure to the elements, confinement to small spaces, calisthenics, or consumption of food, liquids, drugs, or other substances;
3. An activity that induces, causes, or requires the student to perform a duty or task that violates the Penal Code; and
4. Coercing a student to consume a drug or alcoholic beverage in an amount that would lead a reasonable person to believe the student is intoxicated.

Reason:

SB 38 expands the definition of hazing and provides examples of student groups where hazing might occur, including student government; band or musical group; and an academic, athletic, dance, or cheerleading team.

Reasonable belief is that which an ordinary person of average intelligence and sound mind would believe. Chapter 37 requires certain disciplinary decisions when the superintendent or designee has a reasonable belief that a student engaged in conduct punishable as a felony offense. In forming such a reasonable belief, the superintendent or designee may use all available information, including the notice of a student's arrest under Article 15.27 of the Code of Criminal Procedure.

Reason:

Clarification for applying consequences for possible violations of the code of conduct.