

Addendum to Student Code of Conduct 2007-2008

Changes from the Texas 80th legislative session go into effect with the start of the 2007-2008 school year. Two bills address some of the most serious student behavior and led us to create a new section of the Code titled Placement and/or Expulsion for Certain Serious Offenses.

The following information is in addition to the information printed in the Student Code of Conduct section of the Student Handbook. This addendum supercedes any provision in the code that may be in conflict.

School District Authority and Jurisdiction

The district has disciplinary authority over a student:

- When the student is required to register as a sex offender.

Revoking Transfers

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

General Conduct Violations

The categories of conduct below are prohibited at school and all school-relates activities, but the list does not include the most serious offenses. In the subsequent sections of Suspension, DAEP Placement, Placement and/or Expulsion for Certain Serious Offenses, and Expulsion, severe offenses that require or permit specific consequences are listed. Any offense, however, may be serious enough to result in Removal from the Regular Educational Setting as detailed in that section.

- Engage in conduct that constitutes dating violence, including the intentional use of physical, sexual, verbal, or emotional abuse to 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 the prior consent of the individuals being recorded or in any way that disrupts the educational environment or invades the privacy of others.
- Attempt to access or circumvent passwords or other security-related information of the district, students, or employees or upload or create computer viruses, including off school property if the conduct causes a substantial disruption to the educational environment (30 days AEP).
- Attempt to alter, destroy, or disable district computer equipment, 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 (30 days AEP).
- Send or post electronic messages 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 (30 days AEP).

Discipline Management Techniques

- Placement and/or expulsion in an alternative educational setting, as specified in the Placement and/or Expulsion for Certain Offenses section of the Code.

A student must be placed in a DAEP if the student:

Sexual Assault 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 parent of 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.

Placement and/or Expulsion for Certain Serious Offenses

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.
- 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 90 days.
- If the student is not under any form of court supervision, the placement may be in DAEP or JJAEP for 90 days or the placement may be in a regular classroom. The placement may not be in the regular classroom if the board or its designee determines that the student's presence:
 1. Threatens the safety of other students or teachers,
 2. Will be detrimental to the educational process, or
 3. Is not in the best interest of 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 finding, the board or its designee must follow the committee's recommendation.
- The review committee will be composed of:
 - a classroom teacher from the regular campus to which the student would be assigned,
 - the student's parole or probation officer or, in the case of a student who does not have a parole or probation officer, a representative of the local juvenile probation department to review the student's placement,
 - an instructor from the alternative education program to which the student is assigned,
 - the school district designee selected by the board,
 - a counselor employed by the district.
- The committee by majority vote shall recommend whether the student should be returned to the regular classroom or remain in the alternative education program. The board can over rule the committee's decision to return the student to the classroom if they determine the student's presence threatens the safety of other students or teachers, will be detrimental to the educational process, or is not in the best interest of the district's students.
- The placement review of a student with a disability who receives special education services must be made by the ARD committee.

New 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 questions 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

- 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 of the Texas Penal Code. The student must:
 - Have received deferred prosecution for conduct defined as a Title 5 felony offense;
 - 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:
 - The date on which the student's conduct occurred,
 - The location at which the conduct occurred,
 - Whether the conduct occurred while the student was enrolled in the district, or
 - Whether the student has successfully completed any court disposition requirements imposed in connection with the conduct.

Hearing 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.
 - Threatens the safety of other students or teachers,
 - Will be detrimental to the educational process, or
 - 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:
 - The student graduates from high school,
 - The charges are dismissed or reduced to a misdemeanor offense, or
 - 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.

Expulsion

- A student **may** be expelled for:
 - Regardless of the location of the offense:**
 - Aggravated assault.
 - Sexual assault.
 - Aggravated sexual assault.
 - Engaging in conduct relating to a false alarm or report (including a bomb threat) or a terroristic threat involving a public school.
 - Within **300 feet** of the school/campus:
 - Engaging in the following conduct while **within 300 feet** of school property, as measured from any point on the school's real property boundary line:
 - Continuous sexual abuse of a young child or children.
- A student **must** be expelled for any of the following offenses that occur on school property or while attending a school-sponsored or school-related activity on or off school property:
 - Continuous sexual abuse of a young child or children.
- A student under age six will not be placed in a DAEP unless the student commits a federal firearm offense.

Glossary

- Criminal Street Gang – is 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.
- Dating Violence – is the intentional use of physical, sexual, verbal, or emotional abuse by a person to harm, threaten, intimidate, or control another person with whom the student has or has had a dating relationship, as defined by Section 71.0021 of the Family Code.
- Deferred Adjudication - is 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 – is 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.