

2018  2019



STUDENT
CODE OF
CONDUCT

2018-2019

Student Code of Conduct

Tyler Independent School District

Student and Parent Acknowledgment

The Tyler Independent School District shall foster a climate of mutual respect for the rights of others. Each student is expected to respect the rights and privileges of other students, teachers, and district personnel. The student's responsibilities for achieving a positive learning environment at school and/or school-related activities shall include the following:

- Attend all classes each day, and be on time
- Prepare for each class with appropriate materials and completed assignments
- Dress according to the dress code adopted by each individual school
- Know that the possession, use, and/or sale of illegal or unauthorized drugs, alcohol, and weapons are unlawful and prohibited
- Show respect toward others
- Conduct yourself in a responsible manner
- Know and obey all school rules in the *Student Code of Conduct* and in the School-Based Discipline Management System
- Cooperate with staff members in investigations of disciplinary matters
- Understand that all cell phones must be turned off during instruction time unless used for instructional purposes
- Report threats for the safety of students and staff members as well as misconduct on the part of any other students or staff members to the building principal, a teacher, or another adult
- Be familiar with and comply with the Acceptable Use Policy for Computers and Technology
- Understand that principals, coaches, and sponsors of extracurricular activities may develop and enforce standards of conduct that are higher than the district-developed *Student Code of Conduct*.

The *Student Code of Conduct* has been written to help your son or daughter gain the greatest possible benefit from his or her school experience. However, the school is in need of your help and cooperation to attain this goal. It is important that every student understand the *Code* and be expected by his or her parent(s) or guardian(s) to follow the rules and regulations set forth in the *Code*. Please read and discuss the *Code* with your child. When you have done so, you and your child must sign this form and return it to the school. Signatures of parents and the student acknowledge receipt of a copy of the *Student Code of Conduct* and certify that they have read and discussed the *Code*. It is expected that parents and students accept their responsibilities as described in the *Student Code of Conduct*.

Student Signature

Date

Parent or Guardian Signature

Date

Parent or Guardian Signature

Date

Grade _____ Homeroom _____ School _____

Note: Place original form in student's cumulative folder.

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WELCOME TO TYLER ISD!

This handbook contains information that parents and students must know to ensure a successful school year. The *Student Code of Conduct* is required by state law and is intended to promote a positive learning environment and safe schools. More information regarding district policies and procedures may be found in board policies and the *Student Handbook*.

Tyler ISD board policies, as well as state and federal law, are legal guidelines that bind the district, its employees, and students. Such policies and laws take precedence over the information in this *Student Code of Conduct*, and any conflicts between such shall be interpreted and resolved in compliance with and in favor of board policy and/or applicable laws.

Tyler ISD Vision

Tyler ISD will focus on successful student outcomes.

Overview and Purpose

The Tyler Independent School District's 2018-2019 *Student Code of Conduct* has been revised to comply with state law as delineated in Chapter 37, Safe Schools Act, and Texas Education Code. The revised code is a collaborative effort between central and campus staff, parents/guardians, and other concerned community members. The *Student Code of Conduct*, as adopted by the Tyler ISD Board of Trustees, articulates specific expectations regarding appropriate conduct to all students, parents/guardians, teachers, and school administrators of the Tyler ISD. In accordance with state law, the Code shall be available for review at the office of the campus principal. Additionally, the Code shall be available at the office of the campus behavior coordinator and posted on the district's website.

The four key functions of the *Student Code of Conduct* are to:

- describe behavior that builds a positive environment for learning;
- delineate specific examples of student misconduct;
- define penalties that will be imposed for specific misconduct; and
- provide for district consistency in the matter of student discipline.

The law requires that the District define and communicate to students and parents/guardians, student behavioral expectations and the various kinds of misconduct that may, or in some cases, must result in disciplinary consequences. The District's *Student Code of Conduct* categorizes these infractions as Level I, II, III, and IV Offenses.

Level I – Violations of classroom rules:

- Offenses that generally occur in the classroom and can be corrected by the teacher or administrator.

Level II – Suspension and/or optional removal to a Disciplinary Alternative Education Program:

- Offenses that seriously disrupt the educational process in the classroom in the school, and/or at a school-related activity.

Level III – Mandatory placement in a DAEP:

- Criminal offenses as defined in Level III. All offenses listed in Level III are according to TEC Chapter 37.006.

Level IV – Expulsion:

- Offenses that include those which a student may be expelled under state law TEC 37.007

The code also indicates the disciplinary responses attached to these infractions.

In general, disciplinary actions will be designed not merely to correct misconduct, but to encourage and motivate students to become responsible citizens of the school community. District personnel will be responsible for implementing all accessible prevention and intervention measures prior to taking punitive action. These measures would include a range of District programs and the services of specialized personnel, as well as appropriate community resources that are available to students and families. In all cases prior to a student being removed to a disciplinary alternative education placement, teachers, administrators and campus behavior coordinators will draw from a range of current discipline management techniques and be correlated to the following:

- seriousness of the offense
- student's age
- grade level
- ability and functioning level
- frequency of misbehavior/disciplinary history
- student's attitude
- effect of the misconduct on the school environment
- statutory requirements
- self-defense, as defined in the *Student Code of Conduct*
- intent or lack of intent at the time student engaged in the misconduct

Policies and procedures (rules) regarding student behavior refer to the actions of students while they are on school property, including actions that occur before, during, and after regular school hours. The rules also apply to all school-sponsored/related activities or events, such as field trips, sports, dances, assemblies, or evening school-related events on or off school property. Students and parents/guardians should be aware that the commission of certain felonious offenses, whether at or away from school, may result in the student's placement in Off-Campus Disciplinary Alternative Education Program (DAEP) or expulsion to DAEP.

Overview of Responsibilities

Student Responsibilities

The student's responsibilities for achieving a positive learning environment at school and/or school-related activities include the following:

- Attending all classes on-time and adhering to compulsory attendance laws of the State of Texas
- Preparing for each class with appropriate materials and completed assignments
- Dressing according to district and individual school dress codes
- Showing respect toward others
- Conducting oneself in a responsible manner while being respectful and cooperative
- Knowing and obeying all school rules in the Student Code of Conduct and the Campus Behavior Management Plan
- Seeking changes in school policies and regulations in an orderly and responsible manner through appropriate channels
- Reporting threats to the safety of students and staff members as well as misconduct on the part of other students or staff members to an administrator, campus behavior coordinator, counselor, teacher, or other adult
- Using District technology systems and computer related equipment appropriately and for school purposes only

Parent Responsibilities

The parent's responsibilities for ensuring a positive learning environment for their student(s) include the following:

- Ensuring students arrive at school on-time every day prepared to learn
- Ensuring students read and complete their homework each night
- Supporting school, district, classroom, and school-related activity rules for student behavior and ensuring that their children conduct themselves according to district standards
- Providing the school with their current address and phone numbers for effective communication
- Providing the appropriate school personnel with any student information that will affect the student's ability to learn and the student's behavior
- Reading, acknowledging, and understanding these rules and the rules applicable to their children's conduct while they are at school

Revoking Transfers

The district has the right to revoke the transfer of any inter-district, intra-district, or PEG transfer for violating the district's Student Code of conduct or for violation of state compulsory attendance laws (including excessive tardiness and absenteeism) FDA(LOCAL), FDB(LOCAL), and FDAA.

District Responsibilities

Teachers shall establish classroom management procedures that concentrate on good student conduct and support school and district policies and procedures.

Administrators shall work with students, parents, staff and the community to develop an effective school behavior management plan that promotes and maintains the support of good student behavior. Campus Behavior Coordinators shall support students and staff in maintaining a positive learning environment.

A Campus Behavior Coordinator, which is a campus administrator, is responsible for maintaining student discipline and the implementation of any disciplinary actions under Chapter 37, Texas Education Code. The campus administrator shall be responsible for maintaining student discipline and implementing any duties assigned by law and as established by campus or district policy; they must have a review process in place for reviewing campus level discipline data monthly, in order to see what changes need to be made in reducing disciplinary infractions as they may occur. [Texas Education Code Sec. 37.0012]

Central Administration shall provide services and support to campuses in maintaining a positive learning environment.

Process and Standard

Campus Administrator Discipline Process

It is important for parents/guardians and the community to understand that the Texas Education Code requires school districts to complete what is termed “administrative processes.” These processes are separate and different from what a juvenile or adult court will do when a student breaks the law. To take action, the District has to show only a preponderance of evidence that a student violated the *Student Code of Conduct*. The District does not have to show proof beyond a reasonable doubt.

When a student is charged by law enforcement with a penal code violation, the District will act on that charge. The District continues the administrative discipline process, even if the following occurs:

- The district attorney decides not to prosecute.
- The case is non-suited, reduced in severity, or cleared by exception.
- The police do not file a report.
- The grand jury no-bills in an adult proceeding.

The District’s Right to Discipline

When students do not show respect for others, whether they are causing problems that disrupt learning or put safety at risk, they are subject to disciplinary action. In other words, when students break the *Student Code of Conduct*, there will be consequences.

The Tyler Independent School District may discipline a student:

- during the regular school day and while a student is going to and from school on District buses;
- while the student is attending any school-related activity no matter when or where it takes place;
- for certain Level III and IV Offenses that occur within 300 feet of school property as measured from any point on the real property boundary line;
- for any Level IV Offense committed while a student is:
 - a. on school property;
 - b. at a school-related event on or off school property;
 - c. on the school property of another Texas school district;
 - d. attending another district’s school-sponsored or school-related activity; or
 - e. off school property.
- when a school employee or volunteer is a victim of retaliation no matter when or where it takes place;
- when a felony is committed, as provided in the Texas Education Code 37.006 or 37.0081; or
- when criminal mischief is committed on or off school property or at a school-related event (felony level).

Standards of Student Conduct

The District is committed to the rights of students as recognized and protected under state and federal laws. In addition, the District has enumerated certain expectations (responsibilities) regarding student behavior that, when adopted by students, effect a positive influence on the school and community. A proper balance between rights and responsibilities is essential if the District is to provide the kinds of educational experiences that promote self-responsibility and enhance educational opportunities for all students.

Five standards of student conduct are offered as guides to the development of Campus Classroom Rules for each campus, as well as a districtwide model. These standards assert that responsible students should be encouraged and taught to:

- Exercise self-control
 - ❖ use courteous language
 - ❖ resolve conflict in a mature manner
 - ❖ be appropriately dressed and groomed
- Demonstrate a positive attitude
 - ❖ take a leadership role
 - ❖ be polite
 - ❖ be cooperative
- Respect the rights and feelings of others
 - ❖ behave in a manner that does not disrupt others
 - ❖ treat others with courtesy and respect (i.e., put oneself in the place of the other person, whether that person is another student, teacher, parent/guardian, community person, administrator, lunchroom or custodial worker, or any other person on campus)
- Take responsibility for school property
 - ❖ respect the building, grounds, and property
 - ❖ keep the campus free from trash and graffiti
- Support the learning process
 - ❖ attend all classes regularly and on time
 - ❖ be prepared for class (i.e., bring assignments, books, and supplies)
 - ❖ listen carefully to instructions
 - ❖ participate in class activities

The districtwide plan to promote positive student conduct in conjunction with the campus/classroom rules is designed to maintain order in the school, foster a climate of mutual respect for the rights of others, and teach students that they are responsible for conducting themselves in a manner appropriate to their age and level of maturity.

General Guidelines and Notifications

Disciplinary Action

Disciplinary action is not just to correct bad behavior. It is also to help students become responsible members of the school community and the larger community in which they live.

The District tries to prevent bad behavior before it starts and will intervene to stop bad behavior from getting worse before taking disciplinary action. To keep from having to take disciplinary action, the District uses special programs and trained personnel to prevent and intervene, and uses community resources that are available to students and their families.

Offensive Language

It is the position of the Tyler ISD Board of Trustees that the use of offensive language in the school environment is unacceptable and tends to create a hostile work and educational environment. Such language includes, but is not limited to, the use of slurs or offensive language related to race, ethnicity, gender and/or gender orientation, disability and religious beliefs. In order to maintain a safe and appropriate educational environment for students and employees, all district employees are required to report such violations of the *Student Code of Conduct* to the appropriate campus administrator. The consequences for such behavior are listed under the category of Level I Offenses.

Self-Defense

In accordance with Chapter 37 of the Texas Education Code, prior to suspension, removal to a disciplinary alternative education program or expulsion, school districts must consider self-defense as a factor in the decision to order such removal. Under the *Student Code of Conduct* self-defense is defined as, "the use of force against another to the degree a person reasonably believes the force is immediately necessary to protect himself or herself."

False Accusations

Be advised that teachers, administrators, or any district employee, falsely accused may file a criminal complaint against any person making a false police report. If any district employee is harmed by a student's false accusation, the victim may seek civil damages from the student/parent/guardian. These are individual rights and do not belong to the school district. Employees shall consult their own attorney for legal advice and counsel in these situations.

Reporting a Crime

A school administrator will report crimes as required by law, including child abuse. A school administrator who suspects that a crime has been committed on campus will call local law enforcement.

Educator-Student Relationships

The Texas Penal Code Subchapter F, Section 9.62 provides that: "The use of force, but not deadly force, against a person is justified: (1) if the actor is entrusted with the care, supervision, or administration of the person for a special purpose; and (2) when and to the degree the actor reasonably believes the force is necessary to further the special purpose or to maintain discipline in a group."

Further, TEC 22.0512 provides that; "A professional employee of a school district may not be subject to disciplinary proceedings for the employee's use of physical force against a student to the extent justified under Section 9.62 of the Penal Code."

Physical Restraint

Any District employee may, within the scope of the employee's duties, use and apply physical restraint to a student if the employee reasonably believes restraint is necessary in order to:

1. Protect a person, including the person using physical restraint, from physical injury (FO (LOCAL))
2. Obtain possession of a weapon or other dangerous object (FO (LOCAL))
3. Protect property from serious damage (FO (LOCAL))
4. Remove a student refusing a lawful command of a school employee from a specific location, including a classroom or other school property, in order to restore order or to impose disciplinary measures (FO (LOCAL))
5. Restrain an irrational student (FO (LOCAL))

Campus Classroom Rules

In order to establish a positive school climate in which every student can achieve his or her potential, each school is required to develop campus classroom rules that address the kinds of minor misbehaviors that impede the educational process in the classroom or school. This plan is developed through a committee comprised of administrators, campus behavior coordinator, parents/guardians, teachers, students, support personnel, and community representatives. From the committee's collaborative effort, a consensus regarding minor offenses, student responsibilities, and discipline management techniques for school offenses only is reached. Campus Classroom Rules and the *Student Code of Conduct* are designed as guidelines for determining behavior expectations and should be disseminated or communicated to the school community.

It should be noted that once an offense has gone beyond the designation of "school" and is listed as a Level I, II, III, or IV Offense, the regulations (responses) set forth in the District's *Student Code of Conduct* apply. Campus/Classroom rules are no longer relevant or applicable in this instance. The *Student Code of Conduct* applies districtwide and cannot be added to, deleted from, changed, or modified without approval of the Board of Trustees. The *Student Code of Conduct* must be displayed in every school in a location accessible to all students, parents/guardians, or community members.

Extracurricular Activities

With approval of the Central Administration and the school principal, sponsors and coaches of extracurricular activities may develop and enforce standards of conduct that are higher than the District-developed *Student Code of Conduct* and may establish and maintain membership and eligibility for participation in activities on adherence to those standards. These organizational standards of behavior are independent of the *Student Code of Conduct*, and violations may result in independent disciplinary action by the school.

Students shall be informed of any extracurricular behavior standards for the organization in conjunction with tryout, practice, or acceptance/induction into membership.

Students and their parents/guardians shall sign and return to the sponsor or coach a statement acknowledging recognition of the extracurricular behavior standards and consent to abide by them as a condition of membership or participation in the activity.

General Guidelines and Notifications (Continued)

A student may be removed from membership or participation in extracurricular activities or may be excluded from school honors for violation of organizational standards of behavior or for violations of the *Student Code of Conduct*.

The higher standards may take into account conduct that occurs at any time, on or off school property. No provision of the extracurricular behavioral standard shall have the effect of discriminating on the basis of sex, race, disability, religion, or ethnicity. FNC and FO (LOCAL)

Students with Disabilities

The discipline of students with disabilities is subject to applicable state and federal law in addition to the *Student Code of Conduct*. To the extent any conflict exists, state and/or federal law will prevail.

Each student with disability eligibility under the Individual with Disabilities Education Act (IDEA) or as warranted by Section 504 shall have an Individualized Education Program (IEP/IAP) to address the student's specialized education needs. If the student's IEP contains disciplinary sanctions and is not being challenged in an administrative or court appeal pursuant to the IDEA, then those sanctions in the IEP should be followed.

A behavior intervention plan (BIP) or a behavior modification plan (BMP) (Section 504) shall be developed for those eligible students who exhibit persistent misconduct and/or whose behavior interferes with learning.

The BIP of a student with disabilities shall be reviewed prior to taking discipline action in order to determine that a selected discipline technique is not prohibited by the student's plan.

In deciding whether to order in- or out-of-school suspension, DAEP placement, or expulsion, the district will take into consideration a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct. TEC 37.001 (a)(4)

If it is determined that a behavior management technique is not appropriate to be applied to a student with a disability, the Admission, Review, and Dismissal (ARD)/Section 504 Committee shall determine what alternate consequences would be appropriate by referencing the student's BIP. TEC 37.001 (b-1)

In accordance with the Education Code, a student receiving special education services may not be disciplined for conduct meeting the definition of bullying, harassment, or making hit lists until an ARD committee meeting has been held to review the conduct. TEC 37.001 (b-1)

For students with disabilities, an ARD/Section 504 Committee must be convened to consider the first removal of the student from class more than 10 cumulative days in a school year and for any removal for more than 10 consecutive days. Thereafter, an ARD/Section 504 Committee must be convened should a series of removals demonstrate a pattern of removal. FOF (LEGAL)

Manifestation Determination

Within 10 school days of any decision to change the placement of a student because of a violation of a code of student conduct, the District, parents/guardians and relevant members of the ARD committee (as determined by the parent/guardian and the District) shall review all relevant information in the student's file, including the student's IEP, any teacher observations, and any relevant information provided by the parents to determine whether the conduct in questions was:

1. caused by, or had a direct and substantial relationship to, the student's disability; or
2. the direct result of the District's failure to implement the IEP.

If the District, the parent/guardian, and relevant members of the ARD committee determine that either of the above is applicable, the conduct shall be determined to be a manifestation of the student's disability. 20 U.S.C. 1415(k)(1)(E); 34 CFR 300.530(e)

School personnel may remove a student to an interim alternative educational setting for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the student's disability, if the student: (1) carries or possesses a weapon to or at school, on school premises, or to or at a school function under the jurisdiction of TEA or the District; or (2) knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school, on school premises, or at a school function under the jurisdiction of TEA or the District; or (3) has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of TEA or the District. 20 U.S.C. 1415(k)(1)(G); 34 CFR 300.530(g). The ARD committee shall determine the interim alternative education setting. 20 U.S.C. 1415(k)(2).

The student must: (1) continue to receive educational services so as to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals in the student's IEP; and (2) receive, as appropriate, a functional behavioral assessment and behavioral intervention services and modifications, that are designed to address the behavior violation so that it does not recur. These services may be provided in an interim alternative educational setting. 34 CFR 300.530(d)(1).

A parent who disagrees with a placement decision or the manifestation determination may request a due process hearing. A district that believes that maintaining a current placement of a student is substantially likely to result in injury to the student or others may request a due process hearing. 20 U.S.C. 1415(k)(3)(A); 34 CFR 300.532(a); 19 TAC 89.1151.

When an appeal has been requested by a parent or the District, the student shall remain in the interim alternative education setting pending the decision of the hearing officer or until the expiration of the student's assignment to the alternative setting, whichever occurs first, unless the parent and District agree otherwise. 20 U.S.C. 1415(k)(4); 34 CFR 300.533.

Transportation is not provided to DAEP for students with disabilities, unless the student's IEP states that the student needs transportation as a related service.

Protection for Students Not Yet Eligible for Special Education Services

A student who has not been determined to be eligible for special education and related services and who has engaged in behavior that violated a code of student conduct may assert any of the protections provided for in the IDEA if the District had knowledge that the student had a disability before the behavior that precipitated that disciplinary action occurred. 20 U.S.C. 1415(k)(5)(A); 34 CFR 300.534 (a)

General Guidelines and Notifications (Continued)

District Knowledge

The district shall be deemed to have knowledge that a student has a disability if, before the behavior that precipitated the disciplinary action occurred:

- (1) the parent of the student expressed concern in writing to supervisory or administrative personnel of Tyler ISD, or to a teacher of the student that the student is in need of special education and related services;
- (2) the parent of the student requested an initial evaluation to determine if the child qualifies as a child with a disability under IDEA
- (3) the teacher of the student or other personnel of Tyler ISD directly expressed specific concerns about a pattern of behavior demonstrated by the student directly to the Executive Director of Academic Intervention or to other supervisory personnel of the district.

EXCEPTION: Tyler ISD shall not be deemed to have knowledge that the student is a disabled student if the parent/guardian of the student has not allowed an evaluation of the student or has refused special education services or the student has been evaluated and it was determined that the student was not eligible for special education services. Additionally, in cases where the student has previously been determined eligible and has been receiving special education services, but the parent/guardian or adult student has withdrawn consent for provision of Special Education services, Tyler ISD will be deemed to have no knowledge that the student is a disabled student. FOF (LEGAL)

Discipline of Student Served Under Section 504 of the Rehabilitation Act

Students served under IDEA (Individuals with Disabilities Education Act) include students who have one of 13 specific categories of disabilities and who, because of their disabilities, are in need of special education and related services in order to receive a free, appropriate public education. Section 504 of the Rehabilitation Act of 1973 covers a broader range of individuals.

A student with disabilities under Section 504 is defined as a student who (a) has, (b) has a record of having, or (c) is regarded as having a physical or mental impairment that substantially limits a major life activity such as learning, self-care, walking, seeing, hearing, speaking, breathing, working, or performing manual tasks.

Discipline of Section 504 students mirrors the procedural framework for students receiving special education services. However, it is a separate procedure established under separate laws. As with Special Education students, if there is a behavior plan that specifies disciplinary options or responses to student misconduct, then those options or responses should be implemented in accordance with the plan.

For more-serious misconduct, which may require expulsion or other exclusion that constitutes a significant change in placement, the Section 504 Committee must conduct a manifestation determination to determine whether the student's conduct was caused by his or her disabling condition. The Section 504 Committee is composed of a group of person's knowledgeable about the student. Such a determination should be based on current data.

If it is determined by the Section 504 Committee that the misconduct is not caused by the student's disabling condition, the student may be excluded from school in the same manner as similarly situated nondisabled students are excluded, but educational services may not be terminated completely during the expulsion period. The Section 504 Committee will determine the extent of educational services to be provided during the expulsion

period. Educational services should be provided to the extent necessary to prevent regression in the area of the student's disabling condition.

If it is determined by the Section 504 Committee that the misconduct is caused by the student's disabling condition, the student may not be expelled. The Section 504 Committee must then determine whether the student's current educational placement is appropriate.

Under federal law, students with disabilities who possess illegal drugs or alcohol may be held to the same standard of behavior to which nondisabled students are held.

Rules concerning use or possession of illegal drugs and alcohol will be enforced evenly with respect to all students, whether they have disabilities or not.

Bus Transportation

The purpose of school transportation is to safely transport students to and from school. **School transportation is a privilege and not a state requirement.** The slightest distraction to the driver may have significant student safety consequences. Appropriate student behavior is essential to the safe operation of the school bus. Therefore, school bus safety regulations must be followed.

Campus Administrators are responsible for the students while on the bus and reserve the right to resolve discipline problems that occur between home and campus. It is the duty of the campus Administrator, not the driver, to exclude a child from riding a school bus.

The campus Administrator shall take steps to maintain acceptable student conduct while riding school buses, including the discretion to deny the privilege of school bus transportation. This privilege may be temporarily denied or permanently revoked, if misconduct jeopardizes the safe operation of the school bus or the safety of students riding the bus.

Students should be aware that the bus is an extension of the school. Therefore, all *Student Code of Conduct* Offenses are subject to the same disciplinary actions and consequences while riding Tyler ISD provided transportation. Aside from compliance with the rules contained in the *Student Code of Conduct* Offenses Level I through IV, students are expected to follow bus rules.

Bus misconduct includes, but is not limited to the following:

- failure to remain seated when directed or when the bus is moving;
- failure to wear a seat belt when directed or when the bus is moving (if the bus is equipped with seat belts);
- extending any part of a student's body, clothing, or any other article outside a bus window;
- throwing, pitching, or shooting objects inside or out of the bus; and
- failure to remain in an assigned seat directed by the driver.

NOTE: A change in transportation services, for a student with a disability for whom transportation is a related service, requires ARD committee action. A change in transportation services, for a Section 504 student, requires Section 504 committee action.

School bus service is a privilege provided by Tyler I.S.D in accordance with regulations issued by The State of Texas. The district is, however, under no obligation to provide this service. Ultimately, it is the responsibility of the parents to provide for the students' attendance in school.

It is the goal of the Tyler I.S.D. Department of Transportation to provide a safe and enjoyable experience for the students and staff members that ride and operate our buses. The following procedures and policies are in place for the protection and safety of our passengers and staff members. It is strongly recommended that parents and students familiarize themselves with this information.

RIDERSHIP ELIGIBILITY

Transportation is available for students who live two or more miles by the shortest practical route from the school they should attend according to the attendance zone in which they reside. The shortest practical route is defined to be by the nearest public road measuring from the curb at the front of the school to the curb in front of the residence. Therefore, students are expected to ride only the bus to which they are assigned and to board and exit the bus at their designated stop.

BUS STOPS

The objective of the Tyler I.S.D. Department of Transportation is for every bus to arrive at every bus stop on time. Extenuating circumstances, however, may affect arrival time. Students are asked to arrive at the bus stop five (5) minutes before the scheduled arrival time to allow for variations in traffic flow, weather conditions, etc. At designated stops, the bus will load students and depart the stop. Regular program buses do not wait for late students. Buses will only stop to load or discharge students at designated stops. Bus stops are established to reduce the number of times that the bus must stop in order to minimize student riding time. Elementary students may be required to walk up to ¼ mile and secondary students may be required to walk up to ½ mile to their designated stop. Parents are responsible for their students as they travel to and from the bus stop and residence. If a student misses the bus, the parents must assume the responsibility for providing transportation.

WAITING FOR AND BOARDING THE BUS

1. Be at your designated bus stop five (5) minutes before the scheduled pickup time.
2. Stand on the sidewalk or back from the roadway while waiting for the bus
3. As the bus approaches, form a line and be prepared to load immediately.
4. Stand clear of the bus until it comes to a complete stop and the door is opened.
5. Do not push or shove as boarding the bus. Use the hand rail.
6. Go to your seat quickly. Students shall not refuse to sit in an assigned seat or deny another student a place to sit. The bus will not move until all students are seated.
7. All packs, band instruments, class projects, etc., must fit in the student's lap.

CONDUCT ON THE BUS

Students are expected to comply with all instructions and directions given by the driver/monitor.

1. Normal conversation is permitted. Loud or distracting noise as determined by the driver / monitor is prohibited
2. Students shall not extend any part of their body, clothing, or other articles out of a bus window.
3. Obscene, vulgar, or profane language, gestures, or graphics shall not be used or directed at any individual inside or outside of the bus.
4. Do not throw objects inside or out of the bus window.
5. Food and/or drinks are not to be consumed on the bus.
6. Body spray, cologne, perfume or similar items are not to be applied while on the bus.
7. Vandalism of Tyler I.S.D. property is prohibited. Repair and/or clean-up costs will be paid by the person(s) responsible.
8. Emergency doors and windows should be used by students only during supervised drills or actual emergencies.
9. Bus misconduct includes, but is not limited to, any conduct identified in the STUDENT CODE OF CONDUCT as a Level I, II, III, or IV offence.

GETTING OFF THE BUS

1. Students are to stay seated until the bus is completely stopped.
2. Do not push or shove as getting off the bus. Use the hand rail.
3. Move away from the bus or to a position 10 feet to the right front of the bus if you must cross the street. Students that must cross the street are to wait for the driver's signal before proceeding.
4. If an article is dropped while crossing the street, do not pick it up. Proceed across the street, get the driver's attention, and have the driver assist in recovering the item
5. Pre-K, Kindergarten and First Grade students must be received by an adult 18 years of age or older. If no adult is present, the student(s) will be returned to their home campus. Transportation privileges may be suspended if an adult fails to receive the student(s) on three instances. Transportation privileges may be reinstated if assurance can be given that the student will be properly received.
6. Students are not allowed to get off the bus at a "foreign" campus without prior approval or unless a parent or guardian with proper identification is present to receive the student.

PROHIBITED ITEMS

1. Tobacco (in any form), lighters, matches, and vaping liquids and/or devices.
2. Live animals and insects.
3. Pyrotechnic devices to include fireworks and devices that emit odor or smoke.
4. Glass containers.
5. Alcoholic beverages and illegal drugs.
6. Any item that can be considered a weapon as defined by the STUDENT CODE OF CONDUCT.

Tyler I.S.D. buses are equipped with video systems that record the activity of students on the bus. **Acceptance of transportation services indicates that consent has been given to record, retain, and provide recordings to campus and district officials.** When an incident is reported, campus administrators, district administrators, the Transportation Department Supervisor and /or the Tyler I.S.D. Police Department may request that the video be reviewed and supplied to the appropriate officials. Due to legal constraints, the recorded data is considered confidential and will not be released outside of Tyler I.S.D. without the appropriate legal documents.

Parental Questions or Complaints

When parents/guardians have questions or complaints (also called grievances) regarding consequences, they should talk to the teacher or the campus administrator, as appropriate and in accordance with FNG (LOCAL). Parents/guardians may get a copy of the policy from the principal's office or the handbook can be accessed on line at www.Tylerisd.org. However, the consequence will not be delayed while waiting for the outcome of a grievance.

Safety and Security

School Safety: Everyone Makes a Difference

Reading the *Student Code of Conduct* is taking the first step toward making all schools a safe and enjoyable place to learn and grow. Sections in the book will explain the various levels of offenses and consequences when students violate the *Student Code of Conduct*.

The District's Right to Search

The District has the right to search:

1. A student's outer clothing, pockets, or property by establishing reasonable suspicion or with the voluntary consent of the student FNF(LEGAL)
2. A vehicle driven to school by a student and parked on school property when there is reasonable suspicion to believe the vehicle contains things prohibited by the District FNF(LOCAL)
3. A student's locker when there is reasonable suspicion to believe it contains items prohibited by the District.

A student may be searched by other noninvasive means.

The district's local policy requires that students be notified on an annual basis, at the beginning of each school year, that they may be subject to search by a metal detector on a random or regular basis, or on the basis of individualized reasonable suspicion that the student possesses a weapon.

Search of Cell Phone

A peace officer may not search a person's cellular telephone or other wireless communications device pursuant to a lawful arrest of the person without obtaining a warrant.

A peace officer may search a person's cellular telephone or other wireless communications device without a warrant if the owner or possessor of the telephone or device consents to the search; the telephone or device is reported stolen by the owner or possessor; or the officer reasonably believes that the telephone or device is in the possession of a fugitive from justice for whom an arrest warrant has been issued for committing a felony offense, or there exists an immediate life-threatening situation.

Student Dress Code

All students are expected to give proper attention to personal cleanliness and to dress appropriately for school and school functions. Students and their parents have the primary responsibility for acceptable student dress and appearance. Teachers and all other district personnel should exemplify and reinforce acceptable student dress and help students develop an understanding of appropriate appearance in the school setting. A student's dress, grooming and appearance, including accessories shall:

1. Be safe, appropriate, and not disrupt or interfere with the educational process.
2. Recognize that extremely revealing clothing, which in any way exposes any undergarments or cleavage of any kind, are not appropriate. This would include but not be limited to spaghetti straps, mini-skirts, short shorts (determined by school administration), drooping pants, tube/halter tops, etc.
3. Include footwear at all times. Footwear that is deemed a safety hazard will not be allowed.
4. Not include items that are vulgar, obscene, libelous, or denigrate to others on account of race, color, religion, creed, national origin, gender, sexual orientation or disability.

5. Not include headwear in the school building except for a medical or religious purpose.
6. Not promote and/or endorse the illegal use of alcohol, tobacco, or illegal drugs and/or encourage other illegal or violent activities.
7. Not denote or represent gang affiliation such as bandanas, beads, jewelry or other indicators and/or symbols intended expressly so.
8. Large clothing capable of concealing items not appropriate for school such as weapons. (For example – trench coats or large jackets)

Response to Violations of Student Dress Code

Students who violate the student dress code shall be required to modify their appearance by covering or removing the offending item and, if necessary or practical, replacing it with an acceptable item. High school students will be sent home to change whenever possible. Any student who refuses to do so shall be subject to discipline, up to and including assignment to in-school suspension for the day. Any student who repeatedly fails to comply with the dress code shall be subject to further discipline up to and including out-of-school suspension.1080

ID Badges

Secondary students will be required to wear ID badges at all times. The first ID badge will be issued to the student at no charge. There will be a \$5.00 fee charged for each lost or damaged ID badge. A temporary badge will be provided until the replacement badge is issued. Lanyards will be available for students to purchase. Badges are considered a part of the student dress code. Consequently, failure to wear a badge is a Level I Offense.

Electronic Surveillance

Electronic surveillance may be used to monitor student behavior and school-owned property for purposes of safety, including the maintenance of order and discipline in common areas of the school or on school buses in accordance with Texas Education Code Section 26.009. Student behavior recorded by electronic surveillance equipment may be subject to disciplinary consequences consistent with the *Student Code of Conduct*.

Use of Trained Dogs

The District may use specially trained, non-aggressive dogs to sniff out and alert to the current presence of all controlled substances. Visits to campuses will be unannounced. The dogs shall not be used with students. If the dog alerts on a bag, locker, vehicle, or classroom, school officials may search it.

Registered Sex Offenders

Upon receiving notification that a student is currently required to register as a sex offender, the principal must remove the student from the regular classroom and determine appropriate placement unless the court orders placement. If the student is under any form of court supervision, including probation, community supervision, or parole, the placement will be in DAEP for at least one semester.

If the student is not under any form of court supervision, the placement may be in DAEP for one semester or the placement may be in a regular classroom. The placement may not be in the regular classroom if the board or its designee determines that the student's presence:

- 1) threatens the safety of other students or teachers;
- 2) will be detrimental to the educational process; or
- 3) is not in the best interest of students.

Review Committee

At the end of the first semester of a student's placement in an

alternative educational setting and before the beginning of each school year for which the student remains in an alternative placement, the District shall convene a committee to review the student's placement. The committee must be composed of:

- 1) a teacher from the home school to which the student would be assigned;
- 2) 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;
- 3) an instructor from the DAEP to which the student was assigned;
- 4) a school district designee; and
- 5) a counselor employed by the school district.

The review under Section 37.306 of the placement of a student with a disability who receives special education services may be made only by a duly constituted Admission, Review, and Dismissal Committee.

Length of Placement

The student is subject to placement until:

- 1) The student graduates from high school,
- 2) The charges are dismissed or reduced to a misdemeanor offense, or
- 3) The student completes the term of placement or is assigned to another program.

Placement in a DAEP may exceed one year when a review by the district determines that the student is a threat to the safety of other students or to district employees. Placement may exceed one year if the student is on deferral of registration as a sex offender.

Newly Enrolled Student

If a student enrolls in the District during a Level IV Assignment as a registered sex offender, the District may count any time already spent by the student in an alternative education placement or may require an additional semester in an alternative education placement without conducting a review of the placement.

Appeal

A student or the student's parent/guardian may appeal the placement by requesting a conference between the Board of Trustees or its designee, the student, and the student's parent/guardian. The conference is limited to the factual question of whether the student is required by a court order to register as a sex offender. The burden of proof is on the student or student's parent/guardian. Any decision of the board or its designee under this section is final and may not be appealed.

Student Removals

Removal by Teacher

Chapter 37.002 - Texas Education Code

The principal shall respond by employing appropriate discipline management techniques consistent with the Tyler ISD *Student Code of Conduct*.

- (a) A teacher may send a student to the campus administrator's office to maintain effective discipline in the classroom. The campus administrator shall respond by employing appropriate discipline management techniques consistent with the *Student Code of Conduct* adopted under Section 37.001.
- (b) 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 the other students in the class or with the ability of the student's classmates to learn.
- (c) If a teacher removes a student from class under Subsection (b), the principal may place the student into another appropriate classroom, into in-school suspension, or into a disciplinary alternative education program as provided by Section 37.008. The campus administrator may not return the student to that teacher's class without the teacher's consent unless the Placement Review Committee established under Section 37.003 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.
- (d) A teacher shall remove from class and send to the campus administrator for placement in a disciplinary alternative education program or for expulsion, as appropriate, a student who engages in conduct described under Section 37.006 or 37.007. The student may not be returned to that teacher's class without the teacher's consent unless the committee established under Section 37.003 determines that such placement is the best or only alternative available. If the teacher removed the student from class because the student has engaged in the elements of any offense listed in Section 37.006(a)(2)(B) or Section 37.007(a)(2)(A) or (b)(2)(C) against the teacher, the student may not be returned to the teacher's class without the teacher's consent. The teacher may not be coerced to consent.

Placement Review Committee

Each school shall have a Placement Review Committee composed of three members. The committee will determine placement of a student when a teacher has removed the student and refuses to allow the return of the student to the teacher's class. The committee will make a final determination of the student's placement when a student is removed under this section.

- The campus faculty shall choose two teachers to serve as members and one teacher to serve as an alternate member.

- The campus administrator shall choose one member from the professional staff of the campus.
- The teacher refusing to readmit the student may not serve on the committee.

If the teacher removed the student from class for engaging in assault, aggravated assault, sexual assault, aggravated sexual assault, or assault against the teacher, the student may not be returned to the teacher's class without the teacher's consent. The teacher may not be coerced to consent. In accordance with federal law, the placement of a student with disabilities may be changed only by a duly constituted ARD Committee.

In-School Suspension

In-school suspension (ISS) involves the assignment of a student to a specific room on campus for a period of time to be determined by campus administration. The school shall notify the parent/guardian when a student is assigned to ISS. A student assigned to ISS will receive assignments from each classroom teacher and will be expected to complete all work assigned. Students assigned to ISS will not be eligible to participate in extracurricular activities until the ISS assignment has been completed. The student cannot be assigned for more than 30 cumulative days in one school year.

NOTE: The maximum number of 30 cumulative days allowed does not include Emergency Placement in ISS pending DAEP Placement as such days in ISS are credited against days assigned to the DAEP. Maximum number of days for placement in DAEP for emergency placement is 10 days.

Notifications

The campus administrator shall promptly contact the parent or guardian by telephone or in person; and make a good faith effort to provide written notice of the disciplinary action to the student, on the day the action is taken, for delivery to the student's parent or guardian. The campus administrator 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 a parent or guardian entitled to notice has not been reached by telephone or in person by 5 p.m. of the first business day after the day the disciplinary action is taken, a campus behavior coordinator shall mail written notice of the action to the parent or guardian at the parent's or guardian's last known address.

Out-of-School Suspension

State law allows a regular education student to be suspended for as many as three (3) school days per behavior violation, with no limit on the number of times a student may be suspended in a semester or school year. As stipulated in TEC 37.005, under no circumstance may an Out-of-School Suspension (OSS) exceed (3) days. If a student receives OSS suspension for a partial school day (even if for one class period), that partial day is considered one of three total allowable OSS days. For students who are served in a special education class with an Individualized Education Program (IEP), once the student has been suspended for 10 full or partial days during the school year, an Admission, Review, and Dismissal (ARD) meeting must be conducted prior to further suspension in order to determine if the proposed suspension is an allowable disciplinary action.

Student Removals (Continued)

Before suspending a student, other reasonable alternatives will be given consideration; however, it is not necessary that other disciplinary actions precede the use of suspension. Students who have been suspended are not permitted to participate in extracurricular activities or attend school-related activities until they have successfully completed their suspension. The student cannot be suspended for more than 15 cumulative days in one school year.

NOTE: The maximum number of 15 cumulative days allowed does not include Emergency Placement in OSS pending DAEP Placement as such days are credited against days assigned to the DAEP. Maximum number of days for placement in DAEP for emergency placement is 10 days.

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.

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.

Administrative Hearings

A student facing a removal to the DAEP shall be given a hearing with appropriate due process. The student is entitled to:

- 1) representation by the student's parent or another adult who can provide guidance to the student;
- 2) an opportunity to be heard and to present evidence in the student's defense; and
- 3) an opportunity to question the district's representative.

After providing notice to the student and the parent/guardian of the hearing, the district may hold the hearing regardless of whether the student or student's parent/guardian attends.

Student Withdrawal Prior to Discipline

Withdrawing a student from school does not affect the District's authority to schedule and conduct a conference or hearing on the conduct and enter an order for removal to a DAEP; regardless of whether the student or parent/guardian is present to participate. The order for removal will be included with records sent to transferring school district.

Assignment to the Disciplinary Alternative Education Program

Students will be assigned to a Disciplinary Alternative Education Program (DAEP) for a minimum of 10 days through a maximum of 120 days depending on the age/grade and level of offense. While students are in the DAEP at the high-school level, only four basic courses are offered: English, social studies, math, and science. Certain electives, honors, and Advanced Placement

A student remains in the home school or in-school suspension pending placement in the DAEP unless he/she is considered a safety threat or continues to violate the *Student Code of Conduct*. When that happens, the principal may suspend the student from school for up to three days.

Placement Days

A student may be assigned to the DAEP for 10 - 60 days with 90 days to complete the assignment or 90 days in certain circumstances. Ninety Days may extend into the next semester or school year.

Good days are days in attendance where a student has achieved 95% of daily points. Examples of Points are assigned for on-task behavior, following directions of adults, respectful behavior, dress code, completion of work assignments, etc.

Assignments to DAEP for 90 days must complete the entire term of placement.

DAEP Good Days

Student assignments to the Disciplinary Alternative Education Program may be reduced by one day for every full week (Monday-Friday) the student has had perfect attendance with no behavior referrals and completion of all assigned work. This applies to all Disciplinary Alternative Education Programs, but not to the Smith County Juvenile Attention Center Education Program.

Credit for good days will not count for additional DAEP placements.

(AP) courses may be provided. In addition, administrators at the DAEP will work with the student's home school to meet course requirements, and allow the home campus to send work to be completed by the student. The Texas Education Code 37.008 does not require the District to provide elective courses while a student is in a DAEP. The District provides students with assistance in learning how to change the behavior that caused them to be placed in the program.

A student's four-year graduation plan may not be altered when the student is assigned to a Disciplinary Alternative Education Program. A student must be offered an opportunity to complete a foundation curriculum course in which the student was enrolled at the time of removal before the beginning of the next school year, including correspondence, distance learning opportunities, or summer school. The district may not charge for a course required under this section.

Examples of Assignment:

- An elementary student is assigned 90 days or 20 good days, whichever comes first.
- A middle school or high school student is assigned 90 days or 30 good days, whichever comes first.

Continued infractions of the student code of conduct while at DAEP may result in additional disciplinary placement days.

Student Removals (Continued)

Continuations to the Disciplinary Alternative Education Program

At the conclusion a school year students with 6 or more days of a DAEP placement will complete their placement days.

Students with 5 or less placement days will be reviewed by the Director of DAEP and the Campus Principal to determine if the student will return to DAEP at the beginning of the school year to complete the days assigned or if the placement is terminated.

This provision does not apply to students assigned to the Smith County Juvenile Attention Center Education Program.

Students Transferring to Tyler ISD Owing Time to the Disciplinary Alternative Education Program

Students enrolling in the district from another school district while on placement in a DAEP will serve out the placement imposed by the transferring district before being admitted to a regular classroom setting.

Charter School

A student transferring in from an open-enrollment charter school may continue the disciplinary alternative education program placement under the terms of the placement order or may be allowed to attend regular classes without completing the period of placement. The student will continue the DAEP placement if:

- 1) the student was placed in a disciplinary alternative education program by an open-enrollment charter school under TEC Section 12.131 and the charter school provides to the district a copy of the placement order; or,
- 2) the student was placed in a disciplinary alternative education program by a school district in another state and:
 - a) The out-of-state district provides to the district a copy of the placement order; and
 - b) The grounds for the placement by the out-of-state district are grounds for placement in the Tyler ISD.

Appeal Process/Procedure for Off-Campus Disciplinary Alternative Education Program

A hearing will be held to determine whether a student will be assigned to an off-campus Disciplinary Alternative Education Program (DAEP). If the student is assigned to a DAEP, their parent/guardian will be provided with a copy of the referral, the appeal process, and an appeal form at the conclusion of the hearing. A parent/guardian has the right to request an appeal within 10 school days following a hearing. The student may be represented by the parent/guardian or another adult representative. The student will continue to serve the assignment at the DAEP and may not return to the regular classroom pending the appeal. Appeals should be made through the following progression:

- All Off-Campus DAEP assignments for Level II, III and IV Offenses shall be appealed in the following order:
 1. Districtwide Student Discipline Hearing Committee
 2. Districtwide Student Discipline Executive Committee
 3. Board of Trustees – The decision of the Board is final

Students with Disabilities

- The Special Education Appeal Process is used if the parent/guardian disagrees with the disciplinary action decided at the formal hearing. The disciplinary action shall be appealed in the following order:
 1. Districtwide Student Discipline Hearing Committee
 2. Districtwide Student Discipline Executive Committee
 3. Board of Trustees – The decision of the board is final
- If the parent/guardian disagrees with the Manifestation Determination, Review, and Dismissal (MD-ARD) Committee decision, the parent/guardian has a right to a Texas Education Agency expedited administrative hearing.

MD-ARD Appeal Process

1. Recess MD-ARD for 10 school days for reconsideration of recommendation, or
 2. Request a Texas Education Agency expedited administrative hearing.
 3. Stay-put rule does not apply for disciplinary placements.
- Parent/guardian rights regarding the removal of students with disabilities:
 1. The parent/guardian must be notified of the disciplinary decision on the day that the action occurs.

2. The parent/guardian must receive a copy of *An Explanation of Rights and Procedural Safeguards of a Parent with a Child with Disabilities in School* upon convening the MD-ARD Committee meeting.
3. Appropriate educational services must continue in all cases.

If a student withdraws from Tyler ISD, the school district loses its jurisdiction to consider appeals.

Consequences will not be deferred pending the outcome of an appeal.

Suspensions may only be appealed to the campus administration.

Cellular Phones/Electronic Devices

For safety purposes, the district permits students to possess personal telecommunication devices such as cellular phones and pagers/beepers. However, such devices shall not be visible and shall remain off during instructional time unless approved by the teacher or administrator.

Campus administrators shall have the discretion to determine the appropriate use of cellular phones during the instructional day and for students participating in extracurricular activities while on school property or while attending school-sponsored or school-related activities on or off school property. However, all cellular phones must be turned off during instructional time unless used for instructional purposes. **The use of cellular phones or any device capable of capturing images is strictly prohibited in locker rooms or restroom areas while at school or at a school-related or school-sponsored event.**

The District is not liable for lost or stolen cell phones. All confiscated phones must be turned in to the principal's office immediately, if possible, or as soon as practicable the day the phone is confiscated. All staff members must place confiscated cell phones in a secure location. Once the cell phone has been confiscated, the following procedure will be used to return the device:

1. The **first time** a cell phone is confiscated, parents/guardians may pick it up with no fee assessed.
2. The **second time** a cell phone is confiscated, an administrative fee of \$5 will be charged before the device can be returned. Parents/guardians will be notified that the student's device has been confiscated for the second time.
3. If a cell phone is confiscated a **third time**, an administrative fee of \$10 will be charged before the device can be returned.
4. If a cell phone is confiscated a **fourth time**, an administrative fee of \$15 will be charged before the device can be returned.
5. Any student refusing to give the device to school personnel will be subject to Level I disciplinary consequences.
6. Any device not claimed by September 1 following the end of the school year will be disposed of according to FNCE(LLEGAL).

THIS POLICY WILL BE STRICTLY ENFORCED BY ALL SCHOOL PERSONNEL. All confiscated phones must be turned in to the principal's office immediately, if possible, or as soon as practicable the day the phone is confiscated.

Cellular Phones/Electronic Devices (Continued)

In some cases, students may find it beneficial or might be encouraged to use personal telecommunications or other personal electronic devices for instructional purposes while on campus. Students must obtain prior approval before using personal telecommunications or other personal electronic devices for instructional use. When students are not using the devices for approved instructional purposes, all devices must be turned off during the instructional day. Violations of the user agreement may result in withdrawal of privileges and other disciplinary action.

In limited circumstances and in accordance with the law, a student's personal telecommunications device may be searched by authorized personnel.

Possession and Use of Other Personal Electronic Devices

Except as described below, students are not permitted to possess or use personal electronic devices such as MP3 players, video or audio recorders, DVD players, cameras, games, e-readers, or other electronic devices at school unless prior permission has been obtained. Without such permission, teachers will collect the items and turn them in to the campus administrator's office. The campus administrator will determine whether to return items to students at the end of the day or to contact parents to pick up the items.

In limited circumstances and in accordance with law, a student's personal electronic device may be searched by authorized personnel.

Acceptable Use of District Technology Resources

To prepare students for an increasingly technological society, the district has made an investment in the use of district-owned technology resources for instructional purposes. Specific resources may be issued individually to students. Use of these technological resources, which include the district's network systems and use of district equipment, is restricted to approved purposes only.

Unacceptable and Inappropriate Use of Technology Resources

Students are prohibited from sending, posting, accessing, or displaying electronic messages that are abusive, obscene, sexually oriented, threatening, harassing, damaging to another's reputation, or illegal to include, but not limited to violation of FERPA including digital recording and posting student activity that occurs on campus. This prohibition applies to conduct off school property, regardless if the equipment used to send such messages is district or personally owned, if it results in a substantial disruption to the educational environment. Any person taking, disseminating, transferring, 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* and may, in certain circumstances, be reported to law enforcement.

Bullying

Student Welfare: Freedom from Bullying, FFI(LOCAL)

PURPOSE

A safe and civil environment is needed for students to learn and attain high academic standards and to promote healthy human relationships. The purpose of this policy is to assist the District in its goal of preventing and responding to acts of bullying, intimidation, violence, and other similar disruptive behavior. An act of bullying, by either an individual student or a group of students, is expressly prohibited on District property or at school-related functions. This policy applies not only to students who directly engage in an act of bullying but also to students who, by their indirect behavior, condone or support another student's act of bullying.

BULLYING PROHIBITED

The District prohibits bullying as defined by this policy. Retaliation against anyone involved in the complaint process is a violation of District policy.

The District prohibits the bullying of any student:

1. during any educational program or activity conducted by the District;
2. during any school-related or school-sponsored program or activity or on a school bus;
3. through the use of any electronic device or data while on school grounds; on a school bus; or through the use of computer software that is accessed through a computer, computer system, or computer network of the District. The physical location or time of access of a computer-related incident cannot be raised as a defense in any disciplinary action initiated under this section; or
4. through threats, using any of the above methods, to be carried out on school grounds. This includes threats made outside of school hours that are intended to be carried out during any school-related or school-sponsored program or activity or on a school bus.

Though an incident of alleged bullying may occur off campus and may not entail threats of acts to occur during school hours, if a student's ability to receive an education or a school's ability to provide an education is significantly impaired, as determined by the District administration, disciplinary sanctions may be imposed.

Such behavior is considered harassment or bullying whether it takes place on or off school property, at any school-sponsored function, or in a school vehicle.

The following definitions shall apply for purposes of this policy:

- **Bullying** means systematically and chronically inflicting physical hurt or psychological distress on one or more students. Bullying of a student may include hazing, threats, taunting, teasing, confinement, assault, demands for money, extortion, destruction of property, theft of valued possessions, ridicule, name-calling, rumor spreading, slurs, jokes, innuendos, demeaning comments, and ostracism of the person or another.

It is further defined as any unwanted purposeful gesture or written, verbal, graphic, or physical act, including electronically transmitted acts (i.e., Internet, cell phone, personal digital assistant (PDA), or wireless hand-held device), that is reasonably perceived as being motivated either by any actual or perceived characteristic, such as race; ethnicity, color; religion; ancestry, national origin; gender; sex; sexual orientation; gender identity and expression; marital status; socio-economic background; social/family background; linguistic preference; political beliefs; or a mental, physical, or sensory disability, difference, or impairment; or by any other distinguishing characteristic or because of one's association with a particular person or group of persons.

Bullying also includes, but is not limited to, any threatening, insulting, or dehumanizing gesture, by a student that has the potential to create an intimidating, hostile, or offensive educational environment or cause long-term damage, cause discomfort or humiliation, or unreasonably interfere with the individual's school performance or participation, or is carried out repeatedly and is often characterized by an imbalance of power.

Bullying (Continued)

Student Welfare: Freedom from Bullying, FFI(LOCAL)

Bullying may involve, but is not limited to:

- Verbal: Hurtful name-calling, teasing, gossiping, making threats, making rude noises, or spreading hurtful rumors.
- Nonverbal: Posturing, making gang signs, leering, staring, stalking, destroying property, using graffiti or graphic images, or exhibiting inappropriate and/or threatening gestures or actions.
- Physical: Hitting, punching, pushing, shoving, poking, kicking, tripping, strangling, hair pulling, fighting, beating, biting, spitting, or destroying property.
- Emotional (Psychological): Rejecting, terrorizing, extorting, defaming, intimidating, humiliating, blackmailing, manipulating friendships, isolating, ostracizing, using peer pressure, or rating or ranking personal characteristics.

Bullying occurs when a student or a group of students engages in written or verbal expression or physical conduct that:

- 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
- Is so sufficiently severe, persistent, or pervasive that the action or threat creates an intimidating, threatening, or abusive educational environment for a student
- Has the effect of substantially negatively impacting a student's emotional or mental well-being
- **Cyberbullying** is defined as willful harassment and intimidation of a person through the use of digital technologies, including, but not limited to, e-mail, blogs, texting on cell phones, social websites, chat rooms, "sexting," instant messaging, or video voyeurism, by accessing or knowingly and willingly causing or providing access to data or computer software through a computer, computer system, or computer network within the scope of the District network system.

In accordance with state law, a student may be placed in a DAEP for any one of the following offenses:

- 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.
- **Cyberstalking** means to engage in a course of conduct to communicate, or to cause to be communicated, words, images, or language by or through the use of electronic mail or electronic communication, directed at or about a specific person, causing substantial emotional distress to that person and serving no legitimate purpose.

- **Prohibited Harassment** includes, but is not limited, to oral, written, psychological, physical (both climate and contact), and other demonstrative actions with regard to race, creed, ethnic origin, religious preference, gender, disability, or sexual orientation that is harassing. [See FFH(LOCAL)]
- **Accused** is defined as any District student in the school or outside the school, at school-sponsored events, on school buses, or at training facilities or training programs sponsored by the District who is reported to have committed an act of bullying, whether formally or informally, verbally, or in writing.
- **Complainant** is defined as any individual who has a complaint or concern.
- **Victim** is defined as any District student who is reported to have been the target of an act of bullying during any educational program or activity.

REPORTING PROCEDURES

Reports of bullying shall be made as soon as possible after the alleged act or knowledge of the alleged act. A failure to promptly report may impair the District's ability to investigate and address the prohibited conduct. Any student who believes that he or she has experienced bullying or believes that another student has experienced bullying should immediately report the alleged acts to a teacher, counselor, principal, campus behavior coordinator or other District employee. A report may be made orally or in writing.

Reports of bullying may also be completed on the campus webpage for the students home school at www.tylerisd.org.

DISTRICT ACTION

If the results of an investigation indicate that bullying occurred, the campus behavior coordinator shall promptly respond by taking appropriate disciplinary or corrective action reasonably calculated to address the conduct in accordance with the District's *Student Code of Conduct*. For information on student transfers due to bullying, see FDB (LEGAL). The campus administrator shall convene the Student Support Team (SST) for the purpose of developing a plan of action/interventions for the victim and/or perpetrator, even if the District concludes that the conduct did not rise to the level of bullying under this policy.

Bullying (Continued)

Student Welfare: Freedom from Bullying, FFI(LOCAL)

Victims of bullying shall be offered counseling services provided by school counselors. Consequences and appropriate remedial actions for a student who commits one or more acts of harassment or bullying may range from positive behavioral interventions up to and including suspension or expulsion. Consequences for a student who commits an act of harassment or bullying shall be unique to the individual incident and shall vary in method and severity according to the nature of the behavior, the developmental age of the student, and the student's history of problem behaviors and performance. The consequences must also be consistent with the District's *Student Code of Conduct*. The District may take action based on the results of an investigation, even if the District concludes that the conduct did not rise to the level of bullying under this policy.

CONFIDENTIALITY

To the greatest extent possible, the District shall respect the privacy of the complainant, persons against whom a report is filed, and witnesses. Limited disclosures may be necessary in order to conduct a thorough investigation.

APPEAL

A parent, legal guardian, or adult student who is dissatisfied with the outcome of the investigation or plan of action may appeal through FNG(LOCAL) beginning at the appropriate level.

Intervention Strategies

Listed below are various prevention and intervention strategies that may be substituted for or used in conjunction with any consequence in Level I and Level II. Any campus administrator considering sending a student to the Disciplinary Alternative Education Program for a Level II offense must implement at least one of the strategies prior to sending the student to the DAEP. All interventions must be documented and on file as to the duration and outcomes as measured by periodic progress monitoring that usually is a minimum of three plus data points over time. Some examples of the strategies that can be used to change behavior are listed below.

- **Anger Management:** Handled by School Leadership
 - **Behavioral Management Plan:** An approach to correcting inappropriate or disruptive student behavior through a plan designed by school staff to offer positive behavioral interventions, strategies and supports. This plan is appropriate for students with and without disabilities.
 - **Conference:** The conference involves the parent/guardian, counselors, teachers, and other school staff along with the campus administrator in discussion about student misbehavior and potential solutions.
 - **Conflict Resolution:** Empowers students to take responsibility for resolving conflicts
 - **Functional Behavioral Assessment:** Generally considered to be a problem-solving process to address a student's problem behaviors. It relies on a variety of techniques and strategies to identify the purposes of specific behaviors and to help select interventions to directly address those behaviors.
 - **Mentoring Programs:** Involves pairing a student with a mentor (teacher, student, or a counselor) who helps the student achieve personal academic and social development.
 - **Parent Outreach:** Requires teachers and administrators to work directly with the parents and guardians to keep them informed of their child's behavior and seek assistance in correcting the discipline behavior. The outreach can be a call or letter intended to make the parent aware of the student's behavior, task completion, and achievement and can include a request for parent observations in the student's class.
 - **Individualized Education Program (IEP) Teams/ Admission Review Dismissal (ARD):** The ARD committee is composed of a student's parent(s) and school personnel who are involved with the student. The ARD committee determines a child's eligibility to receive special education services and develops the individualized education program (IEP) of the student. The ARD committee considers the use of positive behavioral interventions and supports, and other strategies, to address behavior when a student's behavior impedes learning.
- **Student Support Team:** Consists of teachers, principals, campus behavior coordinator, nurses, mental health clinicians and/or psychologists who help develop prevention and intervention techniques and alternative strategies that ultimately lead to school success.
 - **Referral to Section 504:** For students suspected of having a disability under Section 504, refer student to Section 504 for an Initial Section 504 Evaluation
 - **Restorative Practices:** is a prevention-oriented approach that fosters accountability and student correction of past behaviors to resolve school conflict such as bullying, truancy and disruptive behavior.
 - **Section 504 Meeting:** For students with disabilities under Section 504 promptly convene the Section 504 Committee to determine whether, and to what extent the student's educational needs have changed and additional or different services, if any, are needed and ensure any needed changes are made promptly.

All school campus administrators must schedule a Student Support Team(SST) meeting for regular education students returning from the Disciplinary Alternative Education Program or the Juvenile Attention Center Education Program. This meeting should be held to determine possible interventions that can be used to redirect behavioral issues that were occurring before placement to the DAEP. The intervention plan should be documented in an ILP, maintained, and monitored over a period of three to five weeks. An ARD Committee meeting may be held for students receiving special education services to review the student's IEP or BIP as needed.

Upon completion of DAEP placement, for Level II offenses, referral count must start over.

Level I Offenses and Consequences

Considerations: Before ordering the suspension, expulsion, removal to a disciplinary alternative education program, or placement in a juvenile justice alternative education program of a student, the campus administrator must consider whether the student acted in self-defense, the intent or lack of intent at the time the student engaged in the conduct, the student's disciplinary history, and whether the student has a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct, regardless of whether the decision of the behavior coordinator concerns a mandatory or discretionary action. [Texas Education Code Sec. 37.001 (a) (4)].

The campus behavior coordinator shall promptly contact the parent or guardian by telephone or in person; and make a good faith effort to provide written notice of the disciplinary action to the student, on the day the action is taken, for delivery to the student's parent or guardian. If a parent or guardian entitled to notice has not been reached by telephone or in person by 5 p.m. of the first business day after the day the disciplinary action is taken, a campus administrator shall mail written notice of the action to the parent or guardian at the parent's or guardian's last known address.

In the event of such an offense, parent/guardian will be notified by phone and may be requested to attend a conference with the campus administrator to discuss the offense and subsequent disciplinary action.

The campus administrator shall schedule the conference within three days. (Texas Education Code Sec. 37.009)

Level I Offenses

- Bus misconduct (not defined as a Level II, III, or IV Offense)
- Cheating or copying the work of another
- Classroom disruption
- Computer system violations
- Directing profanity, vulgar language, or obscene gestures toward other students
- Dress and grooming code violations
- Electronic Cigarette - (smoking, using, or possessing)
- Extortion/blackmail
- Failure to comply with directives given by school personnel, which is considered insubordination
- Falsifying school records
- Gambling
- Leaving school grounds or school-sponsored events without permission
- Offensive language
- Possessing a laser pointer
- Possessing a toy gun or look-alike gun
- Possessing or distributing pornographic materials
- Possessing, smoking or using tobacco or related products
- Possessing any electronic devices (i.e., CD players; MP3 players; iPods; Gameboys; Nintendos; or other video, listening or entertainment device) during school hours
- Refusing to give a cell phone to school personnel
- Safety rule violation
- Scuffling
- Secret society
- Threats (student on student)
- Throwing objects that may cause bodily injury or property damage
- Using a paging device or cellular phone during class time or in the locker room and bathroom, see pages 15 and 16 for liable usage

Level I Disciplinary Consequences

- Assignment of school duties such as scrubbing desks or picking up litter
- Behavioral contracts or individually developed behavior management plans
- The cell phone is confiscated and a fee of \$5 - \$15 may be charged for the return of the phone. The Tyler ISD is not liable for lost or stolen cell phones. All confiscated phones

- must be turned in to the campus administrator's office immediately, if possible, or as soon as practicable the day the phone is confiscated.
- Classroom self-management techniques
- Cooling-off time or "time-out"
- Counseling by teachers, counselors, or administrative personnel
- Demerits
- Detention before school, after school or Saturday school
- Electronic devices will be confiscated if used during instructional day. The District is not liable for lost or stolen electronic devices.
- In-school suspension maximum of three days is permissible but not required and **may not be used as the first consequence.**
- Out-of-school suspension for up to two days following a conference is permissible but not required and **may not be used as the first consequence.**
- Parent/guardian observations in student's classes
- Parent/guardian conference with teacher or campus behavior coordinator
- Peer mediation
- Referral to Student Support Team, outside agency, legal authority, or Youth and Family Center
- Restitution/restoration, if applicable
- School-assessed and school-administered probation
- Seating changes within the classroom
- Teacher removal or referral (consistent with *Student Code of Conduct*)
- Temporary confiscation of items that disrupt the educational process
- Verbal correction
- Voluntary peer mediation
- Withdrawal of privileges, such as participation in extracurricular activities and eligibility for seeking and holding honorary offices, and/or membership in school-sponsored clubs or organizations
- Withdrawal or restriction of bus privileges

A disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct or for students not yet identified as having a disability shall be processed in accordance to FOF(LEGAL)

An in-school suspension assignment of one day can be given for dress and grooming code violations. The student should be removed from ISS if the parent brings appropriate attire.

Level II Offenses and Consequences

Discretionary

Considerations: Before ordering the suspension, expulsion, removal to a disciplinary alternative education program, or placement in a juvenile justice alternative education program of a student, the campus administrator must consider whether the student acted in self-defense, the intent or lack of intent at the time the student engaged in the conduct, the student's disciplinary history, and whether the student has a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct, regardless of whether the decision of the administrator concerns a mandatory or discretionary action. [Texas Education Code Sec. 37.001 (a) (4)].

The offense may have been committed on school property or at a school-sponsored event on or off school property.

The campus administrator shall promptly contact the parent or guardian by telephone or in person; and make a good faith effort to provide written notice of the disciplinary action to the student, on the day the action is taken, for delivery to the student's parent or guardian. If a parent or guardian entitled to notice has not been reached by telephone or in person by 5 p.m. of the first business day after the day the disciplinary action is taken, a campus behavior coordinator shall mail written notice of the action to the parent or guardian at the parent's or guardian's last known address.

The campus administrator shall schedule the conference/hearing within three days. (Texas Education Code Sec. 37.009)

CONSEQUENCES WILL NOT BE DEFERRED PENDING THE OUTCOME OF AN APPEAL.

Level II Offenses

- Assault (Class C) (student on personnel or volunteer) (student may be removed on the first offense at the discretion of the campus administrator)
- Assault (Class C) (student on student)
- Bullying, including Cyberbullying on or off campus
- Electronic Cigarette - (selling, giving, or causing to be sold or given to a child under 18 years of age) Class C misdemeanor
- False accusation of conduct that would constitute a misdemeanor
- Fighting
- Gang activity
- Harassment
- Hazing
- Hit list
- Knife possession, not an illegal knife (pocket knives, razorblade, box cutter, etc.)
- Mace or pepper spray (not defined as a Level IV)
- Non-Title 5 felonies: A felony offense committed off-campus that is not against another person. The school is notified by the police.
- Online impersonation
- Possession of a pellet gun or stun gun
- Possession or use of fireworks of any kind, smoke or stink bombs, live ammunition or any other pyrotechnic device
- Possessing/selling over the counter drugs/dispensing medicine violation (not defined as a Level I, III, or IV Offense)
- Profanity/obscene gestures toward personnel
- Repetitive Level I Offenses (Six Level I Offense referrals occurring within a period of 45 rolling school days.) A Student Support Team meeting or a Behavior Intervention Plan under Section 504 or IDEA is required).
- Resisting arrest
- Setting off the fire alarm (not defined as a Level IV Offense)
- Stealing/theft
- Suspicious drug activity
- Threats (student on personnel/facility)
- Vandalism/criminal mischief (not a felony)
- Video or audio recording of students or employees for disruptive purposes

Level II Disciplinary Consequences

- Counseling in lieu of other disciplinary consequences (parent consent required)
- Tyler ISD Police and Security Services Department notification
- Detention before school, after school or Saturday school
- In-school suspension maximum of five days or up to 10 days for repeat offenders.
- After school counseling sessions (parent consent required)
- Out-of-school suspension for up to three days (Texas Education Code 37.005). A telephone or in-person conference with parent/guardian must be held prior to the suspension.
- Parent/Guardian observation of student in class
- Parent/Guardian conference with teacher or campus administrator
- Referral to Counselor
- Referral to Student Support Team, outside agency, legal authority, or Youth and Family Center (parent consent required)
- Restitution/restoration, if applicable
- Verbal Correction
- Withdrawal of privileges, such as participation in extracurricular activities and eligibility for seeking and holding honorary offices, and/or membership in school-sponsored clubs or organizations
- Withdrawal or restriction of bus privileges

Off-Campus Disciplinary Alternative Education Program (DAEP) is permissible for: students that commit the same offense more than one time and a minimum of one intervention plan (with documented strategies to change the behavior in an appropriate format. A student may be placed in a DAEP any time the offense is a Class C Assault (student on personnel) at the discretion of the campus administrator.

A disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct or for students not yet identified as having a disability shall be processed in accordance to FOF(LEGAL)

Level II Offenses and Consequences (Continued)
Discretionary

Age/Grade Range	2016 - 2017	
	1 st DAEP Placement	Additional DAEP Placements*
Discretionary Offenses		
Age 6 - 3 rd Grade	0	0
4 th - 5 th Grade	15 Days	30-120 Days
6 th - 12 th Grade	30 Days	45-120 Days
Mandatory Offenses		
Age 6 - 5 th Grade	15 Days	30-120 Days
6 th - 12 th Grade	30 Days	45-120 Days
Discretionary Expellable Offenses		
Ages 6 - 9	90 – 120 Days	90 – 120 Days
Age 10 - 12 th Grade	90 – 120 Days	90 – 120 Days
Mandatory Expellable Offenses		
Ages 6 - 9	90 – 120 Days	90 – 120 Days
Age 10 - 12 th Grade	90 DAEP Days – one calendar year	

*Credit for good days will not count for additional DAEP Placements.

Level II Offenses and Consequences (Continued) Discretionary

Note: Students under the age of 6 cannot be assigned to a Disciplinary Alternative Education Program. (Texas Education Code 37.006).

The campus administrator shall promptly contact the parent or guardian by telephone or in person; and make a good faith effort to provide written notice of the disciplinary action to the student, on the day the action is taken, for delivery to the student's parent or guardian. If a parent or guardian entitled to notice has not been reached by telephone or in person by 5 p.m. of the first business day after the day the disciplinary action is taken, a campus administrator shall mail written notice of the action to the parent or guardian at the parent's or guardian's last known address.

The DAEP principal shall reduce days or change the date of return based on the plan and/or the perfect attendance good day policy.

A student enrolled in a special education program under Texas Education Code Chapter 29 Subchapter A, may not be disciplined for bullying, harassment or hit-list-making until an Admission, Review and Dismissal Committee (ARD) has been held to review the conduct. Such review shall be consistent with a MD-ARD as required under the Individuals with Disabilities Education Improvement Act (IDEIA). Consistent with state law, no disciplinary action of any kind may be imposed prior to the MD-ARD Committee meeting, including removals from class or school or change of placement for any period of time. The federal 10-day change of placement rule does not apply for this category of misconduct.

A student cannot be assigned a consequence for bullying if the student is acting in self-defense.

A student who is a victim of bullying may exercise mandatory transfer rights. FDB(LOCAL)

The 300-foot rule does not apply to Level II Offenses.

Graduating seniors assigned to a DAEP will complete their assigned placement through graduation, if applicable. The student will not be allowed to attend any senior activities, including graduation rehearsal and the graduation ceremony. The referral must be approved by the Office of Student Services.

Students with Level II Offences may be allowed to participate in the Summer Graduation Ceremony. This decision is determined by the Office of Student Services and may not be appealed.

Graduating seniors will be allowed to receive the minimum coursework required for graduation. The home school will provide AP course work and elective courses not taught at the DAEP.

Students that have been assigned to a DAEP may not return to their home school except for student appeal hearings.

Level III Offenses and Consequences Mandatory

Considerations: Before ordering the suspension, expulsion, removal to a disciplinary alternative education program of a student, the campus administrator must consider whether the student acted in self-defense, the intent or lack of intent at the time the student engaged in the conduct, the student's disciplinary history, and whether the student has a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct, regardless of whether the decision of the administrator concerns a mandatory or discretionary action. [Texas Education Code Sec. 37.001 (a) (4)].

The offense can be committed on or 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 event on or off school property (except for aggravated robbery).

The campus behavior coordinator shall promptly contact the parent or guardian by telephone or in person; and make a good faith effort to provide written notice of the disciplinary action to the student, on the day the action is taken, for delivery to the student's parent or guardian. If a parent or guardian entitled to notice has not been reached by telephone or in person by 5 p.m. of the first business day after the day the disciplinary action is taken, a campus behavior coordinator shall mail written notice of the action to the parent or guardian at the parent's or guardian's last known address.

Parent/guardian will be notified by phone and requested to attend an administrative hearing with the campus administrator. The campus administrator shall schedule the conference/hearing within three days. (Texas Education Code Sec. 37.009)

CONSEQUENCES WILL NOT BE DEFERRED PENDING THE OUTCOME OF AN APPEAL.

Level III Offenses

- Abuse of a volatile chemical
- Aggravated Robbery Off Campus and not a school-sponsored event or related activity (on campus is considered an expellable offense).
- Alcohol (non-felony) – Includes possession, delivery, under the influence, or use. (See the definition in the glossary for “under the influence” and “use”).
- Assault (Class A) (student on student)
- Drugs (non-felony) (i.e., marijuana, K-2, and prescription) – Includes possession, delivery, under the influence, or use. (See the definition in the glossary for “under the influence” and “use”).
- Felony conduct (if not expellable)
- Indecent exposure
- Public lewdness
- Retaliation against a school employee any place (if not expellable)
- Students enrolling in the Tyler ISD from another school district's Disciplinary Alternative Education Program (student will be assigned to a Tyler ISD DAEP to complete the required assignment).

Level III Disciplinary Consequences

- Smith County Juvenile Department referral
- Tyler ISD Police and Security Services Department notification
- Emergency placement to in-school suspension pending an assignment to Off-Campus Disciplinary Alternative Education Program
- Mandatory extracurricular activities restriction
- Mandatory Off-Campus DAEP following a hearing
- Restitution/restoration, if applicable
- Completion of the required DAEP assignment for a student who owes time from another district

A disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct or for students not yet identified as having a disability shall be processed in accordance to FOF(LEGAL)

Age/Grade Range	1 st DAEP Placement	Additional DAEP Placements
Age 6 - 5 th Grade	15 Days	30/45/90 Days
6 th - 12 th Grade	30 Days	45/60/90 Days

Level III Offenses and Consequences (Continued)

Mandatory

Note: Students under the age of 6 cannot be placed in a DAEP (Texas Education Code 37.006).

The campus administrator shall promptly contact the parent or guardian by telephone or in person; and make a good faith effort to provide written notice of the disciplinary action to the student, on the day the action is taken, for delivery to the student's parent or guardian. If a parent or guardian entitled to notice has not been reached by telephone or in person by 5 p.m. of the first business day after the day the disciplinary action is taken, a campus administrator shall mail written notice of the action to the parent or guardian at the parent's or guardian's last known address.

The DAEP principal will determine the date of return.

A student may be removed for a non-felony drug offense on the basis of a field test. Subsequent laboratory testing may result in a change of placement consistent with the *Student Code of Conduct*. If laboratory results are negative, the student may be returned to the campus or remain in an appropriate alternative educational setting consistent with the *Student Code of Conduct*.

Graduating seniors assigned to a DAEP for Level III offense must complete their assigned amount of time through graduation, if applicable. The student will not be allowed to attend any senior activities, including graduation rehearsal and the graduation ceremony. The referral must be approved by the Office of Student Services.

Students with Level III Offences may be allowed to participate in the Summer Graduation Ceremony. This decision is determined by the Office of Student Services and may not be appealed.

Students who have been removed for a Level III Offense may not return to any Tyler ISD facility, including extracurricular activities, except the alternative school during the assigned term. Students will be permitted to return to their home campus for student appeals with the approval of the principal.

Graduating seniors will be allowed to receive the minimum coursework required for graduation. The home school will provide AP course work and elective courses not taught at the DAEP.

Level IV Offenses and Consequences

Expellable

Considerations: Before ordering the suspension, expulsion, removal to a disciplinary alternative education program, or placement in a juvenile justice alternative education program of a student, the campus administrator must consider whether the student acted in self-defense, the intent or lack of intent at the time the student engaged in the conduct, the student's disciplinary history, and whether the student has a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct, regardless of whether the decision of the administrator concerns a mandatory or discretionary action. [Texas Education Code Sec. 37.001 (a) (4)].

The campus behavior coordinator shall promptly contact the parent or guardian by telephone or in person; and make a good faith effort to provide written notice of the disciplinary action to the student, on the day the action is taken, for delivery to the student's parent or guardian. If a parent or guardian entitled to notice has not been reached by telephone or in person by 5 p.m. of the first business day after the day the disciplinary action is taken, a campus behavior coordinator shall mail written notice of the action to the parent or guardian at the parent's or guardian's last known address.

The campus administrator shall schedule the conference/hearing within three days of becoming aware of the offense. (Texas Education Code Sec. 37.009)

Level IV Offenses are either violations of state law or behaviors that seriously disrupt the educational process. Every illegal act will require notification of law enforcement. Students ages 6 through 9 are removed from class and placed in a Disciplinary Alternative Education Program for committing expellable offenses.

Expulsions: The offenses listed below shall be Level IV Offenses. These offenses may be committed on school property or at a school-related event on or off school property or another school district's property. The 300-foot rule applies to these offenses.

CONSEQUENCES WILL NOT BE DEFERRED PENDING THE OUTCOME OF AN APPEAL.

Level IV Offenses

Discretionary Expulsions

- Assault with bodily injury (student on personnel/volunteer)
- Breach of computer security
- Criminal mischief (felony = \$1,500+)
- Deadly conduct
- False alarm or report (Penal Code 42.06)
- Serious misbehavior in an Off-Campus Disciplinary Alternative Education Program (see definition)
- Terroristic threat (Penal Code 22.07)
- Title 5 felonies: A felony offense committed off-campus against another person.

Mandatory Expulsions

- Aggravated assault (student on personnel/volunteer)
- Aggravated assault (student on student)
- Aggravated kidnapping*
- Aggravated robbery
- Aggravated sexual assault (student on personnel/volunteer)*
- Aggravated sexual assault (student on student)*
- Alcohol punishable as a felony
- Arson*
- Attempt to commit murder
- Club *
- Criminally negligent homicide*
- Firearm (including starter gun) as defined 18 U.S.C. § 921(a)(3),(4).*
- Location-restricted knife *
- Indecency with a child*
- Manslaughter
- Murder and capital murder*
- Possession of drugs punishable as a felony (i.e., heroin, cocaine, cheese, LSD, methamphetamine)
- Prohibited weapon *
- Retaliation against school employee or volunteer any place in association with one of the above offenses committed on or off school property or at a school-related activity on or off school property*

* The consequence changes from a mandatory expulsion to a discretionary expulsion if the offense occurs off campus, within 300 feet of school property.

- Sexual assault (student on personnel/volunteer)
- Sexual assault (student on student)

Level IV Disciplinary Consequences

- Smith County Juvenile Department referral
- Tyler ISD Police and Security Services Department notification
- Referral to outside social services agencies
- Restitution/restoration, if applicable
- Restriction from attending any public school in the state of Texas until the expulsion period or the obligation to the Off-Campus Disciplinary Alternative Education Program

Students age 6 through 9

- Placement to the Elementary DAEP for committing discretionary expulsion offenses for 90 or 120 days
- Placement to the Elementary DAEP for committing mandatory expulsion offenses for 90 or 120 days
- Mandatory Expulsion to the DAEP for possessing a firearm in school (all students under the age of 10) for one year

Students age 10 through 12th grade

- Discretionary Expulsion and juvenile court referral to the DAEP for 30 or 40 good days.
- Mandatory Expulsion **to** DAEP for 90 days or one year for firearms.
- Mandatory restriction from being on school grounds or extracurricular activities.

Students age 10 and older will be assigned to the DAEP for committing Mandatory Level IV Expulsion Offenses.

Students under the age of 10 will not be expelled for committing Level IV Offenses but they will be placed in the Off-Campus Disciplinary Alternative Education Program for 90 to 120 days or one year for firearms.

A disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct or for students not yet identified as having a disability shall be processed in accordance to FOF(LEGAL)

Level IV Offenses and Consequences (Continued) Expellable

TITLE 5 OF THE TEXAS PENAL CODE—OFFENSES AGAINST THE PERSON (include the following):

- Abandoning or endangering a child
- Aggravated assault
- Aggravated kidnapping
- Aggravated sexual assault
- Aiding a suicide
- Capital murder
- Continuous sexual abuse of a young child or children
- Criminally negligent homicide
- Deadly conduct
- Indecency with a child
- Improper relationship between educator and student
- Improper photography or visual recording
- Injury to a child, elderly individual, or disabled individual
- Kidnapping
- Manslaughter
- Murder
- Sexual assault
- Tampering with a consumer product
- Terroristic threat
- Trafficking of persons
- Unlawful restraint
- Unlawful transport

Note: Students under the age of 6 cannot be placed in a Disciplinary Alternative Education Program, (Texas Education Code 37.006), unless the student commits a federal firearm offense (Public Law 103-382 Sec. 14601).

Graduating seniors assigned to a DAEP for Level IV Offences must complete their assigned days through graduation, if applicable. The student that has not completed the assigned days prior to the end of the school year will not be allowed to attend any senior activities, including graduation rehearsal and the graduation ceremony or the summer graduation ceremony.

The referral must be approved by the Office of Student Services.

Students who have been expelled may not return to any Tyler ISD facility or attend any extracurricular activities of Tyler ISD.

The campus administrator shall promptly contact the parent or guardian by telephone or in person; and make a good faith effort to provide written notice of the disciplinary action to the student, on the day the action is taken, for delivery to the student's parent or guardian.

If a parent or guardian entitled to notice has not been reached by telephone or in person by 5 p.m. of the first business day after the day the disciplinary action is taken, a campus administrator shall mail written notice of the action to the parent or guardian at the parent's or guardian's last known address.

A student shall be removed for any felony drug offense. If laboratory results performed by or obtained by the school district are negative, the student will be returned to the home campus.

A student who is a victim of sexual assault or aggravated assault may exercise mandatory transfer rights. A student convicted or adjudicated for sexual assault or aggravated assault may be subject to a mandatory transfer at the victim's request FDB(LOCAL).

Graduating seniors assigned to the DAEP for Level IV Offences will be allowed to receive the minimum coursework required for graduation. The home school will provide AP course work and elective courses not taught at the DAEP.

Discretionary Expellable Offenses		
Age 6 - 9	90-120 Days	90-120 Days
Age 10 - 12th Grade	90-120 Days	90-120 Days
Mandatory Expellable Offenses		
Ages 6 - 9	90-120 Days	90-120 Days
Age 10 - 12th Grade	90 DAEP Days – one calendar year	

Tyler Independent School District *Student Code of Conduct* Glossary

The terms and definitions are general in nature. The interpretation and application of the terms and definitions are within the sole discretion of the school district.

A

Administrative Hearing – Before removal to an Off-Campus Disciplinary Alternative Education Program or expulsion to DAEP, each student must be provided a hearing that includes notice of alleged misconduct and proposed consequences and an opportunity to be heard. Student may be represented by the parent/guardian or another adult representative.

Aggravated Assault – (Penal Code 22.02) Causes serious bodily injury to another, including a person's spouse, or uses or exhibits a deadly weapon during the commission of the assault.

Aggravated Robbery – (Penal Code 29.03) A person commits an offense if he/she commits robbery as defined in Section 29.02 and he/she: causes serious bodily injury to another; uses or exhibits a deadly weapon; or 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 65 years of age or older or disabled.

Alcohol – Any beverage containing more than one-half of one percent of alcohol by volume, that is capable of use for beverage purposes, either alone or when diluted. Beer, ale, malt liquor, and liquor are all alcoholic beverages.

Arson – (Penal code 28.02) The willful burning or attempt to maliciously burn a structure.

Assault – Intentionally, knowingly, or recklessly causing bodily injury to another person; intentionally or knowingly threatening another with imminent bodily injury; intentionally, knowingly, or recklessly causing physical contact with another when the person knows or should reasonably believe that the other would regard the contact as offensive or provocative.

Attempt to Commit Murder – (Penal Code 15.01) A person commits the offense of criminal attempt to commit murder or capital murder if, with the specific intent to commit the murder or capital murder, the person does an act amounting to more than mere preparation that tends but fails to effect the commission of the offense intended.

B

Battery – The act of battering: unlawfully beating or using force on a person.

Behavior – The way a person acts.

Behavior Contract – A written agreement between a student and one or more school personnel. The parent/guardian can also be a party in the agreement. The student agrees to meet specific expectations.

Blackmail – Obtaining money or other objects of value from an unwilling person or forcing a person to act through the use of force or threat of force.

Boycott – Collective action to refuse to have any dealing with an event or activity.

Breach of Computer Security – includes knowingly accessing a computer, computer network, or computer system without the effective consent of the owner as defined in Texas Penal Code 33.02, if the conduct involves accessing a computer, computer network, or computer system owned by or operated on behalf of a school district; and the student knowingly alters, damages, or deletes school district property or information; or commits a breach of any other computer, computer network, or computer system.

Bullying – (see page 17) When a student or group of students engages in written or verbal expression, expression through electronic means, or physical conduct that occurs on school property, at a school-sponsored or school-related activity, or in a vehicle operated by the district, and if a school district's Board of Trustees or the board's designee determines that the behavior:

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; or
2. Is sufficiently severe, persistent, and pervasive enough that the action or threat creates an intimidating, threatening, or abusive educational environment for a student.

This conduct is considered bullying if it:

1. Exploits an imbalance of power between the student perpetrator who is engaging in bullying and the student victim through written or verbal expression or physical conduct; and
2. Interferes with a student's education or substantially disrupts the operation of a school.

TEC 37.0832 and FFI(LOCAL)

Bullying includes cyberbullying. (See below) This state law on bullying prevention applies to:

1. Bullying that occurs on or is delivered to school property or to the site of a school sponsored or school-related activity on or off school property
2. Bullying that occurs on a publicly or privately owned school bus or vehicle being used for transportation of students to or from school or a school-sponsored or school-related activity; and
3. Cyberbullying that occurs off school property or outside of a school-sponsored or school-related activity if the cyberbullying interferes with a student's educational opportunities or substantially disrupts the orderly operation of a classroom, school, or school-sponsored or school-related activity.

Bus Misconduct – Includes, but is not limited to the following:

- Failure to remain seated when directed or when the bus is moving;
- Failure to wear a seat belt when directed or when the bus is moving (if the bus is equipped with seat belts);
- Extending any part of a student's body, clothing, or any other article outside a bus window;
- Throwing, pitching, or shooting objects inside or out of the bus;
- Failure to remain in an assigned seat directed by the driver.
- Any Conduct identified in Student Code of Conduct Level I, II, III, or IV.

C

Campus Behavior Coordinator – A Campus Behavior Coordinator, which is a campus administrator, is responsible for maintaining student discipline and the implementation of any disciplinary actions. A campus behavior coordinator shall respond by employing appropriate discipline management techniques consistent with the Student Code of Conduct that can reasonably be expected to improve the student’s behavior before returning the student to the classroom. If the student’s behavior does not improve, the campus administrator shall employ alternative discipline management techniques, including any “progressive interventions” designated as the responsibility of the campus administrator in the Student Code of Conduct.

Classroom Disruption – (Texas Education Code Sec. 37.124) Disrupting the conduct of classes or other school activities, including:

- (A) emitting noise of an intensity that prevents or hinders classroom instruction;
- (B) enticing or attempting to entice a student away from class or other school activity that the student is required to attend;
- (C) preventing or attempting to prevent a student from attending a class or other school activity that the student is required to attend; and
- (D) entering a classroom without the consent of either the principal or the teacher and, through either acts of misconduct or the use of loud or profane language, disrupting class activities.

Club – Unlawful Carrying of a Club under Penal Code 46.02 – TEC 37.007(a)(1). An instrument that is specifically designed, made, or adapted for the purpose of inflicting serious bodily injury or death by striking a person with the instrument, and includes but is not limited to a blackjack, nightstick, mace, or a tomahawk.

Contract – An agreement between two or more people to do something.

Copying – The action of reproducing the schoolwork of another person with intent to represent it as one’s own.

Criminal Mischief – Elements of criminal mischief constituting a felony are defined as intentionally or knowingly damaging or destroying the tangible property of an owner, or tampering with such property in a manner which causes pecuniary loss or substantial inconvenience to the owner or a third person, without the effective consent of the owner.

Criminally Negligent Homicide – A person commits an offense if he/she causes the death of an individual by criminal negligence.

D

Deadly Conduct – A person commits an offense if he/she recklessly engages in conduct that places another in imminent danger of serious bodily harm. A person commits an offense if he/she knowingly discharges a firearm at or in the direction of: one or more individuals; a habitation, building, or vehicle and is reckless as to whether the habitation, building, or vehicle is occupied. Recklessness and danger are presumed if the actor knowingly pointed a firearm at or in the direction of another vehicle whether or not the actor believed the firearm to be loaded.

Defacing School Property – Destroying or damaging school property, including buses, whether during school hours, out-of-school hours, or vacation time.

Detention – A teacher or administrator may detain a student after school hours for disciplinary action. The period of time for which a student is assigned to detention shall be used for educational purposes. For all students, detention shall not begin until notice has been given to the parents. Parents may be required to provide transportation when the student has been assigned detention.

Discretionary – Means something that is to be determined or regulated by a local decision maker.

Disciplinary Alternative Education Program (DAEP) – Instruction is provided in a setting other than a student’s regular classroom. The location may be on or off a regular school campus, but students who are assigned to the Disciplinary Alternative Education Program are separated from students who are not assigned to the DAEP. Instruction provides for students’ educational and behavioral needs and focuses on English, math, science, history, and self-discipline. Students must be at least 6 years old and have committed an offense that requires removal from the regular education program to a DAEP. Elementary students are separated from secondary students.

Disrespect of School Personnel – The act of putting someone down, trying to make them feel low, treating someone in a horrible manner, showing a person that they mean less than nothing to you, a hurtful act that is both rude and ignorant towards another person’s feelings.

- Examples of disrespectful behavior are: talking back, refusing to identify self properly, rude behavior, name calling, and challenging authority.

Disruption on School Bus/Private Bus – Disobedience or misbehavior on a school or private bus.

Drugs (felony level) – Including but not limited to, cheese, methamphetamine, cocaine, LSD, ecstasy, acid, heroin, and marijuana (four ounces or more).

Drugs (non-felony level) – Including but not limited to marijuana (less than four ounces) and prescription drugs.

E

Exhibition of Firearm – A person commits an offense if, in a manner intended to cause alarm or personal injury to another or to damage school property, the person intentionally exhibits, uses, or threatens to exhibit or use a firearm:

- (1) in or on any property, including a parking lot, parking garage, or other parking area, owned by a private or public school; or
- (2) on a school bus being used to transport children to or from activities of a private or public school. (Texas Education Code 37.125)

Expulsion – The most severe consequence of a student’s misbehavior at a school, on school property, or at a school-related event on or off school property. Students age 10 and older may be subject to adjudication by district court and assigned to the DAEP for Expulsion.

Extortion – The act or an instance of obtaining money or other object of value by coercive means, such as threats or intimidation.

Electronic Cigarette – An electronic cigarette or other device that simulates smoking by using a mechanical heating element, battery, or electronic circuit to deliver nicotine or other substances to the individual inhaling from the device. The term

does not apply to a prescription medical device unrelated to the cessation of smoking.

E

False Fire Alarms – Knowingly making, aiding in the making, or sounding of a fire alarm when the alarm is not needed or there is no fire. Emergency vehicles (police or fire) are dispatched and/or building has to be evacuated.

Falsification of School Records – Falsifying any public school record, report, or assessment instrument required under Chapter 39, Education Code.

Felony Alcohol – An example would be intoxication manslaughter.

Felony Controlled Substance – Examples include four ounces or more of marijuana, any amount of cocaine, and other controlled substances.

Fighting – Two or more students that choose to mutually engage in physical combat using blows or force to strive to overcome the other student(s).

Firearms – defined by federal law 18 U.S.C. § 921 (a)(3), (4) as:

- 1.** 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;
- 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. Antique firearms and fireworks are not included in this definition. Nor are knives included in the definition; they are regulated only by state law.

Forgery/Forging – Imitating an original piece of writing with the intent to deceive.

G

Gang Activity – Three or more students having a common identifying sign/symbol or identifiable leadership who constantly or regularly associate in the commission of criminal activity.

Gambling – Betting money or any other item of value on the outcome of any event, game, or contest.

Graffiti – (Penal Code 28.08) A person without consent of the owner intentionally or knowingly makes markings including inscriptions, slogans, drawings, or painting, on tangible property of the owner with:

1. aerosol paint;
2. an indelible marker; or
3. an etching or engraving device.

H

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

Harassment – Threatening to cause harm or bodily injury to another student, engaging in sexually intimidating, embarrassing and or humiliating 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.

Hazing – An intentional or reckless act, on or off campus, by one person alone or acting with others that endangers the mental or physical health or safety of a student for the purpose of pledging, initiation into, affiliation with, holding office in, or maintaining membership in an organization.

Hit List – A list of people targeted to be harmed, using a firearm or knife as defined in the Penal Code, or any other object to be used with intent to cause bodily injury.

I

Immoral Conduct – Lewd, lascivious, or indecent acts, including indecent sexual propositions, indecent exposure, or obscene gestures.

Indecent Exposure – A person commits an offense if he/she exposes his/her anus or any part of his/her genitals with intent to arouse or gratify the sexual desire of any person, and he/she is reckless about whether another is present who will be offended or alarmed by his/her act.

Indecency With a Child – A person commits an offense if, with a child younger than 17 years not his/her spouse, whether the child is of the same or opposite sex, he/she engages in sexual contact with the child or exposes part of his/her genitals, and knows the child is present, with intent to arouse or gratify the sexual desire of any person.

Inhalant Abuse (abuse of a volatile chemical) – A student commits an offense of this category if the student: inhales, ingests, applies, uses, or possesses glue, aerosol paint, or volatile chemical with intent to inhale, ingest, apply, or use it in a manner contrary to directions for use; cautions or warnings appear on a label of a container of the glue or paint designed to affect the person's central nervous system; create or induce a condition of intoxication, hallucination, or elation or change; or distort or disturb the person's eyesight, thinking process, balance, or coordination.

In-School Suspension – A student is removed from his/her regular education setting to an alternative setting on the campus (not Disciplinary Alternative Education Program).

K

Kidnapping – A person intentionally or knowingly abducts another person.

Knuckles – Any instrument consisting of finger rings or guards made of a hard substance and designed or adapted for inflicting serious bodily injury or death by striking a person with a fist enclosed in the knuckles.

L

Location-restricted Knife – Unlawful Carrying of an Illegal Knife under Penal Code 46.02 – TEC 37.007(a)(1). defined as

- 1.** Knife with a blade greater than five and one-half inches;
- 2.** Hand instrument designed to cut or stab another by being thrown;
- 3.** Dagger, including but not limited to a dirk, stiletto, or poniard;
- 4.** Bowie knife;
- 5.** Sword; or
- 6.** Spear.

Loitering – Linger about the school premises in an aimless fashion.

M

Mandatory – Something is obligatory or required because of an authority.

Manslaughter – A person commits an offense if he/she recklessly causes the death of an individual.

Misbehavior – Behavior that is contrary to expectations stated in the *Student Code of Conduct* and/or behavior that prevents the teacher from carrying out the teaching process.

Murder – A person commits an offense containing the elements of murder if he/she: intentionally or knowingly causes the death of an individual; intends to cause serious bodily injury and commits an act clearly dangerous to human life that causes the death of an individual; or commits or attempts to commit a felony, other than manslaughter, and in the course of and in furtherance of the commission or attempt or in immediate flight from the commission or attempt, he commits or attempts to commit an act clearly dangerous to human life that causes the death of an individual.

N

Non-Title 5 Felonies – A felony off campus, occurring any time or place not against another person.

O

Obscene Material – Material that is offensive to the acceptable standards of the majority in a community.

Offense – An act of misbehavior as defined in the *Student Code of Conduct* or implied from the as defined in that code.

Offensive Language – Using inappropriate language, generally described as derogatory, harmful, and/or demeaning, that is directed toward an individual or group of individuals at school or school-related events or activities. This includes but is not limited to language related to race, ethnicity, gender and/or gender orientation, disability and religious beliefs.

Out-of-School Suspension – A student is removed from school for up to three days. A partial day of suspension counts as one of the three days.

Online Impersonation – Creating a Web page on a commercial social networking site or other Internet Web site; or posting or sending messages on or through a commercial networking site or other Internet Web site other than or through electronic mail or a message board. The actions must be taken without the other person's consent and with the intent to harm, defraud, intimidate, or threaten the other person.

P

Paraphernalia – Devices that can be used for inhaling, ingesting, injecting, or otherwise introducing a controlled substance into a human body.

Parents – Includes single parent, legal guardian, person in lawful control or person standing in parental relationship to a student.

Peer Mediation – Peer-to-peer resolution of conflict using good communication skills.

Penalty – A consequence for violating a provision of the *Student Code of Conduct*.

Possession – Shall constitute the intentional, knowing or reckless carrying of “a substance or item” on or about the person, whether or not such “substance or item” is actually found on the student, provided that there are reliable witnesses or other corroborating evidence that the student was previously in possession. “Possession” shall include a “substance or item” found on the premises, or within 300 feet of school property if located in the student's vehicle, locker, book bag, purse, clothing or other personal belongings under the exclusive control of the student.

Profanity – Using language that is outside the standards of acceptable language of the majority of persons in the community. Cursing and vulgar words and phrases are examples of profanity.

Prohibited Weapon – An explosive weapon, a machine gun, a short-barrel firearm, a firearm silencer, knuckles (i.e., brass knuckles), armor-piercing ammunition, a chemical dispensing device (i.e., mace or pepper gas), or a zip gun, or a tire deflation device.

Protest – To make objection in words or acts.

Public Lewdness – Knowingly engaging in any sexual act in a public place or in the presence of another person who will be offended or alarmed by such act(s).

R

Reassignment of Classes – The removal of a student for persistent misbehavior from his or her assigned classroom to another class on the same campus. To the extent possible, the student should continue to receive instruction in the courses he or she was enrolled in when the removal became effective.

Repetitive Level I Offenses – Six Level I Offense referrals occurring within a period of 45 rolling school days that requires a Student Support Team or Behavioral Intervention Plan (BIP).

Resisting Arrest – A person commits an offense if he/she intentionally prevents or obstructs a person he knows is a peace officer or a person acting in a peace officer's presence and at his direction from effecting an arrest, search, or transportation of the actor or another by using force against the peace officer or another.

Restitution – Making good or restoring objects that have been lost or damaged, returning them to the owner.

Retaliation – Knowingly, willingly, or recklessly causing harm to a school district employee or volunteer, including but not limited to bodily, property or psychological injury as a result of the person's employment or association with the school district if committed anywhere.

Robbery – (Penal Code 31.02). A person commits an offense if in the course of committing theft as defined in Chapter 31 and with the intent to obtain or maintain the control of the property when he/she: (1) intentionally, knowingly, or recklessly causes bodily injury to another or (2) intentionally, knowingly, or threatens or places another in fear of imminent bodily injury or death.

Rolling Days – No beginning or ending date. The administrator counts back 45 school days from the date of the last offense to determine the length of time during which the six referrals must have occurred.

S

School Property – Any property owned by the school district or over which the school district or its personnel exert lawful authority and that may include property visited by students in connection that a school-sponsored activity such as a field trip or extracurricular activity

Scuffling – Engaged in a short confused tussle in close quarters.

Secret Societies – An organization composed of pupils of public schools below the rank of college that seeks to gain membership by allowing its members to choose those they deem acceptable rather than upon free choice of any student in the school.

Self-Defense – The use of force against another to the degree that a person reasonably believes the force is immediately necessary to protect himself or herself.

Serious Bodily Injury - Defined in Section 1365(h)(3) of Title 18, U.S. Code, to mean a bodily injury that involves a substantial risk of death, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty. [615(k) (1) (G)]

Serious Misbehavior at a Disciplinary Alternative Education Program

• **Serious misbehavior means:**

1. Deliberate violent behavior that poses a direct threat to the health or safety of others;
2. Extortion, meaning the gaining of money or other property by force or threat;
3. Conduct that constitutes coercion, as defined by Section 1.07, Penal Code; or
4. Conduct that constitutes the offense of:
 - a. Public lewdness under Section 21.07, Penal Code;
 - b. Indecent exposure under Section 21.08; Penal Code;
 - c. Criminal mischief under Section 28.03, Penal Code;
 - d. Personal hazing under Section 37.152; or
 - e. Harassment under Section 42.07 (a) (1), Penal Code, of a student or district employee.

Severity – Seriousness or gravity of a situation.

Stealing – Taking and carrying away the personal property of another without the consent of the owner. Removing or taking away school property without permission.

Suspicious Drug Activity – The facts of a situation make it suspicious when the Reasonable Person Rule: (Would any other reasonable person think that what is going on would be suspicious?) is applied.

Suspension – A disciplinary action provided by Texas Education Code 37.005. A student may be removed from the school campus for up to three days for each subsequent disciplinary infraction.

T

Teacher-Initiated Removal – A teacher may remove from class a student who has been documented by the teacher as repeatedly interfering with the teacher’s ability to communicate effectively with the students in the class. The principal may place

the student into another appropriate classroom, in-school suspension, or a Disciplinary Alternative Education Program (DAEP). The removal must be consistent with the Tyler ISD *Student Code of Conduct*.

A teacher may remove and prohibit the return of any student to the teacher’s classroom if the teacher was the victim of sexual assault, aggravated assault, aggravated sexual assault or assault with bodily injury by the student. The student may be transferred to another classroom, campus or to a DAEP within the district. (Texas Education Code 37.002)

Terroristic Threat (Penal Code 22.07) – Threatening to commit any offense involving violence to any person or property with intent to cause a reaction by an official or volunteer agency organized to deal with emergencies; place any person in fear of imminent, serious bodily injury; prevent or interrupt the occupation or use of any public place; or cause the impairment or interruption of public services. This offense is a Class A misdemeanor unless false report is of an emergency involving a public primary or secondary school; public communications; public transportation; public water, gas, or power supply; or other public service in which case the offense is a state jail felony.

Theft – Unauthorized possession and/or sale of the property of another without the consent of the owner.

Title 5 offenses – Offenses listed in Title 5 of the Texas Penal Code that involve injury to a person and include murder; kidnapping; assault; aggravated assault; sexual assault; aggravated sexual assault; unlawful restraint; indecency with a child; injury to a child, and elderly person, or a disabled person; abandoning or endangering a child; deadly conduct; terroristic threat; aiding a person to commit suicide; and tampering with a consumer product. See FOC[EXHIBIT]

Trespassing – Entering the school property without permission or right.

U

“Under the Influence” and “Use” have similar meanings – Not having the normal use of mental or physical faculties and may be evident by the presence of physical symptoms of drug/alcohol use, or by admission; or a student has voluntarily introduced into his or her body by any means a prohibited substance recently enough that it is detectable by the student’s physical appearance, actions, breath, odor or speech; or the student admits such use to school personnel. A student “under the influence” need not be legally intoxicated.

V

Vandalism – (Referred to as criminal mischief if less than \$1,500.) Willful action that results in destruction, damage, or defacement of property belonging to or rented by the District. This includes graffiti. A person commits an offense if, without the effective consent of the owner, the person, intentionally or knowingly makes markings, including inscriptions, slogans, drawings, or painting, on the tangible property of the owner with aerosol paint, an indelible marker, or an etching or engraving device. An offense under this section is a state jail felony if the marking is made on a school.

W

Weapons – Instruments used to cause bodily harm.

