

Student Code of Conduct



Harlingen Consolidated Independent School District

2011-2012

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STUDENT CODE OF CONDUCT

Purpose of the Student Code of Conduct

Education in this community represents a significant commitment of financial and human resources. The benefits a student derives from this investment depend very much on the student's attitude toward learning and the student's adherence to high standards of behavior. The Student Code of Conduct that follows is the District's specific response to requirements of Chapter 37 of the Texas Education Code. The law requires the District to define misconduct that may or must result in a range of specific disciplinary consequences. This Code is an outgrowth of collaboration among District and campus staff, parents, other community members and representatives of the county juvenile board. This Code, adopted by the Board of Trustees, provides information and direction to students and parents regarding standards of behavior as well as consequences of misconduct.

Jurisdiction of the School

A student whose behavior shows disrespect for others, including interference with their access to a public education and a safe environment, will be subject to disciplinary action.

Whenever the interest of the school is involved, whether on or off school grounds, in conjunction with or independent of classes and school-sponsored activities, school rules and the authority of the District to administer discipline apply.

The District has disciplinary authority over a student:

1. During the regular school day and while the student is going to and from school on District Transportation;
2. While the student is participating in any activity during the school day on school grounds or within 300 feet of school property as measured from any point on the school's real property boundary line;
3. While the student is in attendance at any school-related activity, regardless of time or location;
4. For any school-related misconduct, regardless of time or location;
5. When retaliation against a school employee is involved, either on or off school property;
6. When the student commits a felony, as provided by Texas Education Code 37.006 or 37.0081;
7. When criminal mischief is committed on or off school property whether or not it is at a school-related event;
8. When the student is required to register as a sex offender.

District Administrators conduct routine blanket inspections and searches of lockers and desks.

The district has the right to revoke the transfer of a nonresident student for violating the district's Student Code of Conduct.

School administrators will report crimes as required by law and will call local law enforcement when an administrator suspects that a crime has been committed on campus.

General Discipline Procedures

In general, discipline will be designed to correct the misconduct and to encourage all students to adhere to their responsibilities as citizens of the school community. Disciplinary action will draw on the professional judgment of teachers and administrators and on a range of discipline management techniques.

The district may impose campus or classroom rules in addition to those found in the Student Code of Conduct. These rules may be listed in the student handbook or posted in classrooms.

Disciplinary action will be correlated to the seriousness of the offense, the student's age and grade level, the frequency of misbehavior, the student's attitude, the effect of the misconduct on the school environment, and statutory requirements. The district will also take into consideration self-defense, intent or lack of intent at the time the student engaged in the conduct, and the student's disciplinary history as a factor in a decision to order suspension, removal to DAEP, or expulsion. Because of these factors, discipline for a particular offense (unless otherwise specified by law) may bring into consideration varying techniques and responses, in the discretion of the designated administrator.

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

Student Rules of Behavior

The following rules of behavior apply to students. These rules are categorized by level which relate to the penalty code for the violation of each rule. The penalty codes are detailed in the "Consequences" section of the Code.

Level 1

Each student is expected to:

- Demonstrate courtesy and respect for others.
- Behave in a responsible manner.
- Attend all classes, regularly and on time.
- Prepare for each class; take appropriate materials and assignments to class.
- Be well-groomed and dress appropriately.
- Obey all campus and classroom rules.
- Respect the rights and privileges of other students and of teachers and other District staff.
- Respect the property of others, including District property and facilities.
- Cooperate with or assist the school staff in maintaining safety, order, and discipline.

Level 2

Each student, on school property, or within 300 feet of school property as measured from any point on the school's real property boundary line, or while attending a school-sponsored or school-related activity on or off school property, is prohibited from:

- Defacing or damaging school property – including textbooks, lockers, furniture, and other equipment – with graffiti or by other means.

Level 2 “continued”

- Possessing fireworks of any kind, smoke or stink bombs, or any other pyrotechnic device.
- Discharging a fire extinguisher.
- Possessing or using articles not generally considered to be weapons, including school supplies, when the principal or designee determines that a danger exists.
- Making false threats, hoaxes, or accusations regarding school safety.
- Violating computer use policies, rules, or agreements signed by the student, and/or agreements signed by the student’s parent or guardian.
- Possessing or using a laser pointer for other than an approved use.
- Using the Internet to threaten students, employees, or volunteers, or cause disruption to the education program including off school property if the conduct causes a substantial disruption to the educational environment.
- Sending or posting messages that are abusive, obscene, sexually oriented, threatening, harassing, damaging to another’s reputation, or illegal.
- Threatening a district student, employee, or volunteer including off school property if the conduct causes a substantial disruption to the educational environment.
- Engaging in making a hit list.
- Possessing published or electronic material that is designed to promote or encourage illegal behavior or could threaten school safety.
- Possessing material that is pornographic.
- Violating extracurricular standards of behavior.
- Violating classroom rules previously communicated to the student by the teacher.
- Violating campus rules previously communicated to the student by the principal.
- Cheating or copying the work of another to be used at school.
- Throwing objects that can cause bodily injury or property damage.
- Leaving school grounds or school-sponsored events without permission.
- Directing profanity, vulgar language, or obscene gestures toward other students or District employees.
- Scuffling or fighting. FNCH
- Stealing from students, staff, or the school.
- Damaging or vandalizing property owned by others. FNCH
- Disobeying school rules about conduct on school buses.
- Participating in hazing FNCC
- Failing to comply with directives given by school personnel (insubordination).
- Obtaining money or another object of value from an unwilling person or forcing an individual to act through the use of force or threat of force.
- Committing or assisting in a robbery or theft that does not constitute a felony according to the Texas Penal Code. (NOTE: Felony robbery or theft offenses are addressed later in the Student Code of Conduct.)
- Engaging in bullying including intimidation by name-calling, using ethnic or racial slurs, or derogatory statements that could disrupt the school program or incite violence.
- Engaging in any misbehavior that gives school officials reasonable cause to believe that such conduct will substantially disrupt the school program or incite violence. FNCH
- Engaging in inappropriate verbal, physical, or sexual contact directed toward another student or District employee. FNCH
- Engaging in conduct that constitutes sexual harassment or sexual abuse whether the conduct is by word, gesture, or any other sexual conduct, including requests for sexual favors directed toward another student or District employee or volunteer. FNCH
- Engaging in harassment motivated by race, color, religion, national origin, disability, or age and directed toward another student or District employee.

Level 2 “continued”

- Possessing or using matches or a lighter.
- Possessing, smoking, or using tobacco products. FNCD
- Possessing or selling look-alike drugs or items attempted to be passed off as drugs and contraband.
- Using a paging device or cellular telephone. FNCE
- Possessing air guns, BB guns or CO₂ guns.
- Possessing ammunition.
- Behaving in any way that disrupts the school environment or educational process. FNCI
- Violating safety rules.
- Engage in conduct that constitutes dating violence including the intentional use of physical, sexual, verbal, or emotional abuse or harm, threaten, intimidate, or control another person with whom the student has or has had a dating relationship.
- Record the voice or image of another without prior consent of the individuals being recorded or in any way that disrupts the educational environment or invades the privacy of others.
- Violating dress and grooming standards.
- Repeatedly violating other communicated campus or classroom standards of behavior.
- Engaging in persistent misbehavior.
- Abusing the student’s own prescription drug, giving a prescription drug to another student, or being under the influence of another person’s prescription drug on school property or at a school-related event.
- Violating the District’s policy on taking prescription drugs and over-the-counter drugs at school.
- Possessing published or electronic material that is designed to promote or encourage illegal behavior or could threaten school safety, using e-mail or Web sites at school to encourage illegal behavior, or threatening school safety.
- Abusing over-the-counter drugs.

Level 3-A

Students may be placed in an Disciplinary Alternative Education Program for:

- Engaging in behavior which a teacher has documented 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.
- Engaging in behavior which a teacher determines is so unruly, disruptive, or abusive that it seriously interferes with the teacher's ability to communicate effectively with the students in a class, with the ability of the student's classmates to learn or with the operation of school or a school-sponsored activity.
- Being involved in a public school fraternity, sorority, secret society or gang including participating as a member or pledge, or soliciting another person to become a pledge or member of a public school fraternity, sorority, secret society or gang. FMC
- Engaging in behavior where 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.
- (off-campus felonies) Engaging in conduct that the superintendent or designee has a reasonable belief to be defined as a felony offense other than those defined in Title 5 of the Penal Code (offenses against a person).

Level 3-B

Students must be placed in an Disciplinary Alternative Education Program for the following offenses if committed on school property, or within 300 feet of school property, or while attending a school sponsored or school-related activity on or off school property.

- Engaging in conduct relating to a false alarm or report including a bomb threat.
- Engaging in conduct relating to a terroristic threat involving a public school.
- Committing an assault. FNCH
- Making a terroristic threat.
- Selling, giving, purchasing, delivering, possessing, using, or being under the influence of marijuana, a controlled substance, or a dangerous drug if such conduct is **not** punishable as a felony offense. FNCF
(NOTE: School-related felony drug offenses are addressed in the expulsion section in this Student Code of Conduct.)
- Possessing, using, giving, or selling paraphernalia related to any prohibited substance.
- Selling, giving, or delivering an alcoholic beverage; committing a serious act or offense while under the influence of alcohol, if such conduct is **not** punishable as a felony offense. FNCF
(NOTE: School-related felony alcohol offenses are addressed in the expulsion section in this Student Code of Conduct.)
- Possessing, using, or being under the influence of an alcoholic beverage, if punishment is not punishable as a felony offense. FNCF
(NOTE: School-related felony alcohol offenses are addressed in the expulsion section in this Student Code of Conduct.)
- Engaging in conduct that contains the elements of an offense relating to abusable glue or aerosol paint or relating to volatile chemicals. FNCF
- Engaging in conduct that contains the elements of the offense of public lewdness.
- Engaging in conduct that contains the elements of the offense of indecent exposure.
- Engaging in conduct punishable as a felony regardless of where or when the conduct occurs.
(NOTE: Certain felony offenses committed on school property or at school-related activities are expellable offenses and are addressed in the expulsion section of this Student Code of Conduct.)
- Engaging in conduct that contains the elements of the offense of retaliation against any school employee, regardless of where or when the conduct occurs.
(NOTE: Committing retaliation in combination with another expellable offense is addressed in the expulsion section of this Student Code of Conduct.)
- Engaging in conduct that is so unruly, disruptive, or abusive that it seriously interferes with a teacher's ability to communicate effectively with the students in a class, with the ability of the student's classmates to learn, or with the operation of school or a school-sponsored activity.
- Engaging in conduct defined as a felony offense in Title 5 of the Penal Code if the student receives deferred prosecution (voluntary contract) under Section 53.04 of the Family code for the offense, or a court or jury finds that the student has engaged in delinquent conduct under Section 54.03 of the Family code, or the superintendent or designee has a reasonable belief that the student has engaged in felony conduct addressed in Title 5.
- Engaging in expellable conduct and is between six and nine years of age.
- Commits a federal firearms violation and is younger than six years of age.

Sexual Assaults and Campus Assignments

If a student has been convicted of continuous sexual abuse of a young child or children 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 or the victim's parents request that the board transfer the offending student to another campus, the offending student shall be transferred to another campus in the district.

Level 4-A

A student may be expelled for:

- Engaging in conduct relating to a false alarm or report including a bomb threat.
- Engaging in conduct relating to a terroristic threat involving a public school.
- Selling, giving, or delivering to another person or possessing, using, or is under the influence of:
 - (a) Any amount of marijuana or a controlled substance in an amount not constituting a felony offense.
 - (b) Any amount of a dangerous drug in an amount not constituting a felony offense.
- Engaging in conduct that contains the elements of assault under Section 22.01(a)(1) against an employee or a volunteer on school Property.
- Engaging in conduct that contains the elements of assault and retaliation against a school employee or volunteer, regardless of where or when the conduct occurs.
- Selling, giving, or delivering to another person an alcoholic beverage; committing a serious act or offense while under the influence of alcohol; or possessing, using, or is under the influence of alcohol, if punishment is less than that of a felony.
- Engaging in conduct that contains the elements of an offense relating to abusable glue or aerosol paint or relating to volatile chemicals. Section 37.007(b)
- Continued serious or persistent misbehavior that violates the district's **student code of conduct** while the student is placed in a disciplinary alternative program. Section 37.007(c) The district defines "persistent" as two or more violations of the Student Code of Conduct in general or repeated occurrences of the same violation.
- Criminal mischief, if punishable as a felony, whether committed on or off school property or at a school-related activity. Section 37.007(f)
- A student may be expelled if the student engages in conduct that contains the elements of one of the following offenses against another student, without regard to where the conduct occurs: Aggravated assault; Sexual assault; Aggravated sexual assault; Murder; Capital Murder; Criminal attempt to commit murder or capital murder; Aggravated robbery.
- A student may be expelled for any offense that is a state-mandated expellable offense if the offense is committed on the property of another district in Texas or while the student is attending a school-sponsored or school-related activity at a school in another district in Texas.

Under this rule, the district defines **serious** offenses to include, but are not limited to, the following:

1. Assault of a teacher or other individual. FNCH
2. Retaliation against a school employee.

Level 4-A “continued”

3. Murder, capital murder, or criminal attempt to commit murder.
 4. Indecency with a child.
 5. Kidnapping.
 6. Arson.
 7. Possession of a firearm. FNCG
 8. Using, exhibiting, or possessing any knife, including but not limited to a pocket knife or any other small knife.
 9. Possession of a club.
 10. Possession of a prohibited weapon.
 11. The use, gift, sale, delivery, possession, or being under the influence of alcohol, marijuana, other controlled substances, dangerous drugs, or abusable glue or volatile chemicals. FNCF
 12. Engaging in conduct that constitutes criminal mischief.
 13. Vandalism.
 14. Robbery or theft.
 15. Extortion, coercion, or blackmail.
 16. Aggressive, disruptive action or group demonstration that substantially disrupts or materially interferes with school activities.
 17. Hazing.
 18. Insubordination.
 19. Profanity, vulgar language, or obscene gestures directed toward teachers or other school employees.
 20. Fighting, committing physical abuse, or threatening physical abuse.
 21. Sexual harassment of a student or District employee.
 22. Possession of, or conspiring to possess, any explosive or explosive device.
 23. Falsification of records, passes, or other school-related documents.
 24. Possession or distribution of pornographic materials.
 25. Leaving school grounds without permission.
 26. Making or assisting in making threats, including threats against individuals and bomb threats.
 27. Refusal to accept discipline management techniques proposed by the teacher or principal.
 28. Indecent exposure.
 29. Continuous sexual abuse of a young child or children.
- Engaging in conduct of which it is necessary for the principal or his/her designee to protect persons or property from imminent harm.

Placement and/or Expulsion for Certain Serious Offenses

This section includes two categories of serious offenses for which the Education Code provides unique procedures and specific consequences.

Registered Sex Offenders

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

Level 4-A “continued”

If the student is under any form of court supervision, including probation, community supervision, or parole, the placement will 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 will recommend whether the student should return to the regular classroom or remain in the placement. Absent a special funding, 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.

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 board or its designee makes certain findings and the following circumstances exist in relation to a felony offense under Title 5 (see glossary) of the Texas Penal Code. The student must:

- Have received deferred prosecution for conduct defined as a Title 5 felony offense;

Level 4-A “continued”

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

Hearing and Required Findings

The district 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 for 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.

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.

Level 4-B

Students must be expelled for the following offenses committed on school property or while attending a school-sponsored or school-related activity off school property.

Level 4-B “continued”

- Bringing a firearm, as defined by federal law, to school
A firearm under federal law includes:
 - a. 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 charge.
 - b. The frame or receiver of any such weapon.
 - c. Any firearm muffler or firearm weapon.
 - d. Any destructive device, such as any explosive, incendiary, or poison gas bomb, or grenade.
- Using, exhibiting, or possessing a firearm, as defined by the Texas Penal Code: A firearm (any device designed, made, or adapted to expel a projectile through a barrel by using the energy generated by an explosion or burning substance or any device readily convertible to that use).
- Using, exhibiting, or possessing an illegal knife, as defined by the Texas Penal Code: An illegal knife, such as a knife with a blade over 5½ inches; hand instrument, designed to cut or stab another by being thrown; dagger, including but not limited to a dirk, stiletto, and poniard; bowie knife; sword; or spear.
- Using, exhibiting, or possessing a club, as defined by the Texas Penal Code: A club such as an instrument specially designed, made, or adapted for the purpose of inflicting serious bodily injury or death by striking a person with the instrument, including a blackjack, nightstick, mace, and tomahawk.
- Using, exhibiting, or possessing a prohibited weapon, as defined by the Texas Penal Code, including but not limited to such prohibited weapons as an explosive weapon; a machine gun; a short-barrel firearm; a firearm silencer; a switchblade knife; knuckles; armor-piercing ammunition; a chemical dispensing device; or a zip gun.
- Engaging in conduct that contains the elements of the offense of aggravated assault as defined by the Texas Penal Code.
- Engaging in conduct that contains the elements of the offense of sexual assault as defined by the Texas Penal Code.
- Engaging in conduct that contains the elements of the offense of aggravated sexual assault as defined by the Texas Penal Code.
- Engaging in conduct that contains the elements of the offense of arson as defined by the Texas Penal Code.
- Engaging in conduct that contains the elements of the offense of murder as defined by the Texas Penal Code.
- Engaging in conduct that contains the elements of the offense of capital murder as defined by the Texas Penal Code.
- Engaging in conduct that contains the elements of the offense of criminal attempt to commit murder or capital murder as defined by the Texas Penal Code.
- Engaging in conduct that contains the elements of the offense of indecency with a child as defined by the Texas Penal Code.
- Engaging in conduct that contains the elements of the offense of aggravated kidnapping as defined by the Texas Penal Code.
- Engaging in conduct punishable as a felony for selling, giving, or delivering to another person, or possessing or using or being under the influence of marijuana, a controlled substance, or a dangerous drug, as those terms are defined by law.
- Engaging in conduct punishable as a felony for selling, giving, or delivering to another person an alcoholic beverage, as defined by the Texas Alcoholic Beverage Code; or

Level 4-B “continued”

engaging in conduct punishable as a felony committing a serious act or offense while under the influence of alcohol; or engaging in conduct punishable as a felony possessing, using, or being under the influence of an alcoholic beverage.

- Engaging in retaliation against a school employee by using, exhibiting, or possessing a firearm, an illegal knife or any knife, a club, a prohibited weapon.
- Retaliating on or off school property (regardless of whether it is a school-related activity) against a school employee as a result of that employee's employment by the District, by engaging in conduct that contains the elements, as defined by law, of any of the offenses of aggravated assault, sexual assault, aggravated sexual assault, arson, murder, capital murder, criminal attempt to commit murder or capital murder, indecency with a child, or aggravated kidnapping.
- Continuous sexual abuse of a young child or children as defined by the Texas Penal Code.
- Engaging in retaliation against a school employee or volunteer combined with one of above listed mandatory expulsion offenses, with the exception of a federal firearm offense, on or off school property or at a school-related activity.

Technology Infractions and Consequences

Access to the Harlingen CISD computer resources is a privilege, not a right. Failure to comply with the District policy, these guidelines, or other applicable rules may result in suspension of access or termination of privileges and other disciplinary action consistent with District policies. In addition to loss of computer privileges, students may also be disciplined using the corresponding discipline management techniques set out in the Student Code of Conduct.

Please note that a system user is responsible for the proper use of the computer system for the duration of the system's use. You will be held responsible at all times for the proper use of your account, and the District may suspend or revoke your access and/or apply appropriate discipline management techniques if you violate the rules explained below.

Level 1 Offenses

1. Using the system for illegal purposes, in support of illegal activities, or for any other activity prohibited by District policy or guidelines or law. Depending on the severity of the misconduct, this may be a Level 2 or Level 3 offense.
2. Downloading files over 2 MB, video or audio streaming over 2 MB, or sending email attachments over 2 MB unless instructed to do so by a teacher.
3. When working on school projects, failing to give credit for information gathered from the Internet (plagiarism). Plagiarism is the taking of ideas or writing from another person and claiming they are your own. Plagiarism can be avoided by giving credit to the person who created the information, either by use of a reference in your text or in a footnote or endnote. Direct use of another's words should be marked by quotation and accurate credit given as to the source.
4. Continuing to view inappropriate sites on the Internet after determining the site contains prohibited materials. "Prohibited materials" include, but are not limited to, pornography, lewd or vulgar images or words, obscene messages or images, and materials designed to promote or encourage illegal behavior or threaten school safety.
5. Deliberately using computer resources in a way that causes the District server to crash - 1st infraction.
6. Posting anonymous messages.
7. Playing games with others on the network or Internet without consent of a teacher.
8. Sharing the password for your individual account with others.
9. Failing to purge email in accordance with established retention guidelines.

See Student Code of Conduct page 19 for appropriate discipline consequences for engaging in a Level 1 offense.

Level 2 Offenses

1. Gaining unauthorized access to restricted information or resources, including attempts to override the District's Internet filtering software.
2. Using another person's system account without written permission from campus administrators or the Director of Instructional Technology, as appropriate.
3. Deliberately using computer resources in a way that causes the District server to crash - 2nd infraction.
4. Using the system for financial or commercial gain or business use.
5. Posting or distributing personal information about yourself or others (such as addresses or phone numbers) by means of school computer systems.
6. Posting personal electronic communications without the original author's consent.
7. Downloading or distributing software, games, movies, and/or audio files onto a District computer or server without permission or license - 1st infraction.
8. Sending or posting messages or deliberately accessing materials that are abusive, obscene, sexually oriented, threatening, harassing, damaging to another's reputation, or illegal, including off school property if the conduct causes a substantial disruption to the educational environment.
9. Knowingly bringing prohibited materials into the school's electronic environment - 1st infraction. This includes, but is not limited to, pornography, lewd or vulgar images or words, obscene messages or images, and materials designed to promote or encourage illegal behavior or threaten school safety.
10. Downloading, redistributing, or using copyrighted information or programs without permission of the copyright holder.
11. Using the computer resources to threaten students, employees, school property, or cause disruption to the education program.
12. Using email or the Internet at school to encourage illegal behavior or threaten school safety.

See Student Code of Conduct page 20 for appropriate discipline consequences for engaging in a Level 2 offense.

Level 3-A Offenses

1. Downloading or distributing software, games, movies, and/or audio files onto a District computer or server without permission or license - 2nd infraction.
2. Purposefully trying to crash District servers or computer resources, including deliberate attempts to degrade or disrupt system performance.
3. Attempting to hack into District systems or hack into systems outside the District using a District resource or circumventing local or network system security measures.
4. Tampering with software protections or restrictions placed on computer applications or files or attempting to alter or altering system software or hardware configurations on network systems or local devices.
5. Pretending to be someone else or using a false name when sending or receiving electronic messages.

Level 3-A Offenses “continued”

6. Forging documents or the signature of another is prohibited. This includes forgery or attempted forgery of electronic mail messages, and attempts to read, delete, copy, or modify the electronic mail of other system users, deliberate interference with the ability of other system users to send/receive electronic mail, use of another person’s data without their consent, or the use of another person’s user ID and/or password.
7. Vandalizing computer resources owned by the District, student users, or District employees. This includes any attempt to destroy District computer equipment or data or the data of another user of the District’s computer system, or any of the agencies or other networks that are connected to the Internet, including the uploading or creating of computer viruses. Such action may require restitution for costs associated with system restoration, as well as other appropriate consequences.
8. Knowingly bringing prohibited materials into the school’s electronic environment - 2nd infraction. This includes, but is not limited to, pornography, lewd or vulgar images or words, obscene messages or images, and materials designed to promote or encourage illegal behavior or threaten school safety.
9. Copying, redisplaying, or modifying text, images, or other materials on the District’s web page without the express, written consent of Harlingen CISD.

See Student Code of Conduct page 22 for appropriate discipline consequences for engaging in a Level 3 offense.

Student Removal from Class by Teacher

There are three types of procedures for a teacher to consider in removing a student from the classroom:

Informal Removal

A teacher may send a student to the principal's office to maintain effective discipline in the classroom. The principal shall respond by employing appropriate discipline management techniques, consistent with the student code of conduct. The principal shall request the teacher's assistance in implementing discipline management techniques.

Discretionary Formal Removal

A teacher may remove a student:

1. 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 other students to learn;

OR

2. whose behavior the teacher determines is so unruly, disruptive, or abusive that it seriously interferes with the teacher's ability to communicate effectively with the students or the other students ability to learn.

Mandatory Formal Removal

A teacher who knows of a Student of Code of Conduct violation that requires placement in the Disciplinary Alternative Education Program or expulsion must remove the student from class, send the student to the principal, and file a written report with the principal (not to exceed one page). Section 37.001(b)

Within 24 hours after receiving the teacher's report, the principal or other appropriate administrator must send a copy to the student's parent or guardian. Section 37.001(b)

The principal or other appropriate administrator schedules a conference within three class days with the parent or guardian, teacher, and student. Section 37.009(a)

At the conference, the student is entitled to written or oral notice of the reasons for the removal, an explanation of the basis for the removal and an opportunity to respond to the reasons for the removal. Section 37.009(a)

A teacher shall remove a student from class who engages in conduct described in the following:

Alternative Education Program (Long Term)

Mandatory Formal Removal “continued”

- assault that causes bodily injury;
- terroristic threat;
- sells, gives, or delivers; possesses, uses or is under the influence of marijuana or a controlled or a dangerous drug;
- sells, gives, delivers alcoholic beverages; commits a serious act while under the influence of alcohol; possesses, uses or under the influence of alcoholic beverages;
- an offense relating to abusable glue;
- an offense relating to aerosol paint;
- an offense relating to volatile chemical;
- public lewdness;
- indecent exposure;
- retaliation against school employee on or off school property;
- conduct punishable as a felony on or off school property.

Expulsion

- uses, exhibits, or possesses:
firearm;
legal knife or knife defined as illegal by Board policy;
club;
weapon;
- Engages in conduct:
aggravated assault;
sexual assault;
aggravated sexual assault;
arson;
murder;
capital murder;
criminal attempt to commit murder or capital murder;
indecent with a child;
aggravated kidnapping;
- Conduct involving drugs or alcohol that is punishable as a felony.

The principal shall respond by employing appropriate discipline management techniques, consistent with the student code of conduct. Under formal removal, without the consent of the teacher, the student may not be returned to the classroom unless the placement review committee determines that such placement is the best or the only alternative available. The student shall not participate in extracurricular activities.

Procedure Prior to Conference

Upon removal of the student from class, the following procedures shall be administered by the principal or designee:

Procedure Prior to Conference “continued”

- Arrange for temporary placement of the student in an alternative setting, another appropriate classroom, in-school suspension, or suspension at home for a period not to exceed three days.
- Send a copy of the teacher's written report documenting the disciplinary violation of the student to the student's parent/guardian within 24 hours.
- Not later than the third class day after a student is removed by a teacher and documentation is submitted, the principal or designee shall schedule a conference with the student's parent/guardian, the teacher removing the student from class, and the student.

Conference

At the conference, the student is entitled to written or oral notice of the reasons for the removal, an explanation of the basis for the removal, and an opportunity to respond to the reasons for the removal.

Following the conference and whether or not each requested person is in attendance, the principal or designee shall respond by employing the appropriate discipline management techniques consistent with the student code of conduct. The parents/student shall be notified of the action that was taken.

If the student code of conduct specifies removal to a disciplinary alternative education program or expulsion, the principal or designee shall deliver to the student and the student's parent/guardian a copy of the notice placing the student in a disciplinary alternative education program or recommending expulsion for the student.

A copy shall also be provided to the authorized officer of the juvenile court in which the juvenile resides.

The terms of the placement shall prohibit the student from attending or participating in school-sponsored or school-related activities.

If the conference was conducted by the principal, the parents/guardian may appeal the decision to the superintendent or designee. The student may not be returned to his/her regular classroom before the conference.

Parental questions or complaints regarding disciplinary measures should be addressed to the teacher or campus administration, as appropriate and in accordance with policy FNG (Local). A copy of this policy may be obtained from the principal's office or the central administration office. Consequences will not be deferred pending the outcome of an appeal.

Return to Class

The principal may not return a student who has been removed from a teacher's class without that teacher's consent. If the teacher does not accept the student back in his/her class, then the principal shall submit the teacher's written documentation to the placement review committee.

Placement Review Committee

Each school shall establish a three-member committee. The committee shall determine the placement of a student when a teacher refuses to readmit a student to the teacher's class after the teacher has removed that student. If a student has been expelled, the committee may make recommendations to the principal concerning readmission of expelled students.

Membership

Campus faculty shall select two teachers to serve as members of the committee and one additional teacher, who will serve as an alternate member. The principal shall select one member from the professional staff of the campus and one additional person who will serve as an alternate.

Procedure Prior to Committee Meeting and Notice of a Teacher's Refusal to Readmit the Student Following the Student's Completion of His/her Punishment

Upon removal of the student from class, the following procedures shall be administered by the principal or designee:

- Contact the placement review committee chairperson to schedule a meeting with the student's parent or guardian, the teacher removing the student from class, and the student.
- Arrange for temporary placement of the student in an alternative setting, another appropriate classroom, in-school suspension, or suspension.

Committee's Function

The placement review committee shall:

1. review documentation furnished by teacher to support removal;
2. review principal's rationale for decision to return student to teacher's classroom;
3. consider prior misconduct of student;
4. consider alternatives available which meet the needs of student;
5. consider effect of student's return to classroom on teacher's ability to maintain discipline and order in classroom;
6. consider effect of student's return to classroom on ability of other students to learn;
7. consider likelihood of reoccurrence of inappropriate conduct, which lead to removal;
8. consider discipline management techniques used by teacher;
9. not discriminate on the basis of race, sex, religion, national origin or other illegal factors in making its determination.

The placement review committee shall determine if the student should be returned to the teacher's class without consent of the teacher, who removed the student. The Committee is restricted to consideration of whether returning the student to the teacher's class is the best or only alternative available.

CONSEQUENCES FOR STUDENT VIOLATION OF RULES

Consequences for Level One Rule Violations-Minor Misconduct

A student who violates Level 1 campus or classroom rules that are not included in the listing of district Student Code of Conduct violations may be disciplined by one or more of the following discipline management techniques. For these violations, the teacher is not required to make a Student Code of Conduct violation report, and the principal is not required to notify parents.

The following Level 1 discipline management techniques may be used alone or in combination for Student Code of Conduct and non-Student Code of Conduct violations: FO

- Oral correction.
- Cooling-off time or "time-out".
- Seating changes in the classroom.
- Counseling by teachers, counselors, or administrative personnel.
- Parent-teacher conferences.
- Temporary confiscation of items that disrupt the educational process.
- Grade reductions for cheating, plagiarism, and as otherwise permitted by policy.
- Rewards or demerits.
- Behavioral contracts.
- Sending the student to the office or other assigned area, or to in-school suspension. Any student removed to in-school suspension will be given the opportunity to complete each course in which the student was enrolled before the next school year. (routine referral)
- Detention.
- Assigned school duties other than class tasks.
- Withdrawal of privileges, such as participation in extracurricular activities and eligibility for seeking and holding honorary offices.
- Withdrawing or restricting bus privileges.
- School-assessed and school-administered probation.
- Referral to outside agency and/or legal authority for criminal prosecution in addition to disciplinary measures imposed by the District.
- Physical Restraint.
- Level System/STEP Program.
- Other strategies and consequences as specified by the Student Code of Conduct.

Prior to making a Level 1 decision, in general, a teacher or administrator shall orally notify the student of the charge and the basis of the accusation. If he/she denies it, the administrator shall give the student an opportunity to explain his/her version of the events.

Parental questions or complaints, regarding disciplinary measures taken, should be addressed to the teacher or campus administration, as appropriate and in accordance with policy FNG (LOCAL). A copy of this policy may be obtained from the principal's office or the central administration office. Consequences will not be deferred pending the outcome of a grievance.

Consequences for Level Two Rule Violations - General Misconduct

Level 2 rule violations will not necessarily result in the formal removal of the student from class or another placement, but, at the discretion of the appropriate professional making the decision, may result in a routine referral, formal removal, or the use of any other discipline management technique.

In this Code, an informal removal (i.e., a teacher sending a student to the office for routine discipline) is distinguished from a "formal removal" (i.e., a teacher removing a student from his/her class necessitating a hearing between the student, the student's parents, the principal, and the teacher with regard to the student's proposed punishment. In the case of a formal removal by a teacher, the teacher has the right (unless overridden by a campus placement review committee) to refuse to re-admit the student to his/her classroom.

Level 2 misconduct may result in application of one or more of the Level 1 discipline management techniques consistent with law and the Student Code of Conduct listed in the previous section, in addition to the Level 2 consequence set forth below.

- Short-term alternative education placement (short-term is defined to be three weeks or less)

Formal Removal By Teacher

Formal removal of the student from a teacher's classroom (i.e., a teacher removing a student from his/her class, causing a hearing to be instituted pursuant to the removal). A formal removal may result if a student's behavior has been documented by the teacher to repeatedly interfere with the teacher's ability to communicate effectively with the students in the class or with the ability of the student's classmates to learn, or if a student's behavior is determined by the teacher to be so unruly, disruptive, or abusive that it seriously interferes with the teachers' ability to communicate effectively with the students in the class or with the ability of the student's classmates to learn. Upon receipt of the teacher's recommendation to remove the student from class, under formal removal, pending the hearing; the principal shall remove the student from the teacher's classroom. If the teacher refuses to readmit the student, the student shall remain removed from the teacher's classroom, unless the placement review committee determines that such placement is the best or only alternative available.

Any removal of a student by a teacher requires that a Student Code of Conduct violation report be made by the teacher if the student's conduct is a violation of this Code. The principal or appropriate administrator must send a copy of the report to the student's parent or guardian within 24 hours of receiving the teacher's report and will schedule a conference within three school days with the student's parent/guardian, the teacher, and the student. Following the conference, whether or not each requested person is in attendance, the principal will notify the student and parent of the consequences of the Student Code of Conduct violation. The principal shall deliver to the student and parent a copy of the order.

A teacher or administrator may also remove a student from class for an offense for which a student may be suspended and/or placed in a Disciplinary Alternative Education Program.

Removal To A Disciplinary Alternative Education Program

The Board of Trustees delegates to the campus administrators the authority to remove a student to a disciplinary alternative education program. (FOA) The campus administrators will also determine the duration of the student's placement. Elementary students cannot be placed in a Disciplinary Alternative Education Program with students not in elementary school.

For purposes of DAEP, elementary classifications shall be kindergarten – grade 5 and secondary classification shall be grades 6 – 12.

Every effort should be made to notify the parent/guardian of the time, date and place for the hearing to remove a student to a disciplinary alternative education program setting. The hearing must take place no later than the third class day after the day a student is removed from class or commits an offense punishable under the Student Code of Conduct.

After conducting the hearing with the student and the campus administrator has rendered a decision, the parent/guardian should be notified immediately, in writing, of the student's violation of the Student Code of Conduct and of the disciplinary action taken. The parent/guardian may appeal an assistant principal's decision to the principal, if the assistant principal conducted the hearing. The parent/guardian may appeal the principal's decision to the superintendent or designee and then to the Board of Trustees. The decision of the Board is final.

If the principal considers that the punishment must be severe enough for expulsion, then the principal shall conduct a full due process hearing after serving the parent/guardian a formal letter, indicating the time, date, place witness, etc. (See Section on Expulsions)

Disciplinary Alternative Education Programs

The District provides a disciplinary alternative education program that:

- 1) provides a setting other than a student's regular classroom;
- 2) is located on or off the regular school campus;
- 3) provides for the students who are assigned to the alternative education program to be separated from students who are not assigned to the program;
- 4) focuses on English language arts, mathematics, science, social studies, and self-discipline;
- 5) provides for students' educational and behavioral needs; and
- 6) provides supervision and counseling.

Parental questions or complaints regarding disciplinary measures taken should be addressed to the teacher or campus administration, as appropriate and in accordance with policy FNG (LOCAL).

Disciplinary Alternative Education Programs “continued”

For any general misconduct violation, a student may be restricted or prohibited, at the District's discretion, from participating in school-sponsored or school-related extracurricular and non-curricular activities, and may be ineligible to seek or hold honorary positions.

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

Notification To Receiving Districts Of A Student's DAEP Removal

If a student placed in a disciplinary alternative education program enrolls in another school district before the expiration of the period of placement, the district shall provide to the district, in which the student enrolls and at the same time the other records of the student are provided, a copy of the placement order. The district, in which the student enrolls, may continue the disciplinary alternative education program placement under the terms of the order or may allow the student to attend regular classes without completing the period of placement.

Placement of Students with Disabilities

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

The placement of a student with a disability, who receives special education services, may be made only by a duly constituted Admission, Review, and Dismissal (ARD) committee. A student with a disability, who receives special education services, may not be placed in a Disciplinary Alternative Education Program solely for educational purposes-if the student does not also meet the criteria for alternative placement in Section 37.006(a) or 37.007(a). If the Individual Educational Plan (IEP) of a student with a disability contains a Behavior Management Plan (BMP) specifying disciplinary measures that are not currently being challenged in court or a special education due process hearing, the measures specified in the BMP must be implemented. Students with disabilities may not be removed to a Disciplinary Alternative Education Program for more than ten days unless the ARD committee has met and determined whether the misconduct was related to the disability. If the ARD committee determines that the misconduct was related to the disability, the ARD committee must determine appropriate action. When suspensions, placements in DAEP, and/or emergency removals total 16 days in one school year, the district must schedule an ARD meeting to review the student's IEP. The ARD committee may decide that the student needs a different placement or a revised BMP. Further assessment may be necessary for informed decision making.

Consequences for Level Three Rule Violations - Serious Misconduct

Level 3 rule violations may result in the application of one or more of the Level 1 or Level 2 discipline management techniques listed in the previous sections, in addition to the Level 3 consequence set forth below, in the discretion of the appropriate professional

Consequences for Level Three Rule Violations - Serious Misconduct “continued”

- Long-term Disciplinary Alternative Education Placement (long-term is defined to be more than three weeks)
- Suspension

Suspension

For violation of any of the "3-A" or "3-B" rules above, a student may be suspended for up to three school days, with no limit on the number of times a student may be suspended in a semester or school year. Suspension can be ordered either separately, or in conjunction with other discipline. Following an informal discipline hearing with a student (as set forth below), the student may be suspended for up to three school days for a Level 3 offense, pending the time that the parents or guardians can meet with the principal and/or teacher to determine his/her further discipline, if any.

Prior to a suspension decision being made, a student will be given an informal hearing by the principal or appropriate administrator. At the informal hearing, the student orally will be advised of the rule allegedly violated and the basis for the accusation. If the student denies it, the student will be given an opportunity to explain his or her version of the incident. In deciding whether to assign out-of-school suspension, the district will take into consideration:

1. self-defense;
2. intent or lack of intent at the time the student engaged in the conduct, and
3. the student's disciplinary history.

The principal or appropriate administrator will send a written letter notifying the student's parent or guardian of the decision and shall schedule a conference, if requested, with the parent or guardian, and the student, to review the decision. Pending any appeal, the student shall remain suspended for the period ordered. A student cannot participate in co-curricular activities or attend school sponsored activities (on or off campus), while on suspension from school.

Reasonable Belief

In determining whether there is a reasonable belief that a student has engaged in conduct defined as a felony offense, the Superintendent or designee may consider all available information, including the information furnished under Article 15.27 of the Code of Criminal Procedure. Section 37.006(e)

On receipt of notice from the prosecuting attorney or juvenile court that the student has been found not guilty or that the charges have been dropped by the prosecutor, the Superintendent or the Superintendent's designee must review the student's placement in the Disciplinary Alternative Education Program. The student may not be returned to the regular classroom pending review. Section 37.006(h)

The Superintendent or designee shall schedule a review of the student's Disciplinary Alternative Education Program placement with the student's parent or guardian, no later than

Reasonable Belief “continued”

the third class day after a notice is received from the prosecuting attorney, or juvenile court that a student has been found not guilty or that the charges have been dropped by the prosecutor. After reviewing the notice and receiving information from the student's parent or guardian, the Superintendent or designee may continue the student's placement in the Disciplinary Alternative Education Program, if there is reason to believe that the presence of the student in the regular classroom threatens the safety of other students or teachers. Section 37.006(h)

The student or student's parent or guardian may appeal the Superintendent's decision to continue a student's Disciplinary Alternative Education Program placement to the Board. The student may not be returned to the regular classroom pending the appeal. Section 37.006(i)

At the next regularly scheduled meeting, the Board must review the notice from the prosecuting attorney or juvenile court that the prosecutor has dismissed the charges, or that the student has been found, not guilty. The Board must also receive information from student, the student's parent or guardian, and the Superintendent or designee. The Board must confirm or reverse the decision, concerning the student's placement by the Superintendent or designee. Section 37.006(j)

The Board shall make a record of the proceedings. If the Board confirms the decision of the Superintendent or designee, the Board shall inform the student and the student's parent or guardian of the right to appeal to the Commissioner of Education. The student may not be returned to the regular classroom pending the appeal. Section 37.006(i)(j)

A student's placement in a Disciplinary Alternative Education Program for mandatory Disciplinary Alternative Education Program offenses listed in the Education Code at 37.006(a) are not affected by a not guilty verdict or a dismissal by a juvenile court. Section 37.006(k)

Formal Removal By Teacher

For any violation of the "3-A" or "3-B" Rules of Behavior above, if the misconduct occurred in the teacher's classroom or under the teacher's supervision, a student may be removed by a teacher from the teacher's classroom, and referred to the principal or other appropriate administrator for a hearing, as set forth below.

If the violation results in formal removal, the principal will schedule a conference within three school days with the student's parent, the teacher, and the student.

If a student has been formally removed by the teacher from the regular classroom, the principal or the designated representative, after advising the student of the charges, the basis of the charges, and giving the student time to explain his/her side of the events, may suspend the student, place the student in another appropriate classroom, in-school suspension, or a Disciplinary Alternative Education Program. This action may be used, pending the informal hearing to be scheduled not later than the third class day after the day on which a student was removed from class. When a student has been formally removed from class, the principal may not return the student to the teacher's class without the teacher's consent; unless the placement review committee determines that the teacher's class is the best or only alternative available.

Extracurricular Activities

Students placed in disciplinary alternative education programs may not participate in any school-sponsored or school-related extracurricular and non-curricular activities during the period of assignment.

Transportation

Students placed in the Elementary Disciplinary Alternative Education Program will be provided transportation at the campus administrator's discretion. Students placed in the Secondary Disciplinary Alternative Education Program will not be provided transportation, unless they are a student with a disability who has transportation designated as a related service.

Continuation of Placement

When a student violates the District's Student Code of Conduct in a way that requires the student be placed in the Disciplinary Alternative Education Program and the student withdraws from the District before starting or completing the Disciplinary Alternative Education Program placement and returns during the school year, that student may be placed in the Disciplinary Alternative Education Program to complete the assigned term of placement.

The district will decide on a case-by-case basis whether to continue the placement of a student who enrolls in the district and was assigned to a DAEP in an open-enrollment charter school or another district. The district may place the student in the district's DAEP or a regular classroom setting.

Conferences

The school principal or designee shall schedule a conference among the principal or the principal's designee, a parent or guardian of the student, the teacher removing the student from class, and the student no later than the third class day after the day on which a student is removed by a teacher from class. The student may not be returned to the regular classroom, pending the conference.

At the conference with the student, the parent or guardian, and the teacher, whether or not each requested person is in attendance after valid attempts to require the person's attendance, prior to making the assignment, the principal or designee shall orally notify the student of the charge and the basis of the accusation, and give the student an opportunity to explain his/her side of the events.

In deciding whether to place a student in a DAEP, regardless of whether the action is mandatory or discretionary, the district will take into consideration:

1. Self-defense
2. Intent or lack of intent at the time the student engaged in the conduct, and
3. The student's disciplinary history.

Following the conference, the principal or designee shall order the placement of the student for a period consistent with the Student Code of Conduct.

The principal or designee shall set a term for a student's placement in a disciplinary alternative education program.

The principal or designee shall set a term for a student's placement in a disciplinary alternative education program.

Conferences “continued”

The principal or designee shall deliver, to the student and the student's parent or guardian, a copy of the order placing the student in a disciplinary alternative education program.

A copy shall also be provided to the authorized officer of the juvenile court of Cameron County.

Pending the conference, unless the student is removed under the **Emergency Placement or Expulsion** provisions below, the student may be suspended for up to three days or placed in the District's In-school Suspension center or some alternative arrangement.

Parental questions or complaints regarding disciplinary measures taken should be addressed to the teacher or campus administration, as appropriate and in accordance with policy FNG (LOCAL).

Special Rules for Long-Term DAEP Placement

Placement Beyond the End of the Next Grading Period

If a student's placement in an alternative education program is ordered to extend beyond the end of the next grading period, a student's parent or guardian is entitled to notice of and an opportunity to participate in a review proceeding before the Board of Trustees' designee. The Board has designated the Superintendent or his designee(s) to conduct the hearing and will make a decision under this section. Any decision of the Board's designee, acting on behalf of the Board under this subsection, is final and may not be appealed.

Placement Beyond the End of School Year

Before a student may be placed in a disciplinary alternative education program for a period that extends beyond the end of the school year, the Board or the Board's designee must determine that:

- 1) the student's presence in the regular classroom program or at the student's regular campus presents a danger of physical harm to the student or to another individual; or
- 2) the student has engaged in serious or persistent misbehavior that violates the district's Student Code of Conduct.

120 Day Review of Placement

A student placed in a disciplinary alternative education program shall be provided a review of the student's status by the Director of the Disciplinary Alternative Education Program at intervals not to exceed 120 days. If the student is in high school, a school official and a parent must review the student's progress toward meeting graduation requirements and establish a specific graduation plan; however, the district is not required to provide any course other than ones specified in Section 37.008(a). At the review, the student or the student's parent or guardian must 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 the teacher who removed the student without that teacher's consent. The teacher may not be coerced to consent.

Placement of Students with Disabilities

The placement of a student with a disability, who receives special education services, may be made only by a duly constituted admission, review, and dismissal committee. A student with a disability, who receives special education services, may not be placed in a Disciplinary Alternative Education Program solely for educational purposes if the student does not also meet the criteria for alternative placement in Section 37.006(a) or 37.007(a). If the Individual Plan (IEP) of a student with a disability contains a behavior management plan (BMP) specifying disciplinary measures that are not currently being challenged in court or a special education due process hearing, the measures specified in the BMP must be implemented. Students with disabilities may not be removed to a Disciplinary Alternative Education Program for more than ten days unless the ARD committee has met and determined whether the misconduct was related to the disability. If the ARD committee determines that the misconduct was related to the disability, the ARD committee must determine appropriate action. When suspensions, placements in AEP, and/or emergency removals total 16 days in one school year, the district must schedule an ARD meeting to review the student's IEP. The ARD committee may decide that the student needs a different placement or a revised BMP. Further assessment may be necessary for informed decision making.

Consequences for Level Four Rule Violations-Expellable Misconduct

Students engaging in Level 4-A offenses may be expelled, in the discretion and professional judgment of the designated administrator. In deciding whether to order expulsion, regardless of whether the action is mandatory or discretionary, the district will take into consideration:

1. Self-defense
2. Intent or lack of intent at the time the student engaged in the conduct, and
3. The student's disciplinary history.

Texas and federal statutes now mandate that students be recommended for expulsion for engaging in Level 4-B offenses. After a hearing, if requested, the principal or designated administrator shall order the period of time a student is expelled and provide a written copy of that notice to the parent or guardian and to the county juvenile authorities.

The Board delegates to the Superintendent, superintendent designee, or district hearing panel the authority to expel students.

When a student, under the age of ten, engages in expellable behavior the student will not be expelled, but will be placed in a Disciplinary Alternative Education Program. Students, under the age of six, will not be removed from class and placed in a Disciplinary Alternative Education Program. The district must provide educational services in a Disciplinary Alternative Education Program to a student, expelled for bringing a firearm to school if the student is younger than ten years of age on the date of expulsion.

The district may provide educational services on a Disciplinary Alternative Education Program to an expelled student, who is older than ten years of age.

Hearing Panel

The District Hearing Panel, which is authorized by the Board of Trustees, convenes as

Hearing Panel “continued”

necessary to hear cases which may result in expulsion. The hearing panel consists of three officers; one
Hearing Panel “continued”

central office administrator, who shall serve as chairman; one principal; and one assistant principal. The hearing is conducted in a formal manner with the right for representation and cross-examination. The hearing panel may expel students from district programs for appropriate reasons. The district has a Waiver of Right to an Expulsion Hearing for any parent that chooses to waive the right to a hearing on the expulsion recommendation. When the parents sign the waiver, they are agreeing to the expulsion of their child, as per the administrative recommendation.

The appropriate administrator will schedule a hearing within a reasonable time with the student's parents, the teacher, and the student. The student's parent or guardian will be invited in writing to attend the hearing. FOD

If the district makes a good faith effort to inform the student and the student's parent or guardian of the time and place of the hearing, the district may hold the hearing, regardless of whether the student, the student's parent, or another adult representing the student attends.

Until a hearing can be held, the principal may place the student in:

- Another appropriate classroom.
- In-school suspension.
- Out-of-school suspension for up to 3 days.
- A Disciplinary Alternative Education Program.

A student facing expulsion will be given appropriate due process as required by the federal constitution. The student is entitled to:

- 1) the right to an adult representative, who is not a District employee or legal counsel, who can provide guidance to the student.
- 2) an opportunity to testify and to present evidence and witnesses in the student's defense.
- 3) an opportunity to question the District's witnesses.
- 4) a fair and impartial hearing.

No later than the second business day after the hearing, the Board's designee will deliver to the juvenile court a copy of the order expelling the student and information required by Section 52.04 of the Family Code. The Board's designee shall deliver to the student and the student's parent or guardian a copy of the order expelling the student.

Duration of Expulsion

The duration of a student's expulsion will be determined by the Board or designee on a case-by-case basis based on the seriousness of the offense and other relevant factors. The expulsion may not extend beyond the end of the school year unless the conduct directly leading to the expulsion occurred during the final grading period of the school year, in which case the expulsion may extend beyond the end of the current school year but not beyond the end of the first term of the next school year.

Duration of Expulsion “continued”

Expelled students are prohibited from being on school grounds or attending school-sponsored or school-related activities during the period of expulsion.

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 or other appropriate administrator may modify the length of the expulsion on a case-by-case basis. The District may provide educational services to the expelled student in a Disciplinary Alternative Education Program.

After the student has successfully completed any court disposition requirements the court imposes, including conditions of a deferred prosecution ordered by the court or such conditions required by the prosecutor or probation department, the district may not refuse to admit the student, if the student meets the requirements for admission. However, the district may place the student in a Disciplinary Alternative Education Program.

Transferability of Expulsion

If the District has expelled a student, and the expelled student enrolls in another school district, the District shall provide to the other school district, in which the student enrolls at the same time other records of the student are provided, a copy of the expulsion order and the referral to the authorized officer of the juvenile court.

If a student enrolls in Harlingen CISD, who has been expelled in another school district, Harlingen CISD may continue the expulsion order for the length assigned by the sending district.

Appeals

Decisions of the district hearing panel may be appealed to the superintendent. The superintendent may uphold the Hearing Panels decision or may prescribe a different action. Decisions of the superintendent may be appealed to the Board of Trustees. For all cases appealed to the Board of Trustees, the superintendent shall schedule a Board review no later than the next regular meeting of the board. The decision of the Board is final and may not be appealed.

If a student under ten engages in expellable conduct, the student must be placed in the Disciplinary Alternative Education Program. The district must not expel a student under ten years of age. The district must provide educational services in a Disciplinary Alternative Education Program to a student, expelled for bringing a firearm to school if the student is younger than ten years of age on the date of expulsion.

The district may provide educational services on a Disciplinary Alternative Education Program to an expelled student, who is older than ten years of age.

Emergency Placement or Expulsion

Emergency DAEP Removal

The principal or the principal's designee may order the immediate placement of a student in the

Emergency DAEP Removal “continued”

disciplinary alternative program, if the principal or the principal's designee reasonably believes the student's behavior is so unruly, disruptive, or abusive that it seriously interferes with a teacher's ability to communicate effectively with the students in a class or with the ability of the student's classmates to learn, or with the operation of school or a school-sponsored activity or if the student's behavior places other persons or property in imminent harm.

However, you must attempt to notify the parent/guardian to come to pick up the student. If you cannot contact the student's parent/guardian, you need to notify a person named on the enrollment card or release the student to the police or medical authorities. When an emergency placement occurs, the student will be given oral notice of the reason for the action. No later than the tenth day after the date of placement, the student will be given the appropriate conference required for placement in a DAEP. If emergency placement involves a student with disabilities who receives special education services, the term of the student's emergency removal is subject to the requirements of federal law.

If the district makes a good faith effort to inform the student and the student's parent or guardian of the time and place of the hearing, the district may hold the hearing, regardless of whether the student, the student's parent, or another adult representing the student attends.

Placement of Students with Disabilities

Emergency removal and placement is normally resolved in one to three days. Emergency removal may not exceed 10 consecutive school days without ARD or 504 Committee action.

If the principal wants to extend the period of removal beyond 10 days an ARD Committee or section 504 Committee must meet to determine whether the student's misconduct was related to the student's disability or to an inappropriate placement. If a link is found, the student may not be expelled, and may only be placed in DAEP if the ARD committee determine that:

- 1) the DAEP setting is appropriate and
- 2) the student's IEP can be implemented in DAEP.

If no link is found, the student may be expelled with education services, or may be placed in DAEP upon ARD Committee determination that the IEP can be implemented in DAEP.

If a student with disabilities is moved from the campus and placed in an alternative program for a cumulative total of sixteen (16) school days in a school year, the ARD committee shall review the student's Individual Education Plan (IEP), unless the IEP specifies otherwise.

Emergency Expulsion

The principal or the principal's designee may order the immediate expulsion of a student if the principal or the principal's designee reasonably believes that action is necessary to protect persons or property from imminent harm.

After reasonable time (two to three days), the principal or designee shall conduct a conference with the parent/guardian to discuss the assignment and as soon as possible schedule an expulsion hearing.

Notice of Reasons Required At Time of Emergency Action

When an emergency expulsion occurs, the student will be given oral notice of the reason for the action. Within a reasonable amount of time after the emergency expulsion, the student will be given appropriate due process required for a student facing expulsion. If emergency expulsion involves a student with disabilities, who receives special education services, the term of the student's emergency expulsion is subject to the requirements of federal law.

Student who is removed for emergency removal will be released to the student's parent, parent's representative, medical providers, or law enforcement authorities. The removal will be limited to no more than five days. If the student is a student with disabilities, who receives special education services, the term of the emergency placement shall be subject to the requirements of federal law.

The District shall inform each teacher of the conduct of a student, who has engaged in any violation listed in the expulsion section. A teacher shall keep information received confidential. The State Board of Education for Educator Certification may revoke or suspend the certification of a teacher, who intentionally violates the subsection.

Title 5 of the Texas Penal Code Offenses Against the Person

Felony offenses against a person may include certain offenses under the following:

1. Murder
2. Capital murder
3. Manslaughter
4. Criminally negligent homicide
5. False Imprisonment
6. Kidnapping
7. Aggravated kidnapping
8. Indecency with a child
9. Sexual assault
10. Aggravated assault
11. Aggravated sexual assault
12. Injury to a child, elderly individual, or disabled individual
13. Abandoning or endangering a child
14. Deadly conduct
15. Terroristic threat
16. Aiding a person to commit suicide
17. Tampering with a consumer product

LAW ENFORCEMENT NOTIFICATION

The District's principal, or a person designated by the principal, shall notify any school district police department and the police department of the municipality which the school is located or, if the school is not in a municipality, the sheriff of the county in which the school is located if the principal has reasonable grounds to believe that any of the following activities occur in school, on school property, or at a school-sponsored or school-related activity on or off school property, whether or not

Law Enforcement Notification “continued”

the activity is investigated by school security officers:

- 1) conduct that may constitute an offense listed under Section 8(c). Article 42.18. Code of Criminal Procedure;
- 2) deadly conduct under Section 22.05. Penal Code;
- 3) a terroristic threat under Section 22.07. Penal Code;
- 4) the use, sale, or possession of a controlled substance, drug paraphernalia, or marijuana under Chapter 481, Health and Safety Code;
- 5) the possession of any of the weapons or devices listed under Sections 46.01(1)-(14) or Section 46.01(16). Penal Code; or
- 6) conduct that may constitute a criminal offense under Section 71.02 Penal Code.

The District's principal or designee who make a notification under this section shall include name and address of each student the person believes may have participated in the activity. A notification is not required if the District's principal or designee reasonably believes that the activity does not constitute a criminal offense.

The person, who makes the notification required under Subsection (a), shall also notify each instructional or support employee of the school, who has regular contact with a student whose conduct is the subject of the notice.

Liaison Officer

The District shall appoint at least one educator to act as liaison officer for court-related children who are enrolled in the district. The liaison officer shall provide counseling and services for each court-related child and the child's parents to establish or reestablish normal attendance and progress of the child in the school. The District's appointed liaison is the Director of the Secondary Disciplinary Alternative Education Program.

Notice to Juvenile Court of Expulsion and Certain Types of DAEP Hearings

No later than the second business day after the date a hearing is held, the District's Board of Trustees, or its designee, shall deliver a copy of the order placing a student in a disciplinary alternative education program or expelling a student and any information required under Section 52.04, Family Code, to the authorized officer of the juvenile court in the county in which the student resides, for appropriate review or juvenile court action as authorized by law.

Placement of Student Pending Court Disposition

If a student is expelled, on the recommendation of the campus Placement Review Committee or on the District's own initiative, the District may readmit the student while the student is completing any court disposition requirements the court imposes. After the student has successfully completed any court disposition requirements the court imposes, if the student meets the requirements for admission into the public schools established by law, the District may not refuse to admit the student, but the District may place the student in the alternative education program. Notwithstanding any provision to the contrary relating to Placement Review Committee decision-making authority, in this instance the student may not be returned to the classroom of the teacher, under whose supervision the offense occurred, without that teacher's consent. The teacher may not be coerced to consent.

Destruction of Certain Records from Law Enforcement Officers

Information received by the District from law enforcement authorities under Article 15.27, Code of Criminal Procedure, may not be attached to the permanent academic file of the student who is the subject of the report. The District shall destroy the information at the end of the school year in which the report was filed.

PLACEMENT IN A JUVENILE JUSTICE DISCIPLINARY ALTERNATIVE EDUCATION PROGRAM

The Board of Trustees has entered into an agreement with the county juvenile board outlining the juvenile board's responsibilities concerning the establishment and operation of the Juvenile Justice Disciplinary Alternative Education Program and conditions on payments from the District to the juvenile board. Details of this relationship are defined in agreements available for public inspection upon request to the Superintendent.

Any expelled student, who is not eligible for admission in the JJAEP, will be provided an educational program by the district. The school district may provide the program or the school district may contract with a county juvenile board, a private provider, or one or more other school districts to provide the program.