

STUDENT CODE OF CONDUCT

Stafford Municipal School District



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Stafford Municipal School District

Revised July 23, 2008

Parent and Stafford Municipal School District Students

Stafford Municipal School District is committed to providing a quality educational program and a school environment free of disruptions interfering with the educational process for every student.

The purpose of this Student Code of Conduct is to inform all students of SMSD's expectations regarding behavior and conduct.

The Student Code of Conduct is based on the policies and administrative procedures of the SMSD Board of Education and is designed to protect all students and their ability to receive the best education possible. This code has been reviewed and approved by the Board of Education.

This code includes:

- specific behaviors that are expected of students;
- a description of the broad range of student misconduct and the disciplinary consequences or options for the various actions of misconduct; and
- student rights relating to school

This code makes every effort to protect the rights of all students.

We expect students to become familiar with the provisions of the Student Code of Conduct. We also expect students to abide by the policies set forth in the code so that they can truly get the most out of their educational experience.

SMSD does not discriminate on the basis of race, color, national origin, sex, or disability. Students may utilize the district's grievance procedures to address any issues related to these areas without fear of retaliation. In addition, the district will not tolerate sexual harassment at any level. Any complaint of discrimination of any type will be taken seriously and fully investigated. The district will take any appropriate action necessary after the investigation.

H. D. Chambers, Superintendent

STUDENT CONDUCT

In general, all students are entitled to enjoy the basic rights of citizenship recognized and protected by law for persons of their age and maturity. SMSD shall foster a climate of mutual respect for the rights of others. Each student is expected to respect the rights and privileges of other students, teachers, and district personnel.

Students shall exercise their rights and responsibilities in compliance with rules established for the orderly conduct of the district's educational missions. The district's rules of conduct and discipline are established to achieve and maintain order in the school. Students who violate the rights of others or violate district or school rules shall be subject to disciplinary action in accordance with established district policies, procedures, and applicable state or federal laws.

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

- Attend all classes each day and be on time.
- Prepare for each class with appropriate materials, completed assignments, and requested communications.
- Dress according to the dress code adopted by each individual school.
- Know that the use, possession, or sale of illegal or unauthorized drugs, alcohol and weapons, is unlawful and prohibited.
- Demonstrate courtesy and respect for others.
- Pay required fees and fines.
- Obey all campus and classroom rules and the Student Code of Conduct.
- Cooperate with or assist school staff in maintaining safety, order, and discipline.
- Seek changes in school policies and regulations in an orderly and responsible manner, through appropriate channels.

All students are expected to maintain the highest level of discipline and decorum at all school functions. Failure to comply with administrative directives that promote order and respect will result in the removal of a student from participation in school activities.

In case of conflict between the Student Code of Conduct and Parent - Student Handbook, the Student Code of Conduct will prevail. The Student Code of Conduct is adopted by the District's Board of Trustees and has the force of policy.

STUDENT MISCONDUCT

The Student Code of Conduct provides a description of a broad range of behaviors considered to be student misconduct. The acts of misconduct listed in Levels I, II, III, IV, and V are not inclusive. The student who commits an act of misconduct which may be classified into any of the five levels will be subject to disciplinary action by the classroom teacher, assistant principal, principal or other appropriate administrator.

When and Where the Rules Apply

The policies and administrative procedures concerning student conduct apply to actions of students on or off school property. This includes actions occurring before, during, and after school. Additionally, the rules apply to actions of students at all school-sponsored or school-related activities or events. The district has disciplinary authority over a student:

- During the regular school day and while the student is going to and from school on district transportation.
- While the student is participating in any activity during the school day on school grounds or within 300 feet of school property.
- While the student is in attendance at any school-related activity, regardless of time or location.
- When the student engages in conduct on school property of another district or while attending a school-sponsored or school-related activity of a school in another school district.
- For any school-related misconduct, regardless of time or location.
- When retaliation against a school employee or volunteer occurs or is threatened, regardless of time or location.
- When the student engages in conduct punishable as a felony regardless of time or location.
- When criminal mischief is committed on or off school property or at a school-related event.
- When the student is required to register as a sex offender.

Students should be aware that the commission of any felony offense, whether at school or away from school, may result in placement of the student in a disciplinary alternative education program (DAEP, for example the Stafford MSD Alternative Campus) or expulsion. A DAEP is a supervised program for students removed from the regular classroom for serious or persistent discipline problems. The curriculum of the DAEP shall consist of English language arts, mathematics, science, history and self-discipline, and shall provide for the student's behavioral needs through supervision and counseling. A DAEP will also provide a student an opportunity to complete coursework before the beginning of the next school year. The school

district may provide the student an opportunity to complete coursework through any method available, including a correspondence course, distance learning, or summer school. Under these circumstances, the district will not charge the student for a course. Finally, students should know that administrators who are made aware of criminal activity whether on or off of campus will make a report to appropriate law enforcement agencies and that in addition to these administrative rules, students may be subject to criminal charges for violations of the law.

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

School rules and the authority of the district to administer discipline apply whenever the interest of the school is involved on or off school grounds in conjunction with or independent of classes and school-sponsored activities.

The district has the right to search a vehicle driven to school by a student and parked on school property whenever there is reasonable suspicion to believe it contains articles or materials prohibited by the district.

The district has the right to search a student's locker whenever there is reasonable cause to believe that it contains articles or materials prohibited by the district.

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

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

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. Disciplinary action including assigned terms 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, any established memorandum of understanding with the Fort Bend Juvenile Board, and any statutory requirements. Because of these factors, discipline for a particular offense (unless otherwise specified by law) may bring into consideration varying techniques and responses. Discipline assignments will not exceed one calendar year.

In deciding whether to order suspension, removal to a DAEP or expulsion, the District will take into consideration: 1) intent or lack of intent at the time the student engaged in the conduct; 2) the student's disciplinary history except for a determination of persistent misbehavior; 3) or a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct, as required under the Individuals with Disabilities Act (IDEA) and any related federal regulations. In making a determination of misconduct under this Code or when determining a term for assignment, the principal or other appropriate administrator may, when appropriate, consider self-defense. Self-defense may be considered as a mitigating circumstance only when the student has a reasonable belief that the student's response is

immediately necessary to protect him/her against the other's use or attempted use of improper force that could result in serious bodily injury. Reasonable belief in the school setting means a belief that would be held by the school principal or other appropriate administrator in the same circumstances as the actor. Each student is responsible for making every effort to avoid the use of any force and is expected to remove himself or herself from the situation if at all possible. The District does not condone or authorize students to use force against another individual, even if that individual provokes or instigates a fight or altercation

General Procedures For Resolving School Problems

School problems can best be resolved at the campus level where they start.

In order to resolve problems, parents or students can meet with a teacher at the appropriate times to discuss existing problems. If the parents or students are dissatisfied with the teacher's decisions or explanation, they can meet with the principal or assistant principal to review the area of concern. The parents or students can meet with the assistant superintendent or superintendent for discipline actions above Level III if they are dissatisfied with the campus decision. Consequences will not be deferred pending the outcome of a grievance.

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

General campus or classroom expectations addressed under this section include the following.

- Obey all campus and classroom rules.
- Attend all classes regularly and on time.
- Refrain from bringing inappropriate items that disrupt the educational process.
- Respect the rights and privileges of students, teachers, and other district staff and volunteers.
- Respect the property of others, including district property and facilities.
- Cooperate with and assist the school staff in maintaining safety, order, and discipline.
- Demonstrate courtesy even when others do not.
- Behave in a responsible manner, always exercising self-discipline.
- Prepare for each class; take appropriate materials and assignments to class.
- Meet district and campus standards of grooming and dress.

- Adhere to the requirements of the Student Code of Conduct.

The above items may be used for prevention/intervention to change inappropriate student behavior and to promote positive student behaviors.

A student who violates campus or classroom rules that are not Student Code of Conduct violations may be disciplined by one or more discipline management techniques.

Disciplinary techniques that the staff may employ when students violate campus or classroom rules that are not Student Code of Conduct violations include the following:

- Peer mediation.
- Oral correction.
- Cooling-off time or time-out.
- Seating changes in the classroom.
- Counseling by teachers, counselors, or administrative personnel.
- Parent-teacher conferences.
- Confiscation of items that disrupt the educational process.
- Grade Reductions for cheating, plagiarism, and as otherwise permitted by policy.
- Behavioral contracts.
- Detention maintained by teacher during non-instructional time.
- Assigned school duties other than class tasks as approved by the principal or assistant principal.
- Withdrawal of privileges, such as participation in extracurricular activities, driving or eligibility for seeking and holding honorary offices.

TEACHER REMOVAL OF STUDENTS

The Texas Education Code provides teachers with three alternatives to maintain discipline by removing unruly or disruptive students from the classroom. Each alternative for removal of students carries different disciplinary and administrative consequences. This section sets forth the three different alternatives.

3 Alternatives

Alt I - Student to principal
Alt II - Student removal from class
Alt III - Student to AEP or expelled

Alternative I

A teacher may send a student to the principal's or assistant principal's office to maintain effective discipline in the classroom as stated under Levels I and II (see Levels of Student Offenses and Discipline).

Disciplinary Options Under Alternative I

If the student is removed to maintain effective discipline as stated under Alternative I, the principal or assistant principal is free to employ any disciplinary management technique or option authorized by the Code as determined by the level of the offense and the seriousness of the misconduct. The student removed under this provision may be returned to the teacher's class. This alternative corresponds to Levels I and II and to the optional removal to a DAEP under Level III (see Levels of Student Offenses and Discipline).

Alternative II

A teacher may remove a student from class 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 in the class or with the ability of the student's classmates to learn.

A teacher may remove a student from class who has been documented by the teacher to repeatedly interfere with the teacher's ability to communicate effectively with the students in the class or with the ability of the student's classmates to learn.

Disciplinary Options Under Alternative II

If the student is removed by the teacher under Alternative II and the teacher has appropriately documented the reasons for the removal, the student may not be

returned to the teacher's class without the teacher's consent. The disciplinary options available to the principal include:

- placement in another appropriate classroom;
- placement into In-School Suspension (ISS); or
- placement in a DAEP.

Review for Students Removed Under Alternative II

Not later than the third class day after the day on which a student is removed by the teacher under this section, the school principal shall schedule a conference with the assistant principal, a parent of the student, the teacher removing the student from the class, and the student.

The student may not be returned to the regular classroom over the teacher's objection pending the conference. Pending the conference, the principal may place the student into ISS for the period of the class, in another class, or in a DAEP.

At the conference, the student shall be informed of the reasons for removal and an explanation of the basis for the removal. The principal shall afford all parties an opportunity to be heard, however, the conduct and control of the conference shall be within the absolute discretion of the principal.

Following the conference and whether or not each requested person is in attendance after valid attempts to require the person's attendance, the principal may return the student to the class of the teacher who removed the student unless the teacher objects to the student's return. If the teacher objects, the principal shall order the placement of the student in another class, in a DAEP, or may refer the student to the campus Placement Review Committee for a determination as to placement.

The teacher may not be coerced to accept the student without a determination of placement by the campus Placement Review Committee.

The campus Placement Review Committee will make a determination as to whether the student may be returned to the removing teacher's class. The student may not be returned to the teacher's class without the teacher's consent unless the committee determines that such placement is the best or only alternative available. In the case of special education students, the committee must make placement determinations in compliance with relevant state and federal law or related state or federal regulations.

If a student has been formally removed from class by a teacher for conduct against the teacher containing the elements of assault, aggravated assault, sexual assault, aggravated sexual assault, murder, capital murder, or criminal attempt to commit murder or capital murder, the student may not be returned to the teacher's class without the teacher's consent regardless of the decision of the Placement Review Committee. The teacher may not be coerced to consent.

Placement Review Committee Under Alternative II

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

- The campus faculty shall choose two teachers to serve as members and one teacher to serve as an alternate member.
- The principal shall choose one member from the professional staff of the campus.
- The teacher refusing to readmit the student may not serve on the committee.

Alternative III

A teacher is required to remove from class and send to the principal for placement in a DAEP or for expulsion any student who engages in Level IV or Level V misconduct (see section Levels of Student Offenses and Discipline).

Disciplinary Options Under Alternative III

If the student is removed under Alternative III for engaging in Level IV or Level V misconduct, then the student may be removed to a DAEP or expelled as appropriate or as required by state law. Procedures for removal to a DAEP or for expulsion shall be followed.

LEVELS OF STUDENT OFFENSES AND DISCIPLINARY OPTIONS

Personnel will use their professional judgment in determining which disciplinary action will be most effective in dealing with specific acts of student misconduct. Disciplinary actions apply equally to all students, except as provided under Board Policy related to students with disabilities.

Levels of Offenses

- Level I: Teacher-Directed
- Level II: Administrator Intervention
- Level III: Suspension or DAEP
- Level IV: Mandatory DAEP
- Level V: Expulsion

Level I: Teacher-Directed

Many behaviors should be successfully managed by the classroom teacher. There should be immediate and consistent interventions for any behavior which impedes orderly classroom procedures or interferes with the orderly operation of the classroom.

Level I Acts of Misconduct

- Severe, persistent, or continuous violations of rules or procedures established by the teacher.
- Cheating or copying the work of other students.
- Failure to comply with directives.
- Repeated unexcused tardiness to class.
- Persistent failure to bring required classroom materials or assigned work to class.
- General misbehavior including, but not limited to, eating in class, horseplay, scuffling, making excessive noise.
- Repeated failure to deliver or return written communications between home and school.
- Inappropriate display of affection.
- Failure to pay required fees and fines.
- Any other act which impedes the orderly school procedure or interrupts the orderly operation of the school.

Level I Disciplinary Options and Responses

- Verbal corrections.
- Teacher-student or parent conference.
- Teacher-parent contact: telephone call.
- Student-counselor conference.
- Detention (maintained by a teacher) during non-instructional time.
- Other appropriate in-class disciplinary actions approved by the building principal.

Level I Procedures

1. Intervention should be accomplished by the teacher who is supervising the student or who observes the misbehavior.
2. A record of the offenses and disciplinary actions may be maintained by the teacher on an appropriate form.
3. The teacher should discuss the misbehavior with parent, principal or assistant principal, or counselor.

Level I behavior violations and discipline options are not limited to those provided. Serious or repeated violations shall result in a more severe response or referral to Level II for appropriate disciplinary action.

Parental questions or complaints regarding disciplinary measures should be addressed to the teacher or campus administrator, as appropriate. The Board designates the campus principal, assistant principal, or other appropriate administrator to hear any appeal regarding campus-level discipline. The decision of the campus administrator who hears the appeal is final and not appealable. Consequences will not be deferred pending the outcome of an appeal.

Level II: Administrator Intervention

Some infractions will result in a referral to a principal or assistant principal. The disciplinary actions will depend on the offense, previous actions, and the seriousness of the misbehavior. Level II acts of misconduct include those student acts that interfere with the orderly educational process in the classroom or the school.

Level II Acts of Misconduct

- Repeated or continuation of Level I misbehavior.
- Violating campus dress code.
- Leaving the classroom or school grounds without the permission of school personnel.
- Cutting class or other forms of truancy.
- Inappropriate physical contact.
- Any verbal abuse of others including profanity, vulgarity, name-calling or derogatory statements.
- Posting or distributing unauthorized materials on school grounds.
- Unauthorized use or intentional misuse of telephones, facsimile equipment, copiers, computers, computer software, or computer networks.
- Failure to comply with requests of school personnel or defiance of the authority of school personnel.
- Failure to abide by rules and regulations at extracurricular activities or co-curricular activities such as field trips.
- Loitering in unauthorized areas.
- Altering school records, documents, or signing parent's name on school documents.
- Participating in activities by groups such as gangs and cults.
- Participating in dress or attire signifying gang affiliations.
- Possessing cellular telephones will be allowed; however the use of such device during established school hours is prohibited. In this regard, device must be kept out of sight and powered off. In addition to disciplinary action, if found to have violated this paragraph, students may have their device confiscated. Persons confiscating the device shall turn the device over to the assistant principal or principal. The principal may return the device to the parent. In accordance with Texas Education Code 37.082, the district will charge the owner of the device or parent an administrative fee of \$15.00 before the device is released.
- Cafeteria disturbance.
- Disruptive behavior on school bus.

- Violation of detention rules or procedures.
- Any other acts which interfere with the orderly educational process in the classroom or the school.

Level II Disciplinary Options and Responses

- Parent contact by phone.
-
- Principal or assistant principal /student/parent conference.
- In-School Suspension (ISS).
- Detention.
- Exclusion from extracurricular activities.
- Removal of school transportation privileges.
- Behavior contracts.
- Teacher removal of the student from the classroom to the assistant principal or principal which may result in the referral of the student to Level III or Level IV.
- Confiscation of items that disrupt the educational process.
- Restitution or restoration as applicable, for vandalism to property.
- Any other appropriate disciplinary actions determined appropriate by the principal or assistant principal.

Level II Procedures

Infractions which result in referrals to principals or assistant principals:

1. A principal or assistant principal student conference is held. The student's version of the incident is given by the student. The principal or assistant principal determines the disciplinary action required once all facts of the incident are established.
2. Notification is sent to the originator indicating action taken and the Discipline Referral Form is retained by the principal or assistant principal.
3. Repeated violations shall result in a more severe response or referral to Level III.

Level II behavior violations and discipline options are not limited to those provided in the above list.

Parental questions or complaints regarding disciplinary measures should be addressed to the teacher or campus administrator, as appropriate. The Board designates the campus principal, assistant principal, or other appropriate administrator to hear any appeal regarding campus-level discipline. The decision of the campus administrator who hears the appeal is final and not appealable. Consequences will not be deferred pending the outcome of an appeal.

Level III: Suspension Or Optional Removal To A DAEP

Level III acts include conduct for which the student may be suspended or placed in a DAEP. The principal or assistant principal will make the determination whether to suspend or to refer the student to a DAEP. State law allows a student to be suspended for up to three school days per offense, with no limit on the number of times a student may be suspended in a semester or school year. A student's parent or guardian will be notified of a violation of the Student Code of Conduct that results in suspension or removal to a DAEP.

Students assigned to the DAEP will be provided transportation by the district. A student removed to a DAEP or suspended is restricted from participation in school-sponsored or school-related extracurricular and non-curricular activities for the term of suspension or removal.

Level III Acts of Misconduct

- Chronic or repeated disciplinary infractions of Level I or Level II offenses.
- Fighting.
- Gambling.
- Misdemeanor stealing or theft of property in an amount under \$750.00.
- Possession of a knife with a blade of less than 5½", including pocketknives.
- Continuous or disruptive behavior on school bus.
- Smoking, using, or possessing tobacco or tobacco products on school property or any school-related or sanctioned activity.
- In possession of fireworks of any kind, smoke or stink bombs, or any other pyrotechnic device.
- Interfering with school authorities.
- Violation of ISS rules or procedures.
- Aggressive action or group demonstration that substantially disrupts or interferes with school activities. This includes such acts as boycotts, sit-ins, trespassing, and walkouts.

- Failure to adhere to terms of behavior contracts.
- Indecent or unsolicited sexual proposal or sexual harassment.
- Selling or soliciting for sale any merchandise on school campus without the authorization of the building principal.
- Display of disrespect toward school personnel or campus visitors.
- Profanity, vulgar language, or obscene gestures.
- Any ethnic or racial slurs which disrupt the educational process.
- Engaging in acts of intimidation which interfere with another student's desire or willingness to participate in the educational process.
- A laser pointer for other than an approved use.
- Misdemeanor criminal mischief (i.e., vandalism) resulting in the destruction of property in an amount less than \$1500.00.
- Use of school computers, facsimile equipment, copiers, telephones, or other electronic devices to transmit, receive, view, or display obscene, vulgar, sexually explicit, or racist media; or to display information which advocates unlawful activities or provides guidance on the construction of weapons or other illegal devices.
- Participation in, soliciting, or coercing others to become involved in unauthorized groups as gangs, fraternities, sororities, or secret societies.
- Attempting 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.
- Attempting 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.
- Using the Internet or other electronic communications to threaten District students, employees, or volunteers, including off school property if the conduct causes a substantial disruption to the educational environment.
- Misdemeanor extortion, which is defined as obtaining money or information from another by coercion or intimidation of a value less than \$1500.00.
- Possessing or selling look-alike drugs or items attempted to be passed off as drugs or contraband.

- Possessing a stun gun.
- Possession or use of any prescription or non-prescription drug, medicine, vitamins, or other chemical in violation of the guidelines for dispensing medications at schools.
- Defacing school property with graffiti or other means which employs words or provocative language and may serve to promote violent or dangerous circumstances.
- Hazing, which means any intentional, knowing, or reckless act directed against a student by one person alone or acting with others, that endangers the mental or physical health or the safety of a student for the purpose of being initiated into, affiliating with, holding office in, or maintaining membership in any organization or general classification of students whose members include other students.
- Making hit lists, which mean a list of people targeted to be harmed, using a firearm, a knife, or any other object to be used with intent to cause bodily harm.
- Directly or indirectly assisting with the promotion of any behavior punishable as Level II or higher prohibited by this Student Code of Conduct.
- Making false accusations or hoaxes regarding school safety.
- Engaging in bullying, which means oral expression or physical conduct that has the effect of physically harming a student, damaging a student's property, or placing a student in reasonable fear of harm to the student's person or of damage to the student's property and is severe, persistent, or pervasive to create an intimidating, threatening, or abusive educational environment for a student. Bullying includes intimidation by name-calling, using ethnic or racial slurs, or derogatory statements that could disrupt the school program or incite violence.
- Engaging in threatening behavior toward another student or district employee on or off school property.
- Engaging in harassing behavior, including conduct that threatens to cause harm or bodily injury to another student, subjects another student to physical confinement or restraint, or maliciously and substantially harms another student's physical or emotional health or safety.
- 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.
- Engaging in dating violence which includes the physical, sexual, verbal, or emotional abuse in order to harm, threaten, intimidate, or control another student in a dating relationship, as defined by Section 71.0021, Family Code.

- 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 school policy on taking prescription drugs and over-the-counter drugs at school.
- Engaging in conduct containing the elements of criminal mischief, not punishable as a felony.
- Any other acts of serious misconduct that disrupts the school environment in the classroom or school.

Level III Disciplinary Options and Responses

- Principal or assistant principal -student-parent conference.
- Restitution or restoration, as applicable, for vandalism to property.
- Exclusion from extracurricular activities.
- Referral of the student to a DAEP.
- Suspension for up to three school days per offense.
- Removal of transportation services.
- Teacher removal of the student from the classroom.
- Police intervention to include the issuance of citations.
- Any other disciplinary actions determined appropriate by the principal or assistant principal.

Level III Procedures and Appeal Process

1. Referral to principal or assistant principal.
2. A principal or assistant principal-student conference is held. The student's version of the incident is given by the student. The principal or assistant principal determines the disciplinary action required once all facts of the incident are established.
3. Notification is sent to the originator of the referral indicating action taken.

4. Within three school days from the date of the referral, a conference is scheduled among the principal, parent, the originator of the referral, and the student. The student may not be returned to the regular classroom pending the conference. The principal may temporarily place the student in another teacher's classroom, ISS, or a DAEP.
5. The principal determines the consequences for the behavior. If the student is to be suspended or referred to a DAEP, the parent will be provided a letter notifying the parent of the action, stating the reasons for the removal and setting the term.
6. Parental questions or complaints regarding disciplinary measures, including suspensions, should be addressed to the teacher or campus administrator, as appropriate. The Board designates the campus principal, assistant principal, or other appropriate administrator to hear any appeal regarding campus-level discipline. The decision of the campus administrator who hears the appeal is final and not appealable. Consequences will not be deferred pending the outcome of an appeal.
7. If a student is placed in a DAEP, the student's parent is entitled to notice and an opportunity to participate in a proceeding before the assistant superintendent or the superintendent. This request for a proceeding must be made by the parent to the assistant superintendent or superintendent within three school days of the time the punishment was imposed. The assistant superintendent or superintendent will make an administrative review of the action at the request of the student or parent. The assistant superintendent or superintendent will allow the school administration and the parent or student to make a 10-minute presentation. The presentation may be lengthened by the assistant superintendent or superintendent. Whether witnesses or documentary evidence will be considered will be left to the discretion of the assistant superintendent or superintendent.
 - For seniors assigned to a disciplinary AEP who are eligible to graduate, the placement in the program will continue through graduation, and the student will not be allowed to participate in the graduation ceremony and related graduation activities.
8. After completing the proceeding, the assistant superintendent or superintendent will render a decision in writing to the parent within seven school days from the conference date. A student may be placed in a DAEP pending an appeal to the assistant superintendent or superintendent. The decision of the assistant superintendent or superintendent is final and may not be appealed.

At the proceeding, the assistant superintendent or superintendent will:

- advise the student orally or in writing of the alleged misconduct;
- explain the evidence of the misconduct and give the student the opportunity to present the student's side if the student denies the allegation of misconduct.

9. Before a student may be placed in a DAEP for a period which extends beyond the end of the school year, the principal must determine that:
 - 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
 - the student has engaged in serious or persistent misbehavior that violates the district's student code of conduct;
10. A student placed in a DAEP will be provided a status review, orally or in writing, by the principal of the school from which the student was removed at intervals not to exceed 120 days.
11. If a student withdraws from the district before an order for placement in a disciplinary alternative education program is entered, the principal or Board, as appropriate, may complete the proceedings and enter an order. If the student subsequently enrolls in the district during the same or subsequent school year, the district may enforce the order at that time, except for any period of the placement that has been served by the student on enrollment in another district that honored the order. If the principal or Board fails to enter an order after the student withdraws, the next district in which the student enrolls may complete the proceedings and enter an order. (Applicable also to Level IV Procedures and Appeals).
12. If, during the term of a placement ordered, a student engages in additional conduct for which placement in a disciplinary alternative education program or expulsion is required or permitted, additional proceedings may be conducted regarding that conduct and the principal or Board, as appropriate, may enter an additional order as a result of those proceedings. (Applicable also to Level IV Procedures and Appeals).
13. If a student was placed in a DAEP by a school district in another state for a period that exceeds one year and if that placement is continued, SMSD shall reduce the period of the placement so that the aggregate period does not exceed one year unless, after a review, the district determines that:
 - 1) the student is a threat to the safety of other students or to district employees; or
 - 2) extended placement is in the best interest of the student.
 - 3) (applicable also to Level IV Procedures and Appeals)

14. SMSD may place a student in a DAEP if

- a. the student was placed in a disciplinary alternative education program by an open-enrollment charter school under section 12.131 and the charter school provides to the district a copy of the placement order; or
- b. the student was placed in a disciplinary alternative education program by a school district in another state and
 - 1) the out-of-state district provides to the district a copy of the placement order; and
 - 2) the grounds for the placement by the out-of-state district are grounds for placement in SMSD. (Applicable also to Level IV Procedures and Appeals)

Level IV: Mandatory Removal To DAEP

Definition A

A student must be removed from the classroom to a DAEP by the principal when the student engages in any of the following conduct on school property, or within 300 feet of school property (as measured from any point on the school's real property line), or while attending a school-sponsored or school-related activity on or off school property, unless expulsion is authorized or required for the offense. Citations may be issued by a certified police officer.

Level IV Acts of Misconduct Under Definition A

- Engaging in any offense punishable as a felony.
- Engaging in assault which is defined as intentionally, knowingly or recklessly causing bodily injury to another (Section 22.01 (a) (1), Penal Code).
- Engaging in a false alarm or terroristic threat involving a public school. Terroristic threat is defined as but not limited to threatening to commit violence or harm to any person or property with intent to cause an emergency response or which places any person in fear of imminent serious bodily injury; or interrupting the occupation or use of a building, room, place of assembly, place to which the public has access by threats of violence or other means; or causing impairment or interruption of public communications, public transportation, public water, gas power supply, or other public service (Section 22.07, Penal Code).
- Selling, giving, delivering to another person, possessing, using or being under the influence of marijuana, a controlled drug, or other controlled substance (Chapter 481, Health and Safety Code, or by 21 U.S.C. Section 801 et. seq.).
- Selling, giving, delivering to another person, possessing, using, or being under the influence of a dangerous drug (Chapter 483, Health and Safety Code).

- Selling, giving, or delivering an alcoholic beverage to another person.
- Possessing, using, or being under the influence of alcohol.
- Committing a serious act or offense while under the influence of alcohol.
- Engages in conduct that contains the elements of an offense relating to an abusable volatile chemical under Section 485.031 - 485.034 of the Texas Health and Safety
- Engaging in conduct that contains elements of the offense of public lewdness or indecent exposure under which are defined to include offenses against chastity, common decency, morals and the like (Sections 21.07 and 21.08 Penal Code).
- Burglary of Stafford Municipal School District facility.
- Regardless of whether on or off campus or at a school function, if a student engages in conduct that contains elements of the offense of retaliation under Section 36.06, Penal Code against any school employee by engaging in conduct including but not limited to intentionally or knowingly threatening to harm another by an unlawful act in retaliation for that person's performance of their official duties.

Definition B

A student must be removed from the classroom to a DAEP by the principal when the student engages in any of the following conduct off campus regardless of whether the conduct occurred while the student was in attendance at a school-sponsored or school-related activity, unless expulsion is authorized or required for the offense. Citations may be issued by a certified police officer. A principal or other appropriate administrator may remove a student to a disciplinary alternative education program for off-campus conduct for which removal is required under this section even if the principal or other appropriate administrator does not have knowledge of the conduct before the first anniversary of the date the conduct occurred.

Level IV Acts of Misconduct Under *Definition B*

- Receiving deferred prosecution for conduct defined as a Title 5 felony offense (criminal homicide, murder, capital murder, manslaughter, criminally negligent homicide, false imprisonment, kidnapping, aggravated kidnapping, indecency with a child, sexual assault, aggravated assault, aggravated sexual assault, injury to a child, elderly or disabled individual, abandoning or endangering a child, deadly conduct, terroristic threat, aiding suicide, or tampering with a consumer product).
- Being found guilty by a court or jury for engaging in delinquent conduct defined as a Title 5 felony offense (see above).

- The superintendent or designee having reasonable belief that the student has engaged in conduct defined as a Title 5 felony offense (see above).

Discretionary Placement

The superintendent or designee may place a student in a DAEP if there is reasonable belief that a student has engaged in conduct defined as a felony offense other than those defined in Title 5 (offenses against a person), and when 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.

Placement in a DAEP for any reason prohibits the student from attending or participating in school-sponsored or school-related activities. The lunch procedure will allow for lunches prepared at home to be brought to the campus. Lunches must be brought by parents/guardians only. Lunches must be brought to campus no later than 11 a.m. Be advised that no heating or refrigeration options are available. No commercial lunches will be allowed. Any beverage must be in the original sealed container. Please note, SAEC Administration may check lunches at any time to ensure guidelines have been met. The Child Nutrition Department will continue to provide sack lunches for students on the free and reduced lunch program. Students will still be able to purchase sack lunches from Child Nutrition.

Students with disabilities served under the Individuals with Disabilities Education Act (IDEA) will be disciplined in accordance with state and federal law

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

Students who violate the Student Code of Conduct requiring placement in a DAEP and withdraw from the district before starting or completing the placement then subsequently return during the school year will be placed in the DAEP to complete the placement.

Students assigned to a DAEP in another district when registering into SMSD will be placed directly into SMSD's DAEP.

Level IV Procedures and Appeal Process

1. Referral to principal or assistant principal. A student's parent or guardian will be notified of a violation of the Student Code of Conduct that results in removal to a DAEP.
2. A principal or assistant principal -student conference is held. The student's version of the incident is given by the student. The principal or assistant principal determines the disciplinary action required once all facts of the incident are established.

3. Notification is sent to the originator indicating action taken and the Discipline Referral Form is retained by the principal or assistant principal.
4. Within three school days from the date of the referral, a conference shall be scheduled among the principal (or other appropriate administrator), parent, the referral originator, and the student. The student may not be returned to the regular classroom pending the hearing; the principal may temporarily place the student in another teacher's classroom, ISS, or a DAEP.
5. Principal or other appropriate administrator makes a determination whether to refer student to a DAEP. If the student is referred to a DAEP, the parent shall be given a letter stating the reasons for the referral and setting the term.
6. If the student's placement in a DAEP extends beyond the end of the next six-week grading period or is for greater than 60 calendar days, the parent is entitled to notice and an opportunity to participate in a conference before the assistant superintendent or superintendent. This request for a review must be made by the parent to the assistant superintendent or superintendent within three school days of the time the punishment was imposed. The assistant superintendent or superintendent will make an administrative review of any placement in a DAEP that extends beyond the next grading period or beyond 60 calendar days at the request of the student or parent. The assistant superintendent or superintendent will allow the school administration and the parent or student to make a 10-minute presentation. The presentation may be lengthened by the assistant superintendent or superintendent. Whether witnesses or documentary evidence will be considered and left to the discretion of the assistant superintendent or superintendent.
7. After completing the proceeding, the assistant superintendent or superintendent will render a decision in writing to the parent within seven school days from the conference date. A student may be placed in a DAEP pending an appeal to the assistant superintendent or superintendent. The decision of the assistant superintendent or superintendent is final and may not be appealed.

At the hearing, the assistant superintendent or superintendent will:

- advise the student orally or in writing of the alleged misconduct;
 - explain the evidence of the misconduct and give the student the opportunity to present his/her side if the student denies the allegation of misconduct.
8. Before a student may be placed in a DAEP for a period, which extends beyond the end of the school year, the principal must determine that:
 - 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;

- the student has engaged in serious or persistent misbehavior that violates the district's student code of conduct; or
9. A student placed in a DAEP will be provided a status review, orally or in writing, by the principal of the school from which the student was removed at intervals not to exceed 120 days. In the case of a high school student, the principal, with the parent, shall review the student's progress towards meeting high school graduation requirements and shall establish a specific graduation plan for the student.
10. For misconduct described under *Definition B* or *Discretionary Placement*, related to off-campus felonies, additional procedures are required and are provided below.
- On receipt of notice from the prosecuting attorney or juvenile court that the student has been found not guilty or that the prosecutor has dropped the charges, the superintendent or designee must review the student's placement in the DAEP. The student may not be returned to the regular classroom pending the review.
 - The superintendent or designee shall schedule a review of the student's DAEP placement with the parent not later than the third class day after a notice has been received from the prosecuting attorney or juvenile court.
 - After reviewing the notice and receiving information from the student's parent, the superintendent or designee may continue the student's placement in the DAEP if there is reason to believe that the presence of the student in the regular classroom threatens the safety of other students or teachers.
 - The student or the parent may appeal the superintendent's decision to the board of trustees. However, the student may not return to the regular classroom pending the appeal.
 - Upon receipt of the appeal, the board shall, at the next scheduled meeting, review the notice and receive information from the student, the parent, and the superintendent or designee. The board may confirm or reverse the superintendent's decision and shall make a record of the proceedings. If the board confirms the superintendent's decision, the student and parent shall be informed of their right to appeal to the commissioner of education. The student may not return to the regular classroom pending the appeal.
11. For seniors assigned to a DAEP who are eligible to graduate, the placement in the program will continue through graduation, and the student will not be allowed to participate in the graduation ceremony and related graduation activities.

12. Students under age six (6) will not be placed in a DAEP unless the student commits a federal firearm offense.
13. Students between six and nine years of age who commit expellable offenses must be placed in a DAEP.
14. Elementary students cannot be placed in a DAEP with students not in elementary school

Level V: Placement and/or Expulsion for Certain Serious Offenses

Expulsion means removal of a student from school for more than three consecutive school days but not longer than one year. Level V acts of misconduct include those serious misbehaviors or illegal acts which threaten to impair the educational efficiency of the school, or which most seriously disrupt the orderly educational process in the classroom or the school. Under state law, students may be expelled for any violation listed under this section. Expulsion may occur if the Level V act of misbehavior occurs on school property, or at a school-sponsored/ -related activity on or off school property.

Level V Acts of Misbehavior

Discretionary Expulsion

A student may be expelled for the following:

- Continued serious and persistent misbehavior of a student, which violates the district's Student Code of Conduct while placed in a DAEP.
- The student engages in conduct that contains the elements of criminal mischief (i.e., vandalism) and the destruction of property, which results in an amount greater than \$1500.00 or is punishable as a felony (Section 28.03, Penal Code).
- The student, while on school property, within 300 feet of school property, or while attending a school-sponsored or school-related activity on or off school property:
 - sells, gives, or delivers to another person or possesses, uses, or is under the influence of any amount of marijuana or a controlled substance (Chapter 481, Health and Safety Code);
 - sells, gives, or delivers to another person or possesses, uses, or is under the influence of any amount of a dangerous drug (Chapter 483, Health and Safety Code);
 - sells, gives, or delivers to another person or possesses, uses, or is under the influence of any amount of an alcoholic beverage;
 - engages in conduct that contains the elements of an offense relating to an abusable volatile chemical under Sections 485.031 through 485.034, Health and Safety Code.

- engages in conduct that contains the elements of the offense of deadly conduct under Section 22.05, Penal Code.
- engages in expellable conduct under TEC 37.007(a) (mandatory expellable offenses) or possesses a firearm, as defined by 18 U.S.C. Section 921 within 300 feet of school property as measured from any point on the school's real boundary line
- engages in expellable conduct under TEC 37.007(a) (2) (A) or (C) (aggravated assault, sexual assault, murder, etc.) or the offense of aggravated robbery under Penal Code Section 29.03, against another student, without regard to whether the conduct occurs on or off of school property or while attending a school sponsored or school-related activity on or off school property.
- Terrorist Threat
- False Alarm/False Report
- Assault against employee/volunteer
- Criminal Mischief
- Violation of code of conduct while in a DAEP

Mandatory Expulsion

A student shall be expelled from school if the student, on school property or while attending a school-sponsored or school-related activity on or off of school property:

- Uses exhibits or possesses a firearm defined as 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 (Section 46.01 (3), Penal Code).
- Uses, exhibits or possesses an illegal knife which includes any knife with a blade over 5½" (Section 46.01 (6), Penal Code).
- Uses, exhibits, or possesses a club, to include an instrument that is specially designed to inflict serious bodily injury or death by striking a person with the instrument and includes but is not limited to a blackjack, nightstick, mace or tomahawk (Section 46.01 (1), Penal Code).
- Uses, exhibits, or possesses a weapon listed as a prohibited weapon. These weapons are defined as an illegal knife, firearm, sword, spear, tomahawk, club, explosive device, throwing instrument designed to cut or stab, firearm silencer, ammunition, dagger, knuckles, blackjack, nightstick, mace, switchblade, bowie

knife, zip gun, chemical dispensing device, short-barreled firearm, machine gun (Section 46.05, Penal Code).

- Engages in conduct that contains the elements of:
 - aggravated assault, which includes but is not limited to causing serious bodily injury to another during the commission of a sexual assault, or using or exhibiting a deadly weapon during the commission of a sexual assault (Section 22.02, Penal Code);
 - sexual assault (Section 22.011, Penal Code);
 - aggravated sexual assault, which includes but is not limited to. causing or threatening to cause serious bodily injury to another during the commission of a sexual assault, or using or exhibiting a deadly weapon during the commission of a sexual assault (Section 22.021, Penal Code);
 - arson (Section 28.02, Penal Code);
 - murder (Section 19.02, Penal Code);
 - capital murder (Section 19.03, Penal Code), or criminal attempt to commit murder or capital murder (Section 15.01, Penal Code);
 - indecency with a child (Section 21.11, Penal Code);
 - aggravated kidnapping (Section 20.04, Penal Code);
 - aggravated robbery (Section 29.03, Penal Code);
 - manslaughter (Section 19.04, Penal Code);
 - criminally negligent homicide (Section 19.05, Penal Code);
 - conduct punishable as a felony
 - continuous sexual abuse of a young child or children.
- Brings a firearm, as defined by 18 U.S.C. Section 921, to school which includes, but is not limited to any weapon, including a starter pistol which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of any such weapon; any firearm muffler or firearm silencer; or any destructive device. Students violating this section shall be expelled for at least one year except that:
 - the Superintendent of Schools may modify the length of the expulsion in the case of an individual student; and

- when students are under the age of 10, in which case they will be placed in a DAEP including students under the age of 6.
- Additionally, a student shall be expelled for engaging in any conduct containing the elements of an offense for which expulsion is required while retaliating against a district employee as a result of the employee's employment with the district, whether it occurs on or off school property or at a school-related function.

Possession means actual care, custody, control or management. A student is considered to be in possession of any substance or object prohibited or regulated by this Code if the substance or object is: (1) on the student's person or in the student's personal property, including but not limited to the student's clothing, purse, book bag, or briefcase; (2) in any private vehicle used by the student for transportation to or from school or school-related activities, including but not limited to an automobile, truck, motorcycle, or bicycle, or (3) in any school property used by the student, including but not limited to a locker or a desk.

Level V Disciplinary Responses

- Principal or assistant principal -parent-student conferences.
- Exclusion from extracurricular activities.
- Restitution or restoration as applicable.
- Referral to counselors or appropriate agencies.
- Referral to local juvenile board for legal action.
- Notification to Stafford Police Department.
- Expulsion (more than three consecutive school days per occurrence, but not longer than one year).
- Police intervention including issuance of citations.

Level V Procedures and Appeal Process

A student's parent or guardian will be notified of a violation of the Student Code of Conduct that results in expulsion. Decisions to expel a student shall not be made until there has been a full hearing, unless the student and parents specifically waives in writing such hearing or fails to attend the hearing after a good-faith effort to inform the student and the parent of the time and place of the hearing. An accurate record of any hearing will be maintained. Records of all expulsions and supporting data shall be filed in the principal's office of the school in which the act of misconduct occurred. Pending the expulsion hearing, the student may be placed in a DAEP provided that the hearing shall be scheduled within three days and should be held within seven school days from the date of the offense. The date for the hearing may be deferred beyond seven school days with the mutual agreement of the parties. A student may be expelled for up to one calendar year.

If the principal recommends an expulsion, the following procedures shall apply:

1. The student and parent shall be notified in writing of the reason(s) for the proposed expulsion of the student, and a prompt hearing must be arranged, unless waived by the student and parent in writing. The reasons for the proposed expulsion must be furnished in sufficient detail for them to understand the nature of the alleged offense and prepare a defense.

The student and parent must also be furnished a copy of the expulsion procedures. The administration may be represented by any person involved in discipline at the school level or by the school attorney, who ever is deemed appropriate.

The school official conducting the hearing shall make a decision concerning the case within seven school days from the hearing date and inform the student and parent of their right to appeal the decision to the next higher administrative level and how to do so.

2. Any student or parent who wishes to appeal an expulsion decision shall notify the assistant superintendent or superintendent within three school days of receipt of the decision. The assistant superintendent or superintendent will arrange a time for the appeal hearing. The assistant superintendent or superintendent shall notify the student and the parent, guardian, or representative of the time and place of the hearing. The hearing shall be held within seven calendar days from the date the student and parent notifies the assistant superintendent or superintendent of the intention to appeal, unless an extension is given.
3. The student must be given a fair and impartial hearing. A student is entitled to be represented by the student's parent or another adult who can provide guidance to the student and who is not an employee of the school district. The student's representative may be an attorney. If unable to attend, the parent may designate an adult to represent the student. The district may require evidence of the appointment by the parent of any such representative.
4. The assistant superintendent or superintendent shall conduct a hearing attended by school officials, the student, and the parent. Both the administration and student will be allowed to make a short oral presentation based on the record. The time allowed for the oral presentations is left to the discretion of the hearing officer. The assistant superintendent or superintendent may affirm the action of the principal or designee, overrule it, or enter any other appropriate order. The assistant superintendent or superintendent shall inform the student and parent in writing of the decision within seven school days of the hearing date and apprise the student and parent of the right of appeal to the Board of Education.
5. The student or parent may appeal the decision of the assistant superintendent or superintendent in writing to the Board of Trustees within five school days of the receipt of the assistant superintendent or superintendent's decision. Appeals to the Board are also appeals on the record; no new evidence may be introduced for any purpose. The appeal before the Board will be an oral presentation by both the

appropriate administrative representative and by the student or parent. The hearing will be in closed session, unless the student or parent requests an open hearing. Decisions of the Board may be appealed to state district court in Ft. Bend County. Consequences will not be deferred pending the outcome of the hearing.

At whatever appellate level in which an expulsion order becomes final, a copy of the final written order expelling the student shall be delivered to the student and the parent. A copy of the order shall also be given to the juvenile court.

SMSD will honor DAEP orders from other school districts and shall honor the expulsion of an expelled student from another district for the period of the other district's expulsion.

When a student has violated the District's Student Code of Conduct in a way that requires expulsion from the district and the student withdraws from the district before the expulsion hearing takes place, the district will conduct the hearing after sending a written notice to the parent and student. If the student returns during that school year or the next school year, the student will be expelled for the time specified in the expulsion order.

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

When a student under the age of ten (10) engages in expellable conduct, the student will not be expelled, but will be placed in a DAEP.

Students Required to Register as 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 or at least one semester.

If the student is not under any form of court supervision, the placement may be in a 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.

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

- a classroom teacher from the campus to which the student would be assigned were the student not placed in the DAEP;
- 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;
- an instructor from the DAEP to which the student is assigned;
- a school district designee; and
- a counselor employed by the school district.

The committee by majority vote shall determine and recommend to the board's designee whether the student should be returned to the regular classroom or remain in the DAEP. If the committee recommends that the student be returned to the regular classroom, the board's designee shall return the student to the regular classroom unless the board's designee determines that the student's presence in the regular classroom:

1. Threatens the safety of other students or teachers
2. Will be detrimental to the educational process; or
3. Is not in the best interest of the district's students.

If the committee recommends that the student remain in the DAEP, the board's designee shall continue the student's placement in the DAEP unless the board's designee determines that the student's presence in the regular classroom;

1. Does not threaten the safety or other students or teachers;
2. Will not be detrimental to the educational process; and

3. Is not contrary to the best interests of the district's students.

If, after receiving the committee's recommendation, the board's designee determines that the student should remain in the DAEP, the board's designee shall before the beginning of each school year convene the review committee described above to review the student's placement in the DAEP.

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

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.

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.

Title 5 Felony

Regardless of whether placement or expulsion is required or permitted by one of the reasons in the Mandatory Removal or Expulsion Offenses, in accordance with TEC 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 of the Texas Penal Code. The student must:

1. Have received deferred prosecution for conduct defined as a Title 5 felony offense;
2. Have been found by a court or jury to have engaged in delinquent conduct for conduct defined as a Title 5 felony offense;
3. Have been charged with engaging in conduct defined as a Title 5 felony offense;
4. Have been referred to a juvenile court for allegedly engaging in delinquent conduct for conduct defined as 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.

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

1. Threatens the safety of other students or teachers;

2. Will be detrimental to the educational process; or
3. Is not in the best interests 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. 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;
3. The student completes the term of the placement or is assigned to another program.

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.

REMOVAL TO FORT BEND COUNTY ALTERNATIVE SCHOOL

SMSD provides a community-based alternative school in conjunction with Fort Bend County Commissioners Court, Juvenile Board, Juvenile Probation Department and other school districts in Fort Bend County. Students who have committed serious offenses and who have been expelled as mandated by Texas Education Code, Section 37, may be assigned to the Fort Bend County Juvenile Justice Alternative Education Program (JJAEP). Certain misconduct requires assignment to the JJAEP. Uniform dress is required. The setting is referred to as a Juvenile Justice AEP as defined by Sec. 37.011. Any term for assignment or timing of assignment completion will be made in compliance with the memorandum of understanding (MOU) between SMSD and the Fort Bend County Juvenile Board.

Instruction is provided in English language arts, mathematics, science, social studies, and electives. Special instruction and support services are provided as appropriate for each student. Self-discipline is taught by both school staff and county drill instructors, which are assigned full-time at the school. The program is highly structured and involves parents, school staff, county staff, and students in the process of developing behavior and skills necessary for productive adult living. Students must demonstrate significant improvement in school attendance, academic achievement and behavior, both at school and in the community, prior to release.

REPORTS TO LOCAL LAW ENFORCEMENT

The district has an obligation under the law to notify the local police department if there are reasonable grounds to believe that any of the following offenses have occurred in school, on school property, or at a school-sponsored or school-related activity on or off school property:

- Murder
- Indecency with a child by contact
- Capital murder
- Aggravated kidnapping
- Sexual assault
- Aggravated assault
- Aggravated sexual assault
- Injury to a child, elderly individual, or disabled individual
- Arson with bodily injury
- Robbery
- Aggravated robbery
- Burglary
- Manufacture or delivery of a controlled substance; manufacture, delivery, or possession of a miscellaneous illegal substance; or delivery of marijuana within 1,000 feet of a school or playground.
- Deadly conduct, as described by Section 22.05, Penal Code, which includes, but not limited to, recklessly engaging in conduct that places another in imminent danger of serious bodily injury or knowingly discharging a firearm in the direction of an individual, home, or occupied vehicle.
- Terroristic threat, as described by Section 22.07, Penal Code.
- Use, sale, or possession of a controlled substance, drug paraphernalia, or marijuana, as defined by Chapter 481, Health and Safety Code.
- Possession of a club, explosive weapon, firearm, firearm silencer, handgun, illegal knife, knife, knuckles, machine gun, short-barrel firearm, switchblade knife, armor-piercing

ammunition, hoax bomb, chemical dispensing device, or zip gun as listed in Sections 46.01(1)-(14) or Section 46.01(16) of the Penal Code.

- Organized criminal activity, which includes but is not limited to commission of murder, capital murder, arson, aggravated robbery, robbery, burglary, theft, aggravated kidnapping, kidnapping, aggravated assault, aggravated sexual assault, sexual assault, forgery, deadly conduct, burglary of a motor vehicle or unauthorized use of a motor vehicle, a gambling offense or other criminal activity if it is done with the intent to establish or maintain or participate in a collaboration of three or more persons or participate in the profits such a combination in carrying on criminal activity as further defined under Section 71.02 of the Penal Code.
- Conduct that may constitute a criminal offense for which a student may be expelled under Section 37.007(a), (d) or (e) of the Texas Education Code.

COURT INVOLVEMENT

Not later than the second business day after the date a hearing is held in which a student is expelled or placed in a JJAEP for a Level IV or V offense, the superintendent shall send a copy of the order placing the student in a JJAEP or expelling the student along with any information required by Section 52.04, Family Code, to the authorized officer of the juvenile court. The officer of the juvenile court may determine whether a petition should be filed alleging that the student is in need of supervision or has engaged in delinquent conduct; or the student should be referred to an appropriate state agency.

EMERGENCY PLACEMENT OR EMERGENCY EXPULSION

A principal or assistant principal may order the immediate expulsion or placement of a student in a DAEP when it is determine 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;
- Seriously interferes with the ability of the student's classmates to learn; or
- Seriously interferes with the operation of school or a school-sponsored activity.

A principal or assistant principal may order the emergency placement in a DAEP, or emergency expulsion of a student from the school when the principal or assistant principal believes that the action is necessary to protect persons or property from imminent harm. At the time of the emergency placement or expulsion, the student must be given oral notice of the reason for the action. The reason must be a reason for which placement in a disciplinary alternative education program or expulsion may be made on a nonemergency basis. Within a reasonable time after the emergency placement or expulsion, but not later than the 10th day after the date of the placement or expulsion, the student shall be accorded appropriate due process in the form of a hearing before the principal or assistant principal.

If the student subject to the emergency placement or expulsion is a student with a disability who receives special education services, the emergency placement or expulsion is subject to applicable federal and state law and regulations and must be consistent with the consequences that would apply to a student without a disability.

SEXUAL ASSAULT AND CAMPUS ASSIGNMENTS

If a student has been 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. If there is no other campus in the District serving the grade level of the offending student, the offending student will be transferred to a DAEP.

NON-DISCIPLINARY REMOVAL

The principal or assistant principal may remove a student from regular classes or from school district premises for non-disciplinary health, safety, or welfare reasons whenever the principal or assistant principal determines that an emergency exists for doing so. Reasons which may be considered an emergency include, but are not limited to, the fact that the student is under the influence of alcohol or drugs, highly agitated, is in possession of contraband or suffering from any other condition which temporarily threatens the student's welfare, other individuals' welfare, or the efficient operation of the school. Any student who is removed from school premises pursuant to this section and who is in a condition that threatens his own welfare or the welfare of others must be released to the student's parent, a representative of the parent, or other proper authority, including, but not limited to, law enforcement officers and medical personnel. Such removal must be for as short a time as is reasonable under the circumstances, but is limited to three consecutive school days.

The principal or assistant principal shall make reasonable efforts to notify the parent prior to removing a student from school premises under this subsection. If the parent cannot be notified prior to removal, the parent must be notified as soon as possible after the removal and the reasons for it.

DISCIPLINE OF STUDENTS WITH DISABILITIES UNDER THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT

Students with disabilities are expected to exhibit appropriate conduct and may be subject to the requirements of this Student Code of Conduct. Students with disabilities served under IDEA and or § 504 will be disciplined in accordance with state and federal law. In accordance with the Education Code, a student who is enrolled in a special education program may not be disciplined for conduct meeting the definition of bullying, harassment, or making hit lists until an ARD committee meeting has been held to review the conduct.

STUDENT CODE OF CONDUCT

APPENDIX

SIGNATURE PAGES

Parents should be sure to complete the following pages, sign them, and return them to their children's teachers.

- Acknowledgement of Receipt of Parent and Student Handbook
- Electronics Communications System Agreement
- Picture and Videotaping Release
- Student Directory Information
- Release of Student Information to Military Recruiters and Institutions of High Education (High School)
- Texas Compulsory School Attendance Laws
- Parent Request for Administration of Medication (as needed)

ATTENTION PARENTS - READ THESE PAGES

SIGNATURE PAGES

After parent or guardian has signed, please remove these pages from the handbook and return it to the student's homeroom teacher.

Name of Student (Please Print)

Teacher

Campus

Grade

The Student Code of Conduct has been written to help your child gain the greatest benefit from the school experience. It is important that students understand the Student Code of Conduct and be encouraged by parents to follow the rules and regulations set forth in it. All students will be held accountable for their behavior and are subject to the disciplinary consequences outlined in the Student Code of Conduct.

Acknowledgement of Receipt of Parent Handbook

I understand that most of the general school information, rules, and the Student Code of Conduct are in this book, and it is the responsibility of the student and the parent to become familiar with this information.

If there are any questions about something that is not covered in this handbook, it is also the responsibility of the student and parent to obtain the answer from the administrator or staff of the school.

This is to acknowledge that a copy of the 2008 -2009 Parent and Student Handbook and Student Code of Conduct has been issued to me, that I have read, understand, and discussed the information therein with my child.

Student Signature

Date

Parent Signature

Date

COMPUTER RESOURCES / ACCEPTABLE USE POLICY (AUP) FOR STUDENTS

SMSD is pleased to offer our students access to computer resources and electronic networks such as the Internet. These computer resources are a privilege, not a right. This access will increase learning opportunities allowing students to explore thousands of current information sources from around the world. These resources are to be used to support District educational goals. The district has taken precautions to restrict access to controversial information with the use of filtering software. Although it is impossible to control all materials, the valuable information and interaction available on this worldwide network far outweighs the possibility that users may procure material that is not consistent with District educational goals. The District has established the following guidelines for Acceptable Use, and asks students and their parent or guardian to read and discuss them together.

Prior to using District computers, the student and the student's parent or guardian must sign and return the Signature Page attached, acknowledging their understanding of the Acceptable Use Policy, responsibilities, and the consequences of violating the agreement.

Rules of Acceptable Use:

A. General Use:

- Only students who have returned a signed AUP signature page which gives parental permission, and who are under direct supervision of designated District instructional employees are permitted to use a District computer.
- Students may not use any network account except their own.
- Students are prohibited from changing any computer settings and/or configurations.
- Students may not install any software, including but not limited to commercial software, shareware, freeware, original software and /or utilities onto school computers or networks.
- Students are not allowed to open computer cases (CPU's) or make modifications to computers.

B. Internet/Electronic Communications Use:

- Students are expected to understand that electronic communications are not private. Network administrators may review electronic communications and logs of Internet sites visited to verify appropriate use.
- Students are expected to use network etiquette by communicating politely and using appropriate language.
- Students are to visit only Internet sites which are appropriate for students and support District learning objectives.
- Students are to notify their teacher immediately if they should encounter any material or electronic communication that is inappropriate.
- Students must not respond to any electronic messages that are inappropriate.
- Students must never agree to get together with anyone they "meet" online.
- Students are prohibited from pretending to be someone else; transmitting and/or displaying obscene messages or pictures (pornography).
- Students are prohibited from revealing their own name, personal addresses and/or telephone numbers, except to request college information.
- Students are prohibited from revealing names, personal address and/or phone numbers of others.

- Students should use only their first names in communications outside the District.
- Students may not access or download any programs, files, or information.
- All Web pages created for the SMSD Web site must be submitted to the designated campus Web Master for approval, and can be posted only by the campus Web Master.

C. Computer Ethics:

- Students are expected to observe copyright law in their use of electronic media.
- Students are prohibited from using computers and the network in a way that would harm another person or disrupt use by others (hacking, uploading/creating viruses, downloading large files, intruding on the files or electronic work of others, and/or committing any type of electronic or physical vandalism/theft).
- Students are prohibited from using District electronic media for commercial activities and/or political lobbying.

Consequences:

Any infraction of the Student Acceptable Use Policy shall be reported immediately to the building principal. The infraction may also be reported to the Assistant Superintendent and the SMSD Staff Attorney.

Violation of the Rules of Acceptable Use may result in disciplinary action, possibly including:

- Loss of computer privileges for any length of time, up to the remainder of the school year, as determined by the building principal in consultation with the Technology Department.
- Saturday detention.
- In school suspension.
- Suspension.
- Placement at the Stafford Alternative Campus.
- Expulsion.
- Financial responsibility for all costs associated with system restoration including labor, hardware or software repair/replacement, and restoring the integrity of data.
- Criminal Charges.

Disclaimer of Liability:

The District shall not be liable for users' inappropriate use of electronic communications resources or violations of copyright restrictions, user's mistakes or negligence, or costs incurred by users. The District shall not be responsible for ensuring accuracy or usability of any information found on the Internet.

**STAFFORD MUNICIPAL SCHOOL DISTRICT
ELECTRONICS COMMUNICATIONS SYSTEM AGREEMENT**

Student Name (Please Print): _____ Grade: _____

I have read the District's electronic communications system policy and campus guidelines and agree to abide by their provisions. I understand that violation of these provisions may result in suspension or revocation of system access.

Student Signature: _____ Date: _____



Sponsoring Parent or Guardian

I have read the District's electronic communications system policy and campus guidelines. In consideration for the privilege of using this system, and in consideration for having access to the public networks, I hereby release the District, its operators, and any institutions with which they are affiliated from any and all claims and damages of any nature arising from my child's use of, or inability to use, the system, including without limitation, the type of damage identified in the District's policy and campus guidelines.

___ I give permission for my child to access the District's electronic communications system and certify that the information contained on this form is correct.

___ I do not give permission for my child to access the District's electronic communications system.

Parent or Guardian name (Please print):

Parent or Guardian Signature: _____ Date: _____

Address: _____ City: _____ State: _____
Zip: _____

** A copy of the District's electronic communications system policy and campus guidelines may be obtained at the high school office.*

PICTURE AND VIDEO TAPING RELEASE

Throughout the year, photographs are taken of students for use in district and community publication. Students may also be occasionally video taped and/or audio taped to record instructional or extracurricular events at school or allow news media to cover such events. Please indicate in the space below if you give permission for Stafford MSD to photograph, video tape, and/or audio tape your child. ___ Yes ___ No

Parent or Guardian Signature: _____ Date: _____

NOTICE TO PARENTS: DIRECTORY INFORMATION

“Certain information about district students is considered directory information and will be released to anyone who follows the procedures for requesting the information unless the parent or guardian objects to the release of the directory information about the student. If you do not want the Stafford MSD to disclose directory information from your child’s education records without your prior written consent, you must notify the district in writing by September 08, 2008 or within ten (10) school days of your child’s first day of instruction for this school year.

This means that the district must give certain personal information (called “directory information”) about your child to any person who requests it, unless, you have told the district in writing not to do so.

Stafford MSD has designated the following information as directory information: student name, address, telephone listing, electronic mail address, photograph, and date and place of birth, as well as major field of study; degrees, honors, and awards received; dates of attendance; grade level; most recent educational institution attended; participation in officially recognized activities and sports; and weight and height of members of athletic teams.

Parent: Please check one of the choices below;

I, parent of _____ (Student’s name),

_____ do give

_____ do not give

the district permission to release the information in this list in response to a request.

Parent Signature

Date

**Parent's Response Regarding Release of Student Information to
Military Recruiters and Institutions of High Education**

Federal law requires that the district release to military recruiters and institutions of high education, upon request, the name, address, and phone number of secondary school students enrolled in the district, unless the parent or eligible student directs the district not to release information to these types of requestors without prior written consent.

Parent: Please complete the following only if you do not want your child's information released to a military recruiter or an institution of higher education without your prior consent.

I, parent of _____ (student's name), request that the district not release my child's name, address, and telephone number to a military recruiter or institutions of higher education upon their request without my prior written consent.

Parent Signature _____ Date _____
(High School only)

ATTENTION PARENTS - READ THESE PAGES

SIGNATURE PAGES

After parent or guardian has signed, please remove these pages from the handbook and return it to the student's homeroom teacher.

Name of Student (Please Print)

Teacher

Texas Compulsory School Attendance Laws

Class attendance is essential to your student experiencing a successful school year. Texas Compulsory School Attendance Laws require students to attend school until they complete the academic year in which they turn 18. Applicable laws are found in the Texas Family Code Section 51.03(b)(2) and Texas Education Code Sections 25.085, 25,093, 25.094, and 25.095.

School districts are required by law to:

- notify parents or guardians in writing when a child is absent from school for 3 or more days; and
- provide parents or guardians with written notice that failure to ensure their children's attendance in school will result in charges of Parent Contributing to Truancy being filed against them and charges of Failure to Attend School being filed against the student, in the appropriate court of law.

Parent Contributing to Truancy and Failure to Attend School are Class C Misdemeanors punishable by fines of up to \$500. When students fail to attend school without excuses for three days or parts of days within a four-week period, the school district may file charges. When students fail to attend school without excuses for ten days or parts of days within a six month period, the school district will file charges.

Parents or guardians must present a written excuse to school officials when students miss school due to personal illness or any other reason the day the student returns to school, with no exception. Contact your campus' attendance clerk for more information.

I have received and read the Texas Compulsory School Attendance Laws as stated above.

Signature of Student

Printed Name of Student

Parent Signature

Date

Stafford MSD Health Services
Parent Request for Administration of Medication

Date: _____

Student's Name: _____ Grade: _____

I request Stafford MSD personnel to give my child the following medication:

Medication Name: _____

Dose: _____ Time: _____

Reason: _____ Allergies: _____

Physician Name: _____ Physician Phone: _____

As Parent or Guardian, I understand that:

- The medication is to be furnished by me and brought to the clinic in the original container with prescription label noting child's name, name of medication, directions for the time and dosage, and to include physician's name if prescribed.
- The prescribing physician may be contacted for diagnosis and clarification of medication.
- The school nurse has the right to inform my child's educator on a need to know basis that my child is on this medication unless notified otherwise in writing.
- Medication may not be given at the exact time requested due to class scheduling.
- Students are responsible to come to the clinic to take their medication at the appropriate time.
- School policy regarding medication will be followed as stated in the Parent and Student Handbook.
- **Parent or Guardian acknowledges and consents to all of the above.**

Parent Signature

Date

Physician Signature

Phone:

Phone:

Note: If the medication you request school personnel to administer is deemed excessive or otherwise potentially harmful to the student, medication will not be given and you will be notified of this decision.

**Options and Requirements
For Providing Assistance to Students Who Have Learning Difficulties or
Who Need or May Need Special Education**

If a child is experiencing learning difficulties, the parent may contact the person listed below to learn about the district's overall general education referral or screening system for support services. This system links students to a variety of support options, including referral for a special education evaluation. Students having difficulty in the regular classroom should be considered for tutorial, compensatory, and other support services that are available to all students.

At any time, a parent is entitled to request an evaluation for special education services. Within a reasonable amount of time, the district must decide if the evaluation is needed. If evaluation is needed, the parent will be notified and asked to provide consent for the evaluation. The district must complete the evaluation and the report within 60 calendar days of the date of the district receives the written consent. The district must give a copy of the report to the parent.

If the district determines that the evaluation is not needed, the district will provide the parent with a written notice that explains why the child will not be evaluated. This written notice will include a statement that informs the parent of their rights if they disagree with the district. Additionally, the notice must inform the parent how to obtain a copy of the *Notice of Procedural Safeguards - Rights of Parents of Students with Disabilities*.

The designated person to contact regarding options for a child experiencing learning difficulties or a referral for evaluation for special education is:

Contact Person: Dr. Alice Thompson-Director of Federal Programs

Phone Number: 281-261-9269

TEA /Special Education
June 2008

**Schools Report
To Law Enforcement**

School officials must notify law enforcement of certain “in school, on school property, or at a school-sponsored or school-related activity on or off school property or at a school-related activity” under § (a), E.C., including:

The following felony offenses:

- Murder and Capital Murder - **§§19.02, 19.03 P.C.**,
- Aggravated Kidnapping - **§20.01, P.C.**
- Indecency with a Child by Contact - **§21.11, P.C**
- Aggravated Sexual Assault - **§22.21, P.C.**
- Injury to a Child, Elderly Individual, or Disabled Individual - **§22.04, P.C.**
- Arson with Bodily Injury - **§28.02(d), P.C.**
- Robbery and Aggravated Robbery - **§§29.02, 29.03, P.C.**
- Burglary (1st Degree) - **§30.02, (d), P.C.**

The following misdemeanors:

- Deadly Contact - **§22.05, P.C.**
- Terrorist Threat - **§22.07, P.C.**
- Misdemeanor controlled substance, drug paraphernalia, and marijuana offenses.
- Misdemeanor weapons-related offenses under **§46.01(I) – (16), P.C.**
- Engaging in Organized Criminal Activity - **§71.02, P.C.**
- Conduct that may constitute a criminal offense for which a student may be expelled- **§37.007(a), (d) or (e), E.C.**
- **Who Must Notify:** The duty to notify is place on the principal (or the principal’s designee) of any public or private primary or secondary school- **§37.015(a), E.C.**
- **Content of Notice:** The notification must include the name and address of each student the person believes may have participated in the activity - **§37.015(b), E.C.**
- **Notification Not Required:** If the person reasonable believes the activity does not constitute a criminal offense - **§37.015(e), E.C.**
- **Who Else Must be Notified:** The person making the notification must also notify each instructional or support employee of the school who has regular contract with student whose conduct is the subject of the notice- **§37.015(e), E.C.**
- **Confidentially:** All school personnel must keep the information received confidential. The State Board for Educator Certification may revoke or suspend the certification of personnel who intentionally violate this law – **Art. 15.27(a), C.C.P.**
- **Liability:** A person is not liable in civil damages or reporting in good faith as required by law - **§37.015(f), E.C.**

Use of Metal Detectors

The Stafford Municipal School District has a compelling interest:

- To educate and train its students in an environment conducive to learning;
- To maintain discipline in the classroom, on school grounds, and at school activities;
- To provide a safe environment for its students, employees, and patrons; and
- To deter weapons on school property and at school-related activities

The District finds that incidents involving the presence of weapons or contraband have occurred on school property and at school-related activities. The District is authorized to use metal detectors to screen for weapons and other contraband.

The student's parent or guardian shall be notified if any prohibited items are found on the student's person or in his/her possession as a result of a search conducted in accordance with this policy. If students are found to be in possession of prohibited items, the district will administer discipline based on the Student Code of Conduct.