

Brazosport Independent School District

Student Code of Conduct

2021 – 2022

Disponible en Español

Brazosport Independent School District

<http://www.brazosportisd.net>

P.O. DRAWER Z • Freeport, Texas • 77542

Board Approved 8.16.2021

Student Code of Conduct

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Introduction

1.1 Accessibility

If you have difficulty accessing the information in this document, please contact the campus Principal. You may also contact Director of Student Services, Dr. Robin Pelton, or Assistant Superintendent of Administrative Services, Mr. Jay Whitehead, at 979-730-7000.

1.2 Non-Discrimination Statement

In its efforts to promote nondiscrimination and as required by law, Brazosport ISD does not discriminate on the basis of race, religion, color, national origin, gender, sex, disability, age, or any other basis prohibited by law in providing education services, activities, and programs, including Career and Technical Education (CTE) programs. The District provides equal access to the Boy Scouts and other designated youth groups.

In accordance with Title IX, Brazosport ISD does not and is required not to discriminate on the basis of sex in its educational programs or activities. The requirement not to discriminate extends to admission and employment. Inquiries about the application of Title IX may be referred to the district's Title IX Coordinator (see below), to the Assistant Secretary for Civil Rights of the Department of Education, or both.

Other federal laws that prohibit discrimination include Title VI, Section 504, the Age Discrimination Act, the Boy Scouts Act, and Title II.

Brazosport ISD has designated and authorized the following employee as the Title IX Coordinator to address student concerns or inquiries regarding discrimination on the basis of sex, including sexual harassment, sexual assault, dating violence, domestic violence, stalking, or gender-based harassment: Dr. Robin Pelton at 301 Brazoswood Dr., Clute, Texas 77531, 979-730-7000 extension 24101, rpelton@brazosportisd.net. Reports can be made at any time and by any person, including during non-business hours, by mail, phone, or email. During district business hours, reports may also be made in person. Upon the district receiving notice or an allegation of sex-based harassment, the Title IX Coordinator will promptly respond in accordance with the process described at FFH(LOCAL).

For concerns regarding discrimination on the basis of disability, please contact the ADA/Section 504 Coordinator: Lorin Furlow, 301 W. Brazoswood Dr., Clute, Texas 77531, 979-730-700 extension 19246, lfurlow@brazosportisd.net.

For all other concerns regarding discrimination, please contact the Superintendent: Danny Massey, 301 W. Brazoswood Dr., Clute, Texas 77531, 979-730-7001, dmassey@brazosportisd.net.

1.3 Purpose

The purpose of this *Student Code of Conduct* is to foster a safe learning environment and ensure academic success for all students. After collaboration among community members, parents, district personnel, and campus personnel, this policy has been adopted in accordance with the requirements of Chapter 37 of the

Texas Education Code by the Brazosport Independent School District’s Board of Trustees. In order to assist students, parents, families, administrators, and school personnel in maintaining a safe and supportive environment within the Brazosport schools, this *Student Code of Conduct* will:

- describe district behavior expectations;
- describe responsibilities of students, families, and district staff;
- identify and describe district prevention and intervention strategies;
- identify and define classifications of misbehavior, along with corrective strategies and disciplinary consequences;
- specify circumstances that may result in a student being removed from a classroom, campus, or school transportation in accordance with Chapter 37 of the Texas Education Code, and describe the considerations given when making such a decision;
- describe rights of students with disabilities as it relates to discipline; and
- describe the District dress code, technology policy and transportation policy.

1.4 Scope of the *Student Code of Conduct*

The *Student Code of Conduct* applies to actions of students throughout the entire 2021 – 2022 school year, including summer school and all school-related events and activities outside of the school year, until an updated version is adopted by the Board of Trustees. Because the *Student Code of Conduct* is adopted by the district’s board of trustees, it has the force of policy; therefore, in cases of conflict with the Student Handbook, the *Student Code of Conduct* prevails.

The District has disciplinary authority over a student:

- during the regular school day and while the student is going to and from school or a school-sponsored or school related activity on district transportation;
- during lunch periods in which the student is allowed to leave the campus;
- for certain offenses committed within 300 feet of school property as measured from any point on the school’s property boundary line;
- while the student is in attendance at a school-sponsored or school-related activity, regardless of time or location;
- for certain offenses committed while on school property or while attending a school-sponsored or school-related activity of another district in Texas;
- for any school-related misconduct, regardless of time and location;
- when the student engages in cyberbullying, as provided by Education Code 37.0832;
- when criminal mischief is committed on or off school property or at a school-related event;
- when retaliation against a school employee or Board member or volunteer is involved, regardless of time or location;
- when the student commits a felony, as provided by [Texas Education Code 37.006](#) or [37.0081](#), and
- when the student is required to register as a sex offender.

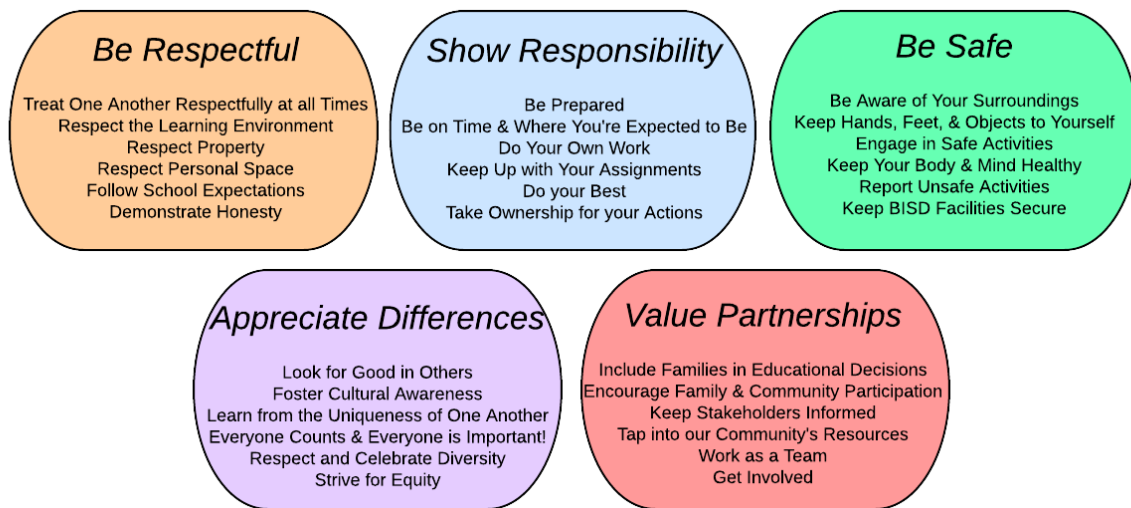
The District does not have jurisdiction over other situations occurring in the community even though an incident may involve students (including technology-related communications – such as emails, texting, Facebook, messages, etc. – containing threats, bullying, and/or harassment) unless there is a direct impact to the school setting. District personnel may, however, conference with students regarding inappropriate behavior and effective ways to resolve conflict.

Student clubs, organizations, and performing groups such as, but not limited to, band, choir, cheerleading, and drill and athletic teams may establish additional standards of behavior including consequences for misbehavior that are stricter than those for students in general. If a violation is also a violation of school rules, the consequences specified by the *Student Code of Conduct* or by local policy will apply in addition to any consequences specified by the organization(s). All standards of behavior and any related consequences established or specified by the applicable organization(s) are adopted and incorporated herein.

This *Student Code of Conduct* includes a range of appropriate responses for student misbehavior. In doing so, it is recognized that:

- Poor academic achievement is not an act of misconduct. Therefore, the *Student Code of Conduct* will not be used to discipline students for poor academic achievement or failure.
- A parent’s failure to appropriately support his/her child’s education cannot be considered misconduct on the part of the child.
- The *Student Code of Conduct* applies to all students; however, the discipline of students with disabilities who are eligible for services under federal law (Individuals with Disabilities Education Act and Section 504 of the Rehabilitation Act of 1973) is subject to the provisions of those laws.
- In working within the *Student Code of Conduct*, school administration and staff will be sensitive to cultural differences a student may exhibit.

1.5 Behavior Expectations for our School Community



All Brazosport ISD learning environments will be safe and conducive to learning. Therefore, behavior expectations have been identified for our entire school community, which include students, families, campus and district staff, and community members. These expectations serve the purpose of guiding our decision-making, enhancing our ability to communicate effectively with one another, and creating the kind of school environment that is supportive for all people within our schools. Our vision is to set the standard for educational excellence, and that requires the whole school community’s adherence to these behavior expectations.

The District firmly believes that every student has the right to attend school and school-related activities free from all forms of discrimination on the basis of sex, including sexual harassment. The District considers sexual harassment of students to be serious and will consider the full range of discipline options up to and including placement in the District’s DAEP, according to the nature of the offense.

The school community is expected:

- to treat one another courteously, with respect for the other person’s feelings;
- to avoid any behaviors known to be offensive; and
- to stop these behaviors when asked or told to stop.

1.6 Ejection or Exclusion from School Property

Pursuant to Texas Education Code § 37.105, a school administrator or peace officer may refuse entry or eject an individual from district property if the individual refuses to leave peaceably upon request and:

1. The person poses a substantial risk of harm to any person; or
2. The person behaves in a manner inappropriate for the school setting, and the individual persists in the behavior after being given a verbal warning that the behavior is inappropriate and may result in refusal of entry or ejection.

At the time an individual is ejected or excluded, the school administrator or peace officer will provide the individual a written explanation of the appeal process. Appeals regarding refusal of entry or ejection from district property may be filed in accordance with policies FNG(LOCAL) or GF(LOCAL), as appropriate. The timelines for the district’s grievance procedures shall be adjusted as necessary to permit the person to address the board in person within 90 days, unless the complaint is resolved before a board hearing. Ejection or exclusion may not last more than two years, and if the individual is a parent, the district must accommodate the parent to ensure parental participation in an ARD or 504 committee meeting.

The school administrator or peace officer shall maintain a written log of all verbal warnings issued to include the individual’s name, the date, and a brief description of the inappropriate behavior.

1.7 Responsibilities

For schools to be safe and orderly, everyone has a responsibility. Each person within the community has a role. The following are responsibilities as they relate to student behavior:

Student Responsibilities
<ul style="list-style-type: none"> ● Attend the entire instructional day, except when ill or otherwise excused. ● Be on time to all classes. ● Be prepared for each class with assigned work and appropriate materials. ● Strive toward self-discipline, setting individual goals and utilizing good work habits. ● Pursue mastery of the curriculum as prescribed by the district and the state. ● Ask teachers, counselors, support staff, parents, school administrators, and other adults for help in solving problems. ● Establish and maintain an effective working relationship with parents, peers, and school personnel.

- Show respect for others, including peers, teachers, school staff, and campus guests.
- Show respect for the property of yourself and others.
- Manage personal and district technology appropriately.
- Express opinions and ideas in a respectful and courteous manner.
- Follow all district policies, including the *Student Code of Conduct*, as well all campus-established rules and procedures.
- Cooperate with and follow directives issued by school personnel.
- Report any bullying and/or harassment you witness to your teacher, a counselor, or an administrator.
- Seek changes in school policies and regulations through approved channels in an orderly and responsible manner and in collaboration with teachers and administrators.
- Assume responsibility for making choices and accept consequences for your behaviors.

Parent/Guardian Responsibilities

- Send your child to school daily and notify the school in writing within 48 hours (two business days) to explain the reason for absences and tardies.
- Supervise and interact with your child in a positive manner.
- Make certain your child is properly attired for school according to the dress code described in the *Student Code of Conduct*.
- Review the *Student Code of Conduct* with your child and support adherence to discipline policies.
- Establish and maintain a positive attitude toward education and school personnel.
- Maintain up-to-date and correct home, mailing, and email addresses, and phone numbers that include home, cell, work, and emergency contacts with the school office through Parent Portal.
- Communicate home or family issues that may affect your child’s learning or behavior.
- Seek available resources to support your child within the school and the community.
- Attend scheduled conferences, respond in a timely manner to the teacher's initial contact, or contact the teacher yourself as needed.
- Collaborate with school personnel when your child is involved in a discipline problem.
- Cooperate with school administrators and teachers in their efforts to achieve and maintain a quality school system, contacting teachers first and then counselors or campus administrators with concerns.
- Review the *BISD EmpowerED Student/Parent Handbook* and the *BISD Acceptable Use Agreement* with your child, promote its provisions, monitor your child’s use of district technology, and support adherence to established policies and procedures related to issuance of technology devices.

Note: Throughout this Student Code of Conduct and related discipline policies, the term “parent” includes a parent, legal guardian, or other person having lawful control of the child.

Teacher Responsibilities

- Define, teach, model, supervise, and support appropriate student behaviors to create positive school environments.
- Use appropriate classroom management strategies to maintain a learning environment that supports academic success.
- Teach and routinely review the *Student Code of Conduct*.

- Positively reinforce adherence to the school-wide, common area, and classroom expectations.
- Provide corrective feedback and re-teaching of a behavioral skill in a positive and respectful manner when a student demonstrates challenging behavior or when misconduct occurs.
- Address infractions through a variety of interventions, including Positive Behavior Interventions and Supports.
- Utilize *Capturing Kids' Hearts* tools, techniques, and strategies (secondary).
- Consider academic needs as contributing factors to disciplinary infractions and address those needs with appropriate academic interventions and supports.
- Value parents as partners in the educational process and demonstrate a positive attitude toward parents and their child.
- Promptly contact parents when behavior is not appropriate and respond promptly to parent inquiries, keeping documentation of these conferences.
- Participate in daytime and after-hours campus activities that promote parent, family, and/or student involvement.
- Develop positive relationships with parents, students, and other district professionals to solve problems at the classroom level.
- Collaborate with counselors, interventionists, and administrators when behavioral support is needed for specific students.
- Follow any Behavior Intervention Plan (BIP) or 504/IEP behavior supports that are in place for identified students.
- Report the behavior to the appropriate school administrator for a student who engages in ongoing misconduct, despite appropriate interventions.
- Review discipline data to make informed decisions.
- Request additional training or staff development as needed.

Campus Administrator Responsibilities

- Define, teach, model, reinforce, and support appropriate student behaviors to create positive school environments.
- Monitor, support, and sustain the effective implementation and maintenance of school-wide Positive Behavior Interventions & Supports.
- Consider academic needs as contributing factors to disciplinary infractions and address those needs with appropriate academic interventions and supports.
- Value parents as partners in the educational process and demonstrate a positive attitude toward parents and their child.
- Respond promptly and appropriately to parent inquiries about their children.
- Implement the *Student Code of Conduct* in an equitable and consistent manner.
- Review each discipline referral, investigate, and ensure that appropriate interventions, corrective strategies, and/or consequences are developed and implemented in accordance with the *Student Code of Conduct*.
- Identify training and resources as needed to implement positive behavior interventions and supports.
- Maintain accurate discipline data of students.
- Review discipline data at least monthly to assist with data-based decision making.

- Collaborate with teachers, counselors, and interventionists when behavioral support is needed for specific students.
- Ensure behavior support plans for at-risk youths are implemented with integrity and compliance.
- Conduct and/or participate in suspension, DAEP, expulsion conferences/hearings.

District Administrator Responsibilities

- Monitor, support, and sustain the effective implementation and maintenance of district-wide positive behavior interventions & supports.
- Provide appropriate, on-going and sustainable training and resources to implement Positive Behavior Interventions and Supports at each school.
- Utilize district and campus discipline data to target and allocate professional development services for school administrators and staff in school-wide Positive Behavior Interventions & Support.
- Develop positive relationships with students, staff, parents, and the community.
- Assist campus administration in addressing campus or student behavioral issues.
- Assist parents who are unable to resolve student behavioral issues at the campus level.
- Conduct DAEP Level 2 conferences/hearings.

BISD Police Responsibilities

- Protect the safety and welfare of students, staff, and guests, as well as property of the district.
- Patrol school district buildings and property.
- Provide security at specified district events.
- Enforce all laws and investigate criminal incidents occurring on school district property.
- Arrest and file charges for crimes occurring on district property.
- Network with area law enforcement agencies.
- Support administrators and staff in creating and maintaining a safe learning environment.
- Develop positive relationships with students, staff, parents, and the community.
- Present crime prevention programs to students, staff, parents, and community.
- Complete mandated state training and remain current on legal issues.

School Board Responsibilities

- With the advice of the District Educational Improvement Committee (DEIC), adopt a *Student Code of Conduct*.
- Approve changes or amendments to the *Student Code of Conduct*.
- Conduct JJAEP Level 2 conferences/hearings.

Prevention & Intervention

2.1 School-wide Positive Behavior Interventions & Support (PBIS)

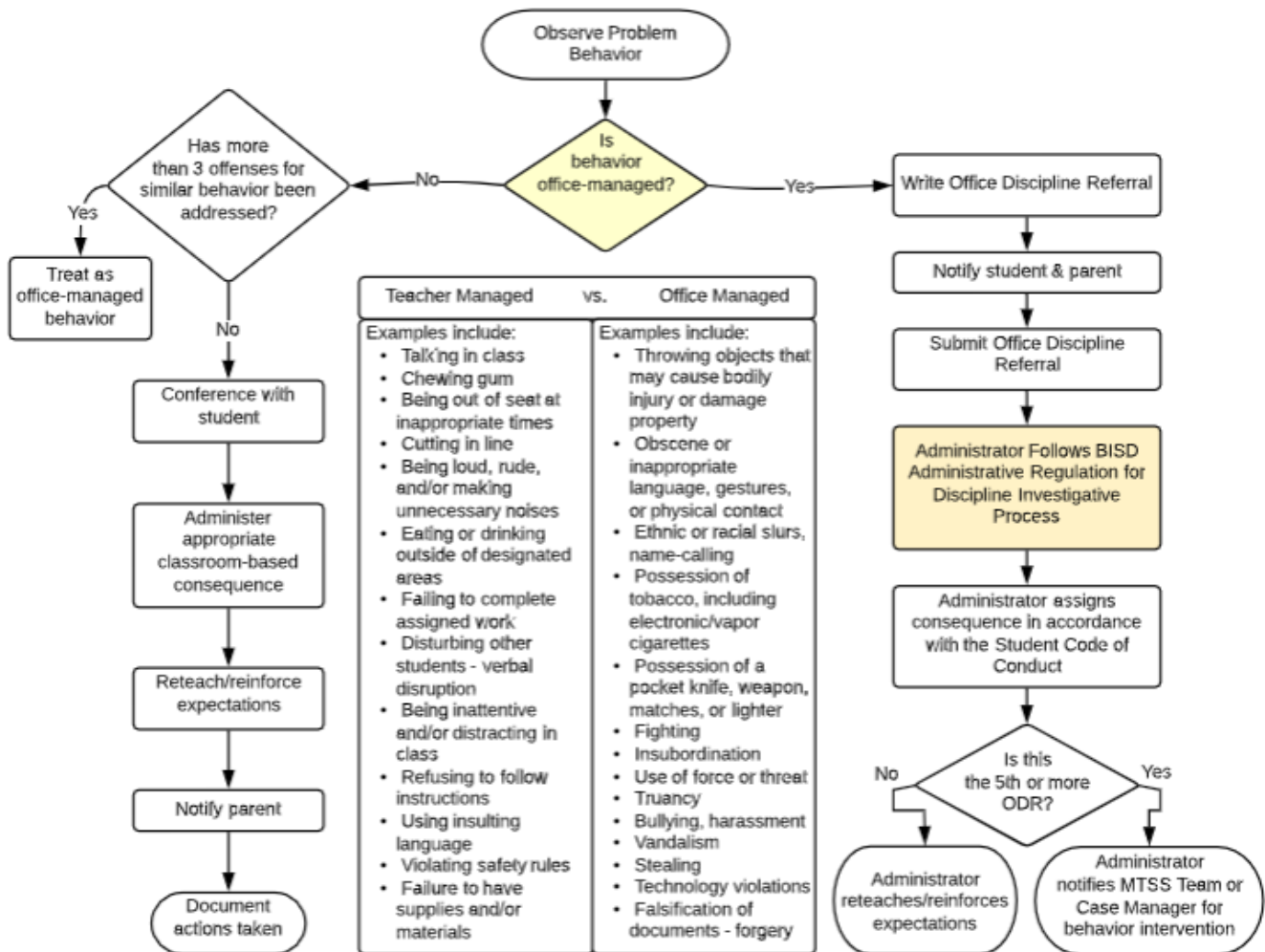
A positive school climate supports academic achievement and promotes fairness, civility, acceptance of diversity, as well as mutual respect. The School Board of Brazosport Independent School District has adopted and is implementing the framework of school-wide Positive Behavior Interventions & Support (PBIS) to assist in these efforts.

PBIS is a proven, research and evidence-based discipline model that emphasizes the need for school staff to teach, model, and reinforce appropriate behaviors, while maintaining high standards. It utilizes a multi-tiered system of supports that is responsive to the needs of students in ways that contribute to academic achievement and school-wide success. PBIS supports a safe school environment and upholds expectations for all members of the school community to be responsible and respectful.

Described below are features of PBIS that are embedded into the practices of all schools within our district.

- School-wide & Common Area Expectations - Each campus has established 3-5 positively stated school-wide behavior expectations which are posted throughout the school. These expectations apply to both students and staff. Common area expectations align with the school-wide expectations and clearly describe appropriate behavior for specific areas such as cafeterias, hallways, restrooms, and transportation pick-up areas.
- Classroom Systems - Rules and procedures that align with the school-wide expectations are defined, taught to students, and posted in each classroom. Procedures explicitly address each of the various activities that occur within the classroom, so students have a clear understanding of expectations for activities such as whole group instructional time, cooperative learning activities, independent work times, and class transitions. CHAMPS is an example of a successful behavior management system that many campuses in the district utilize to achieve this goal.
- Teaching Plans for Behavior & Social Skills - Campuses have designed lessons for teaching school-wide and common area expectations, as well as individual classroom rules and procedures. These lessons include examples and non-examples of what appropriate behavior looks like and utilize a variety of teaching strategies. Booster lessons are provided for selected students who need occasional reteaching, and plans are in place for orienting new students who enroll during the school year. Lessons for teaching social skills also are utilized as needs for instruction are identified by teachers and campus staff.
- Recognition - Various methods of recognition and rewards are utilized on each campus that are designed to maintain student interests and are linked to school-wide expectations. Input from students help to identify meaningful incentives, and staff incentives are included as well. In Brazosport schools, we recognize people are motivated by positive acknowledgement and work hard to ensure praise and recognition occurs at a 4:1 ratio.

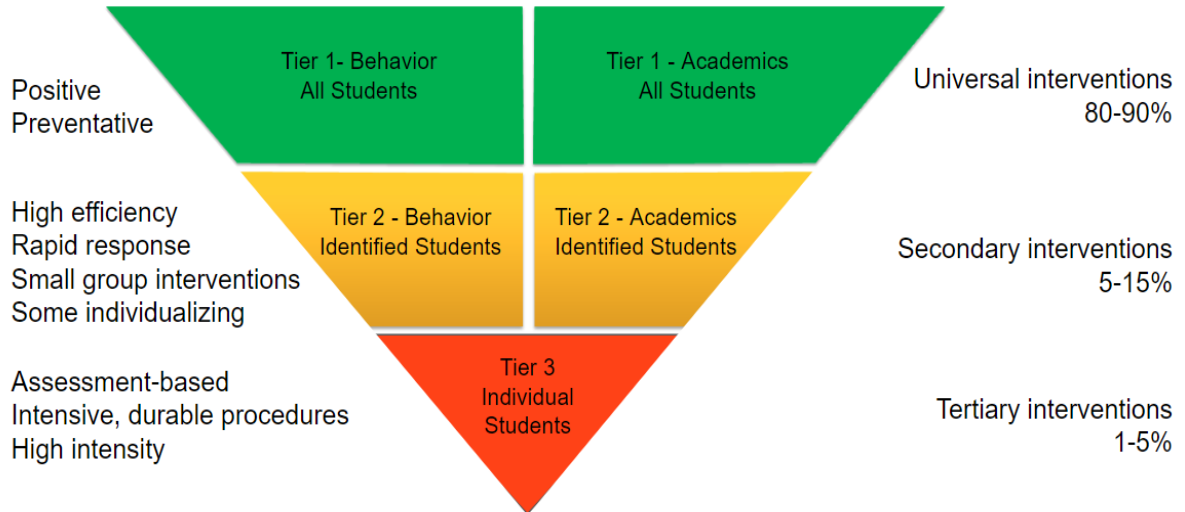
BISD Discipline Procedure Flowchart



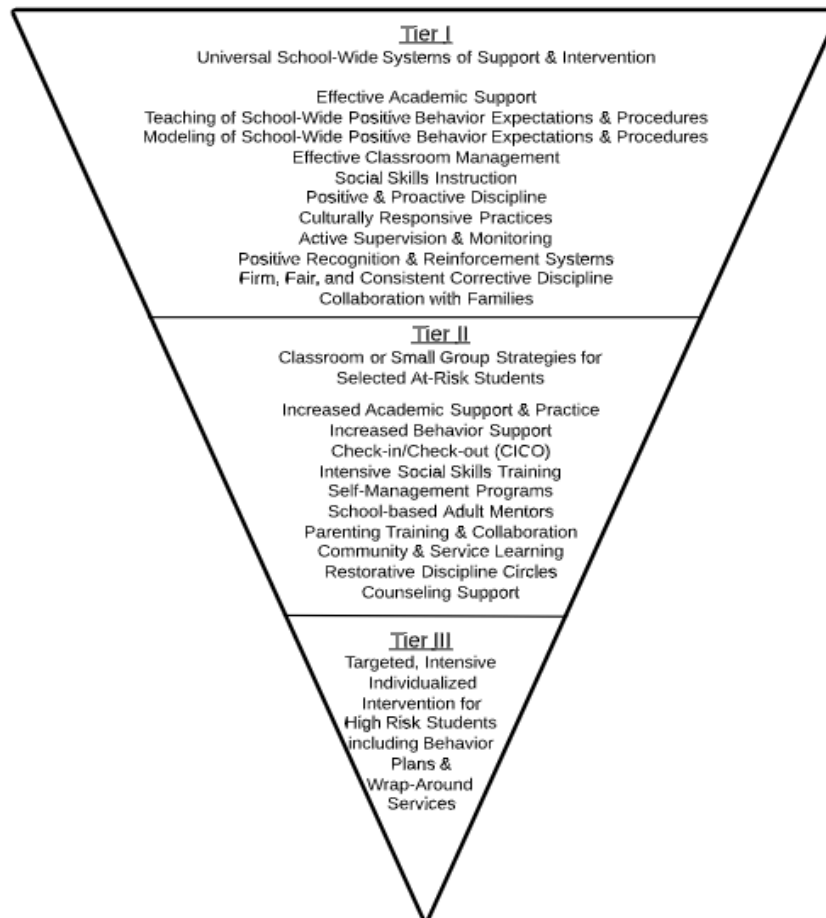
- Discipline Procedures - At times, correction and consequences for misbehavior are necessary. The flowchart above depicts the framework that campus staff utilizes when making decisions about implementing corrective measures or applying consequences. An array of appropriate responses that align to the *Student Code of Conduct* are described within this document. This process is established to support consistent and fair application of disciplinary measures.
- Multi-Tiered Systems of Support (MTSS) - As part of the PBIS framework, a multi-tiered system of behavioral supports is utilized on each campus to improve the educational outcome for all students. As depicted in the diagram above, a continuum of tiered interventions with increasing levels of intensity and duration is used to provide the interventions or supports a student needs to be academically or behaviorally successful. Approximately 85 percent of students are typically able to meet universal school-wide expectations with minimal levels of in-class Tier I intervention. Approximately 10 percent of students may need Tier II supports, which will require assistance from a campus MTSS team. Less than 5 percent of students generally need the highest levels of support and individualized services. While the structure of MTSS teams varies from campus to campus, all schools have systems in place to assist students who require Tier II and Tier III support.

What follows is a model that demonstrates the tiered levels of behavior support a student might receive in Brazosport schools.

School-wide Systems for Student Success: Multi-Tiered Systems of Support



Multi-Tiered Systems of Behavior Support



- **Monitoring Plan** - Each campus has a PBIS team that meets at least monthly to review data, including office discipline referral data, attendance, grades, and other data as appropriate. This data is used to make decisions that lead toward continuous improvements in school-wide behavior. This team provides feedback to the staff on an ongoing basis, so strategies can be developed and implemented in a timely manner.

2.2 Capturing Kids' Hearts (CKH)

Secondary schools in Brazosport ISD utilize the socio-emotional learning techniques and classroom facilitation tools developed by Capturing Kids' Hearts (CKH). These are designed to peak student interest, establish collaborative agreements of behavior in every classroom, create high performing groups, increase pro-social skills, create more time on-task, and increase student performance.

Described below are the CKH EXCEL Teaching Model™ core features embedded into the practices of all secondary schools within our district:

- **Engage** - Greet students at the door to welcome and affirm each student as they enter
- **Xplore** - Begin class periods by encouraging students to share "good things"
- **Communicate**
 - Make relevant connections
 - Initiate class dialogue
 - Exhibit flexibility
 - Use the "four questions" for redirection
 1. What are you doing?
 2. What should you be doing?
 3. Are you doing it?
 4. What are you going to do about it?
- **Empower** - With student involvement, develop and utilize a social contract
- **Launch** - Provide a powerful "end and send" closure for each class period

2.3 Tobacco, Alcohol, and Drug Prevention

Brazosport ISD provides multiple preventions, education, and intervention programs throughout our district that vary by campus. Below are a few of the programs available; however, to learn of specific programs at your child's school, please contact your child's teacher, counselor, or administrator. Also described below are identification and enforcement methods that relate to tobacco, drug, and alcohol offenses.

Prevention & Education

1. **Red Ribbon Week** – October 23-31 is designated as National Red Ribbon Week, where people across the country unite and show a personal commitment to a drug-free lifestyle. BISD designates a week within this timeframe for students to participate in this national campaign.
2. **C.H.I.C.K.E.N. Club** - All fourth grade students across the district are able to become a member of the C.H.I.C.K.E.N. Club, which is an anti-drug campaign that stands for "Cool, Honest, Intelligent, Clear-headed, Keen, Energetic, Not Interested in Drugs." By signing an oath stating

they will remain drug free, these students receive a C.H.I.C.K.E.N. Club t-shirt that is worn regularly, as well as participate in a district-wide rally held at Brazoswood High School where all fourth graders unite and celebrate their commitment to remain drug-free.

3. ***CATCH My Breath Youth E-cigarette Prevention Program*** – This program aims to increase students’ knowledge of the dangers related to E-cigarettes, nicotine and addiction. This four-lesson curriculum is taught at fifth, seventh, and ninth grades.
4. ***BACODA*** - Our district partners with the Bay Area Council on Drugs and Alcohol to provide training to district staff, as well as provide tobacco, alcohol, and drug education and prevention activities to students. BACODA also provides parent and staff presentations as requested.
5. ***Leadworthy*** – Provide tobacco, alcohol, and drug prevention lessons to ninth grade students as a supplemental part of the Teen Leadership curriculum.
6. ***Police Officer Lessons*** – BISD Police Officers deliver drug and alcohol prevention lessons with students throughout the year based on trends and current topics.
7. ***Prom Promise*** – Brazoswood High School Student Council and Brazosport High School PALS provide a program preceding prom to educate their peers, as well as parents and local businesses, about the dangers of drinking and driving.
8. ***Random Drug Testing*** - Brazosport ISD implements random drug testing for students in grades 9 - 12 as a condition of their participation in competitive after school extracurricular activities and/or as a condition of obtaining/maintaining a permit to park on campus. If appropriate consent is not given, the student shall not be allowed to participate in extracurricular activities or park on campus. While there are interventions and consequences associated with a positive test result, the primary purpose of this program is to deter non-using students from ever using drugs by providing them motivation and confidence to resist peer pressure. *See* Brazosport ISD Board Policy FNF(LOCAL).

Intervention

1. ***Response to Tobacco/e-cigarette Offenses*** – When a student commits a tobacco or e-cigarette offense, campus staff provide site-based education and cessation programs such as ASPIRE and other intervention strategies to warn students of the dangers of tobacco/e-cigarette use and counsel them on making healthy choices and decision-making strategies.
2. ***Counseling/Education in Response to Positive Drug Tests*** - When students who are involved in extracurricular activities or drive to school receive a positive result on a drug test, parents are notified and a conference is held. The student is also required to participate in a District-provided counseling program or show evidence of outside counseling.
3. ***Counseling in Response to Drug and Alcohol Disciplinary Offenses*** - When a student commits a drug or alcohol related offense, in addition to school consequences, the student must participate in counseling/education about the dangers of drug use, making healthy choices, and decision-making strategies. This counseling is provided by district counselors, unless the parent shows evidence of outside counseling.

Identification & Enforcement

1. ***K-9 Program*** - Specifically trained dogs and handlers visit our campuses on a random schedule to identify if drugs are on campus or in parking lots.
2. ***Consequences of Drug and Alcohol Disciplinary Offenses*** - In addition to counseling intervention, students who commit a drug or alcohol related offense receive a 50-day disciplinary alternative education program assignment at the Lighthouse Learning Center. A student with a valid prescription for low-THC cannabis as authorized by Chapter 487 of the Health and Safety Code does not constitute a drug or alcohol related offense.
3. ***Consequences of Positive Drug Tests*** - The first time a student who is involved in after-school extracurricular activities or drives to school receives a positive test result, in addition to counseling, the student loses extracurricular participation and parking privileges for 15 days. Upon a second positive test result, the student loses those privileges for 30 days, and a third positive result carries the consequence of losing privileges for one calendar school year.

2.4 Attendance Interventions

Two state laws—one dealing with the required presence of school-aged children in school, e.g., compulsory attendance, the other with how a child’s attendance affects the award of a student’s final grade or course credit—are of special interest to students and parents. They are discussed below.

Compulsory Attendance

Prekindergarten and Kindergarten

Prekindergarten and kindergarten students are subject to compulsory school attendance while they are enrolled in school. Upon enrollment in prekindergarten or kindergarten, a child must attend school.

Between Ages 6 and 19

State law requires that a student between the ages of 6 and 19 attend school, as well as any applicable accelerated instruction program, extended year program, or tutorial session, unless the student is otherwise excused from attendance or legally exempt. *See* Education Code § 25.085(e), (f); Policy FEA.

Age 19 and Over

A student who voluntarily attends or enrolls after his or her 19th birthday is required to attend each school day until the end of the school year. If a student age 19 or older has more than five unexcused absences in a semester, the district may revoke the student’s enrollment. The student’s presence on school property thereafter would be unauthorized and may be considered trespassing. *See* Education Code § 25.085(e), (f); Policy FEA.

After a student age 19 or older incurs a third unexcused absence, the district will send the student a letter as required by law explaining that the district may revoke the student’s enrollment for the remainder of the school year if the student has more than five unexcused absences in a semester. As an alternative to revoking a student’s enrollment, the district may implement a behavior improvement plan.

Exemptions to Compulsory Attendance: All Grade Levels

State law allows exemptions to the compulsory attendance requirements for several types of absences if the student makes up all work. These include the following activities and events:

- Religious holy days;
- Required court appearances;
- Activities related to obtaining U.S. citizenship;
- Is in grades 6 through 12 and misses school for the purposes of sounding “Taps” at a military honors funeral held in Texas for a deceased veteran;
- Is participating in an activity that is approved by our local school board and is under the direction of a professional staff member, an adjunct staff member, or a paraprofessional staff member of the school district;
- Documented health-care appointments for the student or a child of the student, including absences for recognized services for students diagnosed with autism spectrum disorders, if the student comes to school or returns to school on the same day as the appointment. A note from the health-care provider must be submitted upon the student’s arrival or return to campus; and
- For students in the conservatorship (custody) of the state,
 - An activity required under a court-ordered service plan; or
 - Any other court-ordered activity, provided it is not practicable to schedule the student’s participation in the activity outside of school hours.

Absences of up to five (5) days in a school year will also be considered an exemption for visits with parent, stepparent, or legal guardian who is an active duty member of the uniformed services and has been called to duty for, is on leave from, or is immediately returned from continuous deployment of at least four months outside of the locality where the parent, stepparent, or legal guardian regularly resides. An absence for this reason must be taken no earlier than 60 days before the date of deployment or no later than 30 days after the date of return from deployment.

Exemptions to Compulsory Attendance: Secondary Grade Levels

As authorized by the board under policy FEA(LOCAL), and provided the student receives approval from the campus principal, follows the campus procedures to verify such a visit, and makes up any work missed, absences of up to two days in a school year will also be considered an exemption for:

- Juniors and Seniors who are visiting a college or university; and
- A student serving as an early voting clerk or an election clerk, as authorized in policy FEA(LOCAL), and provided the student notifies his or her teachers of the absence(s), and the student receives approval from the principal prior to the absence(s).

Failure to Comply with Compulsory Attendance

Parents should also be aware that if their child is absent from school on 10 or more days or parts of days within a six-month period for an unexcused reason in the same school year, or on three or more days or parts of days (including tardies) within a four-week period:

1. The student’s parent is subject to prosecution for failure to require their child to attend school as required by law; and
2. The student is subject to a referral to truancy court for truant conduct.

When a student incurs unexcused absences for three or more days or parts of days within a four-week period, the school will send a notice to the student’s parent, as required by law, to remind the parent that it is the parent’s duty to monitor his or her child’s attendance and to require the student to come to school.

The notice will also inform the parent that the district will initiate truancy prevention measures and request a conference between school administrators and the parent. These measures will include a behavior improvement plan, school-based community service, or referrals to either in-school or out-of-school counseling or other social services. Any other measures considered appropriate by the district will also be initiated.

The truancy prevention facilitator for the district is **Julie Engelking**. If you have questions about your student and the effect of his or her absences from school, please contact the facilitator or any other campus administrator. There are procedures in place to support students whose attendance does not meet these requirements for reasons beyond their control, and interventions available that are designed to motivate and assist a student in improving attendance when it is within their control.

Attendance for Credit or Final Grade (Kindergarten–Grade 12)

Children in Texas must attend school through their 19th birthday unless exempted by law. They are required by state law to be in attendance for at least 90 percent of the days a class is offered in a semester in order to receive credit for classes in which they are enrolled, and absences must be excused for reasons outlined in the Student Handbook.

Support Related to Excused Absences

If a student accumulates sufficient excused absences to be unable to meet the per semester attendance requirement, the principal or a designee may convene a Campus Attendance Committee meeting to consider circumstances and grant the student credit for the class for the semester/year. [See Policy FEC.] Absences documented and verified for the following reasons, but not limited to, will be classified as excused:

- personal illness;
- serious or documented illness or death in the family;
- medical or dental appointments;
- quarantine;
- weather or road conditions making travel dangerous;
- religious holy day observance;
- court-ordered or legally related absence;
- days of suspension for which assignments are satisfactorily completed;
- lice – maximum 2 days per incident; or
- other unusual causes acceptable to the principal.

Absences for reasons other than those listed above, but not limited to, will be considered unexcused and may result in disciplinary consequences. Excessive numbers of excused illness absences may also result in the committee requiring clearance from the school nurse if a doctor is not seen.

A student will not be counted absent for an appointment with a doctor, dentist, or other health care professional if the student attends school at any time on the day of the appointment, provides appropriate documentation, and satisfactorily completes the missed schoolwork in a reasonable amount of time. For absences to be excused, students must return to school or submit to the campus designated email address a note signed by the parent that provides the following information:

- The student's name and grade
- The date(s) of the absence
- The reason for the absence, (i.e., the student had the flu, a court appearance)
- The parent's daytime telephone number or a contact number, if possible

The note from the parent must be received within 48 hours (two business days) of the student's return to school or the absence will become an unexcused absence. Clerks will only accept absence notes from the email address that is on file for the parent. If the parent is submitting a note from an email address that is not on file, they must either log into Parent Self Serve and change their email address or, submit a copy of their ID in order for the campus to make the change of email address in their child's record. A note regarding a student's absence signed by a student, even with the parent's permission, will be considered a forgery, and the student will be disciplined. A principal may require a physician's verification of an illness at any time.

Activity Absences

Participation in school-sponsored extracurricular and co-curricular activities is not considered an absence from school. However, students may not miss a class to participate in any one or a combination of such activities more than 10 times during a school year, four in the first semester and six in the second semester. Students participating in activities approved by the Commissioner of Education as non-school extracurricular activities may not be absent to participate in these activities or a combination of commissioner-approved activities and school extracurricular activities more than 10 times during the school year. Participation in a non-school, commissioner-approved activity results in an excused absence provided it is within the limit previously mentioned.

Leaving School Early

For a student to leave the campus during the school day, the student should obtain a permit to leave from the attendance clerk before reporting to his last class of attendance and show the permit to the teacher at the time the student is to leave.

Unexcused Absences

If a student accumulates enough unexcused absences to be unable to meet the per semester attendance requirement, a recommendation will be made by the principal or a designee to the Campus Attendance Committee to deny the student credit for that class for that semester. Upon being notified of the recommendation to deny a student credit, a student's parent may petition to request award of credit before the Campus Attendance Committee to present information regarding why the child's absences should not result in loss of credit. This request must be made in writing within five school days of receipt of notification. The Campus Attendance Committee may find that denial of credit is appropriate or that the parent has presented compelling evidence that the child should not be denied credit. Unexcused absences may receive a disciplinary consequence.

Tiered Interventions for Unexcused Absences

Student attendance is monitored closely by teachers and campus administrators. Parents can also monitor their child's attendance through Parent Portal and are notified through School Messenger callouts when their child is absent. Students who have an unexcused absence will receive Tier I interventions which may include student conferences and parent contacts. Students who accumulate multiple unexcused absences will receive Tier II and III interventions which include written notifications, conferences, attendance contracts, and visits from a district attendance officer. Counselors may also intervene and changes in the student's schedule may be considered. If interventions are not successful in eliminating continued unexcused absences, consequences are put in place that include make-up hour requirements or referrals to the Justice of the Peace court.



Truancy

Truancy is an absence of more than 15 minutes from class without a valid excuse. Leaving class early without teacher permission also constitutes truancy. Truancy counts as an unexcused absence from each class missed. Truancy may result in a referral to an administrator for disciplinary action.

Tardies

A student who is late to school must report to the attendance personnel, sign in, and get a tardy slip. A note from the parent explaining the tardy is requested. The tardy may be excused or unexcused. Tardies to class are unexcused unless the student has a pass indicating a staff member detained the student. Some secondary campuses have electronic tardy machines to monitor records of students who are tardy to class periods. At those campuses, students who are late to any class period scan in through the electronic tardy machines located throughout the school to gain a pass that allows them to enter class. A student is subject to disciplinary action for tardies.

Attendance Officer

Brazosport Independent School District employs district Attendance Officers. In addition, Principals and assistant principals are authorized to serve as Attendance Officers on behalf of BISD. The attendance officer investigates possible violations of the compulsory attendance law and verifies questions of student residency. If applicable, the Attendance Officer presents evidence of compulsory attendance law violations to the court.

2.5 Title IX Sex-Based Harassment Response and Prevention

Prohibited Conduct

Brazosport ISD prohibits discrimination, harassment, dating violence, domestic violence, stalking, and retaliation as defined below and in the Glossary, even if the behavior does not rise to the level of unlawful conduct. Prohibited conduct also includes sex-based discrimination and harassment as defined by Title IX and District Board Policy. [See FFH(LEGAL)/(LOCAL).]

Sex- or Gender-based harassment is considered prohibited harassment if the conduct is so severe, persistent, and pervasive that the conduct:

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

Sexual harassment and gender-based harassment of a student by an employee, volunteer, or another student are prohibited. Sexual harassment of a student by an employee or volunteer does not include necessary or permissible physical contact that a reasonable person would not construe as sexual in nature. However, romantic, sexual, and other inappropriate social relationships between students and District employees are prohibited, even if consensual.

Confidentiality

To the greatest extent possible, the District respects the privacy of the complainant, persons against whom a report is filed, and witnesses. The District keeps the identity of complainants, respondents, and witnesses

confidential, unless disclosure is required by law or necessary to carry out a Title IX proceeding. Limited disclosures may be necessary for the District to conduct a thorough investigation and to preserve the rights of complainants, respondents, and witnesses.

Reporting Sex-Based Harassment

Any person may report sex discrimination, including sexual harassment, regardless of whether the person is the alleged victim of the reported conduct, in person, by mail, by telephone, or by email, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's report. Such a report may be made at any time, including during non-business hours, by using the telephone number or email address, or by mail to the office address, listed for the Title IX Coordinator. Should the student need to bring a complaint against a school administrator, the complaint should be filed with the next level of authority. [See Policy FFH(LOCAL); Education Code §37.083] A person who has knowledge of a student who is believed to have been sexually harassed by a District employee may also seek assistance from Texas Department of Family and Protective Services at 1-800-252-5400.

The complainant, or person who is alleged to be the victim of conduct that could constitute sexual harassment, may file a formal complaint with the Title IX Coordinator by mail or email. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of the Brazosport ISD. The Title IX Coordinator may also sign a complaint, thus triggering an investigation; however, this does not make the Title IX Coordinator a party in the grievance process. However, a third-party reporter may not file a formal complaint. If the complainant/alleged victim is not a willing participant in the investigation, he or she will have access to supportive measures and receive written notice of steps in the grievance procedures.

Upon receiving a report of prohibited conduct as defined by policy FFH, the district will determine whether the allegations, if proven, would constitute prohibited conduct as defined by that policy. If not, the district will refer to policy FFI to determine if the allegations, if proven, would constitute bullying, as defined by law and that policy. If the alleged prohibited conduct, if proven, would constitute prohibited conduct and would also be considered bullying as defined by law and policy FFI, an investigation of bullying will also be conducted. Depending on the nature of the violation, the District may also be required to report the conduct to local, state, or federal authorities.

Response to Sex-Based Harassment

Upon the District receiving notice or an allegation of sex-based harassment or retaliation—regardless of whether a formal complaint is filed—the Title IX coordinator shall promptly contact the complainant to:

- Discuss the availability of supportive measures and inform the complainant that they are available, with or without the filing of a formal complaint;
- Consider the complainant's wishes with respect to supportive measures; and
- Explain to the complainant the process for filing a formal complaint.

Supportive Measures and Emergency Removals

The District's response to sex-based harassment shall treat complainants and respondents equitably by offering supportive measures to both parties, as appropriate and without charge, before or after the filing of a formal complaint and by following the Title IX formal complaint process before imposing disciplinary sanctions or other actions that are not supportive measures against a respondent. Supportive measures are non-disciplinary, non-punitive, individualized services that are designed to restore or preserve equal access to the education program or activity without unreasonably burdening the other party. Examples of

supportive measures include counseling, course modifications, schedule changes, increased monitoring or supervision. 34 C.F.R. § 106.44.

The respondent student may be subject to immediate emergency removal from the campus if the District conducts an individualized analysis and finds it necessary to protect a student or other individual from immediate threat to their physical health or safety. 34 C.F.R. § 106.44(c). The respondent student being removed is entitled to notice and an opportunity to challenge the decision immediately after the removal. An emergency removal does not modify any rights under the Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act.

If the District decides to remove the respondent student from campus, it will notify the respondent student and provide the respondent student an immediate opportunity to challenge the removal decision. The District's process for challenging a removal decision is set forth in FNG(LOCAL).

Title IX Formal Complaint Process, Investigation, and Procedures

Brazosport ISD's Title IX Formal Complaint Process specifically applies to allegations of sex-based harassment, including dating violence. The District's general grievance policies (DGBA, FNG, and GF) do not apply to reports of sex-based harassment.

The District has wide latitude to consolidate formal complaints against more than one respondent, by more than one complainant against one or more respondents, or by one party against another party, where the allegations arise out of the same facts or circumstances.
34 C.F.R. § 106.45(b)(4).

In accordance with Policy FFH (Legal), Brazosport ISD's Title IX Formal Complaint Process provides the following:

1. Equitable treatment of complainants and respondents;
2. An objective evaluation of all relevant evidence, both inculpatory and exculpatory, and the prohibition of credibility determinations based on a party's status as complainant, respondent, or witness;
3. A requirement that the Title IX coordinator, investigator, decision-maker, or any person designated to facilitate an informal resolution process not have a conflict of interest or bias;
4. A presumption that the respondent is not responsible for the alleged sex-based harassment until a determination is made at the conclusion of the Title IX formal complaint process;
5. Time frames that provide for a reasonably prompt conclusion of the Title IX formal complaint process, including time frames for appeals and any informal resolution process, and that allow for temporary delays or the limited extension of time frames with good cause (e.g., law enforcement involvement, absence of a party, witness, or attorney/advisor, translation or accommodation needs) and written notice to both parties explaining the reason for the delay;
6. A description of the possible disciplinary sanctions and remedies that may be implemented following a determination of responsibility for the alleged sex-based harassment;
7. A statement that the standard of evidence to be used to determine responsibility will be preponderance of the evidence for all Title IX formal complaints of sexual harassment;
8. Procedures and permissible bases for the complainant and respondent to appeal a determination of responsibility or a dismissal of a Title IX formal complaint or any allegations therein;
9. A description of the supportive measures available to the complainant and respondent;

10. A prohibition on using or seeking information protected under a legally recognized privilege unless the individual holding the privilege has waived the privilege; and
11. Additional formal complaint procedures in 34 C.F.R. 106.45(b) and Policy FFH (Legal), including written notice of a formal complaint, consolidation of formal complaints, recordkeeping, and investigation procedures.
12. Other local procedures as determined by the Superintendent.

PROCEDURAL STEPS FOLOWING FORMAL TITLE IX COMPLAINT

In accordance with Policy FFH(LOCAL), the following procedural steps shall be followed after a formal complaint of Title IX sexual harassment or Title IX retaliation is submitted:

1. **WRITTEN NOTICE OF INVESTIGATION:** Upon receipt of a written complaint, written notice of the complaint shall be provided to known parties in sufficient time to allow respondent to prepare a response before any initial interview. The written notice shall include:
 - a. Notice of the District's grievance process, including any informal resolution process;
 - b. Notice of the allegations in sufficient detail to allow respondent to prepare a response (names of known parties, conduct alleged, date and location of conduct, if known);
 - c. A statement that respondent is presume not responsible and that responsibility is determined at the conclusion of the grievance process;
 - d. Notice of parties' rights to have an advisor (who may be, but is not required to be, an attorney);
 - e. Notice of parties' rights to inspect and review evidence submitted by the other parties; and
 - f. Notice that the Brazosport ISD Student Code of Conduct prohibits knowingly making false statement or providing false evidence during the grievance process.

If, during the course of the investigation, the District decides to investigate allegations about the respondent or complainant that were not included in the original written notice, notice of the additional allegations will be provided in writing to both parties. 34 C.F.R. § 106.45(b)(2)

2. **DISMISSALS:** A formal Title IX complaint *must* be dismissed if (1) the allegations, if true, would not constitute sexual harassment; (2) the conduct did not occur in the school's program or activity or the conduct did not occur in the United States. A formal Title IX complaint *may* be dismissed if (1) the complainant requests to withdraw the complaint; (2) the respondent's enrollment in or employment with the District ends; or (3) specific circumstances prevent the District from gathering evidence sufficient to reach a determination (e.g., passage of time, lack of cooperation by complainant, etc.).

Dismissal of a Title IX formal complaint does not preclude taking action under other law or policy. If the District dismisses a formal Title IX complaint, written notice will be promptly provided to both parties simultaneously, including the reasons for mandatory or discretionary dismissal. 34 C.F.R. § 106.45(b)(3)

3. **INVESTIGATION:** When investigating a complaint, and throughout the grievance process, the District investigator will do the following:
 - a. Ensure the burden of proof and of gathering evidences rests on the District rather than the parties, except that certain treatment records cannot be obtained without voluntary, written consent from the party or parent;

- b. Provide an equal opportunity for the parties to present witnesses and evidence;
- c. Not restrict either party's ability to discuss the allegations or gather and present evidence;
- d. Provide the parties with the same opportunities to have others present during interviews or other related proceedings, including an advisor who may but is not required to be an attorney;
- e. Provide, to a party who is invited or expected to attend, written notice of the date, time, participants, purpose, and location of any investigative interview, or other meeting with enough time to allow the party to prepare to participate;
- f. Provide both parties and their advisors, if any, an equal opportunity to review all evidence that is directly related to the allegations in the formal complaint, including evidence on which the District does not intend to rely and any exculpatory or inculpatory evidence from any source; such evidence must be provided prior to the completion of the final investigation report and in time to give the parties at least 10 days to prepare a written response, which the investigator must consider prior to completing the investigation report; and
- g. Prepare a written investigation report that fairly summarizes the relevant evidence and provide the report to the parties and their advisors, if any, at least 10 days before a determination of responsibility is made.

Cross Examination

Upon receipt of the investigative report, but before a determination of responsibility is made, the decision-maker will provide each party an opportunity to submit written, relevant questions that the party wants asked of another party or witness, provide each party with the answers, and provide for limited follow-up questions. The decision-maker will explain to the party proposing the questions any decision to exclude questions as not relevant. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant unless (1) such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or (2) if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

A student who intentionally makes a false claim or offers false statements shall be subject to appropriate disciplinary action in accordance with law. Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a Title IX investigation or grievance proceeding also does not constitute retaliation. 34 C.F.R. § 106.45(b)(5)

4. **DETERMINATION OF RESPONSIBILITY:** The decision-maker—who is neither the investigator or the Title IX coordinator—must issue a written determination that:
 - a. Identifies the allegations in the complaint;
 - b. Describes the procedural steps taken in response to the complaint;
 - c. Includes the decision-maker's findings of fact supporting the determination;
 - d. Includes conclusions regarding application of the Brazosport Student Code of Conduct to the facts;
 - e. Includes a statement of, and rationale for, the result as to each allegation including a determination of responsibility, any disciplinary sanctions, and whether remedies to restore or preserve equal access to the educational program or activity will be provided to the complainant; and
 - f. Includes procedures and permissible basis for appeals.

The standard of evidence used to determine responsibility in a Title IX formal complaint of sexual harassment shall be the preponderance of evidence standard of evidence. 34 C.F.R. § 106.45(b)(7)

5. **APPEALS:** Appeals are available to both parties for dismissals and final determinations in the following circumstances:
 - a. Procedural irregularity that affected the outcome
 - b. New evidence was not reasonably available at the time of the determination and could affect the outcome
 - c. Conflict of interest on the part of the Title IX coordinator, investigator, or decision maker that affected the outcome

The District may also offer both parties the opportunity to appeal for other reasons.
34 C.F.R. § 106.45(b)(8)

6. **INFORMAL RESOLUTION:** After a formal complaint of sexual harassment is filed, the Title IX coordinator, facilitator, or an external attorney may offer to facilitate a voluntary informal resolution process to resolve allegations (other than allegations of sex-based harassment by an employee against a student). The informal resolution process may proceed at any time during the formal complaint process. Both parties must be provided written notice of their rights under section 106.45(b)(9)(i) before consenting in writing to the informal resolution process. Informal resolution may encompass a broad range of conflict resolution strategies, including, but not limited to, mediation or restorative justice. 34 C.F.R. § 106.45(b)(9)

Sexual Assault and Campus Assignments

Subject to the requirements in Title IX provided above, if a student has been convicted of continuous sexual abuse of a young child or a disabled individual or convicted of or placed on deferred adjudication for sexual assault or aggravated sexual assault against another student on the same campus, and if the victim's parent or another person with the authority to act on behalf of the victim requests that the board transfer the offending student to another campus, the offending student shall be transferred to another campus in the district. If there is no other campus in the district serving the grade level of the offending student, the offending student shall be transferred to a DAEP. *See* Penal Code §§ 21.02, 22.011, and 22.021; Education Code § 25.0341.

2.6 Discrimination and Bullying Response and Prevention

Reporting Discrimination or Bullying

Any student who believes that he or she has experienced bullying, discrimination, harassment, or retaliation as defined in the Glossary—or believes that another student has experienced such prohibited conduct—should immediately report the alleged acts to a teacher, school counselor, principal, or other District administrator. [*See* Policies FFH(LEGAL)/LOCAL); FFI(LEGAL)/(LOCAL); TEX. EDUC. CODE § 37.0832] The student will not be required to present a complaint to a person who is the subject of the complaint. For reports of sex- or gender-based harassment or discrimination, the process outlined above and in Policy FFH(LOCAL) applies.

There are three primary methods by which a person can file a bullying report:

1. Utilize the “Speak Up to Stop Bullying” online form found on the BISD website. This form can be accessed by going to www.brazosportisd.net, hovering over the Parent & Student Info tab located at the top of the page, and then clicking on Bully Reporting.



2. Call the B*Safe Hotline at 979.730.SAFE (7233)
3. Access a “Speak Up to Stop Bullying” hardcopy form located in the school office at each campus

Response to Reports of Bullying

Upon receiving a report of prohibited conduct as defined by policy FFH, the district will determine whether the allegations, if proven, would constitute prohibited conduct as defined by that policy. If not, the district will refer to policy FFI to determine if the allegations, if proven, would constitute bullying, as defined by law and that policy. If the alleged prohibited conduct, if proven, would constitute prohibited conduct and would also be considered bullying as defined by law and policy FFI, an investigation of bullying will also be conducted.

After a report of bullying or harassment is made, the principal or designee must provide notice to (1) the parent of the alleged victim by the 3rd business day after the incident is reported; and (2) the alleged bully within a reasonable time after receiving the report. [See Policy FFI(LOCAL).] Reports of bullying may be submitted anonymously, verbally, and/or in writing. However, the principal or designated administrator shall document the allegations in writing and record the dates and circumstance of the interview..

The District does not have jurisdiction over other situations occurring in the community even though an incident may involve students (including technology-related communications – such as emails, texting, Facebook, messages, etc. – containing threats, bullying, and/or harassment) unless there is a direct impact to the school setting. District personnel may, however, conference with students regarding inappropriate behavior and effective ways to resolve conflict.

Investigation of Report

The investigation may be conducted by a District official or a designee, such as the principal, or by a third party designated by the District, such as an attorney. The principal shall be involved in or informed of the investigation.

The investigator shall prepare a written report of the investigation. The report shall include a determination of whether prohibited conduct or bullying occurred. The student or parent will be informed if extenuating circumstances delay completion of the investigation. The report shall be filed with the District official overseeing the investigation.

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 and to comply with the law.

If a law enforcement or other regulatory agency notifies the district that it is investigating the matter and requests that the district delay its investigation, the district will resume the investigation at the conclusion of the agency’s investigation.

If the results of an investigation indicate that bullying has occurred, the administration will take appropriate disciplinary action. Disciplinary or other action may be taken even if the conduct did not rise to the level of bullying. All involved parties will be notified of the outcome of the district investigation within the parameters and limits allowed under the Family Educational Rights and Privacy Act (FERPA). If upon completion of the investigation the principal or designated administrator determines that the alleged incident does not rise to the level of bullying, the District will proceed in accordance with the Student Code of Conduct in deciding what, if any, discipline should be assessed other documented prohibited conduct. A parent or adult student (a student over 18 years old) who is dissatisfied with the outcome of the investigation may appeal in accordance with Board Policy FNG (Local).

Transfer Options

In addition to the penalties and consequences set forth in this *Student Code of Conduct*, pursuant to state law, on the request of a parent or other person with authority to act on behalf of a student who is a victim of bullying/sexual harassment/dating violence, a student who is a victim of such conduct as determined by the Board of Trustees or designee, may receive a transfer to another classroom at the campus which the victim was assigned at the time of the bullying/sexual harassment/dating violence occurred; or a campus in the school district other than the campus to which the victim was assigned at the time of the bullying/sexual harassment/dating violence occurred.

The Board of Trustees or the Board's designee shall verify that a student has been a victim of bullying/sexual harassment/dating violence before transferring the student under this section. Past student behavior may be considered when identifying bullying/sexual harassment/dating violence. The determination by the Board of Trustees or the Board's designee is final and may not be appealed. The district is not required to provide transportation to a student who transfers to another campus. There are no hearings or appeals for a transfer due to bullying/sexual harassment/dating violence behavior.

The Board may transfer the student who engaged in bullying to:

- another classroom at the campus to which the victim was assigned at the time the bullying occurred; or
- a campus in the district other than the campus to which the victim was assigned at the time the bullying occurred, in consultation with a parent or other person with authority to act on behalf of the student who engaged in bullying.

The transfer of a student with a disability who receives special education services and who engaged in bullying may be made only by a duly constituted ARD committee under [Education Code 37.004](#).

Prevention Programs

All campuses have school-wide and classroom-based programs designed to reduce incidences of bullying through education and the teaching of specific strategies, such as Stop-Walk-Talk. Programs vary widely among campuses, so talk to your child's teacher, school counselor, or administrator to learn about the specific programs or strategies taught at your child's school.

2.6 Threat Assessment Teams

The Principal will work closely with the campus threat assessment team to implement the district's threat assessment policy and procedures, as required by law, and shall take appropriate disciplinary action in accordance with the Code of Conduct.

2.7 Character Education

The goal of BISD in implementing a comprehensive plan for character education is to develop students socially, ethically and academically by fostering character development and promoting rigorous learning. Character education supports academic excellence because it:

- Lays a foundation for ALL learning that takes place in school
- builds a positive campus climate
- builds connections with students, teachers, parents, and communities



- supports positive behaviors in every area of school life

BISD utilizes the CHARACTERCOUNTS!® educational framework for district-wide implementation of character development. CHARACTERCOUNTS!® is one of the most widely implemented approaches to character education in the world, reaching millions of youth. It is made up of a framework centered on basic values called the "Six Pillars of Character":

Trustworthiness

Respect

Responsibility

Fairness

Caring

Citizenship

This program is embraced by thousands of schools, communities, public agencies and nonprofit organizations for a simple reason — it works. It is not a curriculum or add-on, but a powerful means to advance curricular and behavioral goals. It also provides a common language for campuses, parents and community concerning character education. See a school counselor for more information about how your child's campus incorporates this program into their character education.

Misbehavior

3.1 Investigative Process

When an office discipline referral form is submitted, the administrator follows an investigative process. This process includes the following steps:

1. The student will have the opportunity to provide a written or dictated statement on the appropriate incident report.
2. If there is a discrepancy between the discipline office referral form and the student's incident report or for other investigative purposes, witness statements are collected from those who observed the incident and agree to provide information about what they observed.
3. Administrators collect and review pertinent student information such as special education/504 status and discipline history.
4. Administrators evaluate the level of intent and if self-defense and/or other mitigating factors were involved in the incident.
5. Administrators consider BISD Police involvement and/or information furnished under Article [15.27](#), Code of Criminal Procedure, if criminal activity was involved.
6. A decision regarding consequences is then determined pursuant to *Student Code of Conduct*.
7. Administrators notify the parent and other pertinent individuals following the investigation; however, behavior of other students involved in an incident cannot be shared due to the Family Educational Rights and Privacy Act.
8. Within 24 hours of concluding the investigation and rendering a decision, all documentation related to the student's discipline referral will be entered into the school data systems.

3.2 Offense Levels, Definitions, and Consequences

The following provisions describe actions or activities that the district considers violations of expected student conduct. The behaviors described are representative of the most frequent types of offenses and are not to be considered all-inclusive. Any student, who commits an offense which is not listed, will be subject to the discretionary authority of the Principal or Principal's designee. For purposes of this *Student Code of Conduct*, the campus discipline personnel on each of the campuses are the Principal and/or the Assistant Principal.

A student who is apprehended in the process of committing an act that would constitute a *Student Code of Conduct* offense if completed shall be considered to have committed the offense, whether or not all elements of the offense had been completed before apprehension. A student who endeavors to commit an act and is unsuccessful for reasons other than apprehension, e.g., an attempt to enter another student's locker to steal which is unsuccessful because of inability to accomplish entry, shall be considered to have committed the offense of attempting to commit the act, e.g., attempted theft. An attempted offense may be punishable in the same manner as if the offense were committed.

Misbehaviors in Brazosport Independent School District are classified as Level I through Level VI. The *Student Code of Conduct* applies to all students, including students with disabilities.

Level I

The first level of misbehavior is most important because a teacher's early corrective action will usually avoid the need to progress to more restrictive levels. Students' first signs of misbehavior usually are not

of a severe nature, but are signals for special attention. Communication, cooperation, and encouragement of positive behavior are the key ingredients at this level of remediation.

Level I Misbehaviors

- Being inattentive and/or distracting in class
- Being loud, rude, and/or making unnecessary noises
- Being out of seat at inappropriate times
- Chewing gum
- Cutting in line
- Disturbing other students - verbal disruption
- Eating or drinking outside of designated areas
- Failure to have supplies or materials
- Failure to follow instructions of school personnel
- Running in halls
- Socially rude or dismissive verbal or nonverbal messages to adults or students
- Talking in class
- Tardy to class
- Using insulting language
- Violating communicated classroom rules
- Violating safety rules

Level I Consequences

- Verbal correction
- Warning
- Seat changes
- Cooling-off time or a brief “time-out” period, in accordance with law
- Temporary confiscation of items that disrupt the educational process
- Conduct mark or demerits
- Conference with the student
- Parent telephone call, letter, and/or conference
- Withdrawal of classroom privileges
- Individualized behavior modification
- Assignment of duties in classroom
- Restorative practices
- Behavioral contract
- Before school, lunch, or after school detention
- Special education students and §504 students – refer to IEP

Most Level I offenses are considered only classroom violations of the *Student Code of Conduct* and, therefore, a written report of such offenses may be completed, but is not required to be filed with the school principal or other appropriate administrator.

Persistent Level I misbehavior may lead to consequences listed in Level II.

Levels II - VI

When deciding what disciplinary action for misbehaviors in Level II through Level VI should be taken, the principal or designee shall first identify the level of the misbehavior. Once the level is determined, to ensure all students are treated fairly and equitably, discipline is then based on a careful assessment of the circumstances of each case. Factors included are:

- student’s age;
- student’s attitude;
- seriousness of the offense;
- potential effect of the misconduct on the school environment;
- self-defense;
- intent or lack of intent at the time the student engaged in the conduct;
- student’s disciplinary history;
- whether the student has a disability that substantially impairs the student’s capacity to appreciate the wrongfulness of the student’s conduct,
- A student’s status in the conservatorship of the Department of Family and Protective Services (foster care), or
- A student’s status as homeless.

Discipline is administered in a progressive manner. The underlying principle is to use the least severe action that is appropriate for the misbehavior. A student who repeatedly violates a lower level of discipline rules without changing their behavior may automatically progress to a more serious level of consequence, as the severity of the action increases if misbehaviors continue.

Example misbehaviors within each level and the operational definition or description utilized by Brazosport Independent School District are listed in the tables on the pages that follow.

	Level II Misbehaviors	Definitions/Descriptions	Code
Level II	Persistent Level I Misbehavior	Repeated violations of offenses outlined in Level I	21/L21
	Cell Phone Violation	Engages in inappropriate or unapproved use of cell phone	21/L75
Level II	Cheating / Plagiarism	<p>Cheating - Giving or receiving information or help on a test, possession of any unauthorized material during a test, copying another student’s assignment or knowingly allowing another unauthorized student to copy from his/her assignment, submitting duplicate work, or having someone else complete an assignment on behalf of the student</p> <p>Plagiarism - Use of another’s ideas or products as one’s own, failing to give credit for information found and used. It may involve word-for-word copying, paraphrasing, or simply using ideas and information.</p>	21/L70

		Once a determination has been made that a student has engaged in academic dishonesty, the student will be required to redo the assignment or complete an alternative assignment for a grade of no more than a 70%. A teacher may enter a zero if the student repeats the offense. Further interventions may include attending tutoring, referral to counseling, or referral to an MTSS Team and campus administration. All students involved may be subject to disciplinary action.	
Level II	Disrespect	Delivers socially rude messages and insulting language to adults or students; engages in refusal to follow directions or talks back to campus faculty/staff	21/L21
	Disruption, Minor	Engages in minor misbehavior causing an interruption in a class or activity; Disruption includes loud talk, noise with materials, horseplay, roughhousing, throwing objects (not resulting in injury), and/or sustained out-of-seat behavior	M21/L21
	Dress Code Violation	Wears clothing that does not fit within the dress code guidelines practiced by the school/district	X21/L76
	Forgery	Has signed a person's name without that person's permission or altered records	G21/L21
	Inappropriate Location/Out of Bounds Area	In an area that is outside of an allowable area, as defined by the school	C21/L21
	Inappropriate Display of Affection	Engages in consensual but inappropriate (as defined by school), verbal and/or physical gestures/contact, of a sexual nature with another student/adult	H21/L21
	Level III	Possession of articles inappropriate for or restricted by school	Possesses items such as laser pointers, skateboards, printed material not acceptable for school, unapproved wheeled backpacks, etc.
Tardies, Unexcused		Arriving to class without an acceptable excuse or admit after the scheduled class start time	21/L72
Technology Violation		Engages in inappropriate or unapproved use of electronics and/or technology devices. Refer to the Student AUA for further clarification (See Appendices 5.1).	S21/L21

	Violation of Campus Rules	Failure to abide by published campus rules and procedures	21/L21
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Level II Consequences			
<ul style="list-style-type: none"> ● Reflection Paper ● Cooling-off time or a brief “time out” period, in accordance with law ● Temporary confiscation of items that disrupt the educational process ● Conference with campus administrator ● Parent notification/conference ● Before school, lunch, after school, extended after school, and/or Saturday detention ● School Service ● Behavioral contract ● Restorative practices such as Circles, mediation, or family group conferencing ● Participation in behavior coaching, anger management classes, or social skills classes ● Suspension and/or removal from school transportation ● In-school suspension ● Suspension from school for up to three days (restricted to grades 3–12) (prohibited for students identified as homeless) ● Partial or complete denial of attendance and/or participation in extracurricular activities ● Special education students and §504 students – refer to IEP <p>Persistent Level II misbehavior may lead to consequences listed in Level III.</p> <p>A teacher may remove a student from class 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. The terms of the removal (at the principal’s discretion) may prohibit the student from attending or participating in school-sponsored or school-related activities.</p>			

	Level III Misbehaviors	Definitions/Descriptions	Code
Level III	Persistent Levels I and II Misbehavior	Repeated violations of offenses outlined in Levels I and II	21/L21
	Activities related to unapproved organizations (fraternity, sorority, secret society, gangs)	<p>Unapproved organizations refer to those composed wholly or in part of students that seek to perpetuate the group by taking in additional members on the basis of the decision of its membership rather than on the free choice of the student. The term does not include an agency for public welfare, including Boy Scouts, Girl Scouts, scholarship societies, or other similar educational organizations sponsored by state or national education authorities.</p> <p>Gang violence involves three or more persons having a common identifying sign or symbol, an identifiable</p>	34/L34
Level III			

Level III	Causes temporary concern of an emergency	Dials 911 without cause and hangs up; intentionally opens the clear plastic cover on the fire alarm.	21/L21
	Defiance/ Insubordination	Engages in sustained refusal to follow directions or repeatedly talks back to campus faculty/staff; refuses to accept discipline management techniques proposed by teachers or school administrators	D21/L21
	Disruption	Engages in behavior that hinders classroom instruction. Disruption includes loud talk, yelling, screaming, noise with materials, horseplay, roughhousing, throwing objects, and/or sustained out-of-seat behavior	M21/L21
	False Accusation	Knowingly or recklessly making untrue statements, whether made in writing or spoken, with the intention of damaging a person's reputation and the potential of receiving criminal or school consequences	21/L21
	Felony Conduct OFF Campus (Not Title 5)	Includes all felony activities occurring off campus where the superintendent or designee has a reasonable belief that (1) the student has engaged in conduct defined as a felony offense other than aggravated robbery under Section 29.03, Penal Code, or those offenses defined in Title 5, Penal Code; and (2) the continued presence of the student in the regular classroom threatens the safety of other students or staff or will be detrimental to the educational process.	10/L10
	Fighting	Mutual combat between two or more students using blows of force to overcome the other student(s)	41/L41
	Gambling	Exchange of money or property as a result of any type of game	21/L21
	Harassment	Threatens to cause harm or bodily injury to another student, engages in sexually intimidating conduct, causes physical damage to the property of another student, subjects another student to physical confinement or restraint, or maliciously takes any action that substantially harms another student's physical or emotional health or safety. TEC Sec. 37.001(b)(2)	21/L21

Level III	Hazing	<p>An intentional, knowing, or reckless act, on or off campus, by one person alone or acting with others, directed against a student for the purpose of pledging, initiation into, affiliation with, holding office in, or maintaining membership in a student organization if the act meets the elements in Education Code 37.151, including:</p> <ol style="list-style-type: none"> 1. Any type of physical brutality; 2. An activity that subjects the student to an unreasonable risk of harm or that adversely affects the student’s mental or physical health, such as sleep deprivation, exposure to the elements, confinement to small spaces, calisthenics, or consumption of food, liquids, drugs, or other substances; 3. An activity that induces, causes, or requires the student to perform a duty or task that violates the Penal Code; and 4. Coercing a student to consume a drug or alcoholic beverage in an amount that would lead a reasonable person to believe the student is intoxicated. <p>No student shall engage in any form of hazing, nor shall any student encourage or assist any other person in hazing. Students shall have prior written approval from the principal for any type of “initiation rites” of a school club or organization. TEC Sec. 37.151, 37.152</p>	N21/L21
	Level III	Hit List	Creates a list of people targeted to be harmed, using a firearm, a knife, or any other object to be used with the intent to cause bodily harm TEC Sec. 37.001(b)(3)
	Incineration of Property or Material	Participates in burning of property or materials	21/L21
	Indecent Exposure, not meeting Section 21.08 Penal Code	Knowingly exposes himself without regard to other’s presence, but lacks the ability to understand sexual intent	21/L21
	Name-calling	Delivers verbal messages that insult; verbal messages may include ethnic or racial slurs	F21/L21
	Obscene/inappropriate language, noises, gestures, or physical contact	Uses profanity/vulgar language or noises, or engages in inappropriate gestures, spitting, or physical contact	H21/L21

Level III		suspicion. Reasonable suspicion in this context will be based on all available information, including student statements, physical symptoms displayed by the student, and/or the student's discipline history.	
	Possession or use of Pocketknife	In possession of a pocketknife that has a blade equal to or less than 5.5”	21/L21
	Technology Violation – Security	<p>Attempts to access or circumvent passwords or other security-related information of the District, students or employees or upload or create computer viruses (or Trojans, spyware, or any kind of malware), including off school property if the conduct causes a substantial disruption to the educational environment;</p> <p>Attempts to alter, destroy, or disable District technology resources including but not limited to technology devices, district data, the data of others, or other networks connected to the District’s system, including off school property if the conduct causes a substantial disruption to the educational environment;</p> <p>Use of the Internet or other electronic communications (including but not limited to text messages, e-mail or electronic social networking websites) to threaten or harass District students, employees, or volunteers, or Board members including off school property if the conduct causes a substantial disruption to the educational environment;</p> <p>Use of e-mail or Web sites to engage in or encourage illegal behavior or threaten school safety, including off school property if the conduct causes a substantial disruption to the educational environment</p>	58/L58
	Theft, less than \$50	In possession of, having passed on, or being responsible for removing someone else's property or district-issued technology devices without permission or acknowledgement	O21/L21
	Transient Threat	Makes a threat that communicates an intent to harm others or damage property, although is determined to not be substantive	J21/L21
	Throwing Objects	Throws objects that may cause bodily injury or damage to property	E21/L21
	Level III		

Level III	Truancy	<p>Receives an unexcused absence for a class period or leaves class or school grounds without permission</p> <p>If referred to the Justice of Peace courts, if the court makes a finding of truancy, that finding will result in one of the categories listed below:</p> <ul style="list-style-type: none"> ● Parent contributing ● 10+ unexcused ● Failure to enroll 	Y21/L71
	Truant from D-hall Assignment	<p>Receives an unexcused absence from D-hall</p> <p>After being assigned D-hall, is persistently absent without excuse</p>	<p>21/L74</p> <p>K21/L21</p>
	Unauthorized Distribution of Publications	<p>Distribution of written material by students may be restricted pursuant to the following guidelines:</p> <ul style="list-style-type: none"> ● Distribution may be limited in order to prevent material and substantial interference with the normal school operations in circumstances where there is evidence that disruption will likely result directly from the distribution. ● Reasonable administrative regulations as to the time, place, and manner of distribution may be prescribed to promote orderly administration of school activities by preventing disruption, but shall not be designed to stifle expression. ● Content of material to be distributed shall conform to the following: <ul style="list-style-type: none"> ○ Drug-, sex-, or alcohol-related materials that are inappropriate for the age and maturity of the person likely to receive the material or that endorse actions harmful to the health and safety of students shall not be distributed; ○ Libelous, scandalous, obscene, or defamatory materials shall be prohibited from distribution and/or viewing on the Internet; ○ Publications that criticize Board members or school officials or advocate violations of the Code or campus rules may be prohibited when there is evidence that reasonably supports a forecast that material and substantial disruption of normal school operations will result from the publication; 	21/L21

Level III		<ul style="list-style-type: none"> ○ Hate literature that scrupulously attracts ethnic, religious, racial or other groups and similar irresponsible publications aimed at creating hostility and violence shall be banned. Only literature that could reasonably support a forecast of material and substantial disruption of normal school operations is affected by this restriction. <p>All school publications and other written material intended for distribution to students on school or district property or at school-sponsored activities shall be submitted for review before distribution according to the guidelines set out above and according to the following procedures:</p> <ul style="list-style-type: none"> ● Material shall be submitted to the principal or a designee for review; ● The principal or designee shall approve or disapprove submitted material within three working days of the time the material is received; ● The student may appeal disapproval to the Superintendent or his designee who shall decide the appeal within three working days of its receipt. 	
	Unlawful Carrying of a Weapon OFF campus (misdemeanor)	Engages in conduct off campus that results in arrest for carrying of a weapon and the continued presence of the student will be detrimental to the educational process	21/L21
	Use of Force	Exhibits unacceptable physical contact	J21/L21
	Vandalism/Property Damage estimated at \$50 or less in value	<p>Damages or defaces school property including, but not limited to, grounds, furniture, technology resources, equipment or vehicles, or the property of others located on school property or used for school purposes or at school-sponsored events</p> <p>Parents or guardians of students guilty of damaging property will be liable for damages in accordance with the law.</p>	P21/L21
	Violation of Behavior Contract	Failure to uphold an established agreement after repeat offenses and the implementation of a behavior contract	A21/L21

Level III Consequences - Offenses for which a student may be assigned a suspension or placed in the Brazosport ISD Disciplinary Alternative Education Program (DAEP); however, consideration shall first be given to self-defense, intent or lack of intent, a student's disciplinary history, a student's disability that substantially impairs the student's capability to appreciate the wrongfulness of the student's conduct, a student's status in the conservatorship of the Department of Family and Protective Services (foster care), and a student's status as homeless.

- Assignment of mini-courses or skill modules
- School Service
- Restorative practices such as Circles, mediation, or family group conferencing
- Participation in behavior coaching, anger management classes, or social skills classes
- Restitution
- Referral to appropriate counseling services
- Assignment to a mentor
- Behavior Contract or school-administered probation
- Schedule changes
- Stay Away Agreement
- Assignment to in-school suspension
- Suspension from school for up to three days (restricted to grades 3 – 12) (prohibited for students identified as homeless)
- Suspension and/or removal from school transportation
- Referral to BISD Police for appropriate legal action
- Special education students and § 504 students – refer to IEP
- Assignment to the District Disciplinary Alternative Education Program (DAEP)

The District will notify the parent or guardian of a student's violation of the *Student Code of Conduct* that results in a suspension from school or a recommendation for removal to the district's DAEP.

Persistent Level III misbehavior may lead to assignment at the district's DAEP.

A student who commits a Level III offense and is suspended or placed in the district's DAEP is prohibited from attending or participating in school-sponsored or school-related activities.

*Students enrolled in a grade level below grade three or who are identified as homeless may not be placed in out-of-school suspension unless the student engages in one of the following on school property or while attending school-sponsored or school-related activity:

1. conduct that contains the elements of an offense related to weapons under §§ 46.02 or 46.05 of the Penal Code;
2. conduct that contains the elements of a violent offense under §§ 22.01, 22.011, 22.02, or 22.021 of the Penal Code; or
3. selling, giving, or delivering to another person or possessing, using, or being under the influence of any amount of (a) marihuana or a controlled substance, as defined

in Chapter 481, Texas Health and Safety Code or by 21 U.S.C. Section 801 et seq;
 (b) a dangerous drug as defined in Chapter 483, Texas Health and Safety Code; or
 (c) an alcoholic beverage as defined by § 1.04 Alcoholic Beverage Code.
See TEC § 37.005(c).

Any student who is assigned to the district’s DAEP or the county JJAEP on the last day of instruction of the semester in which the student becomes eligible to graduate shall be prohibited from participating in any and all graduation exercises and/or graduation-related activities regardless of the time of year the graduation activities are held.

	Level IV Misbehaviors	Definitions/Descriptions	Code
Level IV	Persistent Levels I - III Misbehavior	Repeated violations of the disciplinary offenses outlined in Levels I – III	B21
	Abusive Language/ Inappropriate Language/ Profanity <i>Directed toward Teachers or School Employees</i>	Delivers verbal messages to a teacher/school employee that include profanity, vulgar language, threats, or obscene gestures directed toward teachers or other school employees	T21
	Assault	An assault is defined as: <ul style="list-style-type: none"> ● intentionally, knowingly, or recklessly causing bodily injury to another person; ● intentionally or knowingly threatening another with imminent bodily harm, or placing another in fear of imminent bodily harm; or ● intentionally or knowingly causing physical contact with another when the student knows or should reasonably believe that the other will regard the contact as offensive or provocative. <p style="text-align: right;"><i>TEC Sec. 37.006(a)(2)(B)</i></p>	28
	Dating Violence	Occurs when a person in a current or past dating relationship uses physical, sexual, verbal, or emotional abuse to harm, threaten, intimidate, or control another person in the relationship <p style="text-align: right;"><i>TEC Sec. 37.0831(b)(2)</i></p>	J21
	Disruption of Lawful Assembly	Willfully engaging in disruptive activity or disrupt a lawful assembly on the campus or district property <p>Disruptive activity means:</p> <ol style="list-style-type: none"> 1. Obstructing or restraining the passage of any person in an exit, entrance, or hallway of any 	26

	<p>building without the authorization of the principal or the District;</p> <ol style="list-style-type: none"> 2. Seizing control of any building or portion of a building for the purpose of interfering with an administrative, educational, research, or other authorized activity; 3. Preventing or attempting to prevent by force or violence or the threat of violence any lawful assembly authorized by the District administration, principal, or the Board; or 4. Disrupting by force or violence or the threat of force or violence a lawful assembly in process. <p>A lawful assembly or school-related activity is disrupted when any person in attendance is rendered incapable of participating in the assembly due to the use of force or violence or due to a reasonable fear that force or violence is likely to occur.</p> <p style="text-align: right;">TEC Sec. 37.123</p>	
Level IV	<p>False Alarm or Report (including a bomb threat)</p> <p>Knowingly initiates, communicates or circulates a report of a present, past, or future bombing, fire, offense, or other emergency that he knows is false or baseless and that would ordinarily: Cause action by an official or volunteer agency organized to deal with emergencies; Place a person in fear of imminent serious bodily injury; or Prevent or interrupt the occupation of a building, room, place of assembly, place to which the public has access, or aircraft, automobile, or other mode of conveyance</p> <p>(Note: In the event of a bomb threat or terroristic threat involving a facility where students are present, notice shall be provided to parents of all enrolled students as soon as possible.)TEC Sec. 37.006(a)</p>	35
	<p>Felony Conduct ON Campus (not Title 5)</p> <p>Includes all felony activities occurring on or within 300 feet of school property or while attending a school-sponsored or school related activity that are not otherwise more specifically defined or included as a behavior that requires a mandatory expulsion action</p> <p style="text-align: right;">TEC Sec. 37.006(a)(2)(A)</p>	02
	<p>Inappropriate Physical Contact</p> <p>Intentional sexual physical contact with another when the student should reasonably believe the other will regard the contact as offensive or provocative</p> <p style="text-align: right;">TEC Sec. 37.006(a)(2)(F)</p>	A07

Level IV	Possession of Non-Armor Piercing Ammunition	Cartridge cases, primers, bullets, or propellant powder not considered handgun ammunition used in pistols and revolvers and designed primarily for the purpose of penetrating metal or body armor	N21
	Possession of NON-prohibited Knife	In possession of a knife with a blade equal to or less than 5.5” (and not considered a pocketknife), or a hand instrument designed to cut or stab another or by being thrown. TEC Sec. 37.007(a)(1)(B)	N21
	Possession or use of a Prohibited Item	In possession of or using a Prohibited Item (see glossary) or weapon not prohibited in Level VI, such as a “look-alike” weapon, BB/pellet gun, stun gun, mace, club, knuckles, etc.	N21
	Possession or use of Weapons - Under Age 6	Commits a federal firearms violation AND is younger than 6 years of age TEC Sec. 37.007(e)	11
Level IV	Possession/Use/Selling of Alcohol,	In possession of, selling, or is using alcohol. TEC Sec. 37.006(a)(2)(D)	05
	Possession/Use/Selling of Drug Paraphernalia,	In possession of, selling or is using drug paraphernalia.	V21
	Possession/Use/Selling of marijuana, controlled substance, or dangerous drug	In possession of, selling or is using illegal drugs/substances or imitations (not constituting a felony offense) No student shall possess, use, transmit; or attempt to possess, use or transmit; or be under the influence of any of the following substances on school premises or off school premises at a school-related activity, function, or event: <ul style="list-style-type: none"> ● Any controlled substance or dangerous drug as defined by law, without regard to amount, including but not limited to marijuana, any narcotic drug, hallucinogen, stimulant, depressant, amphetamine, or barbiturate; ● Alcohol or any alcoholic beverage; Any abusable volatile chemical, aerosol paint, or any other chemical substance for inhalation; ● Any other intoxicant, or mood-changing, mind-altering, or behavior-altering drugs; ● Correction fluid, white out, etc. ● Look-alike drugs or items attempted to be passed off as drugs and/or contraband 	04

Level IV	<p>A student in possession of an e-cigarette or vapor pen/device that the administrator has reasonable suspicion of it containing an illegal drug will be issued consequences based on the administrator's reasonable suspicion. Reasonable suspicion in this context will be based on all available information, including student statements, physical symptoms displayed by the student, and/or the student's discipline history. "Possess," for purposes of this Section and the entire Code, means actual care, custody, control, or management. A prohibited item found or observed on the student's person, in the student's locker, vehicle, clothing, or belongings will be presumed to be in the student's possession. There may be more than one person in possession of a prohibited item. As an example, a prohibited item found in a vehicle with more than one student will be presumed to be in the possession of all students present when circumstances indicate knowledge of the prohibited items and have or may exercise care, custody, control, or management of the prohibited item.</p> <p>"Use," for purposes of this Section and the entire Code means voluntarily introducing into one's body, by any means, a prohibited substance.</p> <p>"Under the Influence," for purposes of this Section and the entire Code means lacking the normal use of mental or physical faculties. Impairment of a person's physical or mental faculties may be evidenced by a pattern of abnormal or erratic behavior, the presence of physical symptoms of drug or alcohol use, or by admission. A student "under the influence" need not be legally intoxicated to trigger disciplinary action.</p> <p>The transmittal, sale, or attempted sale of what is represented to be any of the above listed substances is also prohibited under this rule.</p> <p>A student who uses a drug authorized by a licensed physician through a prescription specifically for that student's use shall not be in violation of this rule. Prompt written notice of such usage shall be given to the principal by the student's parents. Students may not use or possess medicine, prescription or nonprescription, without complying with procedures established in the Student/Parent Handbook.</p>
Level IV	

Level IV		<p>If a disabled student who is designated § 504 only, is currently using drugs or alcohol, violates the district policy on the use or possession of drugs and alcohol, the student loses the procedural protections provided by § 504 and may be disciplined for the violations. [1991 OCR Policy Memorandum on ADA Amendments to § 504 OCR 1991).]</p> <p>Students coming on school premises or to a school function after using alcohol or other prohibited drugs are subject to disciplinary action up to and including assignment to the District Disciplinary Alternative Education Program or expulsion. TEC Sec. 37.006, 37.007</p>	
	Public Lewdness/Indecent Exposure	<p>Knowingly engages in a sexual act in a public place or indecently exposes self with sexual intent and is reckless about whether another is present or will be offended or alarmed by the act</p> <p style="text-align: right;">TEC Sec. 37.006(a)(2)(F) TEC Sec. 37.007(c)(4)(A)</p>	07 B07
Level IV	Sexual Harassment	<p>SEXUAL HARASSMENT is conduct on the basis of sex that satisfies one or more of the following:</p> <ul style="list-style-type: none"> • An employee of the District conditioning the provisions of an aid, benefit, or service of the District on an individual’s participation in unwelcome sexual conduct (i.e., quid pro quo sexual harassment) • Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient’s education program or activity; or • “Sexual assault” as defined in 20 U.S.C. 1092(f)(6)(A)(v), “dating violence” as defined in 34 U.S.C. 12291(a)(10), or “stalking” as defined in 34 U.S.C. 12291(a)(30). <p>Examples of sexual harassment of a student may include sexual advances; touching intimate body parts or coercing physical contact that is sexual in nature; jokes or conversations of a sexual nature; and other sexually motivated conduct, communications, or contact.</p>	21
	Terrorist Threat	<p>A person commits an offense if he threatens to commit any offense found to be substantive involving violence to any person or property with the intent to:</p>	26

Level IV		<ul style="list-style-type: none"> ● Cause a reaction of any type to his threat by an official or volunteer agency organized to deal with emergencies; ● Place any person in fear of imminent serious bodily injury; or ● Prevent or interrupt the occupation or use of a building; room; place of assembly; place to which the public has access; place of employment or occupation; aircraft, automobile, or other form of conveyance; or other public place; ● Cause impairment or interruption of public communications, public transportation, public water, gas, or power supply or other public service; ● Place the public or a substantial group of the public in fear of serious bodily injury; or ● Influence the conduct or activities of a branch or agency of the federal government, the state, or a political subdivision of the state (including the district). <p>(Note: In the event of a bomb threat or terrorist threat involving a facility where students are present, notice shall be provided to parents of all enrolled students as soon as possible.)</p> <p style="text-align: right;">TEC Sec. 37.006(a)(1)</p>	
	Theft, <i>greater than \$50</i>	Being in possession of, having passed on, or being responsible for removing someone else's property or technology devices without permission or acknowledgement	O21
	Vandalism/Property Damage, greater than \$50	<p>Damages or defaces district property including, but not limited to, grounds, furniture, equipment, technology resources, vehicles, or the property of others located on district property or used for school purposes or at school-sponsored events</p> <p>Parents or guardians of students guilty of damaging property will be liable for damages in accordance with the law.</p>	P21

	Any expellable offense committed by a student under age 10	When a student ages six to ten engages in behavior that is expellable behavior, the student shall not be expelled, but shall be placed in a DAEP. A student under age six shall not be placed in a DAEP unless the student commits a federal firearm offense. TEC Sec. 37.007(a, d, h, f)	
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Level IV Consequences - Offenses for which a student SHALL be placed in the Brazosport ISD Disciplinary Alternative Education Program (DAEP); however, consideration shall first be given to self-defense, intent or lack of intent, a student’s disciplinary history, a student’s disability that substantially impairs the student’s capability to appreciate the wrongfulness of the student’s conduct, a student’s status in the conservatorship of the Department of Family and Protective Services (foster care), and a student’s status as homeless.

A student shall be placed in the district’s disciplinary alternative education program (DAEP) for committing any of the offenses outlined above, and some offenses may result in a discretionary expulsion to the juvenile justice alternative education program (JJAEP). When a change of placement is involved, special education students will be referred to an ARD Committee and § 504 students referred to a § 504 committee. BISD Police may also be contacted for appropriate legal action.

A student shall also be placed in the DAEP based on conduct occurring off-campus and while the student is not in attendance at a school-sponsored or school-related activity if:

- the student received deferred prosecution under Section 53.03, Family Code, 9 for conduct defined as a felony offense in Title 5, Penal Code;
- a court or jury finds that the student has engaged in delinquent conduct under Section 53.04, Family Code, for conduct defined as a felony offense in Title 5, Penal Code;
- the Superintendent or designee has a reasonable belief that the student has engaged in conduct defined as a felony offense in Title 5, Penal Code or felony criminal mischief;
- the Superintendent or designee has a reasonable belief that the student has engaged in conduct defined as a felony offense other than those defined in Title 5, Penal Code, and the continued presence of the student in the regular classroom threatens the safety of other students or teachers or will be detrimental to the educational process. In determining whether there is a reasonable belief that a student has engaged in conduct defined as a felony offense by the Penal Code, the Superintendent or the Superintendent’s designee may consider all available information, including the information furnished under Article 15.27, Code of Criminal Procedure.

Persistent or serious Level IV misbehavior may lead to expulsion and referral to a Brazoria County Court. A judicial court may also order an expelled student to attend Brazoria County Juvenile Justice Alternative Education Program.

A student who commits a Level IV offense and is placed in the DAEP is prohibited from attending or participating in a school-sponsored or school-related activity. In addition, students removed from their home school campus are not to be on or about any BISD campus until they have completed their DAEP assignment(s).

Any student who is assigned to the district’s DAEP or the county JJAEP on the last day of instruction of the semester in which the student becomes eligible to graduate shall be prohibited from participating in any and all graduation exercises and/or graduation related activities regardless of the time of year the graduation activities are held.

	Level V Misbehaviors	Definitions/Descriptions	Code
Level V	Abuse of Volatile Chemicals	Engages in conduct on or off of school property that contains the elements of an offense relating to an abusable volatile chemical under Sections 485.031 through 485.034, Health and Safety Code <p style="text-align: right;">TEC Sec. 37.006(a)(2)(E)</p>	06
	Alcohol Offenses	Engages in selling, giving, or delivering to another person on or off of school property an alcoholic beverage as defined in Section 1.04, Alcoholic Beverage Code; committing a serious act or offense while under the influence of alcohol; or possessing, using, or being under the influence of an alcoholic beverage <p style="text-align: right;">TEC Sec. 37.006(a)(2)(D), 37.122</p>	05
Level V	Assault - School Employee	Engages in conduct on or off of school property that contains the elements of assault as described in Section 22.01(a)(1), Penal Code, against a school district employee, Board member or volunteer An assault is defined as: <ul style="list-style-type: none"> ● intentionally, knowingly, or recklessly causing bodily injury to another person; ● intentionally or knowingly threatening another with imminent bodily harm, or placing another in fear of imminent bodily harm; ● intentionally or knowingly causing physical contact with another when the student knows or should reasonably believe that the other will regard the contact as offensive or provocative. <p>TEC 37.006(a)(2)(B)</p>	27

Level V	<p>Bullying/Cyberbullying <i>meeting provisions of SB 179</i>, determined to be on the basis of:</p> <ul style="list-style-type: none"> • Disability • Race, color, or national origin • Gender • Non-specific 	<p>Occurs when a student:</p> <ol style="list-style-type: none"> (1) engages in “bullying” that encourages a student to commit or attempt to commit suicide; (2) incites violence against a student through group bullying; <u>or</u> (3) releases or threatens to release intimate visual material of a minor or a student who is 18 years of age or older without the student’s consent. <p style="text-align: right;">(See glossary for definition of bullying.) TEC Sec. 37.0832, TEC Sec. 37.0052</p>	61/L21
	Criminal Mischief - Felony	<p>Engages in felony criminal mischief, defined as property damage that meets or exceeds \$2,500, regardless if offense is committed on or off school property or at a school-related event</p> <p style="text-align: right;">TEC Sec. 37.007(c)(4)(C)</p>	22
Level V	Deadly Conduct	<p>Recklessly engages in conduct that places another in imminent danger of serious bodily injury, containing the elements of the offense of deadly conduct under Section 22.05, Penal Code</p> <p style="text-align: right;">TEC Sec. 37.007(b)(2)(D)</p>	49
	False Alarm / Terroristic Threat	<p>Engages in conduct on or off school property involving a public school that contains the elements of the offense of false alarm or report under Section 42.06, Penal Code, 10 or terroristic threat under Section 22.07, Penal Code on or off school property</p> <p style="text-align: right;">Penal Code Sec. 42.06, 22.07</p>	35, 26

Level V	<p>Felony Conduct OFF Campus (Title 5)</p>	<p>Engaged in conduct punishable as an aggravated robbery or a felony listed under Title 5 of the Penal Code that occurs OFF school property and not on a school-sponsored or school-related event and:</p> <ul style="list-style-type: none"> • the student has received deferred prosecution, • has been found guilty by a court/jury, • has been charged, • has been referred to juvenile court; or • has received probation, deferred adjudication or has been arrested or charged <p style="text-align: right;">TEC Sec. 37.0081</p> <p>OR the superintendent has reasonable belief the student engaged in the misconduct and the student's presence:</p> <ul style="list-style-type: none"> • threatens the safety of other students or teachers; • will be detrimental to the educational process; or • is not in the best interests of the district's students <p style="text-align: right;">TEC Sec. 37.006(c)</p>	09
Level V	<p>Possession or use of Firearm on another school's property</p>	<p>Uses, exhibits, or possesses a firearm, as defined by 18 U.S.C. Section 921 on another school district's property, within 300 feet of another school district's property as measured from any point on the school's real boundary line, or at school related/sponsored activity of another school district</p> <p style="text-align: right;">TEC Sec. 37.007</p>	11

Level V	Violations while Placed in DAEP	<p>Engages in documented serious misbehavior that violates the district’s <i>Student Code of Conduct</i>, despite documented behavioral interventions while placed in a disciplinary alternative education program</p> <p>For purposes of discretionary expulsion from a DAEP, serious misbehavior means: deliberate violent behavior that poses a direct threat to the health or safety of others; extortion, meaning the gaining of money or other property by force or threat; conduct that constitutes coercion, as defined by Section 1.07, Penal Code; or conduct that constitutes the offense of:</p> <ol style="list-style-type: none"> 1. Public lewdness under Penal Code 21.07, 2. Indecent exposure under Penal Code 21.08, 3. Criminal mischief under Penal Code 28.03, 4. Hazing under Penal Code 37.152, or 5. Harassment under Penal Code 42.07(a)(1) of a student or district employee. <p style="text-align: right;">TEC Sec. 37.007(c)</p>	59
			07 07 22 59 59

Level V Consequences - Offenses for which a student may be expelled and referred to the Brazoria County Juvenile Justice Alternative Education Program after consideration is given to self-defense, intent or lack of intent, a student’s disciplinary history, a student’s disability that substantially impairs the student’s capability to appreciate the wrongfulness of the student’s conduct, a student’s status in the conservatorship of the Department of Family and Protective Services (foster care), and a student’s status as homeless.

A student who violates the provisions of Level V *Student Code of Conduct* shall be assigned to the DAEP and may be expelled to the JJAEP. A student may also be referred to the Brazoria County Juvenile Court or other appropriate judicial authority. The Court may order an expelled student or a student who commits a felony off campus to attend the JJAEP. A referral to BISD Police for appropriate legal action may also occur.

Special education students will be referred to an ARD Committee and § 504 students referred to the § 504 committee.

Level VI Misbehaviors		Definitions/Descriptions	Code
Level VI	Use/Possession of Weapon – Firearm (Federal Law)	<p>A firearm violation, as defined by federal law 46.01, unless the use, exhibition, or possession of the firearm occurs at an off-campus approved target range facility while participating in or preparing for a school-sponsored shooting sports competition or a shooting sports educational activity that is sponsored or supported by the Parks and Wildlife Department or a shooting sports sanctioning organization working with the department.</p> <p><i>Note:</i> Mandatory expulsion under the federal Gun Free Schools Act does not apply to a firearm that is lawfully stored inside a locked vehicle, or to firearms used in activities approved and authorized by the district when the district has adopted appropriate safeguards to ensure student safety.</p> <p>A firearm under federal law includes the following:</p> <ul style="list-style-type: none"> ● 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 ● the frame or receiver of any such weapon; ● any firearm muffler or firearm weapon ● any destructive device, such as any explosive, incendiary, or poison gas bomb or grenade 	11
	Use/Possession of a location-restricted knife	Occurs when a student carries on or about his or her person a location-restricted knife, defined as a knife with a blade over 5 ½ inches. TEC Sec. 37.007(a)(1)	12
Level VI	Use/Possession of Handgun or Prohibited Weapon (Penal Code)	Carrying on or about the student’s person a handgun (<i>see</i> Glossary; TPC 46.05) <i>OR</i> Possessing, manufacturing, transporting, repairing, or selling a prohibited weapon, including:	11
		<ul style="list-style-type: none"> ● an explosive weapon as provided in TPC 46.01; 46.05 ● a machine gun as provided in TPC 46.01; 46.05 ● a short-barrel firearm as provided in TPC 46.01; 46.05 ● armor-piercing ammunition ● a chemical dispensing device ● a zip gun ● a tire deflation device <p><i>Note:</i> A student may not be expelled solely on the basis of the student’s use, exhibition, or possession of a firearm that occurs at an approved target range facility that is not located on a school campus, while participating in or preparing for a school-sponsored, shooting sports competition or a shooting sports educational activity that is sponsored or supported by the Parks and Wildlife Department, or a shooting sports sanctioning organization working with the department. [See policy FNCG(LEGAL).]</p>	14

Level VI	Felony ON campus (Titles 5 and 7)	<p>While on school property or at a school related activity, engages in conduct containing the elements of the following under the <i>Penal Code</i>:</p> <ul style="list-style-type: none"> ● aggravated assault, sexual assault, or aggravated sexual assault 22.02, 22. 011, 22.021 ● arson 28.02 (Title 7) ● murder, capital murder, or criminal attempt to commit murder 19.02, 19.03, 15.01 ● indecency with a child 21.11 ● aggravated kidnapping 20.04 ● aggravated robbery 29.03 (Title 7) ● manslaughter 19.04 ● criminally negligent homicide 19.05 ● continuous sexual abuse of a young child or a disabled individual 21.02 <p>See FDE(Local) regarding transfer notification requirements for victims of a violent or criminal offense.</p>	<p>29, 30, 31, 32</p> <p>16</p> <p>17</p> <p>18 19</p> <p>46</p> <p>47 48</p> <p>57</p>
	Felony Possession or Use of Marijuana, Dangerous Drug, Controlled Substance or Alcohol	Engages in behavior punishable as a felony that involves selling, giving, or delivering to another person, or possessing, using, or being under the influence of marijuana, a controlled substance, a dangerous drug, or alcohol; or committing a serious act or offense while under the influence of alcohol TEC Sec. 37.007(a)(3)	<p>36 37</p>
	Retaliation against a School Employee	Occurs when a student engages in conduct that contains the elements of assault under Penal Code 22.01(a)(1) in retaliation against a school employee or volunteer on <i>or off</i> school property or at a school-sponsored or school-related activity. TEC Sec. 37.007(d)	<p>08</p>

Level VI Consequences - Offenses for which a student SHALL be expelled and referred to the Brazoria County Juvenile Justice Alternative Education Program; however, consideration shall first be given to self-defense, intent or lack of intent, a student’s disciplinary history, a student’s disability that substantially impairs the student’s capability to appreciate the wrongfulness of the student’s conduct, a student’s status in the conservatorship of the Department of Family and Protective Services (foster care), and a student’s status as homeless.

A student who violates the provisions of Level VI *Student Code of Conduct* shall be expelled and referred to the Brazoria County JJAEP. Referral to BISD Security or local police for appropriate legal action shall also occur. The District will notify the parent or guardian of a student's violation of the *Student Code of Conduct* that results in expulsion.

Special education students will be referred to an ARD Committee and § 504 students referred to the § 504 committee.

3.3 Consequence Descriptions

Detention

For minor infractions of the *Student Code of Conduct* (Level I or II) or other policies and regulations, students may be detained before or after school hours or during lunch. Before assigning students to detention, the teacher or principal shall inform the student of the conduct that allegedly constitutes the violation and the student shall be given an opportunity to explain his/her version of the incident. Before assigning a student to detention outside regular school hours, notice shall be given to the student's parent to inform him or her of the reason for the detention and permit arrangements for necessary transportation.

In-School Suspension

When a student is assigned In-School Suspension (ISS), the student will complete their classwork in a classroom designated as the in-school suspension room where an adult is always on duty. In this setting, the student receives assignments/instruction in each course to the extent possible, with little or no opportunity for social interaction with peers. The principal or assistant principal determines the length of assignment; however, assignments in excess of three days require permission from district administration and a student may not be assigned more than 30 days throughout the school year.

Out-of-School Suspension

The principal may suspend a student enrolled in grade 3 or above who engages in conduct for which the student may be placed in the disciplinary alternative education program. Each suspension may not exceed three days. State law prohibits districts from placing students who are homeless or in a grade level below grade 3 in out-of-school suspension, except for certain violent or weapons offenses or alcohol or drug-related misconduct. Students below grade three or homeless may be suspended under limited circumstances described in TEC § 37.005(c).

Before being suspended, a student shall have an informal conference with the Principal or the Principal's designee, who shall advise the student of the alleged misconduct. The student shall have the opportunity to respond to the allegation before the administrator makes a decision. In deciding whether to order out-of-school suspension, the Principal or the Principal's designee shall take into consideration:

1. Self-defense,
2. Intent or lack of intent at the time the student engaged in the conduct,
3. The student's disciplinary history,
4. A disability that substantially impairs the student's capability to appreciate the wrongfulness of the student's conduct,
5. A student's status in the conservatorship of the Department of Family and Protective Services (foster care), or
6. A student's status as homeless.

When a student is assigned Out-of-School Suspension (OSS), the student is not permitted on school district property and restricted from participation in school-sponsored or school-related extracurricular or cocurricular activities.

Coursework During Suspension

The district shall ensure a student receives access to coursework for foundation curriculum courses while the student is placed in in-school or out-of-school suspension, including at least one method of receiving this coursework that doesn't require the use of the internet.

A student removed from the regular classroom to in-school suspension or another setting, other than a DAEP, will have an opportunity to complete before the beginning of the next school year each course the student was enrolled in at the time of removal from the regular classroom. The district may provide the opportunity by any method available, including a correspondence course, another distance learning option, or summer school. The district will not charge the student for any method of completion provided by the district.

Corporal Punishment

(FO) (Local)

Corporal punishment is permitted in order to preserve an effective educational environment, free from disruption, unless the student's parent or guardian has provided a signed statement prohibiting its use. Corporal punishment shall be reasonable and moderate and may not be administered maliciously or for the purpose of revenge. Such factors as the size, age, and physical, mental, and emotional condition of the student; the type of instrument to be used; the amount of force to be used; and the part of the body to be struck shall be considered before administering any corporal punishment.

A disciplinary record shall be maintained and shall contain the name of the student, the type of misconduct, any previous disciplinary actions, the type of corporal punishment administered, the names of witnesses present and the date and time of the punishment. Disciplinary records shall be made available to parents or the student, whichever is appropriate.

Corporal punishment should be used sparingly, cautiously, and with the best interest of the student in mind. However, when corporal punishment is to be administered, the following procedures are to be followed: corporal punishment can only be done with the approval of the Superintendent, corporal punishment will be administered by the school principal, assistant principal, or other professional designated by the principal in the presence of one other District professional employee and in a designated place out of view of other students.

When administered, respect for the student is foremost, and punishment will be done in a private place. The student must be made aware of why he/she is to receive corporal punishment and should have the opportunity to say if there is any family or medical reason why he/she should not receive said punishment.

The principal is responsible for determining that the adult, who is administering the corporal punishment, whether it is himself/herself or another adult, is doing so in a respectful manner and without any emotional involvement.

Disciplinary Alternative Educational Program (DAEP)

TEC 37.008

Brazosport ISD provides a disciplinary alternative educational program that:

- is provided in a setting other than a student's regular classroom;
- is located off the regular school campus;
- provides for the students who are assigned to the disciplinary alternative educational program to be separated from students who are not assigned to the program;
- focuses on English language arts, mathematics, science, history, and self-discipline;
- provides for students' educational and behavioral needs;
- provides supervision and counseling; and
- employs only teachers who meet all certification requirements established under Subchapter B, Chapter 21.

Texas Education Code states that a disciplinary alternative educational program may provide for a student's transfer to:

- a different campus (DAEP or JJAEP);
- a school-community guidance center; or
- a community-based alternative school.

The school district cooperates with government agencies and community organizations that provide services in the district to students placed in a DAEP. A student removed to the DAEP is counted in computing the average daily attendance of students in the district for the student's time in actual attendance in the program. The district allocates to a DAEP the same expenditure per student attending the disciplinary alternative educational program, including federal, state, and local funds that would be allowed to the student's school if the student were attending the student's regularly assigned education program, including a special education program.

The school district may not place a student, other than a student suspended as provided under [TEC 37.005](#) or expelled as provided under [TEC 37.007](#), in an unsupervised setting as a result of conduct for which a student may be placed in a DAEP.

A program of educational and support services may be provided to a student and the student's parents when the offense involves drugs or alcohol as specified under Section [37.006 or 37.007](#).

The parent or guardian of a student placed in DAEP shall be given written notice of the student's opportunity to complete a foundation curriculum course in which the student was enrolled at the time of removal and which is required for graduation, at no cost to the student. The notice shall include information regarding all methods available for completing the coursework. The district will not charge the student for a course provided under TEC 37.008. A student with a disability who receives special education services will receive support as established by the admission, review, and dismissal (ARD) committee, in accordance with the TEC 37.004 and federal requirements.

DAEP Placement Process

A student who has committed a Level III or IV offense as defined in the *Student Code of Conduct* shall be considered to have engaged in serious misbehavior that threatens to impair the educational efficiency of the school and, if found guilty, may be placed in a DAEP. Similarly, a student who commits two or more violations of the *Student Code of Conduct* may be found to have engaged in persistent misbehavior that threatens to impair the educational efficiency of the school and, if found guilty, may be sent to a DAEP.

BISD offers two off-campus disciplinary alternative educational programs. Elementary students may be assigned to Project G.R.O.W. and secondary students may be assigned to the Secondary DAEP. Both district level programs are located at the Lighthouse Learning Center; however, the setting for elementary students is separated from secondary students, as required by TAC 103.1201(h)(1).

Conference

Before removing a student to a DAEP, the principal or designee shall hold a conference. The student's parent, guardian, or representative shall be notified, by telephone or other appropriate means, of the conference and their right to be present. The meeting should be held within three days of the offense.

Following valid attempts to require attendance, the district may hold the conference and make the placement decision regardless of whether the student or the student's parents attend the conference.

At the conference, the appropriate administrator shall inform the student, verbally or in writing, of the reasons for the removal and shall give the student an explanation of the basis for the removal and an opportunity to respond to the reasons for the removal. In deciding whether to place a student in a DAEP, regardless of whether the action is mandatory or discretionary, the Principal or the Principal's designee shall take into consideration:

1. Self-defense,
2. Intent or lack of intent at the time the student engaged in the conduct,
3. The student's disciplinary history,
4. A disability that substantially impairs the student's capability to appreciate the wrongfulness of the student's conduct,
5. A student's status in the conservatorship of the Department of Family and Protective Services (foster care), or
6. A student's status as homeless.

After the conference, if the student is placed in the DAEP, the appropriate administrator shall write a placement order/Notice of Assignment. A copy of the DAEP placement order shall be provided to the student and the student's parent. If the student is placed in the DAEP and the length of placement is inconsistent with the guidelines included in the *Student Code of Conduct*, the placement order shall give notice of the inconsistency.

Length of Placement

The Board delegates to the Principal or the Principal's designee, under the supervision of the Superintendent, the authority to remove a student to a DAEP. The appropriate administrator will determine the duration of a student's placement in a DAEP. The duration of a student's placement is made on a case-by-case basis; with most first-time assignments typically being for 35 days with successful outcomes at 30 days, most return placements within the same calendar year typically being 50 days with successful outcomes at 45 days, and most second-time offenses within the same *school* year typically being or 65 days with successful outcomes at 60 days. If the offense is drug-related, a first-time placement will typically be for 50 days with successful outcomes at 45 days, a return placement within the calendar year will typically be for 65 days with successful outcomes at 60 days, and a second placement within the school year will typically be for 90 days with successful outcomes at 85 days. Days assigned to ISS or OSS, or days absent do not count towards the duration of the placement. In determining the length of all assignments, the Principal or the Principal's designee, under the supervision of the Superintendent, shall consider the seriousness of the offense, the student's age and grade level, the frequency of misconduct, the student's attitude, and statutory requirements.

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. *See* Texas Education Code § 37.009(a). The statutory limitations on the length of a DAEP placement do not apply to a placement resulting from the board's decision to place a student who engaged in the sexual assault of another student so that the students are not assigned to the same campus.

Students who commit offenses requiring placement in a DAEP at the end of one school year may be required to continue that placement at the start of the next school year to complete the assigned term of

placement. For placement in a DAEP to extend beyond the end of the school year, the Principal must determine that:

1. The student's presence in the regular classroom or campus presents a danger of physical harm to the student or others, or
2. The student has engaged in serious or persistent misbehavior that violates the district's Code.

For placement in a DAEP to extend beyond 60 days or the end of the next grading period, whichever is sooner, a student's parent shall be given notice and the opportunity to participate in a proceeding before the board or the board's designee.

The district shall administer the required pre- and post- assessments for students assigned to DAEP for a period of 90 days or longer in accordance with established district administrative procedures for administering diagnostic or benchmark assessments.

If during the term of a DAEP placement the student engages in additional misconduct for which placement in DAEP or expulsion is required or permitted, additional proceedings may be conducted, and the Principal or the Principal's designee may enter an additional disciplinary order as a result of those proceedings.

Restrictions During Placement

The district does not permit a student who is placed in a DAEP to participate in any school-sponsored or school-related extracurricular or cocurricular activity, including seeking or holding honorary positions and/or membership in school sponsored clubs and organizations.

A student placed in a DAEP shall not be provided transportation unless he or she is a student with a disability who is entitled to transportation in accordance with the student's individualized education program (IEP) or Section 504 plan; however, students residing in Freeport are provided transportation via a transfer bus.

For students eligible to graduate and assigned to a DAEP at the time of graduation, the placement in the program shall continue through graduation, and the student shall not be allowed to participate in the graduation ceremony and related graduation activities.

Summer programs provided by the district serve students assigned to DAEP in conjunction with other students.

Placement Review

A student placed in a DAEP shall be provided a review of his or her status, including academic status, by the campus behavior coordinator or the board's designee at intervals not to exceed 120 days. In the case of a high school student, the student's progress toward graduation and the student's graduation plan shall also be reviewed. At the review, the student or the student's parent shall be given the opportunity to present arguments for the student's return to the regular classroom or campus. The student may not be returned to the classroom of a teacher who removed the student without that teacher's consent.

Notice of Criminal Proceedings

When a student is placed in a DAEP for certain offenses, the office of the prosecuting attorney shall notify the district if:

1. Prosecution of a student's case was refused for lack of prosecutorial merit or insufficient evidence and no formal proceedings, deferred adjudication (see glossary), or deferred prosecution will be initiated; or
2. The court or jury found a student not guilty, or made a finding that the student did not engage in delinquent conduct or conduct indicating a need for supervision, and the case was dismissed with prejudice.

If a student was placed in a DAEP for such conduct, on receiving the notice from the prosecutor, the superintendent or designee shall review the student's placement and schedule a review with the student's parent not later than the third day after the superintendent or designee receives notice from the prosecutor. The student may not be returned to the regular classroom pending the review.

After reviewing the notice and receiving information from the student's parent, the superintendent or designee may continue the student's placement if there is reason to believe that the presence of the student in the regular classroom threatens the safety of other students or teachers.

The student or the student's parent may appeal the superintendent's decision to the board. The student may not be returned to the regular classroom pending the appeal. In the case of an appeal, the board shall, at the next scheduled meeting, review the notice from the prosecutor and receive information from the student, the student's parent, and the superintendent or designee, and confirm or reverse the decision of the superintendent or designee. The board shall make a record of the proceedings.

If the board confirms the decision of the superintendent or designee, the student and the student's parent may appeal to the Commissioner of Education. The student may not be returned to the regular classroom pending the appeal.

Withdrawal During Process

If a student placed in the DAEP enrolls in another school district before the expiration of the period of placement, the district will provide to the district in which the student enrolls, at the same time other records of the student are provided, a copy of the placement order. The district in which the student enrolls may continue the DAEP placement under the terms of the order. When a student violates the Student Code of Conduct in a way that requires or permits the student to be placed in a DAEP and withdraws from the district before a placement order is completed, the Principal or Principal's designee may complete the proceedings and issue a placement order. If the student then re-enrolls in the district during the same or subsequent school year, the District may enforce the order at that time, less any period of the placement that has been served by the student during enrollment in another District.

Newly Enrolled Students

A student placed in a DAEP in another District who enrolls in Brazosport ISD before the expiration of the period of placement will continue the DAEP placement at the district's discretion. Brazosport ISD may place a student in a DAEP if:

1. the student was placed in a DAEP by an open-enrollment charter school and provides to the district a copy of the placement order; or
2. the student was placed in a DAEP by a school district in another state; and
 - a. the out-of-state district provides 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 Brazosport ISD.

If a student was placed in a DAEP or expelled by a school district for a period that exceeds one year and that placement is continued, Brazosport ISD shall reduce the period of the placement so that the aggregate period does not exceed one year unless, after a review, the district determines that:

- 1) the student is a threat to the safety of other students or to district employees; or
- 2) extended placement is in the best interest of the student.

Emergency Placement

[TEC 37.019](#) (Offense Code 23)

When an emergency placement is necessary because the student's behavior is so unruly, disruptive, or abusive that it seriously interferes with classroom or school operations, the student shall be given oral notice of the reason for the action. Not later than the tenth day after the date of the placement, the student shall be given the appropriate conference required for assignment to a DAEP.

Transition

In accordance with law and District procedures, campus staff shall coordinate and provide transition services to a student returning to the regular classroom from an alternative education program. Transition services will include results from assessment instruments, recommendations for best educational placement of the student, and the development of a personalized transition plan (PTP) that includes recommendations for counseling, behavioral management or academic assistance. See policy FOCA(LEGAL) for more information.

Juvenile Justice Alternative Education Program (JJAEP)

[TEC 37.007](#)

The Texas Education Code requires the development of a juvenile justice alternative education program by the juvenile board of a county with a population of 125,000. The Brazoria County Juvenile Board and the eight school districts in Brazoria County have entered an agreement establishing the Brazoria County JJAEP.

A student who has violated Level V or Level VI of the Student Code of Conduct may be expelled to JJAEP. In addition, a student may be expelled to the JJAEP if the student, while placed in a DAEP for disciplinary reasons, continues to engage in serious misbehavior as defined in TEC 37.007(5)(c), despite documented interventions. A student may also be expelled to the JJAEP for persistent misbehavior, after all tiered behavior interventions have been exhausted on the campuses and at the DAEP.

If a student is believed to have committed an expellable offense, the campus behavior coordinator or other appropriate administrator shall schedule a hearing within a reasonable time. The student's parent shall be invited in writing to attend the hearing. Until a hearing can be held, the campus behavior coordinator or other administrator may place the student in:

- Another appropriate classroom,
- In-school suspension,
- Out-of-school suspension, or
- DAEP.

Hearing

A student facing expulsion 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 and who is not an employee of the District,
2. An opportunity to testify and to present evidence and witnesses in the student's defense, and

3. An opportunity to question the witnesses called by the District at the hearing.

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

The board of trustees delegates to the Superintendent or the Superintendent's designee authority to conduct hearings and expel students.

Board Review of Expulsion

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

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

The board shall hear statements made by the parties at the review and shall base its decision on evidence reflected in the record and any statements made by the parties at the review. The board shall make and communicate its decision orally at the conclusion of the presentation.

Consequences shall not be deferred pending the outcome of the hearing. Expelled students are prohibited from being on school grounds or attending school-sponsored or school-related activities during the period of expulsion.

Expulsion Order

Before ordering the expulsion, the Principal or the Principal's designee shall take into consideration:

1. Self-defense,
2. Intent or lack of intent at the time the student engaged in the conduct,
3. The student's disciplinary history,
4. A disability that substantially impairs the student's capability to appreciate the wrongfulness of the student's conduct,
5. A student's status in the conservatorship of the Department of Family and Protective Services (foster care), or
6. A student's status as homeless.

Length of Placement

The duration of a student's placement is made on a case-by-case basis; Generally, a student expelled and assigned to the Brazoria County JJAEP for the first time shall remain in the JJAEP until the completion of sixty-five (65) days in attendance. Students assigned a second time to the JJAEP must complete ninety (90) days in attendance. Students assigned a third time to the JJAEP must complete one hundred and twenty (120) days in attendance.

An expulsion may not exceed one year unless, after review, the district determines that:

1. The student is a threat to the safety of other students or to district employees, or
2. Extended expulsion is in the best interest of the student.

State and federal law require a student to be expelled from the regular classroom for a period of at least one calendar year for bringing a firearm, as defined by federal law, to school. However, the superintendent may modify the length of the expulsion on a case-by-case basis.

If during the expulsion, the student engages in additional conduct for which placement in a DAEP or expulsion is required or permitted, additional proceedings may be conducted, and the District may issue an additional disciplinary order as a result of those proceedings.

Students who commit offenses that require expulsion at the end of one school year may be expelled into the next school year to complete the term of expulsion.

Withdrawal During Process

When a student has violated the *Student Code of Conduct* in a way that requires or permits expulsion from the district and the student withdraws from the District before the expulsion hearing takes place, the District may conduct the hearing after sending written notice to the parent and student. If the student then re-enrolls in the District during the same or subsequent school year, the District may enforce the expulsion order at that time, less any expulsion period that has been served by the student during enrollment in another district.

If the District fails to issue an expulsion order after the student withdraws, the next District in which the student enrolls may complete the proceedings.

Newly Enrolled Students

A student placed in a JJAEP in another District who enrolls in Brazosport ISD before the expiration of the period of placement will continue the JJAEP placement at the district's discretion. Brazosport ISD may place a student in a JJAEP if:

1. The student was placed in a JJAEP by an open-enrollment charter school and provides to the district a copy of the placement order; or
2. The student was placed in a JJAEP by a school district in another state; and
 - a. the out-of-state district provides 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 Brazosport ISD.

If a student is expelled by a district in another state for a period that exceeds one year and the district continues the expulsion or places the student in a DAEP, the district shall reduce the period of the expulsion or DAEP placement so that the entire period does not exceed one year, unless after a review it is determined that:

1. The student is a threat to the safety of other students or district employees, or
2. Extended placement is in the best interest of the student.

Emergency Placement

[TEC 37.019](#) (Offense Code 23)

When an emergency expulsion is necessary to protect persons or property from imminent harm, the student shall be given verbal notice of the reason for the action. Within ten days after the date of the emergency expulsion, the student shall be given appropriate due process required for a student facing expulsion.

Transition

If assigned to JJAEP while at DAEP, the student will return to DAEP upon completion of the JJAEP assignment to finish their days originally assigned, unless there are less than ten remaining days to complete.

In accordance with law and District procedures, campus staff shall coordinate and provide transition services to a student returning to the regular classroom from an alternative education program. Transition services will include results from assessment instruments, recommendations for best educational placement of the student, and the development of a personalized transition plan (PTP) that includes recommendations for counseling, behavioral management or academic assistance. See policy FOCA(LEGAL) for more information.

3.4 Removal from the Regular Educational Setting

Routine Referral

A routine referral occurs when a teacher sends a student to the Principal or the Principal's designee's office as a discipline management technique. The Principal or the Principal's designee shall employ alternative discipline management techniques, including progressive interventions. A teacher or administrator may remove a student from class for a behavior that violates the *Student of Conduct* to maintain effective discipline in the classroom.

Emergency Removal based on Allegations of Sexual Harassment

If a student is the alleged perpetrator of sex-based discrimination, sexual harassment, or retaliation, the respondent student may be subject to immediate emergency removal from his or her campus after the District conducts an individualized safety and risk analysis and if the District finds it necessary to protect a student or other individual from immediate threat to their physical health or safety.

Formal Removal by Teacher

TEC 37.002 (Offense Code 01)

A teacher may send a student to the principal's office to maintain effective discipline in the classroom if:

1. The student's behavior has been documented by the teacher as repeatedly interfering with the teacher's ability to teach his or her class or with the student's classmates' ability to learn; or
2. The behavior is so unruly, disruptive, or abusive that the teachers cannot teach and the students in the classroom cannot learn. The Principal or the Principal's designee may place the student into another appropriate classroom, into in-school suspension, assign out-of-school suspension (grades 3-12, unless exception in TEC § 37.005(c) applies), or recommend placement in the disciplinary alternative education program.

Within three school days of the formal removal, the Principal or the Principal's designee shall schedule a conference with the student's parent, the student, the teacher who removed the student from class, and any other appropriate administrator.

When a student is removed from the regular classroom by a teacher and a conference is pending, the Principal or the Principal's designee may place the student in:

- Another appropriate classroom;
- In-school suspension;
- Out-of-school suspension; or
- DAEP.

A teacher or administrator must remove a student from class if the student engages in behavior that under the Education Code requires or permits the student to be placed in a DAEP or expelled. When removing for those reasons, the procedures in the subsequent sections on DAEP or expulsion shall be followed.

When a student has been formally removed from class by a teacher for conduct against the teacher containing the elements of assault, aggravated assault, sexual assault, or aggravated sexual assault, the student may not be returned to the teacher's class without the teacher's consent. The teacher may not be coerced to consent.

When a student has been formally removed by a teacher for any other conduct, the student may be returned to the teacher's class without the teacher's consent if the placement review committee determines that the teacher's class 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 activity.

3.5 Parental Notification

[TEC 37.009](#)

Parental questions or complaints regarding ancillary issues related to disciplinary measures should be addressed informally with the teacher or campus administration, as appropriate or in accordance with Board Policy FNG(LOCAL).

Parent-Teacher Conferences

[TEC 21.404](#)

Each teacher is assigned one class period per day to be used for parent conferences as well as planning and preparing for class work. Parents are encouraged to call the school for an appointment relative to any phase of the student's progress.

An administrator shall conduct a conference with a student's parent(s) when a student is removed to a disciplinary alternative educational program or when a teacher recommends removal from the class. When such conference is required, a teacher or other school employee may also conduct a second conference as a follow-up within the same school year.

The teacher or school employee convening a required conference shall attempt to conduct the conference by personal attendance, but if this method is impractical, the conference may be conducted by telephone. If attempts to conduct a required conference by either of these methods are unsuccessful, teachers or other school employees involved shall document their efforts to schedule and conduct required parental conference, then minutes of the meeting shall be mailed to the parent's current address, as reflected in the school's records.

Teachers or other school employees may request a conference with a student's parent(s) whenever needed if the teacher or employee perceives parental cooperation is needed in enforcing the *Student Code of Conduct*.

Parental Notification of Disciplinary Actions

The Principal or the Principal's designee shall promptly notify a student's parent by phone, in writing, or in person of any violation that may result in a detention outside of regular school hours, in-school or out-of-school suspension, placement in a DAEP, placement in a JJAEP, or expulsion. The Principal or the Principal's designee 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. A good faith effort shall be

made on the day the action was taken to provide the student's parent written notification of the disciplinary action. If the parent has not been reached by telephone or in person by 5:00 p.m. of the first business day after the day the disciplinary action was taken, the Principal or the Principal's designee shall send written notification by U.S. Mail. Notification will be made within three school days after the administrator becomes aware of the violation. Before the principal or appropriate administrator assigns a student under 18 to detention outside regular school hours, notice shall be given to the student's parent to inform him or her of the reason for the detention and permit arrangements for necessary transportation.

Administrator Conferences

TEC 37.009

Not later than the third class day after the day on which a student is removed from class, the Principal or the Principal's designee shall schedule and hold a conference among the Principal or the Principal's designee, a parent or guardian of the student, and the student. At the conference, the Principal or the Principal's designee shall inform the student of the alleged misconduct and the proposed consequences. The student shall have an opportunity to respond to the allegations. The student may not be returned to the regular classroom pending the conference. Following the conference, and whether or not each requested person is in attendance after valid attempts to require the person's attendance, the Principal or the Principal's designee shall order the placement of the student for a period consistent with the *Student Code of Conduct*.

3.6 Appeals Process

BISD adheres to Due Process procedures and provides an appeal process for students suspended, removed to a DAEP, and/or expelled.

1. In-school Suspension and Out-of-School Suspension

The Board designates the Principal or the Principal's designee of each school, under the supervision of the Superintendent, as the Board designee to assign a student to an in-school suspension center or to suspend (according to law) a student for violation of this *Student Code of Conduct* and/or any applicable district policies. As the Board's designee, the Principal or the Principal's designee, under the supervision of the Superintendent, shall set the term for assignments to the in-school suspension center. Any decision of the Principal or the Principal's designee, under the supervision of the Superintendent, to assign a student to the in-school suspension center, or to suspend a student (according to law) is final and may not be appealed beyond the campus level.

2. Project G.R.O.W. and Secondary DAEP

The Board designates the Principal or the Principal's designee, under the supervision of the Superintendent, of each school as the Board designee to assign a student to Project G.R.O.W. or the Secondary DAEP as provided in this *Student Code of Conduct* and applicable with District policies.

A student, his/her parent, guardian, or representative desiring to appeal a decision of the campus principal may appeal to the Superintendent or designee. The student, his/her parent, guardian, or representative shall give written notice of the appeal to such officials within ten (10) school days after the decision of the principal is communicated to the parents, guardian, or representative. The District form for making this appeal can be accessed by contacting the school Principal and requesting to initiate an appeal. Failure to give timely notice of appeal shall constitute a waiver of the student's right to appeal.

Any notice of appeal shall contain the student's name, the date of issuance of the decision under appeal, the name of the official whose decision is under appeal, the aspects of the decision which the student wishes to appeal, and the grounds for such appeal. Promptly (within seven school days) following receipt of timely notice of appeal, the Superintendent or designee shall notify the student's parent, guardian, or representative, usually in writing, of the date time and place at which the appeal will be heard.

Level One appeals are heard by the Campus Principal. Level Two appeals are heard by a panel of three administrators, including one chairperson appointed by the Superintendent or designee. The Principal and the student's parent, guardian, and/or representative making the appeal shall both participate in the hearing.

Pending the outcome of the student's appeal of a DAEP assignment, the student shall be placed in and shall attend the DAEP. The decision of the Superintendent or designee/panel on an appeal of a DAEP assignment shall be final. No appeal to the Board is available.

3. Expulsions

The decision of the Superintendent or designee in proceedings for expulsion of a student may be appealed to the Board. The parents, guardian, or representative of a student desiring to appeal to the Board the decision of the Superintendent or his designee in an expulsion proceeding, shall give written notice of appeal to the Superintendent within seven school days after the date the decision which is under appeal is communicated to parents, guardian, or representative. Failure to give timely notice of appeal or to prosecute such appeal in a reasonable time shall constitute a waiver of the student's right to appeal.

Any notice of appeal shall contain the student's name, the date of issuance of the decision under appeal, the name of the official whose decision is under appeal, the aspects of the decision which the student wishes to appeal, and the grounds for such appeal. Promptly, (within seven school days) following receipt of timely notice of appeal, the Superintendent, or designee, as the case may be, shall notify the student's parent, guardian, or representative, in writing, of the date, time and place at which the appeal will be heard.

During the time of an appeal in an expulsion proceeding, a student will be denied the privileges of the home campus unless the Superintendent or designee determines otherwise. However, the student will not be charged with unexcused absences during the time of the appeal and will be allowed to remain current on all coursework. However, if the appeal is denied, credit will not be given for any coursework performed during time of the appeal unless the decision on appeal provides that such credit shall be given.

An expulsion hearing before the Board shall be limited to the matters and issues set forth in the student's notice of appeal and shall generally be conducted on the basis of the testimony given and evidence introduced during the initial hearing, unless the District official or appellate body determines that it is the interest of the educational process to permit introduction of new or additional matters during the appeal. The student shall be entitled to representation in any appeal by an adult of the student or parent's choice. Expulsion hearings before the Board will be heard before a quorum of the Board members and may be heard in a closed meeting, unless the parent

requests in writing an open meeting. The Campus Principal and the student's parent, guardian, and/or representative making the appeal both participate in the hearing.

All decisions on appeal shall be made on the basis of the evidence received at the appellate hearing. Decisions on appeal shall be announced as soon as possible after the conclusion of the appellate hearing and shall be communicated in writing to the student's parents, guardian, or representative. The decision of a majority of the Board members hearing an appeal shall constitute the decision of the Board in an appeal, and is final unless the student is entitled to timely appeal under applicable federal or state law.

A student who appeals a decision of the Board shall give the Board notice of such appeal by delivering a copy of the document by which such appeal is perfected to the Superintendent. During the time of such further appeal in an expulsion proceeding, the student shall be expelled pending further appeals and no educational services shall be provided.

3.7 Scholastic Penalties

[TEC 25.087](#)

A student removed by school officials from regular classes pursuant to the *Student Code of Conduct* for any reason other than expulsion will receive an excused absence and will be expected to complete any coursework assigned within the time designated by the teacher. The District will ensure a student receives access to coursework for foundation curriculum courses while the student, including at least one method of receiving this coursework that doesn't require the use of the internet. No academic penalty will be assessed based solely on the disciplinary infraction.

Pending an appeal of an expulsion to the Board, students will be allowed to remain current on all coursework. However, if the appeal is denied, the student will not receive credit for that work. Students who are expelled will not receive credit for work missed during expulsion.

Pending an appeal to the Commissioner of Education on placement to a disciplinary alternative educational program, the student may be removed to a disciplinary alternative educational program and will be allowed to remain current on all coursework.

3.8 Participation in Graduation Activities

The district has the right to limit a student's participation in graduation activities for violating the district's Code.

Participation might include a speaking role, as established by district policy and procedures. Students eligible to give the opening and closing remarks at graduation shall be notified by the campus principal. Notwithstanding any other eligibility requirements, in order to be considered as an eligible student to give the opening or closing remarks, a student shall not have engaged in any misconduct in violation of the district's Code resulting in an out-of-school suspension, removal to a DAEP, or expulsion during the semester immediately preceding graduation. The valedictorian and salutatorian may also have speaking roles at graduation. No student shall be eligible to have such a speaking role if he or she engaged in any misconduct in violation of the district's Code resulting in an out-of-school suspension, removal to a DAEP, or expulsion during the semester immediately preceding graduation.

Any student who is assigned to the district's DAEP or the county JJAEP on the last day of instruction of the semester in which the student becomes eligible to graduate shall be prohibited from participating in



any and all graduation exercises and/or graduation related activities regardless of the time of year the graduation activities are held.

3.9 Interrogations and Searches

School officials may search a student or a student's property, including but not limited to vehicles driven to school by a student and parked on school property, when there is reasonable suspicion to believe that the search will discover evidence that the student has violated or is violating either the law or the *Student Code of Conduct*. Searches of students shall be conducted in a reasonable and nondiscriminatory manner. Refer to the district's policies at FNF(LEGAL) and FNF(LOCAL) for more information regarding investigations and searches.

Desks, lockers, district-provided technology, and similar items are the property of the district and are provided for student use as a matter of convenience. District property is subject to search or inspection at any time without notice.

The nature of any search should be reasonably related to the objective of the search and not excessively intrusive in light of the age and sex of the student and the nature of the suspected infraction. Except in extraordinary circumstances, an adult witness should be present.

Searches may be conducted on any campus by the Drug Dog Detection Team or by BISD Security personnel. The search pattern may include, but not be limited to, classrooms, lockers, vehicles, gyms, and locker rooms.

When questioning a student in school by governmental officials, the following guideline shall apply: Before the principal permits the questioning of a student by a governmental official, the official must state the necessity of questioning the student while in school. The questioning official's name and title shall be obtained and recorded by the Principal.

3.10 Metal Detectors

Metal detectors shall be used at the discretion of District officials in order to detect and deter the presence of weapons and contraband in District facilities. All students at or entering the school premises, school bus, or place of a school-related function or activity are subject to search by metal detectors. If a metal detector is being used at the entrance of a school building, students will be allowed to use only the entries designated. Although school officials may choose to search by any reasonable random formula, such officials are, however, prohibited from selecting a particular student(s) for search unless there is reasonable suspicion to believe that the student is in possession of a weapon or contraband that poses a threat of danger to the health or safety of the student or students. *See* Policy FNF(LOCAL).

3.11 Physical Restraint

TEC 37.0021

A school employee, volunteer, or independent contractor may use restraint only in an emergency situation. Emergency, as defined in the Commissioner's Rules §89.1053, means a situation in which a student's behavior poses a threat of:

- imminent, serious physical harm to the student or others; or
- imminent, serious property destruction.

Documentation is maintained when restraint is utilized, and training on safe use of restraint is provided to ensure the safety of all parties. Students with disabilities have specific procedures outlined in a behavior management plan. These procedures are provided under Commissioner's Rules §89.1053.

3.12 Prohibited Aversive Techniques

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

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

3.13 Temporary Removals for Other Reasons

[TEC 37.009](#)

A student may be removed from regular classes or district premises for non-disciplinary reasons when the principal determines there is a compelling reason for doing so. Reasons, which may be considered compelling, include but are not limited to the following:

- being highly agitated; or
- suffering from any other condition that temporarily threatens the student's welfare, the welfare of others, or the efficient operation of the school.

Any student who is removed from school for a reason shown above and is in a condition that threatens his/her own welfare or the welfare of others shall be released to the parent, the parent's representative, or proper authority including, but not limited to, law enforcement officers and medical personnel.

A student who is removed from regular classes or school premises pending any hearing required by law shall be removed for as short a time as is reasonable under the circumstances.

Before removing a student from school premises for any of the foregoing reasons, the student shall be informed of the reason for the removal and have an opportunity to state any objections to such action. The district shall make reasonable efforts to notify the parent prior to removing a student from school premises. If the parent cannot be notified prior to removal, the parent shall be notified of the removal as soon as possible and the reasons for it.

3.14 Student Arrests

To ensure sufficient security and protection of students, staff, and property, the board employs the BISD Police Department. BISD Police officers are licensed state peace officers who are vested with all the powers, privileges, and immunities of peace officers while the officers are performing their duties as defined by Board policies. The mission of BISD Police is to maintain social order at all BISD facilities and properties within carefully prescribed policy and ethical, statutory, and constitutional restrictions. BISD Police officers are licensed state peace officers who are vested with all the powers, privileges, and immunities of peace officers while the officers are performing their duties as defined by Board policies.

If BISD Police must arrest a student at school due to a criminal action, if practicable under all relevant circumstances, the Principal or the Principal's designee shall immediately use his or her best efforts to notify the parent and the Superintendent or his designee anytime a student arrest occurs on campus.

If a district student at school is subject to arrest or apprehension by law enforcement other than BISD Security or governmental official, the principal shall request the following information:

- The name, badge number, or official identification of the official;
- A statement of probable cause to take the student into custody; and
- The case number

3.15 Students Registered as Sex Offenders

[TEC 37.301](#)

Upon receiving notification in accordance with state law that a student is currently required to register as a sex offender, the district must remove the student from the regular classroom and determine appropriate placement unless the court orders JJAEP placement.

If the student is under any form of court supervision, including probation, community supervision, or parole, the placement shall be in either DAEP or JJAEP for at least one semester.

If the student is not under any form of court supervision, the placement may be in DAEP or JJAEP 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 interests of the district's 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, in accordance with state law, to review the student's placement. The committee

shall recommend whether the student should return to the regular classroom or remain in the placement. Absent a special finding, the board or its designee must follow the committee's recommendation.

The placement review of a student with a disability who receives special education services must be made by the ARD committee.

Newly Enrolled Student

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

Appeal

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

3.16 Certain Felonies

Regardless of whether placement or expulsion is required or permitted by one of the reasons in the DAEP Placement or Expulsion sections, in accordance with Education Code 37.0081, a student may be expelled and placed in either DAEP or JJAEP if the District makes certain findings and the following circumstances exist in relation to aggravated robbery or a felony offense under Title 5 (see glossary) of the Texas Penal Code. The student must:

- Have received deferred prosecution for conduct defined as aggravated robbery or a Title 5 felony offense;
- Have been found by a court or jury to have engaged in delinquent conduct for conduct defined as aggravated robbery or a Title 5 felony offense;
- Have been charged with engaging in conduct defined as aggravated robbery or a Title 5 felony offense;
- Have been referred to a juvenile court for allegedly engaging in delinquent conduct for conduct defined as aggravated robbery or a Title 5 felony offense; or
- Have received probation or deferred adjudication or have been arrested for, charged with, or convicted of aggravated robbery or a Title 5 felony offense.

The district may expel the student and order placement under these circumstances regardless of:

1. The date on which the student's conduct occurred,
2. The location at which the conduct occurred,
3. Whether the conduct occurred while the student was enrolled in the district, or
4. Whether the student has successfully completed any court disposition requirements imposed in connection with the conduct.

Hearings and Required Findings

The student must first have a hearing before the board or its designee, who must determine that in addition to the circumstances above that allow for the expulsion, the student's presence in the regular classroom:

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 the district's students.

Any decision of the board or the board's designee under this section is final and may not be appealed.

Length of Placement

The student is subject to the 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 the placement or is assigned to another program.

Placement Review

A student placed in a DAEP or JJAEP under these circumstances is entitled to a review of his or her status, including academic status, by the campus behavior coordinator or board's designee at intervals not to exceed 120 days. In the case of a high school student, the student's progress toward graduation and the student's graduation plan shall also be reviewed. At the review, the student or the student's parent shall have the opportunity to present arguments for the student's return to the regular classroom or campus.

Newly Enrolled Students

A student who enrolls in the district before completing a placement under this section from another school district must complete the term of the placement.

3.17 Discipline of Students Served by Special Education

IDEA / [TEC 37.004](#)

The *Student Code of Conduct* applies to all students, including a student 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, the District shall comply with federal law. For more information regarding discipline of students with disabilities, see policy FOF(LEGAL).

For the purpose of this section, a student with a disability is a student who has been evaluated in accordance with the Individuals with Disabilities Education Act (IDEA) and Code of Federal Regulations relating to full and individual evaluations and determined by an Admission, Review, and Dismissal (ARD) Committee to need special education and related services due to an identified disability or impairment as defined by those laws.

Any disciplinary action regarding a student with a disability who receives special education services that would constitute a change in placement under federal law may be taken only after the student's ARD committee conducts a manifestation determination review under [20 U.S.C. Section 1415\(k\)\(4\)](#). Any disciplinary action regarding the student shall be determined in accordance with federal law and regulations, including laws or regulations requiring the provision of:

- functional behavioral assessments;
- positive behavioral interventions, strategies, and supports;
- behavioral intervention plans; and
- the manifestation determination review.

For purposes of removals of a child with a disability from the child's current educational placement, a change of placement occurs if the removal is for more than ten consecutive school days or there have been a series of removals that constitute a pattern:

- because the series of removals total more than ten school days in a school year;
- because the child’s behavior is substantially similar to the child’s behavior in previous incidents that resulted in the series of removals; and
- because of such additional factors as the length of each removal, the total amount of time the child has been removed, and the proximity of the removals to one another.

A student with a disability who receives special education services may not be placed in alternative education programs solely for educational purposes. In deciding whether to order suspension, DAEP placement, or expulsion, regardless of whether the action is mandatory or discretionary, the district shall take into consideration a disability that substantially impairs the student’s capacity to appreciate the wrongfulness of the student’s conduct.

In accordance with the Education Code, a student who receives 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.

Seclusion of Students with Disabilities

TEC 37.0021

BISD shall not place a student with disabilities in a secluded setting (defined as a locked room less than 50 square feet designed solely to seclude a person). This does not prevent a student’s locked, unattended, confinement in an emergency situation while awaiting the arrival of law enforcement personnel if the student possesses a weapon and the confinement is necessary to prevent the student from causing bodily harm to the student or another student.

A Brief Time Out for Students with Disabilities

TEC 37.0021 65

A brief time-out is a behavior management technique in which, to provide a student with an opportunity to regain self-control, the student is separated from other students for a brief period in a setting that is not locked and from which the exit is not physically blocked by furniture, a closed door held shut from the outside, or another inanimate object.

3.18 Discipline of Students Served Under Section 504

For the purposes of this section, a student with disabilities under Section 504 of the Rehabilitation Act 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 tasks.

Although established under separate laws, discipline of students served under Section 504 mirrors the procedural framework described above for students who receive special education services. Any disciplinary action regarding a student with a disability who receives special services that would constitute a change in placement under federal law may be taken only after the student's 504 committee conducts a manifestation determination review.

Protection under 504 excludes illegal use drugs, meaning a student who receives 504 services may be disciplined for illegal use of drugs to the same extent as students without disabilities.

Specific Behavior Policies

4.1 Dress Code

Appropriate student dress and grooming is that which is deemed in good taste, reflecting the standards of the community of which the schools are an integral and visible part. The dress and grooming of students convey an image of the schools and students, influencing how others respond to and judge the Brazosport Independent School District and its students, as well as contributing to the school climate to which students themselves respond.

Since it is impractical to list every possibility of dress and grooming, final decisions concerning what is acceptable are left to a building administrator. Guidelines and administrative decisions regarding appropriate dress will reflect concern for health and safety of students and the influence of specific dress or grooming on the overall educational climate of the school. The guidelines are reviewed periodically to ensure they continue to reflect community expectations while permitting individual choices and recognizing acceptable current fashions.

The principal or assistant principal under the supervision of the Superintendent shall determine appropriateness of dress. Clarification regarding apparel should be obtained from the principal or assistant principal prior to wearing it to school.

Regulations in reference to grooming and dress for extracurricular activities such as athletics, fine arts, etc. shall be governed by the immediate person in charge of these activities, under the direction of the principal and the Assistant Superintendent of Administrative Services. Student's dress and grooming that create a hazard to the student's safety and/or safety of others will not be allowed. The student's dress and grooming will not be allowed if it prevents, interferes with, or adversely affects the purpose, direction or effort required for the activity to achieve its goals. [See (FO)(LOCAL).]

These regulations are applicable to the conduct of students while in attendance at school, while on school property, or at school-sponsored activities. These regulations also apply to student behavior at other times that impairs, interferes with, or obstructs the missions, processes, or functions of the district. Additionally, more restrictive dress code policies are in place for students assigned to the district alternative education program.

All students are expected to dress in a manner that is appropriate for the age of the child and for the activities in which he/she participates.

District-wide Dress Code Policies:

1. Hats and head-coverings of any kind are not to be worn within school buildings except in the interest of religious practices, safety, cleanliness, for medical reasons, or with the permission of the principal. "Hats" should be interpreted broadly to include caps, visors, bandanas, beanies, hoods, scarves or kerchiefs and similar hat-like apparel.

2. Hair shall be clean, neat, and well-groomed. Hairstyles shall not, in the opinion of the administration, cause a health or safety hazard or cause disruption of the educational process.
3. Facial hair must be neat, clean, well-groomed, and not cause a disruption of the educational process.
4. Uncovered halters, see-through garments without undershirts, strapless tops, spaghetti strap tops, tank tops, bare midriff, or bare tops may not be worn.
5. Cleavage should be completely covered.
6. Shorts/skirts/dresses may be no higher than fingertip length while standing upright; slits in skirts and shorts must be no higher than fingertip length when standing upright.
7. Holes in pants must be no higher than fingertip length when standing upright, even if tights or leggings are worn underneath.
8. Clothing shall be of appropriate size, length, and fitting to cover undergarments when the student is standing, sitting, stooping, or bending. Oversized clothing, including oversized jackets, are not permitted.
9. Trench coats, or other long coats that resemble the style of a trench coat, are not acceptable as a form of outerwear and are not permitted at school.
10. Blankets and other bedding are not permitted.
11. Form-fitting stretch clothing such as biking shorts, bodysuits, leotards, tights, legging, etc., shall not be worn except when worn appropriately as an undergarment beneath a garment that extends below the fingertips. These are permitted to be worn only as appropriate for physical education classes and extracurricular school sponsored/approved activities.
12. Any item of clothing, accessory, or outerwear deemed unsuitable for school by the administration will be prohibited, including, but not limited to, those that depict or promote gang memberships, prison activities, death, suicide, violence, drugs, alcohol, tobacco, sex, cultural divisiveness, or racial intolerance.
13. Appropriate footwear is required. House shoes, slippers, and other similar soft-soled footwear are not acceptable for school. Appropriate shoes are required for PE and/or any other student activity as determined by the campus administrator. Shoes with wheels are not permitted.
14. Earrings are permitted, but excessive body piercings or piercings that cause a safety concern are not allowed.
15. Tattoos shall be covered if they are offensive, signify gang association, or cause a disruption of the educational process.
16. Oversized backpacks and oversized totes or bags are not permitted, except as necessary for transporting required school gear such as athletic equipment.
17. The district prohibits any other clothing or grooming that, in the principal's or designee's judgment, may reasonably be expected to cause disruption or interference with normal school operations.

All students shall be in compliance with the provisions of the dress code and grooming codes in order to enroll in school at the beginning of the school term. New students to the district shall be required to comply with the provisions of the dress and grooming codes upon enrolling and prior to attending class. During the school year, if a student's dress and grooming is in violation of the provisions of the dress code, the student may be subject to disciplinary action at the discretion of the campus administration. Persistent violation of the dress code may result in additional disciplinary action. Students who violate a provision of the dress code relating to extracurricular activities may be removed or excluded from the extracurricular activity for such period as the principal may determine. All students shall be accorded certain safeguards before any disciplinary action may be taken. An exception to the dress code above regarding No. 1 (Hats, caps, visors, or bandanas) will be made for students who, as a matter of their sincerely held religious belief, wear religious head wear or clothing, including but not limited to the Sikh dastar (turban), the Muslim hijab (head scarf), or the Jewish yarmulke (skull cap).

4.2 Telecommunication Devices

For safety purposes, and except during state testing, the district permits students to possess personal mobile/cellular telephones and smartwatches; however, these devices must remain turned off during the instructional day so as to not disrupt the educational process, unless they are being used for approved instructional purposes or with authorization of the campus Principal. A student must have approval to possess other telecommunication devices such as netbooks, laptops, tablets, or other portable computers. In this section, a telecommunication device means any device that emits an audible signal, vibrates, records, displays a message or otherwise summons or delivers a communication to the possessor.

The district is not responsible for damaged, lost, or stolen telecommunication devices.

For state testing security, students are not permitted to be in possession of telecommunication devices during state testing. As explained by the Texas Education Agency, “activation of a telecommunications device may result in the invalidation of the test document and/or disciplinary action.”

The use of mobile telephones 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.

A staff member who discovers a student without authorization using, activating or having activated a telecommunication device in violation of district, campus or classroom rules, shall report the violation to the appropriate school administrator. Any property that contains obscenity or pornography or contraband in violation of Texas law is subject to destruction. The district is not responsible for the loss or theft of items that have been confiscated under district policy.

A student who has had a telecommunication device confiscated will receive written notice from the school principal or designee and discipline will be administered according to the *Student Code of Conduct*. The notice will advise the parents of the student that they have thirty (30) days from the date on the notice to retrieve the device. Telecommunication devices not claimed within thirty (30) days will be recycled. Telecommunication devices may be retrieved from the hours of 7:45 a.m. to 4:00 p.m. from a parent or after the school day has ended by a student.

In limited circumstances and in accordance with applicable law, a student’s personal telecommunication device may be searched by authorized personnel if there is a reason to suspect that the device contains evidence of wrongdoing.

Unacceptable and Inappropriate Use of Technology

Students are prohibited from possessing, sending, forwarding, posting, accessing, or displaying electronic messages that are abusive, obscene, sexually oriented, threatening, harassing, damaging to another's reputation, or illegal. This prohibition also applies to conduct off school property, whether the equipment used to send such messages is district-owned or personally owned, if it results in a substantial disruption to the educational environment. This policy aligns with SB 179, known as "David's Law," and TEC 37.0832.

Any person taking, disseminating, transferring, possessing, 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*, may be required to complete an educational program related to the dangers of this type of behavior, and, in certain circumstances, may be reported to law enforcement.

Possession and Use of Personal Electronic Devices

Except as provided in the section above, 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 principal's office. The principal 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 if there is a reason to suspect that the device contains evidence of wrongdoing. [See Searches and policy FNF.]

Any disciplinary action will be in accordance with the *Student Code of Conduct*. The district is not responsible for any damaged, lost, or stolen electronic device.

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. Students and parents will be asked to sign a user agreement regarding use of these district resources. Violations of the user agreement may result in withdrawal of privileges and other disciplinary action.

4.3 Transportation

Bus drivers may address student misbehavior or refer a student to the principal's office to maintain effective discipline on the bus. The bus driver or Principal or the Principal's designee shall employ discipline management techniques, as appropriate, which can include restricting or revoking a student's bus riding privileges. Students and parents should realize that school bus and other transportation is a privilege, and that a principal or assistant may suspend students from riding on any school bus or other district transportation for violations of the following rules and regulations. Transportation is not provided to the Lighthouse Learning Center for secondary students.

Bus Rules

- Students shall obey all instructions given by the bus driver, as well as show respect to the driver and all persons and students on the school bus.
- All school rules apply while students are riding the school bus.
- Students are to sit in their assigned seats.
- If the school bus is equipped with seatbelts, students shall wear a seatbelt at all times.
- Students are to remain seated properly while the bus is in motion and until the bus has arrived at the appropriate stop for that student, unless otherwise advised by the bus driver. No student shall get out of their seat until the bus is completely stopped and secured.
- Nothing is to be extended outside the windows, such as head, hands, arms, legs, any objects, etc.
- Eating, gum chewing or drinking on the school bus is not permitted.
- Students shall talk at an appropriate level as to not distract the driver.
- Students shall not use inappropriate language for any reason while riding the school bus.
- Students shall keep their hands and feet to themselves. Fighting will not be tolerated.
- All items, including feet and objects, will stay out of the aisle.
- No objects shall be thrown on or out of the school bus.
- Vandalism will not be tolerated, and the total cost of repair will be paid by the person responsible.
- Students are not to open or operate the emergency exits, unless there is in fact an emergency and/or advised by the driver / authoritative person.
- Students shall help keep the school bus clean from trash, and will not participate in any acts that are considered unsanitary such as spitting, etc.
- Students are not permitted to touch or use school bus related equipment. School bus emergency equipment will only be allowed if there is in fact an emergency and/or advised by the driver / authoritative person.
- Cell phones are not to be used unless permission is given by the driver. All cell phones are to be put away and out of sight.

Prohibited Items

- All tobacco products, including snuff and chewing tobacco
- E-cigarettes or vape pens/devices of any kind
- Glass containers.
- Weapons, including a knife of any kind or any item that exposes a blade, explosive devices, harmful drugs or chemicals.
- Cigarette lighters, matches or any other flammable items (including aerosols, fireworks or novelty toys).
- Any material or device with pornographic or explicit images or video.
- Any object (musical instrument, shop/science/history project, etc.) which is too large to be held safely in the student's lap.
- All alcoholic beverages.
- Live animals or insects.
- Laser pointers
- Any other items prohibited at school.
- Any item used in a way that distracts the driver or harms another person on the bus.

School Bus Discipline

The driver is the authoritative person on the bus and their directions are to be followed at all times. The bus driver is expected to work with each of their students to the best of their ability to provide students with an opportunity to correct their misbehavior and create a safe and enjoyable environment for all students on the bus. Drivers are authorized to give verbal warnings, reassign seats, contact parents, issue written bus safety reports or other approved corrective actions the driver sees fit that will be in the best interest of the student misbehaving or the other students that are affected by the actions of the student. Drivers are not authorized to put students off the bus for disciplinary reasons without the approval of a Transportation supervisor or campus administrator. No student will be put off the bus anywhere except the students assigned stop or at an approved campus without supervision, unless the student themselves leaves the bus on their own and the driver is unable to get them back on the school bus. If this occurs, contact will be made with the appropriate authorities as well as parents. School bus suspensions may only be assigned by a Transportation supervisor or campus administrator – not school bus drivers.

School Bus Safety Reports

If the driver feels that a bus safety report is needed because they have worked with the student as much as they feel is appropriate or that the offense warrants an immediate write up they shall do so. Bus safety reports will be written based upon students' not following school bus rules. The Transportation Department oversees the discipline on BISD school buses. However, the Transportation Department and campus administrators will work together if deemed necessary to provide corrective action to students' misbehavior in order to provide the safest and most appropriate environment for all students that ride BISD school bus transportation. School bus discipline and/or campus-based discipline may be administered depending on the offense.

When students have been given a written bus safety report, the following will occur through the Transportation Department unless other arrangements have been made through the campus level or a Transportation supervisor.

- **1st Written Report** – Transportation Services will contact parent to discuss misbehavior and to get assistance with student. A different assigned seat may be given. This is simply a Warning. Should the first report be considered more than a minor safety or disciplinary action other consequences such as suspension could take place.
- **2nd Written Report** – Transportation Services will contact parent to discuss their student losing bus ridership privileges for 3 DAYS and the suspension will be given to start the next day unless other arrangements are made. Assigned seat will be given to student.
- **3rd Written Report** – Transportation Services will contact parent to discuss their student losing bus ridership privileges for 10 DAYS and the suspension will be given to start the next day unless other arrangements are made. Assigned seat will be given to student.
- **4th Written Report** - Transportation Services will contact parent to discuss their student losing bus ridership privileges for 30 days and the suspension will be given to start the next day unless other arrangements are made.
- **5th Written Report** - Transportation Services will contact parent and discuss their student losing bus ridership privileges for 60 days and the suspension will be given to start the next day unless other arrangements are made.
- **Major Infractions** – At any time while on school bus transportation that a student misbehaves in a manner that would be considered a major infraction, he or she will receive a **30-day bus suspension**. If a student receives two major infractions in a given school year, he or she will receive a **60-day suspension** from bus service. If a student receives a third

major infraction, a conference will be scheduled with the Director of Transportation, principal, student and parent to discuss an indefinite suspension from bus services. **Major Infractions include**, but are not limited to:

- Possessing anything from the “Prohibited Items” list
- Fighting
- Bullying
- Sexual Harassment
- Retaliation
- Vandalism
- Gang related activity
- Other inappropriate behavior outlined at the campus level that is unacceptable requiring immediate discipline actions

Whether an action constitutes a “major infraction” shall be determined by the Transportation Supervisor or Campus Administrator.

Appendices

- Appendix 5.1. Acceptable Use Agreement for Internet/Network Access
- Appendix 5.2. Signature Page – Acceptable Use Agreement for Internet/Network Access and Acknowledgement of Electronic Distribution of Student Handbook & *Student Code of Conduct*
- Appendix 5.3. Office Discipline Referral Forms – Secondary
- Appendix 5.4. Office Discipline Referral Form – Elementary
- Appendix 5.5. Glossary



Brazosport Independent School District

Student Acceptable Use Agreement (Student AUA)

For Internet/Network Access

Our staff and students use technology to learn. Technology is essential to facilitate the creative problem solving, information fluency, and collaboration that we see in today's global economy. While we want our students to be active contributors in our connected world, we also want them to be safe, legal, and responsible. This Acceptable Use Agreement (AUA) supports our vision of technology use and upholds in our users a strong sense of digital citizenship. This policy applies to all Brazosport Independent School District (BISD) computer networks (including the resources made available by them), and all devices connected to those networks.

Responsible Use and Digital Citizenship

- **Respect Yourself:** I will select online names that are appropriate, and I will be polite and use appropriate language/content in all online posts.
- **Protect Yourself:** I will not publish personal details, contact details or a schedule of activities for myself or anyone else. I understand that unless otherwise authorized, I am responsible for all activity initiated by and/or performed under these accounts. I understand that it is my responsibility to appropriately secure my account credentials. I understand that I am responsible for maintaining and backing up all my own data. If I am uncertain whether a specific computer activity is permitted or appropriate, I will ask a teacher/administrator before engaging in that activity.
- **Respect Others:** I will not use technologies to bully, threaten, or harass other people. I will not make audio or video recordings of students/employees without their prior permission. I understand that posing as someone else is forbidden and I will not pose as a user other than myself when online. I will not access, download, or modify accounts, files, or data belonging to others. I will be careful and aware when printing to avoid wasting resources and printing unnecessary items.
- **Protect Others:** I will help maintain a safe computing environment by notifying appropriate campus officials of inappropriate behavior, vulnerabilities, risks, and breaches involving campus / district technology.
- **Respect Intellectual Property:** I will suitably cite any and all use of websites, books, media, etc. I will respect all copyrights.
- **Protect Intellectual Property:** I will request to use the software and media that others produce.

The BISD Digital Citizenship and CyberSafety curriculum resources are located at www.brazosportisd.net under Parent & Student Information.

Guidelines for Appropriate Use

1. Acceptable Use

- The purpose of a BISD user account is to access the BISD network and facilitate creativity and innovation. We use this network to support communication and collaboration. We use

technology to extend research and information fluency, to collect and analyze data and to solve problems. The use of the network (including Internet) must be in support of education and research consistent with the educational goals of the BISD.

- The following practices using District wide-area networks shall be prohibited:
 - any use of computing resources for commercial purposes, product advertising, political lobbying, or political campaigning
 - any use that disrupts the educational and administrative goals of the District
 - any use of a network account by anyone but the authorized owner of the account
 - access of materials that has been deemed inappropriate for school use
- Users may not send, save, view, forward, or create harassing or offensive content/messages. Offensive material includes, but is not limited to, pornographic, obscene, or sexually explicit material, sexual comments, jokes or images that would violate school policies. The school policies against harassment and discrimination apply to the use of technology.

2. Privileges

- The use of the Internet is a privilege, not a right, and inappropriate use may result in cancellation of those privileges.
- The Chief Operations and Technology Officer, in accordance with the Superintendent and Board, will deem what constitutes inappropriate use and this decision is final. This document and any other applicable district policy, or law governs any further consequence related to inappropriate use.
- The administration, faculty, and staff of BISD may request the Chief Operations and Technology Officer to deny, revoke, or suspend specific user access. The Chief Operations and Technology Officer may suspend or revoke access at any time for inappropriate use.

3. Filtering

- No internet filtering device is 100% accurate and BISD's filter is not an exception. The District can make no guarantee that all inappropriate content will be filtered, as new internet sites and proxy servers are created every day. BISD follows all requirements of CIPA (Children's Internet Protection Act) compliance and makes every effort to protect students from harmful content.
- The Chief Operations and Technology Officer will select, implement, and maintain appropriate technology for filtering Internet sites containing material considered inappropriate or harmful to minors. All Internet access within a district site will be filtered for minors on devices with Internet access.
- The categories of material considered inappropriate and to which access will be blocked include, but are not limited to: nudity/pornography; images or descriptions of sexual acts; promotion of violence, illegal use of weapons, drug use, discrimination, or participation in hate groups; instructions for performing criminal acts (e.g., bomb making); online gambling; bullying; and social networking.
- All Google searches and YouTube videos are recorded and monitored.
- Immediately notify your teacher or a staff member if inappropriate material is accessed unintentionally.
- If you need access to a blocked appropriate site, ask your teacher to use the proper procedure to request that the site be reviewed. Only requests submitted by BISD employees will be considered for review.
- Only sites used for instructional or school business purposes will be considered for unblocking.
- BISD is not responsible for the content accessed by users who connect via their own wireless device (cell phones, air-cards, etc.).

Downloading/Streaming

- Downloading from Internet: Students shall not download or install any unapproved software on district technology devices.
- Downloading of content or music clips by students shall be monitored at all times and must be only for direct instructional purposes, and must be legal.
- Audio or Video Streaming from Internet: Students shall not access the internet for streaming (live) audio (music, etc.) or video (clips, movies, etc.) at any time, unless approved by their immediate teacher for educational purposes.

4. Security

- If you feel you can identify a security problem on the Internet, you must notify the classroom teacher immediately.
- For the security of data that may be accessible from your networked computer, you must always lock or log out of your computer when you are not sitting in front of it.
- Your password must be kept secure at all times. Do not share it with other students/people or post it in an accessible location.
- Posting of personal addresses or phone numbers of students or colleagues is prohibited.
- Posting of student pictures with full names is prohibited.
- Physical or electronic tampering with computer resources will result in cancellation of privileges and possible disciplinary action.
- Internet file sharing services, also called Peer-to-Peer Networks are strictly prohibited and violations may result in disciplinary action.
- Personal portable storage devices (jump drives, flash drives, etc.) may be attached to a district computer. Data on the personal portable storage device is subject to review, inspection and confiscation by the Chief Operations and Technology Officer or other district personnel.
- Any and all hacking on BISD equipment and applications is strictly prohibited. For the purposes of this document, hacking is defined as any attempt (whether successful or not) to access, override, and/or manipulate any and all BISD data, applications, servers, routers, switches, access points, and any other devices connected to the BISD network. An example of hacking would be the creation and / or distribution of a computer virus / spyware on the BISD network. Hacking will result in disciplinary action (which may include cancellation of privileges) and prosecution to the fullest extent of the law.

Government Laws

Technology is to be utilized in conformity with laws of the United States and State of Texas. Violations include, but are not limited to, the following:

1. Criminal Acts – These include, but are not limited to:
 - Unauthorized tampering
 - Harassing email
 - Cyberstalking
 - Child pornography
 - Vandalism
 - Cyberbullying
2. Libel Laws – You may not publicly defame people through published material.
3. Copyright Violations – Copying, selling, or distributing copyrighted material without the express

written permission of the author or publisher (users should assume that all materials available on the Internet are protected by copyright), and/or engaging in plagiarism.

Google Apps and Other Third Party Accounts

In accordance with our district mission, goals and vision for technology, our students may require accounts in third party systems. Many of these accounts will be used at school for school related projects but may also be accessed outside of school with their parents' permission. The use of these accounts will help our students to master effective and proper online communications as required in the PreK-12 Technology Applications Standards.

COPPA Consent

In order for BISD to continue to be able to provide your student with the most effective web-based tools and applications for learning, we need to abide by federal regulations that require a parental signature as outlined below.

BISD utilizes several computer software applications and web-based services, operated not by BISD, but by third parties. These include Google Apps for Education, and similar educational programs.

In order for our students to use these programs and services, certain personal identifying information, generally the student's name and email address must be provided to the web site operator. Under federal law, these websites must provide parental notification and obtain parental consent before collecting personal information from children under the age of 13.

The law permits schools such as BISD to consent to the collection of personal information on behalf of all of its students, thereby eliminating the need for individual parental consent given directly to the web site operator.

Your approval of the Acceptable Use Agreement will constitute consent for BISD to provide personal identifying information for your child consisting of first name, last name, email address and username to Google Apps for Education and to the operators of any additional web-based educational programs and services which BISD may add during the upcoming academic year.

Please be advised that without approval of the Acceptable Use Agreement, your enrollment package will not be considered complete as BISD will be unable to provide your student (s) with the resources, teaching and curriculum offered by our EmpowerEd (1:1) Program.

Limitation of Liability

The District makes no warranties of any kind, either expressed or implied, that the functions or the services provided by or through the District system will be error-free or without defect. The District will not be responsible for any damage users may suffer, including but not limited to, data loss or interruptions of service. The District is not responsible for the accuracy or quality of the information obtained through or stored on the system. The District shall not be liable for the user's inappropriate use of the District's technology resources or violations of copyright restrictions, users' mistakes or negligence, or cost incurred by users. Users will indemnify and hold the department and its respective district

harmless from any losses sustained by the department as a result of intentional misuse of the system by a user. Data contained in the District technology resource systems remain the property of BISD. Electronic mail transmissions and other use of BISD technology resource systems including Internet access and data storage shall not be considered confidential and may be monitored by authorized



individuals at any time to ensure appropriate use for educational purposes.

Consequences for Inappropriate Internet/Network Use

By signing the Acknowledgement of Electronic Distribution of Student Handbook & *Student Code of Conduct* signature page the user certifies that they understand and will abide by this Acceptable Use Agreement. If the user breaks the agreement, the consequences could include:

- Suspension of access to Internet and/or Network account;
- Disciplinary and/or legal action, in accordance with District policies and applicable laws.

The required signatures on the Internet/Network Acceptable Use Agreement signature page are legally binding and indicate the parties who signed have read the terms and conditions carefully and understand their significance.

The signature page titled 2021-2022 Acknowledgement of Electronic Distribution of Student Handbook & *Student Code of Conduct* can be found at the back of the *Student Code of Conduct* under Section VI Miscellaneous.

STUDENT-AUA REV.
4/2021

Brazosport Independent School District

2021 – 2022

ACCEPTABLE USE AGREEMENT

USER/STUDENT

I have read and will abide by the BISD Acceptable Use Agreement. I understand that the use of the District's electronic communication system is a privilege and violation of these provisions is unethical and may result in access to the system being revoked and/or disciplinary/legal action being taken.

User's Printed Name: _____

User Signature: _____ Student ID#: _____

School: _____ Grade: _____ Date: _____

PARENT OR GUARDIAN (Must be signed if the user is a minor)

As the parent or guardian of this student, I have read the BISD Acceptable Use Agreement and agree to promote its provisions with my child. I recognize it is impossible for the school district to restrict access to all controversial materials. I further understand that the use of the District's electronic communication system is a privilege and violation of these provisions is unethical and may result in access to the system being revoked and / or disciplinary/legal action being taken.

Signature of parent or guardian: _____ Date: _____

ACKNOWLEDGEMENT OF ELECTRONIC DISTRIBUTION OF STUDENT HANDBOOK & STUDENT CODE OF CONDUCT

We accept responsibility for accessing the Student Handbook and the **Student Code of Conduct** by visiting the Web address at www.brazosportisd.net. We understand that hard copies of the Student Handbook and the **Student Code of Conduct** are available at all Principal offices on each BISD campus if access to the web is not an option.

I understand that the handbook contains information that my child and I may need during the school year and that all students will be held accountable for their behavior and will be subject to the disciplinary consequences outlined in the **Student Code of Conduct**. If I have any questions regarding this handbook or the Code of Conduct, I should direct those questions to the principal at my home campus.

Failure to sign and return this form does not exempt me/us from compliance with laws, policies, rules and regulations of the State of Texas and of Brazosport Independent School District.

Student Name (Please Print)	Grade	Campus
Parent/Guardian Signature	Date	
Student Signature	Date	

Please sign and return this form to your student's school. Thank you.



Brazosport Independent School District Secondary ~ Office Discipline Referral Form

STUDENT NAME: _____ GRADE: _____ DATE OF INCIDENT: _____ PERIOD: _____
 INCIDENT LOCATION: _____ TIME: _____ : _____ AM / PM REFERRING TEACHER: _____

To Be Completed By Referring Teacher

**For Level 1 & 2 Offenses,
Teacher Actions/Date:**

Warning _____
 Student Conference _____
 Parent Phone Call _____
 Parent Letter _____
 Parent Conference _____
 AM Detention _____
 PM Detention _____
 Sent to Office _____
 Other _____

Incident Description:

Teacher Signature: _____ Date: _____

To Be Completed By Administrator

**Refer to Discipline Chart
to Complete the
Following Information:**

Reason Code: _____
 Action Code: _____
 SWIS Code: _____
If Applicable:
 Second SWIS Code: _____
 Second Action Code: _____
 Third Action Code: _____

Action Taken

(Circle/Fill in Blanks for All That Apply)

Detention ~ AM PM Lunch Extended Sat Date(s) _____ Date(s) _____
 School Service ~ # of Days _____ Date(s) _____
 In-School Suspension ~ # of Days _____ Date(s) _____
 Out-of-School Suspension ~ # of Days _____ Date(s) _____
 DAEP Assignment ~ # of Days _____ Date(s) _____
 Conference Date/Time: _____
 Expulsion ~ _____ Date(s) _____
 Expel - JJAEP _____ Date(s) _____
 Expel - Other: _____ Date(s) _____
 Conference Date/Time: _____
 Other ~ _____

Student Code of Conduct Level: 1 2 3 4 5 6

Administrator Comments

Admin. Signature: _____ Date: _____

For Clerks Use Only:

Student ID # _____
 Date Entered: _____
 Incident # _____

Pending: Parent Notification Method:

() Discipline Conference () Personal Contact () Discipline Letter
 () ARD / 504 () This Form () Certified Mail
 () Due Process Hearing () Phone: _____
 () Reassignment
 () Other _____

Parent Signature: _____ Date: _____

Revised 6/10/15

Distribution: WHITE - OFFICE YELLOW - TEACHER PINK - STUDENT/PARENT



Brazosport Independent School District Elementary ~ Office Discipline Referral Form

STUDENT NAME: _____ GRADE: _____ DATE OF INCIDENT: _____
INCIDENT LOCATION: _____ TIME: _____ : _____ AM / PM REFERRING TEACHER: _____

To Be Completed By Referring Teacher

For Level 1 & 2 Offenses, Teacher Actions/Date: Warning _____ Student Conference _____ Loss of Recess/Fun Friday _____ Conduct Marks in Folder _____ Parent Phone Call _____ Parent Conference _____ Parent Letter _____ Detention _____ Individual Behavior Plan _____ Other _____	Perceived Motivation: Obtain Peer Attention _____ Obtain Adult Attention _____ Obtain Item/Activities _____ Avoid Peer(s) _____ Avoid Adult _____ Avoid Tasks/Activities _____ Unknown _____ Other: _____	Incident Description: _____ _____ _____ _____ _____ _____ _____ Teacher Signature: _____ Date: _____
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To Be Completed By Administrator

Refer to Discipline Chart to Complete the Following Information: Reason Code: _____ Action Code: _____ SWIS Code: _____ If Applicable: Second SWIS Code: _____ Second Action Code: _____ Third Action Code: _____	Action Taken <i>(Circle/Fill in Blanks for All That Apply)</i> Reflection Paper Detention ~ AM PM Lunch Extended Sat Date(s) _____ School Service ~ # of Days _____ Date(s) _____ In-School Suspension ~ # of Days _____ Date(s) _____ Out-of-School Suspension ~ # of Days _____ Date(s) _____ Project GROW Assignment ~ # of Days _____ Date(s) _____ Conference Date/Time: _____ Other ~ _____	Student Code of Conduct Level: 1 2 3 4 5 6 Administrator Comments _____ _____ _____ _____ Admin. Signature: _____ Date: _____
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For Clerks Use Only: Student ID # _____ Date Entered: _____ Incident # _____	Parent Notification Method: <input type="checkbox"/> Discipline Letter <input type="checkbox"/> Personal Contact <input type="checkbox"/> This Form <input type="checkbox"/> Certified Mail <input type="checkbox"/> Phone: _____ Parent Signature: _____ Date: _____
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Distribution: WHITE – OFFICE YELLOW – TEACHER PINK – STUDENT/PARENT Revised 6/15/15



GLOSSARY

ACCEPTABLE USERS AGREEMENT (AUA): A written document reviewing terms and conditions for using the Brazosport Independent School District's network and, specifically, the Internet.

ADMISSION, REVIEW, and DISMISSAL (ARD) COMMITTEE: The ARD is a committee made up of school staff and parents that address the admittance into special education; review the program (IEP- Individual Education Plan) that is in place; or dismiss the student from special education services. An ARD meeting may be requested by a parent or school staff member when needed. There is an annual ARD meeting held yearly to determine the new IEP and courses or related services the student will need for the upcoming year. The parent is an active member of the ARD meeting. The student may participate in the meeting when it is appropriate.

ARMOR-PIERCING AMMUNITION: Defined by Penal Code 46.01 as handgun ammunition used in pistols and revolvers and designed primarily for the purpose of penetrating metal or body armor.

ASSAULT: Defined in Penal Code 22.01 as (1) intentionally, knowingly, or recklessly causing bodily injury to another person; (2) intentionally or knowingly threatening another with imminent bodily harm, or placing another in fear of imminent bodily harm; or (3) intentionally or knowingly causing physical contact with another when the student knows or should reasonably believe that the other will regard the contact as offensive or provocative.

ATTENDANCE COMMITTEE: Each campus will have one or more Attendance Committee(s) composed of three to five members designated by the principal. A majority of the Attendance Committee shall be classroom teachers. The Attendance Committee hears the appeal of a student whose attendance has dropped below 90% of the days the class is offered. The Attendance Committee may give class credit to a student because of extenuating circumstances if the student is passing the class. The Attendance Committee may deny credit. The student may appeal the decision of the Attendance Committee to the Board.

BOARD: The Brazosport Independent School District is governed by a Board of Trustees who, as a body, coordinates and oversees the management of the District. All references to the Board means Brazosport Independent School District Board of Trustees.

BULLYING: Conduct is considered bullying when a single significant act or a pattern of acts by one or more students directed at another student exploits an imbalance of power and involves engaging in written or verbal expression, expression through electronic means, or physical conduct that:

1. 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. 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; or
3. occurs off school property or outside of a school-sponsored or school-related activity if it constitutes cyberbullying that: (A) interferes with a student's educational opportunities; or (B) substantially disrupts the orderly operation of a classroom, school, or school-sponsored or school-related activity.

And that:

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, or pervasive enough that the action or threat creates an intimidating, threatening, or abusive educational environment for a student.
 3. Materially and substantially disrupts the education's process or the orderly operation of a classroom or school; or
 4. Infringes on the rights of the victim at school.
- See* TEX. EDUC. CODE § 37.0832.
See [Bullying Checklist for Schools](#).

CAMPUS BEHAVIOR COORDINATOR: In BISD, the Assistant Principal at each campus is designated as the campus behavior coordinator. Where there is no Assistant Principal, the Principal is designated as the campus behavior coordinator, unless otherwise designated. The primary responsibility of the campus behavior coordinator is maintaining student discipline and the implementation of Chapter 37. The campus behavior coordinator also has the responsibility of promptly notifying a student's parent in person or by telephone if their child is placed into in-school or out-of-school suspension, placed in a disciplinary alternative education program, or is taken into custody by a law enforcement officer. They will also 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. If a parent 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, the campus behavior coordinator shall mail written notice of the action to the parent at the parent's last known address. If the campus behavior coordinator is unable or not available to promptly provide notice, the Principal or other designee shall provide the notice.

CAMPUS EDUCATIONAL IMPROVEMENT COMMITTEE (CEIC): The campus level site-based decision-making committee includes campus based professional staff, parents, community members, business representatives, and students. The principal, with the assistance of the campus site-based decision-making committee develops, reviews, and revises the campus improvement plan. A component of the campus improvement plan is discipline management. This committee may be called by various names, example, school renewal team, Campus Improvement, etc.

CANINE UNIT: The District is authorized by the Board Policy (FNF) to use dogs to sniff for drugs and firearms. The District's use of dogs is to minimize unlawful drugs and firearms being brought to campus.

CHEATING AND/OR PLAGIARISM: Giving or receiving information or help on a test; possession of any unauthorized material during a test; copying another student's assignment or knowingly allowing another unauthorized student to copy from his/her assignment; working with others on a project that is meant to be done individually; unauthorized possession of test or quiz questions and/or answer sheets; completing an assignment, test or quiz on behalf of another student; submitting duplicate work; having someone else complete an assignment, test, or quiz on behalf of the student, accessing a teacher edition, or other examples of academic dishonesty. Using electronic devices to send or receive information as described above is also classified as cheating. Plagiarism, the use of another's ideas or products as one's own, shall also be defined as cheating. Plagiarism is any failure to give credit for information found and used. It may involve word-for-word copying, paraphrasing, or simply using ideas and information.

CLASS REASSIGNMENT: Class reassignment is the removal of a student from his/her assigned classroom to another class on the same campus for serious or persistent misbehavior or illegal act. To the



extent possible, the student should continue to receive instruction in the courses he/she was enrolled in when the removal became effective.

COMPLAINANT: For purposes of Title IX, a “Complainant” is an individual who is alleged to be the victim of conduct that could constitute sexual harassment. Where the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not a complainant or otherwise a party during a grievance process, and must comply with requirements for all Title IX personnel to be free from conflicts and bias.

CONFERENCE: A procedure in which the student shall be advised of the conduct with which he or she is charged. The student shall be given an opportunity to explain his or her version of the incident.

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

CRIMINAL STREET GANG: Defined by Penal Code 71.01 as three or more persons having a common identifying sign or symbol or an identifiable leadership who continuously or regularly associate in the commission of criminal activities.

CYBERBULLYING: Bullying that is done through the use of any electronic communication device, including through the use of a cellular or other type of telephone, a computer, a camera, electronic mail, instant messaging, text messaging, a social media application, an Internet website, or any other Internet-based communication tool. *See* TEX. EDUC. CODE § 37.0832.

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

DATING VIOLENCE: Occurs when a person in a current or past dating relationship uses physical, sexual, verbal, or emotional abuse to harm, threaten, intimidate, or control another person, in the relationship. Dating violence also occurs when a person commits these acts against a person in a marriage or dating relationship with the individual who is or was once in a marriage or dating relationship with the person committing the offense, as defined by Section 71.0021 of the Family Code.

Examples of dating violence against a student may include physical or sexual assaults; name-calling; put-downs; or threats directed at the student, the student’s family members, or members of the student’s household. Additional examples may include destroying property belonging to the student, threatening to commit suicide or homicide if the student ends the relationship, attempting to isolate the student from friends and family, stalking, threatening a student’s spouse or current dating partner, or encouraging others to engage in these behaviors. (See “Harassment” and/or “Sexual Harassment” for related information.)

DAYS: Unless otherwise noted, days shall mean school days.

DEADLY CONDUCT: Under Penal Code 22.05 deadly conduct occurs when a person recklessly engages in conduct that places another in imminent danger of serious bodily injury, such as knowingly discharging a firearm in the direction of an individual, habitation, building, or vehicle.

DEFERRED ADJUDICATION: An alternative to seeking a conviction in court that may be offered to a juvenile for delinquent conduct or conduct indicating a need for supervision.

DEFERRED PROSECUTION: May be offered to a juvenile as an alternative to seeking a conviction in court for delinquent conduct or conduct indicating a need for supervision.

DELINQUENT CONDUCT: Conduct that violates either state or federal law and is punishable by imprisonment or confinement in jail. It includes conduct that violates certain juvenile court orders, including probation orders, but does not include violations of traffic laws.

DETENTION: Detention Hall is an on-campus setting designed for deprivation of a student's personal time as a disciplinary response. The school has the option of holding detention hall before or after school or on Saturday morning.

DISCIPLINE MANAGEMENT TECHNIQUE: Any action at the campus level, taken by a teacher or administrator, which is intended to promote proper behavior and/or discourage misconduct other than expulsion or removal to a Disciplinary Alternative Education Program, including, but not limited to, student-teacher conferences, suspension of extracurricular activities, detention or in-school suspension or out of school suspension. No hearing is required prior to the use of any discipline management technique listed.

DISCIPLINE VIOLATION: A discipline violation includes the planning of or conspiring to commit an offense and/or commission of an offense.

DISCRETIONARY: Something that is left to or regulated by a local decision maker.

DISTRICT DISCIPLINARY ALTERNATIVE EDUCATION PROGRAM: A supervised educational setting for students who violate the *Student Code of Conduct* or commit serious or illegal acts under such code or the penal code. Disciplinary Alternative Education Programs include:

- On Campus In-School Suspension
- Off Campus Project G.R.O.W. (Grades 3 – 4)
 Secondary Disciplinary Alternative Education Program
 Brazoria County Juvenile Justice Alternative Education Program

Also, a student may be removed from class and placed in an alternative school by the principal or assistant principal under the supervision of the Superintendent for conduct outside of school and off school property. The student will be placed in an alternative school when it is reasonably believed the student's presence in the regular classroom program or at the home campus presents a danger of physical harm to the student or to other individuals.

Students enrolled at the Lighthouse Learning Center will adhere to an established standardized code of dress.

The disciplinary alternative education program provides for students' core academic courses. The principal determines the length of assignment.



Student eligibility for Successful Outcomes Program at the Lighthouse Learning Center will be determined by campus principal at the time of assignment.

DOMESTIC VIOLENCE: Includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

E-CIGARETTE: E-cigarette means an electronic cigarette or any 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 includes any device that is manufactured, distributed, or sold as an e-cigarette, e-cigar, or e-pipe or under another product name or description and a component, part, or accessory for the device, regardless of whether the component, part, or accessory is sold separately from the device. The term also includes a consumable liquid solution or other material aerosolized or vaporized during the use of an e-cigarette or other similar device. Texas Health & Safety Code § 161.081.

EDUCATION PROGRAM OR ACTIVITY: The District must respond when sexual harassment occurs in the school's education program or activity, against a person in the United States. Education program or activity includes any location, event, or circumstance over which the District exhibits substantial control over both the alleged harasser and the context in which the harassment occurred. 34 C.F.R. § 106.44(a).

ELEMENTARY SCHOOLS: For the purpose of reference in the *Student Code of Conduct* the following schools in the Brazosport Independent School District are elementary schools: Stephen F. Austin, A. P. Beutel, Bess Brannen, Freeport, Madge Griffith, Elisabet Ney, T. W. Ogg, Gladys Polk, O. M. Roberts, and Velasco.

EXPLOSIVE WEAPON: Any explosive or incendiary bomb, grenade, rocket, or mine and its delivery mechanism that is designed, made, or adapted for the purpose of inflicting serious bodily injury, death, or substantial property damage, or for the principal purpose of causing such a loud report as to cause undue public alarm or terror.

EXPULSION HEARING: A procedure in which the student shall be advised of the conduct with which he or she is charged that is resulting in a long-term removal from Brazosport campuses. At this hearing, the student shall be provided appropriate due process as required by the federal constitution, and which the student's parent or guardian is invited, in writing, to attend. The student is entitled to:

1. representation by the student's parent or another adult who can provide guidance to the student and who is not an employee of the district;
2. an opportunity to testify and to present evidence and witnesses in the student's defense; and
3. an opportunity to question the district's witnesses called by the district at the hearing.

FALSE ALARM OR REPORT: Under Penal Code 42.06, a person commits an offense if he knowingly initiates, communicates or circulates a report of a present, past, or future bombing, fire, offense, or other emergency that he knows is false or baseless and that would ordinarily:

1. cause action by an official or volunteer agency organized to deal with emergencies;
2. place a person in fear of imminent serious bodily injury; or

3. prevent or interrupt the occupation of a building, room, place of assembly.

FIGHTING: Fighting is defined as mutual combat between two or more students using blows of force to overcome the other student(s).

FIREARM: Defined by federal law (18 U.S.C. § 921(a)) as:

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

Such term does not include an antique firearm.

FORMAL COMPLAINT: For purposes of Title IX, is a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the school investigate the allegation of sexual harassment. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of the district with which the formal complaint is filed.

GENDER-BASED HARASSMENT: Includes physical, verbal, or nonverbal conduct based on the student's gender, the student's expression of characteristics perceived as stereotypical for the student's gender, or the student's failure to conform to stereotypical notions of masculinity or femininity. Gender-based harassment can occur regardless of the student's or the harasser's actual or perceived sexual orientation or gender identity. Examples of gender-based harassment may include offensive jokes, name-calling, slurs, or rumors; cyber-harassment; physical aggression or assault; threatening or intimidating conduct; or other kinds of aggressive conduct such as theft or damage to property.

GRAFFITI: Markings with paint, an indelible pen or marker, or an etching or engraving device on tangible property without the effective consent of the owner. The markings may include inscriptions, slogans, drawings, or paintings.

HANDGUN: Any firearm that is designed, made, or adapted to be fired with one hand. Penal Code 46.01.

HARASSMENT: Includes:

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

- c) Conveying, in a manner reasonably likely to alarm the person receiving the report, a false report, which is known by the conveyor to be false, that another person has suffered death or serious bodily injury; and
- d) Sending repeated electronic communications in a manner reasonably likely to harass, annoy, alarm, abuse, torment, embarrass, or offend another.

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

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

HIT LIST: A list of people targeted to be harmed, using a firearm, a knife, or any other object to be used with intent to cause bodily harm.

IMPROVISED EXPLOSIVE DEVICES: A completed and operational bomb designed to cause serious bodily injury, death, or substantial property damage that is made in an improvised manner using nonmilitary components. Penal Code §§ 46.05(a), (e); 46.01(18).

INDECENT EXPOSURE: Defined by Penal Code 21.08 as an offense that occurs when a person exposes the person's anus or any part of the person's genitals with intent to arouse or gratify the sexual desire of any person, and is reckless about whether another is present who will be offended or alarmed by the act.

IN-SCHOOL SUSPENSION: A special classroom designated as the in-school suspension room where an instructional aide is always on duty. In this setting, the student receives assignments/instruction in each course to the extent possible, with little or no opportunity for social interaction with peers. The principal or assistant principal under the supervision of the Superintendent determines the length of assignment.

INTIMATE VISUAL MATERIAL: Visual material that depicts a person: (A) with the person's intimate parts exposed; or (B) engaged in sexual conduct. "Visual material" means any film, photograph, video tape, negative, or slide of any photographic reproduction or any other physical medium that allows an image to be displayed on a computer or other video screen and any image transmitted to a computer or other video screen.

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.

LEAVING CAMPUS: After arriving on campus, students are not permitted to leave without administrative approval. Students are **REQUIRED** to go to the office so parents can be notified of the student’s intent to leave campus. Leaving campus without permission may result in disciplinary action.

LOCATION-RESTRICTED KNIFE: A knife with a blade over five and one-half inches.

LOOK-ALIKE WEAPON: An item that resembles a weapon but is not intended to be used to cause serious bodily injury.

METAL DETECTORS: The District is authorized by the Board to use metal detectors to screen for weapons and other contraband. The District’s use of metal detectors is to minimize the risk of weapons on campus and is determined to be a desirable technique for campus security. No student, employee or visitor should be subject to the dangers inherent in a knife, firearm or other weapon being carried onto the campus by another person. Metal detectors may be used during school hours and upon entering buildings for extracurricular activities.

MULTI-TIERED SYSTEMS OF SUPPORT (MTSS): A continuum of tiered interventions with increasing levels of intensity and duration used to provide interventions or supports a student needs to be academically or behaviorally successful.

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

PARENT: The term, “Parent,” means a parent, a legal guardian, or other person having lawful control of the child in accordance with Section 26.002 of the Texas Education Code.

PERSISTENT: Two or more violations of the *Student Code of Conduct*, in general or repeated occurrences of the same violation.

PLACEMENT REVIEW COMMITTEE: Campus must have a three-member committee of two teachers and one other campus professional staff member that determines the placement of a student that a teacher has removed from his or her classroom. The Placement Review Committee also makes recommendation regarding the proper placement of students returning after an expulsion. A Placement Review Committee placement determination regarding a student with a disability receiving special education services is subject to the requirements of the I.D.E.I.A federal law and any all applicable federal regulations, state statutes and agency requirements.

POSITIVE BEHAVIOR INTERVENTIONS & SUPPORTS (PBIS): An evidence-based framework that emphasizes the need for school staff to teach, model, and reinforce appropriate behaviors while maintaining high expectations. Within the framework, it utilizes a multi-tiered system of supports and upholds the value of creating a safe learning environment.

POSSESSION: To have an item on one’s person or in one’s personal property, including, but not limited to, clothing, purse, or backpack; a private vehicle used for transportation to or from school or school-related activities, including, but not limited, to an automobile, truck, motorcycle, or bicycle; telecommunications or electronic devices; or any school property used by the student, including, but not limited to, a locker or desk. A prohibited item found or observed on the student’s person, in the student’s locker, vehicle, clothing, or belongings will be presumed to be in the student’s possession. There may be more than one person in possession of a prohibited item. As an example, a prohibited item found in a



vehicle with more than one student will be presumed to be in the possession of all students present when circumstances indicate knowledge of the prohibited items and have or may exercise care, custody, control, or management of the prohibited item.

PRINCIPAL: Principal includes the chief campus administrator and the assistant principal(s).

PROGRESSIVE DISCIPLINE: The system of discipline infractions and consequences that are leveled in Levels I, II, III, IV, V and VI. Level I include the least serious offenses, while Level VI is the most serious level of offense, with serious consequences. Under progressive discipline, a student who repeatedly violates a lower level of discipline rules without changing their undesirable behavior may automatically progress to a more serious level of consequence.

PROHIBITED ITEMS: In addition to weapons prohibited by the Penal Code 46.05(a), students shall not possess fireworks of any kind, smoke bombs, or any other pyrotechnic device; razors, box cutters, chains, or any other object used in a way that threatens or inflicts bodily injury to another person, or that the principal or designee determines presents a danger to any student, District employee, or District property by virtue of possession or use of the object; a “look-alike” weapon that is intended to be used as a weapon or could reasonably be perceived as a weapon; a location-restricted knife; a pocketknife or any other small knife; an air gun or BB gun; ammunition; a hand instrument designed to cut or stab another by being thrown; knuckles; a club; and a firearm. Any violation of this policy shall result in disciplinary action deemed appropriate by the principal.

PROHIBITED WEAPON: Under Penal Code 46.05(a), means:

1. The following items, unless registered with the U.S. Bureau of Alcohol, Tobacco, Firearms, and Explosives or otherwise not subject to that registration requirement or unless the item is classified as a curio or relic by the U.S. Department of Justice:
 - An explosive weapon;
 - A machine gun;
 - A short-barrel firearm;
2. Armor-piercing ammunition;
3. A chemical dispensing device;
4. A zip gun;
5. A tire deflation device; or
6. An improvised explosive device.

PROJECT G.R.O.W. (Elementary Disciplinary Alternative Education Program): This program is designed to help students reach their full potential by providing a consistent and highly structured alternative instructional environment. A Project G.R.O.W. team from the home campus determines placement. Individual and group counseling are recommended for both student and parents. Family counseling is also recommended. Academic and social skills instruction will be regular curriculum benefits. Grades will be assigned based on regular classroom expectations.

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

RESPONDENT: For purposes of Title IX, a “Respondent” is an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

RESTORATIVE PRACTICES: A relational approach to building school climate and addressing student behavior that fosters accountability, community safety, and skill development. Applications include restorative circles, restorative chats, and victim-offender mediation.

ROBBERY: Taking property of another from his/her person or his/her immediate presence; against his/her will; by violence or threat of violence.

SATURDAY MORNING DETENTION HALL: A discipline management technique requiring students to attend school on Saturday.

SCHOOL SERVICE: Assignment to complete simple and safe tasks that benefits the school. Tasks may include wiping tables, sorting materials, or collecting trash from the school grounds.

SECONDARY SCHOOLS: For the purpose of reference in the *Student Code of Conduct*, the following schools are secondary schools: Lanier Middle School, Rasco Middle School, Clute Intermediate School, Freeport Intermediate School, Lake Jackson Intermediate School, Brazosport High School, Brazoswood High School, Brazos Success Academy and Lighthouse Learning Center.

SELF DEFENSE: The use of force against another to the degree a person reasonably believes the force is immediately necessary to protect himself or herself.

SERIOUS MISBEHAVIOR: All behavior that violates the Student Code of Conduct and results in a permissive or mandatory removal to a DAEP is considered serious misbehavior. Serious misbehavior also includes:

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

SERIOUS OR PERSISTENT MISBEHAVIOR: Includes but is not limited to:

- Behavior that is grounds for permissible expulsion or mandatory DAEP placement
- Behavior identified by the district as grounds for discretionary DAEP placement
- Actions of demonstrations that substantially disrupt or materially interfere with school activities
- Insubordination
- Profanity, vulgar language, or obscene gestures
- Leaving school grounds without permission
- Falsification of records, passes, or other school-related documents
- Refusal to accept discipline assigned by the teacher or principal

SEXTING: Using a cell phone, iPad, or any other type of communication device to send text or email or video messages or electronic transmissions or possessing text or email or video messages or electronic transmissions containing images reasonably interpreted as indecent or sexually suggestive or depicting sexual conduct or meeting the definitions or elements of any aspect of [Penal Code § 43.261](#) while at school or at a school related function. In addition to any disciplinary action, phones and other communication devices may be confiscated and/or searched if the school official has reason to suspect that a search of the device will discover evidence of wrongdoing. Any images suspected to violate criminal laws will be referred to law enforcement authorities.

SEXUAL ASSAULT: An offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.

SEXUAL HARASSMENT: For purposes of Title IX and this Student Code of Conduct is defined as conduct on the basis of sex that satisfies one or more of the following:

- An employee of the District conditioning the provisions of an aid, benefit, or service of the District on an individual's participation in unwelcome sexual conduct (i.e., *quid pro quo* sexual harassment)
- Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient's education program or activity; or
- "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(10), or "stalking" as defined in 34 U.S.C. 12291(a)(30).

Examples of sexual harassment of a student may include sexual advances; touching intimate body parts or coercing physical contact that is sexual in nature; jokes or conversations of a sexual nature; and other sexually motivated conduct, communications, or contact.

SHORT-BARREL FIREARM: By Penal Code 46.01 is a rifle with a barrel length of less than 16 inches or a shotgun with a barrel length of less than 18 inches, or any weapon made from a rifle or shotgun that, as altered, has an overall length of less than 26 inches.

STALKING: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to (1) fear for his or her safety or the safety of others; or (2) suffer from emotional distress. 34 U.S.C. 12291(a)(30).

STEALING/THEFT: Being in possession of, having passed on, or being responsible for removing someone else's property without permission or acknowledgment.

SUPERINTENDENT'S DESIGNATED PANEL: The Superintendent or designee appoints a panel of three administrators and designates a chairperson for the panel. The panel is appointed for the purpose of hearing appeals of school-level decisions.

SUSPENSION: Except as provided by Texas Education Code § 37.005(c), the principal may suspend a student who engages in conduct for which the student may be placed in a disciplinary alternative education program. While in-school suspensions are removal to a specific location on the campus, out-of-school suspensions deny the student access to the campus. Each suspension may not exceed three days.

TERRORISTIC THREAT: A person commits an offense, as defined by Penal Code 22.07, if he threatens to commit any offense involving violence to any person or property with the intent to:

1. cause a reaction of any type to his threat by an official or volunteer agency organized to deal with emergencies;
2. place any person in fear of imminent serious bodily injury;
3. prevent or interrupt the occupation or use of a building; room; place of assembly; place to which the public has access; place of employment or occupation; aircraft, automobile, or other form of conveyance; or other public place;
4. cause impairment or interruption of public communications, public transportation, public water, gas, or power supply or other public service;
5. place the public or a substantial group of the public in fear of serious bodily injury; or
6. Influence the conduct or activities of a branch or agency of the federal government, the state, or a political subdivision of the state (including the district).

TIRE DEFLATION DEVICE: Defined in part by Penal Code 46.01 as a device, including a caltrop or spike strip, that, when driven over, impedes or stops the movement of a wheeled vehicle by puncturing one or more of the vehicle's tires.

TITLE 5 FELONIES: Crimes listed in Title 5 of the Penal Code that typically involve injury to a person and may include:

- murder, manslaughter, or homicide (19.02-19.05);
- kidnapping (20.03);
- trafficking of persons (20A.02);
- smuggling or continuous smuggling of persons (20.05-06);
- assault (22.01); aggravated assault (22.02);
- sexual assault (22.011);
- aggravated sexual assault (22.012);
- unlawful restraint (20.02);
- continuous sexual abuse of a young child or a disabled individual (21.02);
- bestiality (21.09);
- improper relationship between educator and student (21.12);
- voyeurism (21.17),
- indecency with a child (21.11),
- invasive visual recording (21.15),
- disclosure or promotion of intimate visual material (21.16);
- sexual coercion (21.18);
- injury to a child, elderly individual, or disabled individual (22.04);
- abandoning or endangering child (22.041);
- deadly conduct (22.05);
- terroristic threat (22.07);
- aiding a person to commit suicide (22.08); and
- tampering with consumer product (22.09).

TITLE IX RETALIATION: Against a person because the person has made a report or complaint of sexual harassment, sexual assault, dating violence, domestic violence, or stalking or because the person has testified, assisted, or participated or refused to participate in any manner in an investigation,

proceeding, or hearing regarding reported sexual harassment, sexual assault, dating violence, domestic violence, or stalking is prohibited. Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX constitute retaliation. 34 C.F.R. 106.71. The exercise of rights protected under the First Amendment to the U.S. Constitution does not constitute retaliation. Complaints of Title IX retaliation may be addressed under the Title IX formal complaint process.

Examples of retaliation may include threats, intimidation, coercion, rumor spreading, ostracism, assault, destruction of property, unjustified punishments, or unwarranted grade reductions. Unlawful retaliation does not include petty slights or annoyances. [34 C.F.R. § 106.71]

UNDER THE INFLUENCE: Lacking the normal use of mental or physical faculties. Impairment of a person’s physical or mental faculties may be evidenced by a pattern of abnormal or erratic behavior, the presence of physical symptoms of drug or alcohol use, or by admission. A student “under the influence” need not be legally intoxicated to trigger disciplinary action. The following list contains examples of indicators of possible drug or alcohol use, but is not inclusive:

1. While walking or standing, the person may stumble, stagger, fall, or be unsteady;
2. The person’s speech may be incoherent, rambling, slurred, inappropriately loud or shouting in tone of voice. Conversely, the person may be silent when it is inappropriate to be so;
3. The person’s actions may be marked by profanity, fighting, extreme hostility, overly aggressive behavior, sleepiness, or crying;
4. The person’s eyes may have dilated pupils, constricted pupils, may be bloodshot or red, or may be glassy;
5. The person may smell like alcohol or like an illicit drug, such as marijuana; or
6. There may be physical evidence of alcohol or drug use, such as a bottle, pills, and/or drug paraphernalia.

When a student shows signs of being under the influence of drugs, alcohol, **any** substance taken in amounts in excess of the recommended dosage, or any substance used in a manner other than recommended, the campus nurse and/or other trained professionals will complete a screening assessment to rule out the possibility of the student being under the influence. If the student refuses to have the assessment conducted, the response will be treated as though the student was under the influence. If observations are sufficient, police will be called to determine if a criminal violation exists. A criminal violation does not need to exist in order for school disciplinary actions to be assigned.

USE: Voluntarily introducing into one’s body, by any means, a prohibited substance.

ZIP GUN: Defined by Penal Code 46.01 as a device or combination of devices, not originally a firearm, but adapted to expel a projectile through a smooth-bore or rifled-bore barrel by using the energy generated by an explosion or burning substance.