

Pasadena Independent School District

# Student Code of Conduct

**2018 – 2019**

The Code of Conduct is available in Spanish. Please contact the school principal to request a copy.

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El Código de Conducta Estudiantil está disponible en Español. Favor de ponerse en contacto con el/la director/a para obtener una copia.

# Student Code of Conduct 2018-2019

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## Overview

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### Community Involvement

Representatives from all segments of the local education community were involved in developing and reviewing the District's Student Code of Conduct (the "Code"). Selected teachers, administrators, students, and parents reviewed and reacted to the Code.

### Rights and Responsibilities of Parents

Throughout this Code, "parents" includes a natural parent, adoptive parent, legal guardian, or person having lawful control of the student.

Each parent or guardian is entitled to enjoy the basic rights of citizenship recognized and protected by federal, state and local law and District policy. District schools shall foster a climate of mutual respect for the rights and privileges of others. Each parent is expected to respect and protect the rights and privileges of students, teachers, District staff and other parents. Parents are expected to use appropriate behavior on school campuses and at school-related activities. Parents who violate the rights of others may be subject to District action which may include civil or criminal prosecution as outlined by law and/or District policy.

Parents have the responsibility to:

1. Make every effort to provide for the physical needs of the child.
2. Instruct the child to pay attention and obey the rules.
3. Be sure their child attends school regularly and promptly report and explain absences and tardies to the school.
4. Encourage and lead the child to develop proper study habits at home.
5. Participate in meaningful parent-teacher and/or parent-teacher-principal conferences to discuss their child's school progress and welfare.
6. Attend parent training workshops for home reinforcement of study skills and specific curriculum objectives. The availability of parent training workshops for home reinforcement of study skills and specific curriculum objectives shall be dependent upon significant interest expressed by parents in the community.
7. Keep informed of school policies and academic requirements of school programs.
8. Participate in school-related organizations.
9. Be sure their child is appropriately dressed at school and school-related activities. Students must conform to the designated standardized dress approved by the school board.
10. Be sure their child does not bring to school toys, radios, telecommunication devices or other inappropriate items that may interfere with the learning environment or violate the District's policies or Student Code of Conduct.
11. Discuss report cards and school assignments with their child.
12. Bring to the attention of school authorities any learning problem or condition that may relate to their child's education.
13. Maintain up-to-date home address, as well as home, work, and emergency telephone numbers, and other pertinent information at the school.
14. Cooperate with school administrators and teachers.
15. Be sure their child attends school tutorials when required or as the need arises.
16. Be sure that their child is brought to school and picked up from school at appropriate times to ensure the availability of adequate supervision for the child.
17. Secure a visitor's permit from the school office when on campus during regular instructional hours, and surrender that visitor's permit upon departure. All adults or parents are required to have an appropriate form of identification while on school property.
18. Submit signed statements that they have received, understand and consent to the responsibilities outlined in both the Student Code of Conduct and the Student Handbook.
19. Control their child. Under Family Code 41.001, a student's parent is legally liable for property damage proximately caused by a) the negligent conduct of the student, if such conduct is reasonably attributable to the negligent failure of the parent to exercise that duty, or b) the willful or malicious conduct of a student who is at least 12 but under 18 years of age.
20. Realize that a parent's permission for a student to violate the school's regulations, or his/her approval of the violation after it has been done, does not legitimize the action.
21. Use appropriate language when communicating with staff members on the school campus or during school-related activities.

### **Parent-Teacher Conferences**

Parent-teacher conferences are encouraged. An appointment for a conference may be arranged with the teacher. To avoid conflicts, appointments should be made a day or two in advance. Teachers are directed not to interrupt their instructional time with conferences, no matter how brief.

A teacher or other school employee may request a conference with a student's parent(s) whenever the teacher or employee perceives the need for parental cooperation in enforcing the Student Code of Conduct.

### **Parent Training Workshops**

Parent training workshops may be provided for home reinforcement of study skills and specific curriculum objectives for parents who want to participate.

### **Rights and Responsibilities of Students**

All students are entitled to enjoy the basic rights of citizenship recognized and protected by law for persons of their age and maturity. District schools 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 staff. Students shall exercise their rights responsibly, in compliance with rules established for the orderly conduct of the District's educational mission. 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 who violate District or school rules shall be subject to disciplinary measures designed to correct the misconduct and to promote adherence by all students to the responsibilities of citizens in the school community.

Student responsibilities for achieving a positive learning environment at school or school-related activities shall include:

1. Attending all classes, daily and on time, except when ill or lawfully excused.
2. Being prepared for each class with appropriate materials and assignments.
3. Attending school tutorials when required or as the need arises.
4. Dressing in accordance with the District's standards of propriety, safety, health, and good grooming.
5. Conforming to the designated standardized dress approved by the Board of Trustees.
6. Exhibiting respect toward individuals and property.
7. Conducting themselves in a responsible manner.
8. Paying required fees and fines unless they are waived.
9. Refraining from violations of the Student Code of Conduct.
10. Obeying all school rules, including safety rules.
11. Seeking changes in school policies and regulations in an orderly and responsible manner, through appropriate channels.
12. Cooperating with staff in investigation of disciplinary cases and volunteering information relating to a serious offense.
13. Submitting signed statements that the student has received, understands and consents to the responsibilities outlined in both the Student Handbook and Student Code of Conduct.

### **Student Handbook and Code of Conduct**

A Student Handbook and a Student Code of Conduct shall be made available on the District's website to all students and parents, teachers, and administrators at the beginning of each school year. Changes to the Student Code of Conduct approved by the Board of Trustees during the school year shall be published on the District's website in the form of an addendum and then incorporated into the Student Code of Conduct for the following school year.

Each student and parent annually shall sign statements that they have received, understand and consent to the responsibilities outlined in both the Student Handbook and Student Code of Conduct. The Student Code of Conduct will be made available for review upon request at the office of each campus principal.

### **Rights and Responsibilities of Teachers**

Each teacher is entitled to enjoy the basic rights of citizenship recognized and protected by federal, state and local law and District policy afforded to any other state employee. District schools shall foster a climate of mutual respect for the rights and privileges of others. Each teacher is expected to respect and protect the rights and privileges of students, parents, District staff and other teachers. Teachers who violate the rights of others may be subject to District action, which may include disciplinary action, up to and including termination or prosecution as outlined by District policy and/or the law.

Teachers have the responsibility to:

1. Follow techniques developed in the District's Student Code of Conduct.
2. Encourage good student discipline by being in regular attendance and on time.
3. Be prepared to perform their teaching duties with appropriate preparation, assignments, and resource materials.
4. Comply with District and school policies, rules, regulations, and directives.

5. Maintain an orderly classroom atmosphere conducive to learning.
6. Teach to the standards of performance required by the District.
7. Establish rapport and an effective working relationship with parents, students and other staff members.
8. Teach students to strive toward self-discipline.
9. Encourage good work habits that will lead to the accomplishment of personal goals.
10. Serve as appropriate role models for their students, in accordance with the standards of the teaching profession.
11. Initiate parent-teacher conferences when necessary or appropriate.
12. Maintain proper supervision of students in the classroom, in related learning centers, and in other school-related activities on or off school property.
13. Report, both orally and in writing, any form of suspected child abuse or endangerment and cooperate with Children's Protective Services investigative authorities. In addition, inform appropriate campus administrator.
14. Promptly notify the designated administrator when students have violated the Code of Conduct.

## **Rights and Responsibilities of Administrators**

Each administrator is entitled to enjoy the basic rights of citizenship recognized and protected by federal, state and local law and District policy afforded to any other state employee. District schools shall foster a climate of mutual respect for the rights and privileges of others. Each administrator is expected to respect and protect the rights and privileges of students, parents, District staff and other administrators. Administrators who violate the rights of others may be subject to District action which may include disciplinary action, up to and including termination or prosecution as outlined by District policy and/or the law. Administrators have the responsibility to:

1. Provide for appropriate support for teachers in dealing with student discipline.
2. Promote effective training and discipline of all students.
3. Encourage parent communication with the school, including participation in required parent-teacher conferences.
4. Provide appropriate assistance to students in learning mature self-discipline.
5. Assume responsibility and instructional leadership for discipline and for evaluation of the Student Code of Conduct.
6. Serve as appropriate role models for the students on campus in accordance with the standards of the profession.
7. Encourage the use of the Regional Education Service Center to assist in developing programs and providing training to teachers and administrators.
8. Report, both orally and in writing, any form of suspected child abuse or endangerment and to cooperate with Children's Protective Services investigative authorities.

## **Principal Authority Statement**

Campus principals shall enforce Board policy to ensure a safe learning environment. Campus principals have the authority to set dress code regulations and safety standards consistent with policies adopted by the Board of Trustees and community expectations for a safe and orderly school climate.

## **Campus Behavior Coordinators**

The Campus Behavior Coordinators on each campus shall be the assistant principals whose duties shall include the authority to:

1. Assess and implement the Campus Student Code of Conduct.
2. Remove a student from the campus for compelling nondisciplinary reasons or pending a hearing as authorized by law.
3. Refer students to the Guidance Center.
4. Suspend a student.
5. Remove a student to the Independent Study Center or equivalent.
6. Refer students to The Summit and Juvenile Justice Alternative Education Program (JJAEP).
7. Act as the Board of Trustees' or Superintendent's designee for student discipline.

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## **Expectations of Student Conduct**

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### **Jurisdiction**

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

The District has disciplinary authority over a student:

1. During the regular school day and while the student is going to and from school on district transportation;
2. While the student is in attendance at any school-related activity, regardless of time or location;
3. For any school-related misconduct, regardless of time or location;
4. When retaliation against a school employee or volunteer occurs or is threatened, regardless of time or location;
5. When criminal mischief is committed on or off school property or at a school-related event;
6. For certain offenses committed within 300 feet of school property as measured from any point on the school's real property boundary line;
7. For certain offenses committed while on school property or while attending a school-sponsored or school-related activity of another district in Texas;
8. When the student commits a felony, as provided by Education Code 37.006 or 37.0081; and
9. When the student is required to register as a sex offender.

Unless indicated specifically in this Code, the District's jurisdiction does not extend to students as they go to and from school. It is the parent's responsibility to assure their child's safety as they travel to and from school.

## **Dress Code**

The Pasadena Independent School District has established the following standardized dress code for students.

### **Shirts**

Shirts may be any color. Logos are allowed just as prints, pictures, stripes and plaids are allowed. Logos shall not reference death, sex, drugs, alcohol, gangs or weapons. Shirts shall be appropriately sized with sleeves and free of inappropriate designs which include, but are not limited to, those related to death, sex, drugs, alcohol, gangs or weapons. Shirts must remain tucked in at all times. Undergarments must not be visible through the shirt.

### **Pants and/or Jeans**

Pants and/or jeans may be any solid color. Pants and/or jeans shall be free of design and hemmed. Pants/Jeans must meet the following additional criteria:

- All pants/jeans must be appropriately sized, fitted and worn at the waist. No hip huggers are allowed.
- All pants/jeans must be fitted in the crotch and legs, not baggy or excessively tight. Pants/jeans with hammer loops or of a cargo style are not permitted. Pockets on pants/jeans are acceptable at the waistline only.
- All pants/jeans must be of proper length and must not touch the floor.
- All pants/jeans must be free of slits.
- All pants/jeans must be one continuous solid color free of manufactured fading or bleaching.
- Pants/jeans must be free of holes or tears.
- Undergarments must not be visible through pants/jeans.
- Capri pants are permitted as long as they meet all criteria listed above.

**Dresses/Skirts/Jumpers** may be any color and must be hemmed. Prints, pictures, stripes and plaids are allowed. Dresses/skirts/jumpers shall be free of inappropriate designs which include, but are not limited to, those related to death, sex, drugs, alcohol, gangs or weapons. Dresses/skirts/jumpers shall be worn by female students only. Dresses/skirts/jumpers must meet the following additional criteria:

- All dresses/skirts/jumpers must be appropriately sized, not baggy or excessively tight.
- All skirts must be fitted and worn at the waist. No hip hugger skirts are allowed.
- All dresses must have sleeves.
- Manufacturer slits on dresses/jumpers/skirts can come no higher than 2 inches above the kneecap.
- All dresses/skirts/jumpers must be free of manufactured fading or bleaching.
- All dresses/skirts/jumpers must be free of holes and tears.
- The hem length of all dresses/skirts/jumpers must be no higher than 2 inches above the kneecap.
- Undergarments must not be visible through dresses/skirts/jumpers.

## **Shorts/Skorts**

### **School Grades PK-6**

Shorts/skorts may be any solid color and shall be free of design, hemmed, appropriately sized, and the length must be no higher than 2 inches above the kneecap. Undergarments must not be visible through shorts/skorts. Denim shorts/skorts of any solid color, free of design, appropriately sized and no higher than 2 inches above the kneecap are permitted. Shorts with hammer loops or of a cargo style are not permitted. Pockets on shorts/skorts are permitted at the waistline only. Students will participate in physical education activities with the clothes they wear to school.

### **School Grades 7-12**

No shorts/skorts will be allowed.

**Belts** are required for garments made with belt loops in grades 3 through 12. Belts should be securely fastened at all times.

**Spirit/D.A.R.E. Shirts** may be worn on days designated by the campus principal. Girl Scout and Boy Scout uniforms are appropriate at any time.

**Shoes** – Students must wear shoes with backs that are appropriate for school. (Students participating in physical education activities must have appropriate shoes.) Skate shoes are not permitted. Shoes with laces or velcro straps must be securely fastened at all times.

### **Sweaters/Sweat Shirts/Light Jackets/Hoodies**

Sweaters/sweat shirts/light jackets/hoodies of any color may be worn over the standardized shirt. Sweaters/sweat shirts/light jackets/hoodies shall be appropriately sized and free of inappropriate designs which include, but are not limited to, those related to death, sex, drugs, alcohol, gangs or weapons. Campus letter jackets or light jackets with an approved campus-specific logo are permissible.

## **Coats/Jackets**

### **School Grades PK-4:**

Coats or jackets worn by students will be placed in an area designated by the teacher upon arrival to the campus, and the coats/jackets will remain in this area while students are in the classroom.

### **School Grades 5-12:**

Coats may be worn by students provided they are placed in the student's locker or designated storage area upon arrival and not removed until the conclusion of the school day.

All other rules and regulations, as defined in the Student Code of Conduct, regarding dress and grooming shall apply.

**The principal and assistant principal(s) are authorized to make determinations regarding whether any fashion, fad, hair, jewelry or article of clothing is inappropriate for school wear or disruptive to the educational process or safety of the campus.**

In addition, the following standards of student dress and grooming shall be maintained.

1. Hair must be neat, clean, well groomed, and may not have shaved designs.
2. No type of head covering, cap or hat (such as bandannas, sweatbands, etc.) may be worn on campus. No hair rollers or long-handled combs may be worn on campus.
3. Sideburns must be kept neatly trimmed and must not extend below ear level or flare at the bottom.
4. Symbols and/or styles which are identified with gang membership or representation shall not be allowed. A list of prohibited symbols and/or styles is posted next to the Student Code of Conduct in the principal's office. Students are responsible for reviewing the posted list to determine prohibited symbols and/or dress styles.
5. Mustaches and beards are prohibited, and faces must be clean-shaven.
6. Shirts and blouses must be buttoned within one button of the throat.
7. Halter tops and shirts or blouses with plunging necklines are prohibited. Tanktops or undershirts worn as outer garments are also prohibited. The midriff must not be exposed when the student goes through the normal activities of a school day (bending, stretching etc.).



8. Articles of clothing, garments, make-up and accessories with inappropriate decorations or advertisements are prohibited. This includes, but is not limited to, any item that depicts the occult, gang membership, death, suicide, violence, drugs or alcohol.
9. Students at elementary school campuses may not use any type of cosmetics, including, but not limited to, mascara and artificial nails. Nail polish is acceptable.
10. Revealing or excessively tight garments are prohibited. Appropriate foundation garments and/or undergarments must be worn.
11. Pants or shorts may not be worn in any way that reflects gang affiliation or conceals contraband.
12. Shirts and blouses shall be appropriately sized and may not be worn in any way that reflects gang affiliation or conceals contraband. (See posted list in main campus office for gang affiliated attire.)
13. Patterned contact lenses are prohibited.

**EARRINGS/BODY  
PIERCING**

Males are not permitted to wear earrings of any type. Students are not permitted to wear other non-traditional rings (nose, lip, etc.). Students are not allowed to wear gauges or other devices to expand the earlobe. Clips, posts, and/or other devices designed to prevent the piercing area from closing are not permitted. Elementary students may not wear more than two earrings in each earlobe. Earrings larger than 1” in diameter or length are prohibited for elementary students.

**TATTOOS**

All tattoos must be appropriately covered.

**BADGES**

Student identification badges are required in high schools and may be required by intermediate schools. Badges shall be replaced at the expense of the student if the badge is lost, stolen, broken, deformed, or distorted. The campus principal will specify when and how the badge is to be displayed.

**VIOLATIONS**

When a student's dress or grooming violates the guidelines provided herein, the principal shall request that the student make corrections and may take appropriate disciplinary action. If the problem is not corrected, the student may be assigned in-school suspension for the remainder of the day or until the problem is corrected. Repeated dress code offenses may result in more serious disciplinary action.

**MEDICAL  
EXCEPTIONS**

The principal, associate superintendent for campus development, or superintendent may grant an exception to any of the above provisions if a student has a physical or medical condition rendering compliance with the provisions detrimental to the student's physical health.

**INTERPRETATION  
OF  
APPROPRIATENESS**

**The principal and assistant principal(s) are authorized to make determinations regarding whether any fashion, fad, hair, jewelry or article of clothing is inappropriate for school wear or disruptive to the educational process or safety of the campus.**

**EXTRACURRICULAR  
ACTIVITIES**

The principal and the sponsor, coach, or other person in charge of an extracurricular activity may regulate the dress and grooming of the students participating in or attending the activity.

**GUIDANCE CENTER**

Students assigned to the Guidance Center are to follow the district-wide dress code policy as designated by the Pasadena ISD Student Code of Conduct.

**Book Bags, Back Packs and Purses**

Book bags and back packs may be prohibited on any secondary campus under the authority of the campus principal. The campus principal may permit clear, transparent or mesh book bags or back packs on campus provided the items are placed in the student's locker upon arrival and not removed until the conclusion of the school day. The principal may require clear or transparent back packs only. Purses in excess of 8" x 10", satchels and briefcases shall be prohibited. Purses may not be worn as backpacks.

Elementary students shall be permitted to bring back packs and book bags to school. The principal may require clear, transparent or mesh back packs only.

**Offenses to Property**

1. Students are prohibited from vandalizing or otherwise damaging or defacing any personal property belonging to, rented by, or used by the District or District personnel. Students or parents will be responsible for making restitution.

2. Students are prohibited from vandalizing or otherwise damaging or defacing student identification badges.
3. No student shall take, steal, or borrow any property that does not belong to him or her, without the consent of the person to whom the property belongs. A person shall not, without the consent of the owner, damage or destroy property of the owner, Texas Penal Code §28.04.
4. Students shall be responsible for the care and return of textbooks and library books and may be charged for damage to or replacement of said books. Subject to the provisions of the Family Educational Rights and Privacy Act (FERPA), the District reserves the right to withhold student records if the student does not return its books. Section 31.104 of the Texas Education Code provides, in relevant part, that each student or student's parent or guardian is responsible to the teacher for all books not returned by the student. The District may provide for a method of payment other than a lump sum payment of the full price of the book. Students who do not return textbooks forfeit their right to receive free textbooks until such time as the previously issued, but not returned, book is paid for. The District shall allow the student to use textbooks at school during each school day. The District is not authorized to prevent a student from being graduated or participating in a graduation ceremony or from receiving a diploma.
5. The school district employs police officers to assist the school in maintaining order and protecting school property. These licensed peace officers may investigate any violation of law, concerning the schools, and may assist in the prosecution of the person(s) involved if the District so requests.

## Offenses to Persons

**Weapons** – Definition: The term "**weapon**" shall include all objects which, by their inherent characteristics or by the manner of their use, are designed or have the potential of inflicting bodily injury or intimidating another person. The term "**weapon**" shall include, but not be limited to, such articles as firearms (whether loaded or unloaded), knives (any size), razors, night sticks, clubs, or any other object used in such a way as to threaten or to inflict bodily injury on another person.

Individuals are prohibited from bringing any weapons onto school property or to school functions or events at any time.

**Assault** – Definition: A student commits an assault when he/she intentionally, knowingly, or recklessly causes bodily injury to another; intentionally or knowingly threatens another with imminent bodily injury; or intentionally or knowingly causes physical contact with another that can reasonably be regarded as offensive or provocative.

### Possession

For all purposes in this Student Code of Conduct, the term "**possession**" means:

Care, custody, control, or management. A student shall be considered to be in possession of any substance or thing prohibited or regulated by this Code of Conduct if the substance or thing, for any length of time, 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, gym bag, backpack or briefcase or any other item carried by or belonging to the student; (2) in any private vehicle in which the student is transported to or from school or school-related activities, including but not limited to an automobile, truck, motorcycle, scooter or bicycle; or (3) in any school property used by the student, including but not limited to a locker or a desk or in any area under the control of the student.

## General Conduct

**Bullying** is defined as a single significant act or a pattern of acts by one or more students directed at another student that exploits an imbalance of power and involves engaging in written or verbal expression, expression through electronic means, or physical conduct.

- (1) Has the effect or will have the effect of physically harming a student, damaging a student's property, or placing a student in reasonable fear of harm to the student's person or of damage to the student's property;
- (2) Is sufficiently severe, persistent, or pervasive enough that the action or threat creates an intimidating, threatening, or abusive educational environment for a student;
- (3) Materially and substantially disrupts the educational process or the orderly operation of a classroom or school; or
- (4) Infringes on the rights of the victim at school.

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

- (1) Bullying that occurs on or is delivered to school property or to the site of a school-sponsored or school-related activity on or off school property;

(2)Bullying that occurs on a publicly or privately owned school bus or vehicle being used for transportation of students to or from school or a school-sponsored or school-related activity; and

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

**Cyberbullying** is defined as bullying that is done through the use of any electronic communication device, including through the use of a cellular or other type of telephone, a computer, a camera, electronic mail, instant messaging, text messaging, a social media application, an Internet website, or any other Internet-based communication tool.

**Harassment** is:

(1) Conduct that meets the definition established in District policies DIA (LOCAL) and FFH (LOCAL) (see also sexual harassment as further defined below); or

(2) Conduct that threatens to cause harm or bodily injury to another student, is sexually intimidating, causes physical damage to the property of another student, subjects another student to physical confinement or restraint, or maliciously and substantially harms another student's physical or emotional health or safety.

**Hazing:** Hazing means any intentional, knowing or reckless act, occurring on or off campus, by one person alone or acting with others, directed against a student, that endangers the mental or physical health or the safety of a student for the purpose of pledging, being initiated into, affiliating with, holding office in, or maintaining membership in any organization whose members are or include other students. (Texas Education Code §37.151) The term includes but is not limited to:

- a. Any type of physical brutality, such as whipping, beating, striking, branding, electronic shocking, placing of a harmful substance on the body, or similar activity.
- b. Any type of physical activity, such as sleep deprivation, exposure to the elements, confinement in a small space, calisthenics or other activity that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or the safety of the student.
- c. Any activity involving consumption of a food, liquid, alcoholic beverage, liquor, drug or other substance that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or the safety of the student.
- d. Any activity that intimidates or threatens the student with ostracism, that subjects the student to extreme mental stress, shame, or humiliation, or that adversely affects the mental health or dignity of the student or discourages the student from entering or remaining registered in a District school, or that may reasonably be expected to cause a student to leave the organization or the school rather than submit to acts described above.
- e. Any activity that induces, causes or requires the student to perform a duty or task that involves a violation of the Penal Code.

Students shall have prior approval from the principal or designee for any type of "initiation rites" of a school club or organization. No student shall engage in any form of hazing, nor shall any student encourage or assist any other person in hazing. Acts of hazing and failure to report known hazing or planned hazing can result in criminal penalties, as well as school discipline.

**Hit List** is 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.

**Sexual Harassment:** - Definition: Offensive and unwelcome conduct of a sexual nature directed toward a student or other person or offensive and unwelcome conduct aimed at another solely because of his or her gender or sexual orientation. This definition also includes conduct that meets any sexually related definition established in District policies DIA (LOCAL) and FFH (LOCAL).

If a student believes he or she has been sexually harassed, the student or the student's parents should report the incident to the principal, other appropriate supervising administrator, or the Title IX Coordinator at (713) 740-0247.

If a student's conduct is offensive and unwelcome, the campus will determine if the conduct should be punished in accordance with this Student Code of Conduct.

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

**Tobacco Use:** Students in all grades shall not possess or use tobacco products, including but not limited to cigarettes, electronic cigarettes, cigars, pipes, snuff, or chewing tobacco, on school premises or at school-related functions. Students are forbidden to possess matches and/or lighters. Citations may be issued.

**Drug/Alcohol Use:** No student shall possess, use, transmit, or attempt to possess, use, or transmit, or be under the influence of any of the following substances on school premises during any school term or off school premises at a school-related activity:

- a. Any controlled substance or dangerous drug as defined by law, without regard to amount, including but not limited to marijuana, any narcotic drug, hallucinogen, stimulant, depressant, amphetamine, or barbiturate.
- b. Alcohol or any alcoholic beverage.
- c. Any abusable volatile chemical or any other substance for inhalation.
- d. Any other intoxicant, or mood-changing, mind-altering, or behavioral-altering drugs.
- e. Any over-the-counter medications.

**Use** means a student has voluntarily introduced into his or her body by any means a prohibited substance recently enough that it is detectable by the student's physical appearance, actions, breath, or speech.

**Under the Influence** – Definition: The consumption of alcohol or prescription or over-the-counter medication or illicit drugs during the school hours or during school-related activities, or close enough in time to school hours or participation in school-related activities, that there is a noticeable impairment of the student's physical and/or mental faculties. A student need not be legally intoxicated to be considered under the influence of alcohol. Impairment of a student's physical and/or mental faculties may be evidenced by a pattern of abnormal or erratic behavior and/or the presence of physical symptoms of drug or alcohol use or by admission.

The following list contains examples of indicators of possible drug or alcohol use but is not exhaustive:

- a. While walking or standing, the student may stumble, stagger, fall or be unsteady.
- b. The student's speech may be incoherent, rambling, slurred, inappropriately loud or shouting in tone of voice. Conversely, the student may be silent when it is inappropriate to be so.
- c. The student's actions may be marked by profanity, fighting, extreme hostility, overly aggressive behavior, sleepiness or crying.
- d. The student's eyes may have dilated pupils, constricted pupils, may be bloodshot or red or may be glassy.
- e. The student may smell like alcohol or like an illicit drug, such as marijuana.
- f. There may be physical evidence of alcohol or drug use, such as bottle, pills or drug paraphernalia.

The transmittal, sale, or attempted sale or transmittal of what is represented to be any of the above-listed substances is also prohibited under this rule.

A student who uses a drug authorized by a licensed physician through a prescription specifically for that student's use shall not be considered to have violated this rule so long as the student complies with school rules pertaining to prescription drugs. Deviation from these rules may result in disciplinary action being imposed on the student.

In the rare instances when it is necessary for a student to take prescription medication or over-the-counter medicine during school hours, the school is required to have a written request to administer the medication from the parent, legal guardian or other person having legal control of the student. The prescription medication must be in the original container, prescribed by a United States physician, issued by a United States pharmacy and properly labeled by the pharmacy with the student's name, current date, physician's name, medication name and dosage. Over-the-counter medication must be in the original unopened container and will not be administered for more than five consecutive days without physician authorization or manufacturer's recommendation on printed container.

All medication shall be delivered to the clinic and picked up from the clinic by the parent, guardian or other responsible adult. Medication shall not be transported to or from school by a student. Students disregarding this restriction may be held in violation of the District's Drug Abuse Policy and shall be subject to appropriate disciplinary action.

**Telecommunication Devices:** A **telecommunications device** includes any device that emits an audible signal, vibrates, displays a message or otherwise summons or delivers a communication to the possessor. It includes, but is not limited to, beepers, pagers, cell phones, etc.

**High school, intermediate school, middle school and elementary school students may possess telecommunication devices during the school day, or while attending school-sponsored or school-related activities during the school day, on or off school property. During the school day, telecommunication devices and accessories, including but not limited to earphones and headsets, must remain out of sight and must be turned off.** As related to the use of telecommunication devices by high school, intermediate school, middle school and elementary school students, the term *during the school day* is defined below.

- **High Schools:** prohibit use from 7:10 a.m. until 2:35 p.m.
- **Intermediate Schools, Middle Schools and Elementary Schools:** prohibit use from the time students arrive on campus until dismissal time (Telecommunication devices must be stored in school lockers or other areas designated by campus administration.)
- **Tegeler Career Center and Community School:** prohibit use from the time students arrive on campus until dismissal time
- **Guidance Center and The Summit:** prohibit use from the time students arrive on campus until dismissal time

**Campuses may provide additional guidelines related to telecommunication devices.**

The use of any device capable of capturing images is strictly prohibited in locker rooms, restroom areas, or any place where there is a reasonable expectation of privacy while at school or at a school-related or school-sponsored event.

Any student in violation of these rules is subject to disciplinary measures. In addition, District employees may confiscate any telecommunication device.

Depending upon the circumstances surrounding the confiscation of the telecommunication device, the Superintendent or designee may return the device to the parents or the company to which it belongs. A return fee of \$15 shall be assessed.

Confiscated telecommunication devices shall be held by the District for a period of 30 days. After the 30-day period has expired, the District shall dispose of the telecommunication device. (Policy FNCE and FNCE Local)

Telecommunication devices confiscated during the commission of a misdemeanor or felony, whether during school hours or while attending a school-sponsored activity or school-related event on or off school property, shall not be returned.

**The District is not responsible and shall not be held liable under any circumstances for confiscated and/or stolen telecommunication devices of any kind.**

**Disruption of Classes:** For purposes of this rule, "school property" includes the public school campuses or school grounds upon which any public school is located, and any grounds or buildings used by District schools for assemblies or other school-related activities, and "public property" includes any street, highway, alley, public park, or sidewalk.

No student shall be permitted, on school property or on public property within 500 feet of school property, to willfully disrupt, alone or in concert with others, the conduct of classes or other school activities. Conduct that disrupts the educational activities of a school includes:

- Emissions by any means of noise of an intensity that prevents or hinders classroom instruction.
- Enticement or attempted enticement of students away from classes or other school activities that students are required to attend.
- Prevention or attempted prevention of students from attending classes or other school activities that students are required to attend.
- Entrance into a classroom without consent of either the principal or teacher and either through acts of misconduct and/or use of loud or profane language causing disruption of class activities.
- Making threats (such as bomb threats).

Student demonstrations and similar activities shall be prohibited when there is evidence that may reasonably lead school authorities to forecast substantial disruption of, or material interference with, normal school operations or approved school activities.

**Disruption of Lawful Assembly:** No student or group of students acting in concert may willfully engage in disruptive activity or disrupt a lawful assembly on the campus or property of any school in the district. Disruptive activity means:

- Obstructing or restraining the passage of persons in an exit, entrance, or hallway of any building without the authorization of the administration of the school.
- Seizing control of any building or portion of a building for the purpose of interfering with any administrative, educational, research, or other authorized activity.
- Preventing or attempting to prevent by force or violence or the threat of force or violence a lawful assembly authorized by the school administration so that a person attempting to participate in the assembly is unable to participate due to the use of force or violence or due to a reasonable fear that force or violence is likely to occur.
- Disrupting by force or violence or the threat of force or violence a lawful assembly in progress.
- Obstructing or restraining the passage of any person at an exit or entrance to said campus or property or preventing or attempting to prevent by force or violence or by threats thereof the entrance or exit of any person to or from said property or campus without the authorization of the school.

**Going to and from School:** Community residents have a right to privacy, private property, and freedom from abusive behavior. On the way to and from school, students shall not loiter, litter, trespass, or abuse property or create nuisance conditions for residents of the community. At no time does the District assume responsibility for the acts of students going to and from school. The District, however, reserves the right to take disciplinary action in those instances in which a connection exists between the conduct of the student and the right of the school district to maintain order and discipline. Examples of these instances include, but are not limited to, disciplinary infractions at bus stops, on school buses and other forms of school district transportation.

**Publications: Prior Review**

All student publications and other written material intended for distribution to students shall be submitted for prior review according to the following procedures:

- a. Material shall be submitted to the building principal or a designee for review.
- b. The principal or a designee shall approve or disapprove submitted material within twenty-four hours of the time the material is received. Failure to act within the twenty-four hour period shall be interpreted as disapproval.
- c. The student may appeal disapproval to the Superintendent, who shall decide the appeal within three days of its receipt. Failure of the Superintendent to act within the three-day period shall be interpreted as disapproval.
- d. The student may appeal disapproval by the Superintendent to the Board. The student shall notify the Superintendent of the appeal and request the matter be placed on the agenda for the next Board meeting. At that Board meeting, the student shall be given a reasonable period of time to present his/her viewpoint.

Distribution of written materials may be restricted, subject to the following guidelines:

- a. Distribution may be limited in order to prevent material and substantial interference with normal school operations in circumstances where there is evidence that reasonably supports a forecast that disruption will likely result directly from the disruption.
- b. Reasonable administrative regulations as to the time, place, and manner of distribution may be prescribed to promote orderly administration of school activities by preventing disruption, but shall not be designed to stifle expression.
- c. Content of the materials to be distributed shall conform to the following standards:
  1. Materials that are sexually inappropriate for the age and maturity of the audience or that endorse actions endangering the health and safety of students shall not be distributed.
  2. Libelous material may be prohibited from distribution.
  3. Publications that criticize Board members, teachers or school officials or advocate violation of school rules may be prohibited when there is evidence that reasonably supports a forecast that material and substantial disruption of normal school operations will result from the publication. Advocacy directed toward inciting or producing imminent lawless or disruptive action and that is likely to incite or produce such action shall be restricted.
  4. Hate literature that scurrilously attacks ethnic, religious, or racial groups, and similar irresponsible publications aimed at creating hostility and violence may be banned. Only material that could reasonably support a forecast of material and substantial disruption of normal school operations is affected by this restriction.

**Secret Societies/Gangs**

Students shall not become members or promise to become members of any organization composed wholly or in part of students of public primary or secondary schools that seeks to perpetuate itself by taking in additional members from the students enrolled in school on the basis of the decision of its membership, rather than upon the free choice of students in the school, who is qualified under the rules of the school, to fill the special aims of the organization.

The Board of Trustees feels that the presence of gangs and gang activities can cause substantial disruption of, or material interference with, school and school activities. A "**gang**" is defined as any group of three or more individuals having a common identifying sign or symbol or an identifiable leadership who continuously or regularly associate in the commission of criminal acts, unlawful acts or acts that violate school district policies. By this policy, the Board of Trustees acts to prohibit the existence of gangs and gang activities as follows:

No student, on or about school property, or at any school activity:

- Shall wear, possess, use, distribute, display or sell any clothing, jewelry, emblem, badge, symbol, sign or other things which are evidence of membership or affiliation in any gang.
- Shall commit any act or omission, or use any speech, whether verbal, or non-verbal (gestures, handshakes, etc.) showing membership or affiliation in a gang.
- Shall use any speech or commit any act or omission in furtherance of the interests of any gang or gang activity, including but not limited to:

- a. Soliciting others for membership in any gangs.
- b. Requesting any person to pay protection or otherwise intimidating or threatening any person.
- c. Inciting other students to act with physical violence upon any other person.
- d. Engaging in concert with others in intimidating, fighting, assaulting, or threatening to assault others.

Students engaged in gang activities while at school, at any school facility, at any school-sponsored activity, or on a school bus shall be disciplined according to the District's code of conduct. Any student who is a member of; pledges to become a member of; joins, or solicits another person to join or pledge to become a member of a secret society, including a gang, and/or displays gang or secret society membership or affiliation, shall be placed in a disciplinary alternative education program. (Please see page 5 for additional information regarding prohibited gang symbols and/or signs.) Students engaging in gang activity that violates the law may also be given a law enforcement citation and/or referred to appropriate law enforcement authorities.

### **Prohibited Conduct**

The categories of conduct listed below are prohibited at school and all school-related activities, but the list is not exhaustive and does not include some of the most serious offenses governed by this Code of Conduct. In the subsequent sections in this Code of Conduct on out-of-school suspensions, DAEP placements and expulsion, serious and severe offenses that require or permit specific consequences are listed.

1. Violates school policy or rules of a particular class, including tardiness, either in or out of class
2. Materially disrupts classwork or is involved in substantial disorder or invasion of the rights of other students or employees at school or school-related activities
3. Cheating or copying work of another student
4. Throwing objects, separate from supervised school activities, that can cause bodily injury or damage property (i.e., rocks, erasers, etc.)
5. Leaving school grounds or school-sponsored events without permission
6. Use of profanity, vulgar language or directing profanity, vulgar language, or obscene gestures toward other students
7. Exhibiting disrespect or directing profanity, vulgar language, or obscene gestures toward teachers, school employees, and officials or other persons lawfully on school grounds or at school-related activities
8. Insubordination, including failure to comply with lawful directives from school personnel or school policies, rules, and regulations
9. Engaging in rude and disrespectful behavior
10. Playing with matches, lighter, or fire, or committing arson
11. Committing robbery or theft
12. Damaging or vandalizing property owned by other students or the District or District employees
13. Engaging in misconduct, as defined by District policies and regulations, on school buses and at bus stops
14. Fighting, committing physical abuse, or threatening physical abuse
15. Committing extortion, coercion, or blackmail, i.e., obtaining money or other object of value from an unwilling person, or forcing an individual to act through the use of force or threat of force
16. Engaging in verbal abuse, i.e., name-calling, ethnic or racial slurs, or derogatory statements that school officials have reasonable cause to believe will substantially disrupt the school program or incite violence
17. Engaging in inappropriate verbal, physical or sexual contact directed toward another person, including a district student, employee or volunteer
18. Engaging in physical, sexual, verbal, or emotional abuse in order to harm, threaten, intimidate, or control another student in a dating relationship
19. Tardiness or truancy
20. Causing or participation in classroom disturbance
21. Possessing or using fireworks, stink bombs, or explosives
22. Gambling
23. Forgery
24. Unauthorized sales
25. Engaging in offensive conduct of a sexual nature (including sexual harassment), whether verbal or physical, that may include requests for sexual favors or other intimidating sexual conduct directed toward an adult or another student
26. Misuse of a telecommunication device, except when the student is serving in the capacity of an active member of a volunteer firefighting organization or an emergency medical service organization (Student must have prior approval of principal in order to qualify for this exception.)
27. Misusing an admit and/or being off limits

28. Disobeying school rules about conduct on school buses
29. Misusing Child Nutrition Services procedures for purchasing meals
30. Gang activity
31. Hazing (defined on page 8)
32. Engaging in any other conduct that disrupts the school environment or educational process
33. Failing to wear a student identification badge appropriately
34. Dress code violation
35. Glitter or stickers on face or near eye area
36. Trespassing
37. Misuse of District computers, equipment, or networking system
38. Possessing, trading or selling collector cards or items on school property
39. Use of electronic devices or telecommunication devices during school hours
40. Bringing a weapon on school property or to school functions or events at any time
41. Stealing from students, staff or the school
42. Engaging in bullying, cyberbullying, harassment or making hit lists (defined on pages 7 and 8)
43. Threatening a district student, employee, or volunteer, including off school property, if the conduct causes a substantial disruption to the educational environment
44. Engaging in conduct that constitutes dating violence, including the intentional use of physical, sexual, verbal or emotional abuse to harm, threaten, intimidate, or control another person with whom the student has or has had a dating relationship
45. Engaging in inappropriate or indecent exposure of private body parts
46. Recording the voice or image of another without the prior consent of the person being recorded or in a way that disrupts the educational environment or invades the privacy of others
47. Sending or posting electronic messages or images, including sexting, that are abusive, obscene, sexually oriented, threatening, harassing, damaging to another's reputation, or illegal, including off school property if the conduct causes a substantial disruption to the school environment
48. Any acts not listed above that appear in the list of minor offenses, serious offenses, removal offenses, or expulsion offenses

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## **Student Code of Conduct Application**

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### **General Guidelines for Assessing Discipline Penalties**

When imposing discipline, District personnel shall adhere to the following general guidelines:

1. Discipline shall be administered when necessary to protect students, school employees, or property and maintain essential order and discipline.
2. Students shall be treated fairly and equitably. Discipline shall be based on a careful assessment of the circumstances of each case.
3. In deciding whether to order suspension, removal to a DAEP or expulsion, the campus behavior coordinators will consider the following factors regardless of whether the decision concerns a mandatory or discretionary action under the Texas Education Code: self-defense, intent or lack of intent at the time the student engaged in the conduct, a student's disciplinary history and a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct.
4. 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 himself/herself 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 and will be held accountable for making every effort to avoid the use of any force and is expected to immediately remove himself or herself from the situation if at all possible and/or contact appropriate school personnel and/or follow the directives of school personnel attempting to assist. The District does not approve, sanction, condone or authorize students to use force against another individual, even if that individual provokes, encourages, or instigates a fight or altercation.
5. Offenses – End of the School Year: The administration may initiate action against a student who commits a violation of school policy at the conclusion of the school year by implementing such action at the beginning of the following school year.
6. A school district employee or volunteer or an independent contractor of a district may not place a student in seclusion unless it is an emergency situation while awaiting the arrival of law enforcement personnel if the student possesses a weapon and the confinement is necessary to prevent the student from causing bodily harm to the student or another person.



7. If a student is removed from the regular classroom and placed in in-school suspension or another setting other than a disciplinary alternative education program, the District shall offer the student the opportunity to complete, before the beginning of the next school year, each course in which the student was enrolled at the time of the removal. Such an opportunity may be provided by any method available, including a correspondence course, distance learning, virtual school, or summer school.
8. If PISD takes disciplinary action (meaning suspension, expulsion, placement in a disciplinary alternative education program, or other limitation in enrollment eligibility of a student), and the student subsequently enrolls in another district or school before the expiration of the period of disciplinary action, PISD shall provide to the district or school in which the student enrolls – along with the student's other records – a copy of the order of disciplinary action. As authorized by Section 37.021, Texas Education Code, the District or school in which the student enrolls may continue the disciplinary action or allow the student to attend regular classes without completing the period of disciplinary action.

## **Student Code of Conduct Techniques**

A variety of discipline management techniques are available when assessing penalties for violation of the code of conduct, unless the offense has a mandated action as outlined within the Student Code of Conduct. When assessing penalties for an individual student, the administration is not required to administer all of the techniques listed below, and those techniques selected need not be utilized in any particular order. Student Code of Conduct techniques **may** include, but are not limited to, one or more of the following:

1. Counseling by teachers, counselors, special services staff, or administrative personnel
2. Parent-teacher conferences
3. Cooling-off or time-out
4. Behavioral contracts
5. Assigned school duties other than class tasks, including, but not limited to, restoration of property and cleanup
6. Verbal correction
7. Withdrawal of privileges, including participation in extracurricular activities, field trips, graduation ceremonies, and honorary positions
8. Sending the student to the office or other assigned areas
9. Detention or strictly supervised study
10. School-based and school-administered probation
11. Reward or demerits
12. Confiscation of items that disrupt the educational process
13. Temporary removal from class
14. Assignment to Tardy Room
15. Removal from school
16. Removal to a disciplinary alternative education program (DAEP)
17. Independent Study Center (ISC)
18. Transfer to a different campus
19. Reassignment of classes
20. Suspension
21. Expulsion
22. Referral to legal authority for criminal prosecution in addition to disciplinary measures imposed by the District
23. Other reasonable actions created by unforeseeable special circumstances

Each disabled student's individual education plan (IEP) or individual program plan (IPP) may address the student's specialized needs on discipline, including which of the student code of conduct techniques can appropriately be used with the student. (See page 33.)

### **Saturday Guidance Center**

The Saturday Guidance Center for secondary students is located at Dobie High School cafeteria, 10220 Blackhawk, and Guidance Center, 3010 Bayshore in Pasadena, every Saturday (excluding holidays) from 8 a.m. to 12 noon.

The following students will be assigned:

1. Students with excessive detentions – ten (10) or more
2. Students assigned for skipping detention – three (3) times

Students are required to follow the district-wide dress code policy while attending the Saturday Guidance Center. Students are required to bring writing utensils and paper.

## **Secondary Saturday Tardy/Truancy Center**

Students are required to follow the district-wide dress code policy while attending the Saturday Tardy/Truancy Center.

The Secondary Saturday Truancy Center is located at 3010 Bayshore in Pasadena and is open every Saturday (excluding holidays) from 8 a.m. to 12 noon.

Students who are truant from school will attend the Saturday Truancy Center session to discourage them from missing further classes. Students who have excessive tardies (5), are truant, are out of assigned area, location or activity or leave campus without permission may be assigned to attend the Saturday Truancy Center.

A student who misses a Saturday Tardy/Truancy Center may be assigned to the weekly Guidance Center.

## **Guidance Center**

The purpose of the Guidance Center is to provide services that help correct the problems that have interfered with a student's progress in school. The Center provides an off campus in-school suspension facility for placements shorter than twenty (20) days for continuing educational progress.

A student assigned to the Guidance Center is prohibited from attending classes on the home campus or participating in any school-sponsored or school-related activity during their assignment. If this prohibition is violated, the student shall be given a citation for trespassing. Students who have been assigned to the Center are not to return to their home school before or after school hours for any meetings, rehearsals, or extra curricular activities while still attending the Center. This restriction will remain in effect until the morning of the first school day after completing the assignment, and until the student is properly re-admitted by the school.

The Guidance Center has two locations. All middle school, intermediate school and high school students, grades 5-12, will attend the Guidance Center located at 3010 Bayshore in Pasadena. If you should have any questions regarding the secondary Guidance Center, please call (713) 740-0792.

The Elementary Guidance Center program is located at Fisher Elementary, 2920 Watters Road in Pasadena. The hours for this site are 8:15 a.m. to 3:15 p.m. If you have a question for this site, please call (713) 740-0552.

Students are counted present daily and receive full academic credit while at the Center. Failure to attend the Guidance Center as assigned is a violation of the state compulsory attendance laws.

Placement terms vary according to the severity of the disciplinary infraction. Failure to adhere to the rules may result in additional disciplinary action. If, after having been placed in the Center, the student continues to engage in serious or persistent misbehavior that violates the District's previously communicated written standards of student conduct, the student may be assigned to The Summit or expelled.

A student who fails to complete a Guidance Center assignment at the end of a school year may be required to complete the assignment at the beginning of the next school year. A student who fails to complete an assignment during the school year because of withdrawal from school shall complete the assignment upon re-enrollment in a Pasadena ISD school (unless the District can verify that the assignment was satisfied in an alternative setting outside the District).

Students are expected to complete assigned work with the assistance available from the Center teachers. It is the students' responsibility to satisfactorily complete all assignments.

Students on free or reduced breakfasts and lunches will be provided with a breakfast and lunch, and others may purchase the meals. Middle, intermediate and high school students eligible for free or reduced breakfasts and any other secondary student wishing to purchase breakfast should contact the Guidance Center at (713) 740-0792 regarding arrival time for breakfast. Elementary students must arrive by 7:50 a.m. in order to receive breakfast.

## **Disciplinary Alternative Education Program**

Depending upon the nature of the offense and other factors listed on page 13 of this Code, if applicable, students who are removed to a DAEP shall be placed in The Summit.

### **Description of The Summit**

This program is designed to serve Pasadena School District students in grades 5-12 who have been:

- placed in a DAEP for serious misconduct, or for disciplinary alternative education program offenses, or who have been expelled and not placed in a Juvenile Justice Alternative Education Program (JJAEP).

The Summit is the Disciplinary Alternative Education Program (DAEP) for the Pasadena Independent School District. This innovative program provides for each student's academic and behavioral needs during long-term disciplinary removals from his or her home campus. The Summit employs only teachers who meet all certification requirements established under TEC Chapter 21, Subchapter B; and provides not less than the minimum amount of instructional time per day as required by TEC 25.082(a).

Upon enrollment, in order to assess a student's academic growth during placement in the DAEP, the District shall administer to a student placed in a program for a period of 60 school days or longer an assessment instrument for that purpose. The instrument shall be administered initially on placement of the student in the program; and subsequently on the date of the student's departure from the program, or as near to that date as possible.

Once enrolled, students will first attend orientation sessions in order to become familiar with the structured routines and procedures.

Parents are encouraged to take an active role in facilitating future behavior change. Upon return to the home campus, a student may be assigned to a mentor (a member of the staff) who will act as a liaison between the family and the school. Counseling will also be made available to many students, as well as parents, if deemed appropriate.

The Summit will provide students access to coursework in English language arts, mathematics, science and history. The Summit will also provide a course necessary to fulfill a student's high school graduation requirement, as follows: The District shall offer a student removed to The Summit (DAEP) an opportunity to complete coursework before the beginning of the next school year. The District may provide this opportunity through any method available, including a correspondence course, distance learning, virtual school, or summer school.

The staff of The Summit is committed to enhancing academic skills while empowering students to make better behavioral choices upon return to their home campuses.

All Summit students will be expected to comply with the general PISD dress code standards, as outlined in the Student Code of Conduct. However, students will be expected to comply with a more stringent dress code during their placement at The Summit. Specific requirements will be provided to students and parents by The Summit staff.

The Summit is located at 1838 E. Sam Houston Parkway South. The telephone number is (713) 740-0290.

## **Persistent Offenses**

The District defines persistent to be two or more violations of this code of conduct in general or repeated occurrences of the same violation. Persistent or repeated offenses may result in assignment to the Guidance Center, suspension, or The Summit.

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## **Minor Offenses**

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### **Examples of some common minor offenses:**

1. Cheating or copying the work of another (A zero will be given on the test or assignment.)
2. Loitering on campus when instructed to leave
3. Notewriting
4. Inappropriate displays of affection
5. Chewing gum
6. Tardiness
7. Violation of the dress and grooming policy
8. Minor confrontation or abusive language to a student
9. Misuse of a telecommunication device or possession of a recording device by a high school, intermediate school, middle school or elementary school student (i.e., telecommunication device as defined on page 9)
10. Failure to follow rules on the school bus, including but not limited to wearing seat belts

### **Consequences**

**Minor Offenses:** Minor offenses shall first be remedied by using one or more discipline management techniques, including, but not limited to, suspension or removal to a disciplinary alternative education program. Teachers and the campus discipline person shall have discretion to determine which techniques are reasonable and appropriate to the offense. Any activity ordinarily designated as a minor offense that is gang-related (as defined on page 11) may be punished as a serious offense.

**Unexcused Absences/Tardies:** Students guilty of truancy or excessive tardies (5) per semester may be required to attend the Saturday Truancy Center session in order not to miss further classes. Students who continue to accumulate excessive absences and tardies may be referred to/subject to charges in Harris County Truancy Courts.

**Detention:** For minor infractions of the code of conduct or other policies and regulations, students may be detained before or after school hours. Before assigning students to detention, the student shall be informed of the conduct that allegedly constitutes the violation, and the student shall be given an opportunity to explain his version of the incident. Detention will be assigned in a timely manner. Parent notification is required for same day detention. The student's parent or guardian, if the student is a minor, will be required to provide transportation when the student has been assigned to detention.

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## Serious Offenses

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### Examples:

1. Assaulting a teacher or other individual
2. Possess, use, give, deliver or sell paraphernalia related to any prohibited substance while on school property and/or at a school activity
3. Possess, solicit, sell, give, deliver or use any substance represented to be an illegal or prohibited substance, including but not limited to synthetic compounds and synthetic cannabinoids (K2, bath salts, etc.) – **(mandatory DAEP removal; may expel if incident occurs during DAEP placement)**
4. Vandalism
5. Robbery or theft
6. Gang activity as outlined under Secret Societies/Gangs (defined on page 11)
7. Forgery
8. Extortion, coercion, or blackmail
9. Aggressive, disruptive action or group demonstration that substantially disrupts or materially interferes with school activities
10. Engaging in verbal abuse, i.e., name-calling, racial or ethnic slurs, or derogatory statements that school officials have reasonable cause to believe will substantially disrupt the school environment or incite violence
11. Failure to comply with directives given by school personnel (insubordination)
12. Exhibiting disrespect or directing profanity, vulgar language, obscene gestures or slanderous/libelous accusations toward teachers, school employees, and officials or other persons lawfully on school grounds or at school-related activities
13. Fighting, committing physical abuse or threatening physical abuse
14. Hacking and illegal or unauthorized entry or attempted entry into the District, student's or employee's computer systems, networks and/or files
15. Hazing (defined on page 8)
16. Fireworks (selling, giving, or delivering to another person, possessing or using while on school property and/or at a school activity) Shooting of fireworks of any kind or explosive devices in the building, on the campus, or at school-sponsored activities any time during the day or night is forbidden. Students shooting or possessing fireworks will be assigned to the Guidance Center or be given further severe disciplinary action. Appropriate legal action will also be taken.
17. Engaging in offensive conduct of a sexual nature (including sexual harassment), whether verbal or physical, which may include requests for sexual favors or other intimidating sexual conduct, directed toward an adult or another student
18. Engaging in conduct that constitutes dating violence, including the intentional use of physical, sexual, verbal, or emotional abuse to harm, threaten, intimidate, or control another person with whom the student has or has had a dating relationship
19. Possession of a personal protection device (i.e., pepper spray, stun gun, etc.)
20. Possession of live ammunition with or without intent to use
21. Failure of a student to abide by prescribed rules for possessing or using medication while at school
22. Persistent misbehavior in the form of repeated and continuing minor offenses
23. Possession of a weapon as defined on page 7 of the Student Code of Conduct – **(mandatory DAEP removal; may expel if incident occurs during DAEP placement)**
24. The possession or use of articles generally not considered weapons may be prohibited when, in the judgment of school personnel, a reasonable apprehension of danger exists to the possessor, to others, or to school property by virtue of such possession or use (i.e., laser pointers, etc.)
25. Use or possession of tobacco, lighters or electronic cigarettes. Possession of tobacco is a ticketable offense by the PISD Police, and students are subject to a fine.
26. Gambling
27. Writing graffiti (using aerosol paint or an indelible marker) on the property of a school
28. Spectator fighting, obstructing or restricting the passage of school personnel to the scene of a physical confrontation OR failure to disperse from the scene of a physical confrontation

29. Loitering or trespassing
30. Under the influence (defined on page 9) of prescription or over-the-counter medication or an unidentified substance that causes impairment of the physical or mental faculties – **(mandatory DAEP removal; may expel if incident occurs during DAEP placement)**
31. Accessing pornographic materials/pictures via internet
32. Possessing or distributing pornographic pictures/materials
33. Criminal mischief, if not punishable as a felony
34. Deliberately providing false information, including falsification of school records, passes or other school-related documents
35. Engaging in any conduct that substantially disrupts the school environment or educational process or materially interferes with school activities
36. Engaging in bullying, cyberbullying, harassment or making a hit list (defined on pages 7 and 8)
37. Any violation of this Student Code of Conduct against any employee or volunteer in retaliation for or as a result of the person's employment or association with the District, without regard to whether the conduct occurs on or off school property or while attending a school-sponsored or school-related activity on or off of school property
38. 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
39. Attempting to alter, destroy, or disable District technology resources including, but not limited to, computers and related 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
40. 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
41. Using the Internet or other electronic communications to pose as someone else in order to threaten, harass, cyberbully or damage another person's reputation either on or off school property if the conduct causes a substantial disruption to the educational environment
42. Using email or websites to engage in or encourage illegal behavior or threaten school safety, including off school property if the conduct causes a substantial disruption to the educational environment
43. Sending, posting or possessing electronic messages or images, including sexting and cyberbullying, that are abusive, obscene, sexually oriented, threatening, harassing, damaging to another's reputation, or illegal, including off school property if the conduct causes a substantial disruption to the school environment
44. Recording the voice or image of another without the prior consent of the person being recorded or in any way that disrupts the educational environment or invades the privacy of others
45. Taking or using photographs, pictures or images taken in locker rooms, restroom areas or any other area where a reasonable expectation of privacy is present for any reason, including off school property if the conduct causes a substantial disruption to the school environment
46. Possessing or selling look-alike drugs or attempting to pass items off as drugs or contraband
47. Making false accusations or perpetrating hoaxes regarding school safety
48. Discharging a fire extinguisher without valid cause or fire alarm pulling/tampering
49. Using email or websites at school to encourage illegal behavior or threaten school safety
50. Possessing published or electronic material that is designed to promote or encourage illegal behavior or that could threaten school safety
51. Abusing the student's own prescription drug, giving a prescription drug to another student, or possessing or being under the influence of another person's prescription drug on school property or at a school-related event
52. Stealing from students, staff or the school
53. Threatening a district student, employee, or volunteer, including off school property if the conduct causes a substantial disruption to the educational environment
54. Engaging in inappropriate or indecent exposure of private body parts
55. Interfering with the duties of a Police Officer or resisting arrest
56. Failure to successfully complete a Guidance Center, DAEP or JJAEP assignment
57. Threatening a District student, employee or volunteer with imminent serious bodily harm
58. Engaging in bullying that encourages a student to commit or attempt to commit suicide
59. Inciting violence against a student through group bullying
60. Releasing or threatening to release intimate visual material of a minor or a student who is 18 years of age or older without the student's consent

## Consequences

Depending on the seriousness of the offense, and specific provisions of this code of conduct, consequences for serious offenses may result in placement in the ISC, removal to the Guidance Center, suspension, removal to The Summit, or expulsion. **Assignments to ISC, Guidance Center and suspension cannot be appealed.** For example, a student who commits the serious offense of being under the influence of alcohol or drugs shall be removed to The Summit. A student who commits the serious offense of bringing an illegal or prohibited weapon to school shall be expelled. (*Note: These examples are for the purpose of illustration only.*)

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## Disciplinary Alternative Education Program Offenses

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All offenses listed below are considered serious offenses that are subject to DAEP removal.

1. A student **shall** be removed from class and placed in a disciplinary alternative education program if the student engages in conduct involving a public school that contains the elements of the offense of a false alarm (including fire alarm pull) or report (including a bomb threat) under Section 42.06, Penal Code, or terroristic threat under Section 22.07, Penal Code, or while on or within 300 feet of school property (as measured from any point on the school's real property boundary line) or while attending a school-sponsored or school-related activity on or off school property:
  - a. Engages in conduct punishable as a felony;
  - b. Engages in conduct that contains the elements of the offense of assault under 22.01(a)(1), Penal Code; If the victim is a school employee or volunteer, the student may be expelled – see subsection 8.c. under Expellable Offenses, below;
  - c. Sells, gives or delivers to another person or possesses or uses or is under the influence of:
    - (1) Marijuana or a controlled substance as defined by Chapter 481, Health & Safety Code or by 21 U.S.C. 801, et seq. (if not punishable as a felony; if punishable as a felony, the student shall be expelled)
    - (2) A dangerous drug, as defined by Chapter 483, Health & Safety Code (if not punishable as a felony; if punishable as a felony, the student shall be expelled);
    - (3) Synthetic compounds and synthetic cannabinoids including, but not limited to, K2, bath salts, etc.
  - d.
    - (1) Sells, gives or delivers to another person alcohol, as defined by 1.04, Alcoholic Beverage Code,
    - (2) Commits a serious act or offense while under the influence of alcohol, or
    - (3) Possesses, uses or is under the influence of alcohol (if not punishable as a felony; if punishable as a felony, the student shall be expelled);
  - e. Engages in conduct that contains the elements of an offense related to an abusable volatile chemical under sections 485.031 through 485.034, Health and Safety Code;
  - f. Engages in conduct that contains the elements of the offense of public lewdness under 21.07, Penal Code; or
  - g. Engages in conduct that contains the elements of the offense of indecent exposure under 21.08, Penal Code.

**Note:** Removal to a disciplinary alternative education program is not required if the student is expelled under Section 37.007 for the same conduct for which removal would have been required.

2. In accordance with Section 37.007, Texas Education Code, the District has the authority to expel a student who engages in the conduct described in subsections (c), (d), (e), above, regardless of the amount of the drug or substance.
3. A student shall also be placed in a disciplinary alternative education program if the student, regardless of the time or location, engages in conduct on or off of school property that contains the elements of the offense of retaliation under 36.06 Penal Code, against any school employee (except that if the student engages in conduct that contains the elements of any mandatory expellable offense against any employee in retaliation for or as a result of the employee's employment with the school district, the student shall be expelled).
4. In addition to the reasons above, a student **shall** be removed from class and placed in a disciplinary alternative education program based on conduct occurring off campus and while the student is not in attendance at a school-sponsored or school-related activity if:

The student received deferred prosecution under Section 53.03, Family Code, for aggravated robbery and/or conduct defined as a felony offense in Title 5, Penal Code. These offenses include: bestiality; sexual coercion; criminal homicide; murder; capital murder; manslaughter; criminally negligent homicide; unlawful restraint; kidnapping; aggravated kidnapping; indecency with a child; sexual assault; aggravated assault; aggravated sexual assault; injury to a child, elderly individual, or disabled individual; abandoning or endangering a child; deadly conduct; terroristic threat; aiding suicide; or tampering with consumer product. Some offenses listed above are not punishable as a felony in all situations. For the discipline listed above to occur, the student must have engaged in conduct which is defined as a felony.

- a. A court or jury finds that the student has engaged in delinquent conduct under Section 54.03, Family Code, for a conduct defined as a felony offense in Title 5, Penal Code; or
  - b. The Superintendent or the Superintendent's designee has a reasonable belief that the student has engaged in conduct defined as a felony offense in Title 5, Penal Code.
5. A student **may** be removed from class and placed in a disciplinary alternative education program based on conduct occurring off campus and while the student is not in attendance at a school-sponsored or school-related activity if:
- a. The Superintendent or the Superintendent's designee has a reasonable belief that the student has engaged in conduct defined as a felony offense other than those defined in Title 5, Penal Code, listed above; and
  - b. 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.
- Note:** Students who are removed pursuant to subsections 4 and 5, above, may be placed in the Harris County JJAEP.
6. In determining whether there is reasonable belief that a student has engaged in conduct defined as a felony offense by the Penal Code, the Superintendent's designee may consider all available information, including the information furnished under Article 15.27, Code of Criminal Procedure.
7. If it is determined by the Superintendent that there is a reasonable belief that a student engaged in conduct constituting a felony offense and the student has been arrested, the Superintendent is required to notify District employees with supervisory responsibility over a student when the student has been arrested.
8. A student who is younger than 10 years of age shall be removed from class and placed in a disciplinary alternative education program if the student engages in conduct that would be an expellable offense for students ten years old or older. A student who is under 10 years of age who possesses a firearm shall be expelled but shall receive education in the DAEP during the term of expulsion. See pages 20, 21 and 22 for the offenses for which students may or shall be expelled.
9. When the Superintendent or the Superintendent's designee receives notice under Article 15.27(g), Code of Criminal Procedure, i.e., the office of the prosecuting attorney or the office or officer designated by the juvenile court notifies the District that prosecution of the student's case was refused for lack of prosecutorial merit or insufficient evidence; or the court or jury found the student not guilty or made a finding that the student did not engage in delinquent conduct or conduct indicating a need for supervision and the case is dismissed with prejudice; the Superintendent or designee shall 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 placement with the student's parent or guardian not later than the third class day after the Superintendent or designee receives notice from the office or official designated by the court. After reviewing the notice and receiving information from the student's parent or guardian, the Superintendent or designee may continue the student's placement in the DAEP if there is a reason to believe that the presence of the student in the regular classroom threatens the safety of other students or teachers.
- The student or the student's parents or guardian may appeal the Superintendent's decision described in section (9) above to the Board of Trustees. The student may not be returned to the regular classroom pending the appeal. The Board shall, at the next meeting or other mutually-agreeable date, review the notice provided under Article 15.27(g) of the Code of Criminal Procedure and receive information from the student, the student's parent or guardian, and the Superintendent or designee and confirm or reverse the decision described under section (9) above. If the Board confirms the decision of the Superintendent or designee, the Board shall inform the student and the student's parent or guardian of the right to appeal to the Commissioner of Education. The student may not be returned to the regular classroom pending an appeal to the Commissioner. This appeal process does not apply to placement to the DAEP made in accordance with Section 37.006(a) described in subsection 1(a) – (g) above.
10. A principal or other appropriate administrator may, but is not required to, remove a student to a disciplinary alternative education program for off-campus conduct, for which removal is required, if the principal or other appropriate administrator does not have knowledge of the conduct before the first anniversary of the date the conduct occurred.

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## Expellable Offenses

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The following offenses are also considered serious offenses. 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 school property:

1. Possesses or carries on or about the student's person:
  - a. A firearm or handgun, as defined by 46.01(3) or 46.01 (5), Penal Code;
  - b. A location-restricted knife as defined by 46.01(6), Penal Code, or by local policy;
  - c. A club as defined by 46.01(1), Penal Code;
  - d. Possesses, manufactures, transports, repairs or sells a prohibited weapon as defined under 46.05, Penal Code;

2. Engages in conduct that contains the elements of the offense of:
  - a. Aggravated assault under 22.02 Penal Code, sexual assault under 22.011, Penal Code, or aggravated sexual assault under 22.021, Penal Code;
  - b. Arson under 28.02, Penal Code;
  - c. Murder under 19.02, Penal Code, capital murder under 19.03, Penal Code, or criminal attempt, under 15.01, Penal Code, to commit murder or capital murder;
  - d. Indecency with a child under 21.11, Penal Code;
  - e. Aggravated kidnapping under 20.04, Penal Code;
  - f. Aggravated robbery under section 29.03, Penal Code;
  - g. Manslaughter under section 19.04, Penal Code;
  - h. Criminally negligent homicide under section 19.05, Penal Code;
  - i. Continuous sexual abuse of young child or children under Section 21.02, Penal Code;
3. Engages in conduct involving drugs or alcohol which would be punishable by a mandatory placement in a disciplinary alternative education program, if such conduct is punishable as a felony;
4. Brings a firearm, as defined by 18 U.S.C. 921 to school.
5. A student may not be expelled solely on the basis of the student's use, exhibition, or possession of a firearm that occurs:
  - a. at an approved target range facility that is not located on a school campus; and
  - b. while participating in or preparing for a school-sponsored shooting sports competition or a shooting sports educational activity that is sponsored or supported by the Parks and Wildlife Department or a shooting sports sanctioning organization working with the department.
6. Subsection (5) above does not authorize a student to bring a firearm on school property to participate in or prepare for a school-sponsored shooting sports competition or a shooting sports educational activity.
7. A student **shall** be expelled if the student engages in conduct that contains the elements of any offense listed in subsections 1, 2, 3 or 4 and **may** be expelled if the student engages in conduct that contains the elements of any offense listed in subsection 8.c., against any employee or volunteer in retaliation for or as a result of the person's employment or association with the school district, regardless of whether the conduct occurs on or off of school property or while attending a school-sponsored or school-related activity on or off of school property.
8. A student **may** be expelled if the student, while on or within 300 feet of school property, as measured from any point on the school's real property boundary line, or while attending a school-sponsored or school-related activity on or off of school property:
  - a. Sells, gives, or delivers to another person or possesses, uses, or is under the influence of any amount of:
    - (1) Marijuana or a controlled substance, as defined by Chapter 481, Health and Safety Code, or by 21 U.S.C. Section 801 et seq.; or
    - (2) A dangerous drug, as defined by Chapter 483, Health and Safety Code; or
    - (3) Alcohol, as defined by Section 1.04 Alcoholic Beverage Code; or
  - b. 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; or
  - c. Engages in conduct that contains the elements of the offense of assault under Section 22.01(a) (1), Penal Code, against a school district employee or a volunteer. A volunteer is defined as a person who provides services to the school district without compensation, either on the premises of the district or at a school-sponsored or school-related activity, on or off of school property.
  - d. Engages in conduct that contains the elements of an offense of deadly conduct under Section 22.05, Penal Code.

A student **may** also be expelled:

1. If the student engages in bullying that encourages a student to commit or attempt to commit suicide.
2. If the student incites violence against a student through group bullying.
3. If the student releases or threatens to release intimate visual material of a minor or a student who is 18 years of age or older without the student's consent.
4. If the student engages in conduct that contains the elements of the offense of criminal mischief under 28.03, Penal Code, if the conduct is punishable as a felony. Regardless of whether the student is expelled, the student shall be referred to the authorized officer of the juvenile court.
5. If the student engages in conduct that involves the student knowingly breaching the District's computer security through use of the District's computer, computer system or network and the student knowingly altered, damaged or deleted District property or information as provided by the Texas Penal Code, Sec. 33.02.
6. If the student engages in conduct involving a public school that contains the elements of the offense of false alarm or report (including a bomb threat) under Section 42.06, Penal Code, or terroristic threat under Section 22.07, Penal Code.
7. Unless the conduct is retaliation against a school employee or volunteer (in which case expulsion may be required) if



the student, while within 300 feet of school property, as measured from any point on the school's real property boundary line:

- a. Engages in conduct for which expulsion is required, as listed above under items 1, 2, 3 and 4;
  - b. Possesses a firearm, as defined by 18 U.S.C. 921.
8. Regardless of where the conduct occurs or whether the student is attending a school-sponsored or school-related activity on or off of school property, if the student engages in conduct containing the elements of the offense of aggravated assault, sexual assault, aggravated sexual assault, aggravated robbery, murder, capital murder, or criminal attempt to commit murder or capital murder.
9. If the student engages in conduct for which expulsion is required, for the reasons listed in items 1-4 above, if the student engages in that conduct on school property of another Texas school district or while attending a school-sponsored or school-related activity of a school in another Texas school district.

Students younger than ten cannot be expelled. If a student younger than ten commits an expellable offense, the student will be removed to the DAEP. A student under age six shall not be placed in a DAEP unless the student commits a federal firearm offense.

### **Expulsion While in a Disciplinary Alternative Education Program (DAEP)**

A student **may** be expelled for engaging in **documented** serious misbehavior that violates the District's Code, **despite documented behavioral interventions** while placed in a DAEP. **For purposes of discretionary expulsion from a DAEP, serious misbehavior means:**

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

**If the student is expelled under this provision, the Board or its designee shall refer the student to the authorized officer of the juvenile court.**

### **Title 5 Expulsions**

The Board of Trustees or the Board's designee, after an opportunity for a hearing, **may** expel a student and elect to place the student in the JJAEP under 37.001 if:

- (1) the student:
  - (a) has received deferred prosecution under Section 53.03, Family Code, for aggravated robbery or conduct defined as a felony offense in Title 5, Penal Code;
  - (b) has been found by a court or jury to have engaged in delinquent conduct under Section 54.03, Family Code, for conduct defined as aggravated robbery or a felony offense in Title 5, Penal Code;
  - (c) is charged with engaging in conduct defined as aggravated robbery or a felony offense in Title 5, Penal Code;
  - (d) has been referred to a juvenile court for allegedly engaging in delinquent conduct under Section 54.03, Family Code, for conduct defined as aggravated robbery or a felony offense in Title 5, Penal Code;
  - (e) has received probation or deferred adjudication for aggravated robbery or a felony offense under Title 5, Penal Code;
  - (f) has been convicted of aggravated robbery or a felony offense under Title 5, Penal Code; or
  - (g) has been arrested for or charged with aggravated robbery or a felony offense under Title 5, Penal Code, and
- (2) the Board or the Board's designee determines that the student's presence in the regular classroom:
  - (a) threatens the safety of other students or teachers;
  - (b) will be detrimental to the educational process; or
  - (c) is not in the best interests of the District's students.

Title 5 felonies include bestiality; sexual coercion; criminal homicide; murder; capital murder; manslaughter; criminally negligent homicide; unlawful restraint; kidnapping; aggravated kidnapping; indecency with a child; sexual assault; aggravated assault; aggravated sexual assault; injury to a child, elderly individual, or disabled individual; abandoning or endangering a child; deadly conduct; terroristic threat; aiding suicide; or tampering with consumer product.

**Any decision by the Board or the Board's designee under this section is final and may not be appealed.** The Board or the Board's designee may order placement under the circumstances listed above regardless of (1) the date on which the 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 District's standard guidelines for lengths of removals do not apply; however, the student will be provided a review of placement at intervals not to exceed 120 days. Placement under this section shall last until:

- The student graduates from high school;
- The Title 5 felony charges that resulted in the expulsion are dismissed or reduced to a misdemeanor offense; or
- The student completes the term of the placement or is assigned to another program.

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## Teacher Removals of Students

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A teacher may send a student to the principal's office in order to maintain effective discipline in the classroom. The principal shall respond by employing appropriate discipline management techniques consistent with local policy and the code of conduct.

A teacher may remove from class a student who has been documented by the teacher to have repeatedly interfered with the teacher's ability to communicate effectively with the students in the class or with the ability of the student's classmates to learn; or whose behavior the teacher determines is so unruly, disruptive, or abusive, that it seriously interferes with the teacher's ability to communicate effectively with the students in the class or with the ability of the student's classmates to learn. The principal may:

- a. Place the student in another appropriate classroom;
- b. Place the student in in-school suspension; or
- c. Place the student in a disciplinary alternative education program.

A teacher will also remove a student from his/her class, if the student engages in an offense for which removal to a disciplinary alternative education program is required, or for which expulsion is required. Upon receipt of those referrals, the principal or designee shall take the appropriate action required by state law and this code of conduct.

Each school in the District will establish a three-member committee to determine placement of a student when a teacher removes a student and refuses to allow the student to return to his or her classroom. Each committee shall consist of two teachers and one teacher to serve as an alternate chosen by the campus faculty, and one member chosen from the professional staff of a campus selected by the principal. The teacher refusing to re-admit the student shall not serve on the committee.

The principal may not return the student to the classroom of the teacher who removed the student without the teacher's consent unless the placement review committee determines that such placement is the best or only available alternative.

If the student is removed by a teacher, the student may be prohibited from attending or participating in school-sponsored or school-related activities.

Students eligible for services under the Individuals with Disabilities Education Act ("IDEA") or Section 504 may be removed only in accordance with state and federal law.

### Review of Teacher Removals

Not later than the third class day after the day on which a teacher removes a student from class, the school principal shall schedule a conference among the principal or other appropriate administrator, a parent or guardian of the student, the teacher removing the student, and the student. The student may not be returned to class pending the conference. Following the conference and whether or not each requested person is in attendance, after valid attempts to require a person's attendance, the principal shall order the placement of the student either in in-school suspension, a disciplinary alternative education program or another appropriate classroom. If the teacher removes the student for a reason listed as mandatory placement in a disciplinary education program, or mandatory expulsion, the principal shall take the appropriate action as required by state law and the code of conduct. If the removal extends beyond the end of the next grading period, the student's parent is entitled to a hearing as described in the section entitled "Appeal of Placement in a Disciplinary

Alternative Education Program." When a student has been formally removed from class by a teacher for conduct against the teacher containing the elements of assault, aggravated assault, sexual assault, 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.

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## Removals to Disciplinary Alternative Education Program

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### Permissive Placement in a Disciplinary Alternative Education Program

A principal or designee may remove a student to a disciplinary alternative education program for any act of misconduct specified in this code of conduct.

### Mandatory Placement in a Disciplinary Alternative Education Program

A principal or designee **shall** remove a student to a disciplinary alternative education program for the acts of misconduct listed in the section of the code of conduct entitled "Disciplinary Alternative Education Program Offenses" that require removal.

### Length of Removals

The length of removal to a disciplinary alternative education program is within the discretion of the administrator imposing the removal, but in general shall be in accordance with the following guidelines. If the period of placement is inconsistent with the guidelines set forth in this Code of Conduct, the order of removal must provide written notice of the inconsistency.

If a student in grade 5 or 6 is being removed for a violation of the Code of Conduct, but the offense is **not** one for which removal to the disciplinary alternative education program is **mandatory**, the student should be removed for a period not to exceed thirty (30) school days.

If a student in grades 7 through 12 is being removed for a violation of the Code of Conduct, but the offense is **not** one for which removal to the disciplinary alternative education program is **mandatory**, the student should be removed for a minimum of twelve (12) school weeks from the date the student enrolls at the Summit. However, these students will be eligible for early release by meeting established requirements for attendance, grades, and participation in Summit programs. The student's length of placement will be reviewed at three-week intervals.

If a student in grade 5 or 6 is being removed to a disciplinary alternative education program for an offense listed as one for which removal to a disciplinary alternative education program is **mandatory**, the student **shall** be removed for a period not to exceed thirty (30) school days.

If a student in grades 7 through 12 is being removed to a disciplinary alternative education program for an offense listed as one for which removal to a disciplinary alternative education program is **mandatory**, the student **shall** be removed for a minimum of twelve (12) school weeks from the date the student enrolls at the Summit.

### Review of Removals

If a student is removed to a disciplinary alternative education program beyond the end of the school year (see paragraph above), the principal or designee must determine that:

The student's presence in the classroom or on campus presents a danger of physical harm to the student or others;  
or

The student has engaged in serious or persistent misbehavior which violated the previously communicated student code of conduct.

If the length of the removal to a disciplinary alternative education program extends beyond 120 days, the student must be provided with a review of the student's status by the principal or designee at intervals not to exceed 120 days. At the review, the student or the student's parent or guardian shall be given the opportunity to present arguments for the student's return to the regular classroom or campus. The student may not be returned to the classroom of the teacher who removed the student without the teacher's consent. In the case of a high school student, the Board's designee, with the student's parent or guardian, shall review the student's progress towards meeting high school graduation requirements and shall establish a specific graduation plan for the student. The District is not required to provide in the District's DAEP a course not specified under Section 37.008(1) of the Education Code.

If a student's placement in a disciplinary alternative education program is to extend beyond the end of the next grading period, and a parent or student desires to appeal the principal's decision to remove a student to a disciplinary alternative

education program, the student will use the process described in the section entitled, "Appeal of Placement in a Disciplinary Alternative Education Program."

### **Informal Conference and Parent Notification**

Not later than three class days after the day a student is removed to a disciplinary alternative education program, the principal or Campus Disciplinary Person shall conduct a conference at which:

1. The student is advised either orally or in writing of the conduct for which he/she is being removed and the basis for the removal.
2. The student is given the opportunity to explain his or her version of the incident and respond to the reasons for the removal.
3. The student may be accompanied by the parent, guardian, or legal counsel.

A student's parent shall be notified by telephone or other appropriate means as soon as reasonably possible of a removal to a disciplinary alternative education program. Following valid attempts to require attendance at the informal conference, the principal or Campus Disciplinary Person may hold the conference and make a placement decision regardless of whether the student or the student's parents attend the conference. Parents of students who have been removed shall be advised that it is their responsibility to provide adequate supervision for the student during the period of removal.

If the period of placement is inconsistent with the guidelines set forth in this Code of Conduct, the order must give notice of the inconsistency. A period of removal may not exceed one year unless, after a review, the District determines that the student is a threat to the safety of other students or to PISD employees or extended placement is in the best interest of the student.

### **Appeal of Placement in a Disciplinary Alternative Education Program**

If a student is removed to a disciplinary alternative education program, the student is entitled to the following appeal process. If the student and/or parent or guardian disagrees with the outcome of the school-level conference at which the student was notified of the reasons and basis for the removal, a request for a hearing may be filed. The student and/or parent or guardian may appeal by filing a signed written notice within two (2) school days of receipt of that decision with the respective Associate Superintendent for Campus Development. A hearing on that appeal will be conducted before a Central Administration Hearing Committee within five (5) school days after the notice of the appeal is received unless scheduled at a later date by mutual consent of the parent and principal and/or due to the presence of legal counsel. The student may be represented by the parent, guardian or legal counsel. If the District makes a good-faith effort to inform the student and the student's parent or guardian of the time and place of the hearing, the District may hold the hearing regardless of whether the student or the student's parent or guardian attends. The Central Administration Hearing Committee will be comprised of three (3) central office administrators chaired by a school district hearing officer. The Central Administration Hearing Committee will hear the appeal and render a decision in regards to the student's offense and the appropriate actions, if any, to be taken by the school district. Pending any level of appeal of a principal or designee's decision to remove a student to a disciplinary alternative education program, the student may be removed to the disciplinary alternative educational program.

If the Hearing Committee's decision to remove a student to a disciplinary alternative educational setting is appealed, then the appeal shall be made in writing to the Superintendent within two (2) school days after the receipt of the written notice. The written appeal must contain:

- A detailed statement of the complaint and evidence in its support;
- The specific district policy or regulation involved in the complaint, if any;
- The specific remedy suggested by the parent or student; and the signature of the appealing party(ies).

Upon receipt of the written appeal, the matter will be placed on the Board agenda for consideration at the next meeting or other mutually-agreeable date. If the District makes a good-faith effort to inform the student and the student's parent or guardian of the time of the Board meeting at which the Board will consider the appeal, the Board may consider the appeal regardless of whether the student, the student's parent or guardian, or another adult representing the student attends. The Board shall base its decision solely on the record made at the appeal hearing conducted before the Hearing Committee. No new evidence may be presented before the Board. The student or his or her representative and the administration's representative may make arguments to the Board based on the record for time periods as set by the Board. The Board's decision is final and may not be appealed.

### **Sanctions During a Disciplinary Alternative Placement**

Those students removed to a disciplinary alternative education program are prohibited from being on school grounds of their home campus, any school district property other than the DAEP (except by special permission), or attending school-

related extracurricular activities during the period of removal. This restriction will remain in effect until the morning of the first school day after completing the assignment to a disciplinary alternative education program, and until the student is properly re-admitted by the school. Students assigned to The Summit may be enrolled in extended year and/or PISD Community School programs. Violations of the Code of Conduct may result in removal from these programs. The extended year program will serve students assigned to the DAEP in conjunction with other students.

### **Additional Conduct After Removal**

If, during the term of placement, 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.

### **Withdrawals**

If a student withdraws from PISD 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 PISD during the same or subsequent school year, PISD 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. If the student withdraws after receiving verbal and/or written notice of removal to a disciplinary alternative education program, any decision regarding this placement may not be appealed.

### **Emergency Placement in a Disciplinary Alternative Education Program**

The principal or the principal's designee may order the immediate placement of a student in a disciplinary alternative education program when the principal or designee reasonably believes the student's behavior is so unruly, disruptive or abusive that it seriously interferes with a teacher's ability to communicate effectively with the students in the class, with the ability of the student's classmates to learn, or with the operation of the school or a school-sponsored activity.

At the time of emergency placement, the student shall 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 may be made on a nonemergency basis. Within a reasonable time after the emergency placement, but not later than the 10<sup>th</sup> calendar day after the date of the placement, the student shall be accorded appropriate due process as described in this Code of Conduct for removals.

### **Notice to Parents/Authorities**

The Board or its designee shall deliver to the student and the student's parents or guardian a copy of a written order placing the student in a disciplinary alternative education program.

### **Continuation of Placement**

If a student placed in a disciplinary alternative education program enrolls in another school district before the expiration of the period of placement, the District is required to forward a copy of the placement order along with other student records. The district in which the student enrolls may continue the disciplinary alternative education program placement under the terms of the order or may allow the student to attend regular classes without completing the period of placement. Pasadena ISD will require a student coming from a disciplinary alternative education program in another school district to complete his/her disciplinary alternative education placement when enrolled in PISD.

PISD may also require placement in a disciplinary alternative education program of a student who was:

1. Placed in a disciplinary alternative education program by an open-enrollment charter school under Education Code, Section 12.131, and the charter school provides PISD with a copy of the placement order; or
2. Placed in a disciplinary alternative education program by a school district in another state and:
  - (1) The out-of-state district provides PISD with a copy of the placement order; and
  - (2) The grounds for placement by the out-of-state district are grounds for placement in PISD.

PISD's enforcement or continuation of disciplinary action previously taken against a student by another school district, school or charter school, is **not appealable** through the student discipline appeals processes set forth in this student code of conduct.

**Note:** If a student was placed in a disciplinary alternative education program by a school district in another state for a period that exceeds one year, and the student seeks to enroll in PISD, PISD shall reduce the period of placement so that the aggregate period does not exceed one year unless, after a review, PISD determines that the student is a threat to the safety of other students or to PISD employees, or extended placement is in the best interest of the student.

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## Suspensions and Other Campus-Based Discipline

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A student may be removed from school on suspension for a period not to exceed three (3) consecutive school days. There is no limit to the times per semester or school year that a student may be suspended so long as each term of suspension does not exceed three (3) school days. A student may be suspended for any offense within this code of conduct and may be suspended pending removal to a disciplinary AEP or expulsion. The student's parent or guardian shall be notified of a violation of the student code of conduct that results in suspension. **A student will not be afforded a hearing on the suspension;** however, the principal or designee will inform the student of the reasons for the suspension and grant the student an opportunity to give his or her version of the incident.

A student may be suspended for any offense listed in this Code of Conduct under "Minor Offenses" or "Serious Offenses."

### Students in Grade 2 or Below

The District shall not use out-of-school suspension for students in grade 2 or below unless the conduct meets the requirements established in law.

A student in grade 2 or below shall not be placed in out-of-school suspension unless, while on school property or while attending a school-sponsored or school-related activity on or off school property, the student engages in:

- Conduct that contains the elements of a weapons offense, as provided in Penal Code Section 46.02 or 46.05;
- Conduct that contains the elements of assault, sexual assault, aggravated assault, or aggravated sexual assault, as provided by the Penal Code; or
- Selling, giving or delivering to another person or possessing, using, or being under the influence of any amount of marijuana, an alcoholic beverage, or a controlled substance or dangerous drug as defined by federal or state law.

### Excused Absence and Make-up Work

If a student is suspended, the student's absence shall be considered to be an excused absence if the student satisfactorily completes the assignments for the period of suspension within a reasonable time determined by the teacher. The responsibility for providing the student the opportunity to make up assignments does not rest solely with the teacher. The student and parent are responsible for securing the assignments. Assignments provided by the teacher do not necessarily need to reflect exactly what has transpired in the classroom. They should be content relevant, but not necessarily classroom exact.

### Sanctions During Suspension

A suspended student is prohibited from attending or participating in school-sponsored or school-related activities.

### Other Campus-Based Discipline and Any Related Appeal

As outlined in this Code of Conduct, an appropriate school administrator may assign campus-level discipline to a student who violates the Student Code of Conduct. **A student will not be afforded a hearing on the campus-based discipline assignment;** however, the principal or designee will inform the student of the reasons for the action and grant the student an opportunity to give his or her version of the incident. A campus-based administrator may hear an informal appeal of the decision if requested. The Board designates the campus principal or other appropriate campus-level administrator to hear any appeal regarding campus-level discipline. The decision of the campus-level administrator who hears the appeal is final and not appealable.

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## Expulsion

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### Due Process Pending Expulsion

A school level hearing shall be offered when a student is charged with an offense that could result in expulsion, and expulsion is recommended. A student's parent or guardian shall be given notice of the charges, the proposed sanction and an opportunity for a hearing before the principal or the principal's designee. The hearing before the principal or his or her designee is an informal hearing. On the basis of this informal hearing, the principal or designee will determine if there is sufficient evidence to support a recommendation of expulsion to the Central Administration Hearing Committee.

If the student and/or parent or guardian choose not to request a due process hearing, the Central Administration Hearing Committee will review and act on the principal or designee's recommendation. If the recommendation of expulsion is accepted, the Central Administration Hearing Committee will enter an order of expulsion.

If the student or parent or guardian requests a due process hearing, they must file written notice with the respective Associate Superintendent for Campus Development within two (2) school days of receipt of the decision from the principal or principal's designee. A hearing on that request will be conducted before a Central Administration Hearing Committee within five (5) school days after the notice of the appeal is received unless scheduled at a later date by mutual consent of the parents and the principal and/or due to the presence of legal counsel. The Central Administration Hearing Committee will typically be comprised of three (3) central office administrators chaired by a school district hearing officer. However, the Superintendent retains discretion to appoint or designate three (3) other committee members, if deemed appropriate. The Central Administration Hearing Committee will hear the appeal and render a decision in regards to the student's offense and the appropriate actions, if any, to be taken by the school district.

At the hearing before the Central Administration Hearing Committee, the student shall be afforded due process, which shall include the following:

- Prior notice of the charges and the proposed sanctions so as to afford a reasonable opportunity for preparation;
- Right to a full and fair hearing;
- Right to an adult representative or legal counsel;
- Prior notice of the names presented by the District whose testimony may be used against the student and the nature of their testimony;
- Opportunity to testify and present evidence and witnesses in his or her defense; and
- Opportunity to examine the evidence presented by the school administration and question the administration's witnesses.

The student will be given the opportunity to be represented by the student's parent, guardian or another adult (not an employee of the District) who can provide guidance to the student. If the District makes a good-faith effort to inform the student and the student's parent or guardian of the time and place of the hearing, the District may hold the hearing regardless of whether the student, the student's parent or guardian, or another adult representing the student attends.

The Gun Free Schools Act requires any student who brings a firearm to school to be expelled for at least one calendar year [Texas Education Code 37.007(e)] provided, however, that the Superintendent may modify the length of the expulsion in the case of an individual student.

Pending an appeal, the student may be placed in the Guidance Center, removed to another disciplinary alternative education program, suspended for up to 3 school days, or emergency expelled if the principal or designee reasonably believes that action is necessary to protect persons or property from imminent harm. If the student's appeal is denied, he or she shall not be given credit for any coursework performed during the pendency of the appeal. If the student is expelled, the student will be given an opportunity to complete assignments pending an appeal of the expulsion. However, if the Board upholds the expulsion, the student will not be given credit for any coursework performed after the due process hearing and during the time pending of the appeal to the Board, unless the student is placed in a JJAEP.

Any decision rendered by the Central Administration Hearing Committee may be appealed to the Board of Trustees by filing written notice within two (2) school days of receipt of that decision with the Superintendent.

If the Central Administration Hearing Committee's decision to expel a student is appealed, then the appeal shall be made in writing to the Superintendent within two (2) school days after receipt of the written notice. The written appeal must contain:

- A detailed statement of the complaint and evidence in its support;
- The specific remedy suggested by the parent or student; and
- The signature of the appealing party(ies).

Upon receipt of the written appeal, the matter will be placed on the Board agenda for consideration at the next meeting or other mutually agreeable date. If the District makes a good-faith effort to inform the student and the student's parent or guardian of the time of the Board meeting at which the Board will consider the appeal, the Board may consider the appeal regardless of whether the student, the student's parent or guardian, or another adult representing the student attends. The Board shall base its decision solely on the record made at the appeal hearing conducted by the Central Administration Hearing Committee. No new evidence will be submitted to the Board. The student or his or her representative and the administration's representative may make arguments to the Board based on the record for time periods as set by the Board.

Appeal of Board's Decision:

If a student appeals the Board's decision to expel, the student shall be expelled pending further appeals. The Board's decision may be appealed to a state district court in the county in which the District's central administrative offices are located.

## **Expulsion Term**

A student may be expelled by written order of the Hearing Committee, setting the term of the expulsion based on the seriousness of the offense and other relevant factors. The period of expulsion may not extend beyond one calendar year unless, after a review, the District determines that the student is a threat to the safety of other students or PISD employees, or extended placement is in the best interest of the student. If the period of an expulsion is inconsistent with the guidelines included in this Code of Conduct, the order must give notice of the inconsistency. As per the District approved Memorandum of Understanding with the Harris County Juvenile Board, students shall attend the JJAEP for the period of the individual student's expulsion. Students expelled during the first, second, third, and fourth six weeks shall be placed in the JJAEP for the remainder of the school year. Students expelled during the fifth six-weeks period shall be placed in the JJAEP for the remainder of the school year and for summer school. Students expelled during the sixth six weeks, shall be placed in the JJAEP for the remainder of the school year and for the fall semester of the following school year. **Students assigned to JJAEP are not provided 120 day reviews.**

## **Notice to Parents/Authorities**

The Board or its designee shall mail a copy of the expulsion order to the student and the student's parent or guardian. The Board or its designee shall also mail a copy of the order to the authorized officer of the juvenile court in the county in which the student resides.

## **Emergency Expulsions**

1. A principal or designee may immediately expel a student if the principal or designee reasonably believes that action is necessary to protect persons or property from imminent harm.
2. At the time of the emergency expulsion, the student shall be given oral notice of the reason for the action. The reason must be a reason for which expulsion may be made on a nonemergency basis.
3. Within a reasonable time, but not later than the 10<sup>th</sup> calendar day after the date of the expulsion, the student shall be offered the due process outlined in this Code of Conduct for expulsions.

## **Parental Supervision**

After the Board or its designee sends notice to the parent or guardian that the student has been expelled, the parent or guardian shall provide adequate supervision of the student during the period of expulsion.

## **Sanctions During Expulsion**

Expelled students and/or students pending expulsion are prohibited from being on school grounds, District property or attending school-related extracurricular activities during the period of expulsion, except by special permission. If a court orders a student who has been expelled to attend school as a condition of probation, the District shall readmit the student, but the student is not immune from suspension, removal to a disciplinary alternative education program, or expulsion during the term of the probation.

## **Coordination Between Districts**

If an expelled student enrolls in another school district, Pasadena ISD will provide to the district in which the student enrolls, at the same time other records of the student are provided, a copy of the expulsion order and the referral to the authorized officer of the juvenile court. If Pasadena ISD receives a request to enroll from a student who has been expelled from another school district, the District may continue the expulsion under the terms of the order, may place the student in the DAEP for the period specified by the expulsion order, or may allow the student to attend regular classes without completing the period of expulsion.

PISD may take any action permitted by the preceding paragraph if the student was expelled by a school district in another state if:

1. The out-of-state district provides to PISD a copy of the expulsion order; and
2. The grounds for the expulsion are also grounds for expulsion in PISD.

PISD's enforcement or continuation of disciplinary action previously taken against a student by another school district, school or charter school, is **not appealable** through the student discipline appeals processes set forth in this student code of conduct.

However, if a student was expelled by a school district in another state for a period that exceeds one year, and PISD continues the expulsion or places the student in a disciplinary alternative education program, PISD shall reduce the period of expulsion or placement so that the aggregate period does not exceed one year unless, after a review, PISD determines



that the student is a threat to the safety of other students or to PISD employees, or extended placement is in the best interest of the student.

### **Placement in a Juvenile Justice Alternative Education Program**

Students who are expelled may be ordered by the juvenile court to attend the Juvenile Justice Alternative Education Program ("JJAEP") in accordance with Texas Education Code 37.011.

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

### **Withdrawals**

If a student withdraws from PISD before an order for expulsion is entered, the principal or Board, as appropriate, may complete the proceedings and enter an order. If the student subsequently enrolls in PISD during the same or subsequent school year, PISD may enforce the order at that time except for any period of the expulsion 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. If the student withdraws after receiving verbal and/or written notice of expulsion, any decision regarding this placement may not be appealed.

### **Additional Conduct After Expulsion**

If, during the term of expulsion, 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.

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## **Miscellaneous**

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### **Interrogations and Searches**

School officials may search a student or a student's property if school officials have reasonable suspicion to believe that either the law or school rules are being violated by the student or with the student's free and voluntary consent. Vehicles on school property are also subject to search if the school officials have reasonable suspicion that they contain prohibited substances or articles.

Student lockers and desks are the property of the school district, and students have no expectation of privacy in the lockers assigned to them. Areas such as lockers and desks, which are owned and jointly controlled by the District, may be searched if the school officials have reasonable suspicion to believe that they contain prohibited substances or articles. Students shall not place, keep, or maintain any article or material in school-owned lockers and desks that is forbidden by District policy or the law or that would lead school officials to reasonably believe that it would cause a substantial disruption on school property or at a school-sponsored function. Canine detection services may be utilized by the District to assist in this effort.

Searches of a student's outer clothing, pockets and articles of personal property, such as purses, wallets and bags, may be conducted if reasonable suspicion exists to believe that either the law or school rules are being violated by the student.

Administrators and teachers have the right to question students regarding their conduct or the conduct of others.

### **Metal Detectors**

Metal detectors may be used at any school activity or event, at random or when reasonable suspicion exists that a student or other individual may have a prohibited weapon or other contraband in his or her possession. The District shall use the metal detectors in accordance with procedures outlined by the District Police Department.

Students assigned to the Guidance Center will be checked with a hand held metal detector upon entering the building. In addition, students attending The Summit will be checked with a metal detector before getting on the bus and again upon arrival at The Summit.

### **Searches by Trained Dogs**

The administration is authorized to use dogs whose reliability and accuracy for sniffing out illegal or prohibited substances have been established to aid in the search for illegal or prohibited substances in school owned property and automobiles

parked on school property. Dogs may be used to search luggage and other items of students who are leaving from campus on a trip. Dogs shall not be used to search students themselves, unless school officials have established independently that there is reasonable cause to believe the student possesses contraband on his or her person.

The dogs must be accompanied by a qualified and authorized trainer who will be responsible for the dog's actions.

An indication by the dog that illegal drugs are present on school property or in a vehicle shall be reasonable suspicion for a further search by school officials.

### **Police Questioning of Students**

When police ask to question a student on school property or at a school-related activity, the following guidelines shall apply:

1. The questioning officer will display appropriate agency identification that has his/her picture on it. The officer's name and title shall be obtained and recorded by District officials.
2. The principal or designee shall make reasonable efforts to contact the parents of students under the age of eighteen (18). Under no circumstances, however, will this provision interfere with a police or Children's Protective Services investigation.
3. The principal or designee will make reasonable efforts to be present when the officer questions the student.
4. It is the police officer's responsibility to inform the student of his/her rights (Miranda Warnings) when required by law. Once a police officer begins questioning a student, all responsibility for such questioning rests with the police officer.
5. Pasadena Independent School District police officers incur the same responsibility as any other police official in ensuring proper procedures and student rights are observed when working with students.

### **Arrested Students**

If a District student at school is subject to arrest or apprehension by a law enforcement officer, the principal shall request to see the summons or warrant and shall deliver the student into the officer's custody upon presentation of the warrant or summons to the principal. The principal or designee shall make a reasonable effort to notify the parents of the student's arrest or apprehension.

### **Filing of Charges**

Subject to the laws of the State of Texas, students may be issued citations and/or arrested. The Pasadena Independent School District retains the discretion to file criminal charges against a student who is believed to have committed an offense, when deemed appropriate by the administration. Filing of charges may be in addition to any other action taken by the school.

### **Sexual Assault and Campus Assignments including Potential Assignment to DAEP**

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.

### **Students Required to Register as Sex Offenders**

Any student who is required to register as a sex offender under Chapter 62 of the Code of Criminal Procedure and who is under any form of court supervision, including probation, community supervision, or parole, **shall** be removed to the DAEP for at least one semester.

If a student is required to register as a sex offender under Chapter 62 of the Code of Criminal Procedure and is **not** under any form of court supervision, the District **may** remove the student to the DAEP for one semester or elect to leave the student in the regular classroom. The District may not leave the student in the regular classroom if 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 interests of the District's students.

A student or the student's parent or guardian may appeal the decision to place the student in the DAEP by requesting a conference among the Board's designee, the student's parent or guardian, and the student. **The conference is limited to the factual question of whether the student is required to register as a sex offender under Chapter 62 of the Code of Criminal Procedure.** If the Board's designee determines at the conclusion of the conference that the student is required to register as a sex offender under Chapter 62 of the Code of Criminal Procedure, the student **shall** be placed in the DAEP. **The decision of the Board's designee is final and may not be appealed.**

## Review Procedure

1. At the end of the first semester of a student's placement in the DAEP, the Board's designee shall convene a committee to review the student's continued placement in the DAEP. 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.
2. 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.
3. 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:
  - (a) threatens the safety of other students or teachers;
  - (b) will be detrimental to the educational process; or
  - (c) is not in the best interests of the District's students.
4. 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:
  - (a) does not threaten the safety of other students or teachers;
  - (b) will not be detrimental to the educational process; and
  - (c) is not contrary to the best interests of the District's students.
5. 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.
6. The placement of any student who is a registered sex offender and is also a student with a disability who receives special education services must be made in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. 1400 *et seq.* The review of the student's placement as described above shall be conducted by the student's Admission, Review, and Dismissal ("ARD") Committee, although the ARD Committee may request that the Board's designee convene a regular review committee to assist the ARD Committee in conducting the review.
7. If a student who has been placed in a DAEP or a JJAEP as a registered sex offender and is under any form of court supervision transfers to the District during the student's mandatory placement, the District to which the student transfers may:
  - (a) require the student to complete an additional semester in the DAEP, without conducting a review of the student's placement for that semester under Section 37.306; or
  - (b) count any time spent by the student in the DAEP in the District from which the student transfers toward the mandatory placement requirement.
8. If a student who has been placed in a DAEP or a JJAEP as a registered sex offender and is **not** under any form of court supervision transfers to the District during the student's mandatory placement, the District shall use the aforementioned review procedure to determine whether to place the student in the DAEP or the regular classroom.

The District shall not allow the student to return to the regular classroom if the Board's designee determines that the student's presence in the regular classroom:

- (a) threatens the safety of other students or teachers;
- (b) will be detrimental to the educational process; or
- (c) is not in the best interests of the District's students.

**Physical Restraint**

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

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

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**Discipline of Students with Disabilities Under I.D.E.A. 2004 (Individuals with Disabilities Education Act)**

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All disciplinary actions regarding a student with a disability who receives special education services shall be determined in accordance with state and federal law and related regulations. This Student Code of Conduct applies to all students, including students with disabilities under the I.D.E.A. 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.

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**Discipline of Students with Disabilities Under Section 504**

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All disciplinary actions regarding a student with a disability who receives services under Section 504 of the Rehabilitation Act shall be determined in accordance with state and federal law. This Student Code of Conduct applies to all students, including students with disabilities covered by Section 504.

# 2018-2019 STUDENT CODE OF CONDUCT COMMITTEE MEMBERS

**BOARD MEMBER** .....Nelda Sullivan

## **CENTRAL ADMINISTRATION**

DeeAnn Powell..... Superintendent  
Karen Hickman..... Deputy Superintendent for  
Academic Achievement  
Barbara Fuqua .....Associate Superintendent for  
Accountability and Compliance  
Steve Fullen .....Associate Superintendent for  
Campus Development  
Alyta Harrell.....Associate Superintendent for  
Campus Development  
Rhonda Parmer.....Associate Superintendent for  
Campus Development  
Angela Stallings .....Associate Superintendent for  
Campus Development

## **STUDENTS**

Brandon Flores..... Dobie High School  
Donna Chang ..... Pasadena High School  
Brady Chant .....Pasadena Memorial High School  
Christian Moreno..... Sam Rayburn High School  
Luke Gonzalez ..... South Houston High School  
Amberlyn McCartney.... Lewis Career & Tech High School

## **DEC COMMUNITY MEMBERS**

ABC Dental ..... Carolina Turrubiates  
ABC Dental ..... Maria Elena Zavala  
Pasadena South Rotary ..... David Cooper

## **DEC PARENT MEMBERS**

Fisher Elementary ..... Jennifer Jackson  
Miller Intermediate..... Edie Cantu  
Parent of Former Student..... Edissa Canales

## **DEC ADMINISTRATORS**

Garfield Elementary ..... Jennifer Barnes  
Kruse Elementary..... Edgar Lopez  
Meador Elementary..... Tara Merida  
Pomeroy Elementary..... Stephen Harding  
South Belt Elementary ..... Candy Howard  
De Zavala Middle School ..... Melissa Garza  
Keller Middle School ..... Diane Phelan  
Melillo Middle School ..... Diane Wheeler  
Morris Middle School..... Robin Cate  
Bondy Intermediate ..... Tanis Griffin  
San Jacinto Intermediate ..... Yolanda Rios  
Thompson Intermediate ..... Melissa Allen  
Dobie High School ..... Tonie Noise  
Pasadena High School..... Jennifer Stewart  
South Houston High School..... Bradley Luster  
Tegeler Career Center ..... Mark Hobson

## **DISTRICT EDUCATION COMMITTEE**

Atkinson Elementary .....Kathie Teuscher  
Bailey Elementary ..... Beatriz Cox  
Burnett Elementary ..... Misty Goodrum

Laura Bush Elementary ..... Gilberto Garza  
Fisher Elementary..... Annette Stubbs  
Frazier Elementary..... Angie Oquin  
Freeman Elementary ..... Renita Toney  
Gardens Elementary ..... Tatiana Bravo  
Garfield Elementary ..... Jose Saenz  
Genoa Elementary ..... Alejandra Alcalá  
Golden Acres Elementary ..... Wendy Sullivan  
Hancock Elementary ..... Gladys Elizondo  
Jensen Elementary ..... Jennifer Favier  
Jessup Elementary ..... Amanda Zaidan  
Kruse Elementary ..... Trish Russo  
Matthys Elementary ..... Melinda DeLeon  
McMasters Elementary ..... Kimberly Aubin  
Meador Elementary..... Heather Cline  
Moore Elementary..... Bethanne Mullen  
Morales Elementary ..... Blanca Martinez  
Parks Elementary..... Cynthia Herrera  
Pearl Hall Elementary ..... Kayla Pitts  
Pomeroy Elementary ..... Veronica Santellanes  
Red Bluff Elementary ..... Monica Vega  
Richey Elementary ..... Abel Diaz  
L.F. Smith Elementary ..... Julie Harberson  
Mae Smythe Elementary..... Della Sells  
South Belt Elementary ..... Cameron Dodson  
South Houston Elementary ..... Yolanda Francisco  
South Shaver Elementary ..... Korie Isaguirre  
Sparks Elementary..... Jessica Rios  
Stuchbery Elementary..... Cheryl Fox  
Teague Elementary..... Stephanie Peterson  
Turner Elementary ..... Kelly Friend  
Williams Elementary ..... Mindy Cantu  
Young Elementary ..... Tamu James  
De Zavala Middle School ..... Alfonso Vazquez  
Keller Middle School ..... Kim Dean  
Kendrick Middle School ..... Kimberly Melchor  
Lomax Middle School..... Tara Crum  
Melillo Middle School ..... Bridget Warren  
Milstead Middle School ..... Vicki Stewart  
Morris Middle School ..... Katie Barnes  
Roberts Middle School..... Lashondra Evans  
Schneider Middle School ..... Danetta White  
Shaw Middle School ..... Michael Jones  
Sullivan Middle School..... Donna Curry-Ward  
Beverly Hills Intermediate ..... LaMona Lemarr  
Bondy Intermediate ..... Shelly Jaynes  
Jackson Intermediate ..... Gretchen Kent  
Miller Intermediate ..... Manuel Romney  
Park View Intermediate ..... Kristie McKinney  
Queens Intermediate ..... Jarret Lamberth  
San Jacinto Intermediate ..... Dale Dlouhy  
South Houston Intermediate ..... Tanya Keller  
Southmore Intermediate ..... Jacquelyn Trejo  
Thompson Intermediate ..... Pam Crawford  
Dobie High School ..... Steven Mayo  
Pasadena High School ..... Ann Dolbee  
Pasadena Memorial High School..... Charles Canales  
Sam Rayburn High School..... Stacey White  
South Houston High School..... Allison O'Brien  
Lewis Career & Tech High School ..... Amy Whalen  
Community School..... Tracy Brown  
Guidance Center..... Sheresa O'Keefe  
Tegeler Career Center ..... David Janda  
The Summit..... Joe Zarate