



**Walcott I.S.D.  
2009-2010  
Handbook**

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## WALCOTT TEACHER'S STAFF

Dr. Bill McLaughlin	Superintendent
Tonya Gruhlkey	Pre-K/ Bus Driver Kindergarten
Brandi Hodges	1 <sup>st</sup> Grade / Bus Driver
Emily Betzen	2 <sup>nd</sup> Grade / Bus Driver
Dee Rae Timberlake	3 <sup>rd</sup> Grade
Micah Noland	4 <sup>th</sup> Grade / Bus Driver
Natalie Sims	5 <sup>th</sup> Grade / Bus Driver
Darla Bryant	6 <sup>th</sup> Grade /Coach/Bus Driver Asst. Superintendent
Vicki Matthews	Remedial Teacher
Tammy Northcutt	Remedial Teacher
Leslynn Arfsten	Business Administrator/ Teacher's Aide / Bus Driver
Delma Castro	Teacher's Aide / Bus Driver
Wanda de Jager	Teacher's Aide / Bus Driver
Brandi Busby	Teacher's Aide / Bus Driver
Maria Rivera	Teacher's Aide
Debbie Morgan	Head Cook
Misty Pehl	Cook / Bus Driver
Marcella Arias	Bus Driver
Pam Oakley	Bus Driver
Marshall Henderson	Bus Driver
Jobie Monroe	School Nurse/Bus Driver
Gene Oakley	Ground Maintenance
Zoe Rubio	Janitor
Ramon Tejeda	Janitor

## BOARD OF TRUSTEES

John Perrin	President
Albert Meyer	Vice-President
Monroe Timberlake	Secretary

Walcott ISD does not discriminate on the basis of race, religion, color, national origin, sex, or handicap in providing education services. Dr. Bill S. McLaughlin has been designated to coordinate compliance with the nondiscrimination requirements of Section 504 of the Rehabilitation.

# **PARENTAL INVOLVEMENT**

## **WORKING TOGETHER**

Both experience and research tell us that a child's education succeeds best when there is a strong partnership between home and school, a partnership that thrives on communication. Your involvement in this partnership may include:

- Encouraging your child to put a high priority on education and working with your child on a daily basis to make the most of the educational opportunities the school provides. Ensure that your child completes all homework assignments and special projects. Be sure your child comes to school each day prepared, rested, and ready to learn.
- Becoming familiar with all of your child's school activities and with the academic programs, including special programs, offered in the District.
- Becoming a school volunteer.
- Participating in campus parent organizations.

## **EDUCATIONAL PHILOSOPHY**

The Walcott Public School System exists for the purpose of providing an educational climate in which each individual can develop mentally, physically, emotionally, and socially to the maximum of his/her abilities. The educational program under the guidance of professional staff members shall provide opportunities and motivation for the development of:

Self-discipline  
Democratic Responsibilities  
Acceptable Moral and Social Values  
A Background of Higher Learning  
Continuous Intellectual Growth

We believe that the self-concept and feeling of self-worth of each child is important and these needs must be addressed in order to achieve optimum of learning.

The Walcott Independent School District subscribes to the above philosophy. The responsibilities for fulfilling these objectives should be shared by school personnel, parents, and citizens of this community.

The Walcott Board of Trustees officially approved the above philosophy on January 18, 1983.

Students in all grades may use advanced placement examinations to be advanced one grade level or given credit for a subject. Students or parents who have questions about advanced placement examination should discuss them with the principal.

## **REQUIRED IMMUNIZATION**

A student must be fully immunized against certain diseases or must present a certificate or statement that, for medical or religious reasons, the student will not be immunized. The immunizations required are: Varicella, Hep B, Diphtheria, Tetanus, Polio, Measles, (Rubella), Mumps, Rubella, and Homophiles influenza poliomyelitis. The school nurse can provide information on age-appropriate dose or an acceptable physician-validated history of the illness required by the Texas Department of Health. Proof of immunization may be personal records from a licensed physician or public health clinic with a signature or rubber-stamp validation.

If a student's religious beliefs conflict with the requirement that the student be immunized, the student must present a statement signed by the parent stating that immunization conflicts with beliefs and practices of a recognized church or religious denomination which the student is an adherent or member. This statement must be renewed yearly.

If a student should not be immunized for medical reasons, the student or parent must present a certificate signed by a U.S. licensed physician stating that, in the doctor's opinion, the immunization required would be harmful to the health and well-being of the student or any member of the student's family or household. This certificate must be renewed yearly unless the physician specifies a life-long condition.

**IT IS THE RESPONSIBILITY OF THE PARENT OR GUARDIAN TO PROVIDE IMMUNIZATION RECORDS TO THE SCHOOL AT THE BEGINNING OF EACH SCHOOL YEAR.**

## BUS REGULATIONS

1. The driver is in full charge of bus and students. Students must obey the driver promptly and cheerfully. **SEATBELTS MUST BE WORN AT ALL TIMES.**
2. Please CALL your driver if your child will NOT be riding the bus.
3. Students must be on time. The bus WILL NOT wait for those who are tardy.
4. Students waiting for the bus must stand sufficient distance to allow the bus to pull to one side before stopping to pick them up.
5. Outside of ordinary conversation, classroom conduct is to be observed.
6. The use of tobacco is not permitted.
7. Students must not throw trash or other rubbish on the floor of the bus. Trash containers are located in each bus.
8. Students must not extend their head or arms out of the window.
9. Students should not try to get on or off the bus or move about the bus while it is in motion. All students must stay in their seats.
10. Students will be dropped off whether you are home or not, please make arrangements accordingly.
11. Please pay attention to early outs and field trips to make arrangements for early arrival.
12. Any damage to the bus must be reported to the bus driver at once. Any pupil who damages school vehicles will be expected to pay for the damage.
13. When leaving the bus, if it is necessary for you to cross to the other side of the road or street, be sure and cross in front of the bus.
14. Use the emergency door for emergencies only. Always get on and off at the front door.
15. No special seat will be granted to any person unless assigned by the bus driver.
16. Do not put your feet in the aisle while the bus is loading or unloading.
17. Scuffling in the bus will not be tolerated. Good citizenship is not too much to expect of anyone and it is certainly a necessity on a school bus.
18. Foul weather circumstances - Because of the size of our district, some roads may be passable, while others may not. Parent cooperation is essential for smooth operation of the buses. All buses are equipped with phones. Parents are to call the school if their road is impassable and they feel the school may not know this. If their road is impassable, parents need to bring their children to an accessible point. The school will make reasonable efforts to provide transportation for students; however,

parent must know that the final responsibility of getting their children to school rests with the parents.

19. On bad weather days, listen to KPAN radio (106.3) for school information.

Penalty for violating any of these rules will be administered by the superintendent who can bar any student temporarily or permanently from riding a bus. The object of these regulations is not to infringe upon the rights or freedom of any students, but to organize in such a way that desired results may be obtained through cooperation of students, parents and school staff.

Our main concern is the **SAFE** transportation of boys and girls.

## **CONDUCT BEFORE AND AFTER SCHOOL**

Teachers and administrators have full authority over student conduct at before- or after- school activities on District premises and at school-sponsored events off District premises. Students are subject to the same rules of conduct that apply during the instructional day and will be subject to consequences established by the Student Code of Conduct or any stricter code of conduct for extracurricular participants established by the sponsor in accordance with Board policy.

## **CELL PHONES**

Cell phone use in the school is not permitted, including any texting or instant messaging. Cell phones will be permitted on the bus to and from school and on field trips with the permission of a teacher. Any violation of permitted cell phone use will result in cell phone being taken away and returned to the parent. A second violation will result in that student losing all cell phone privileges for the rest of the school year. Any disciplinary action will be in accordance with the Student Code of Conduct.

## **SCHOOL DRESS CODE**

1. Hair must be styled out of the eyes and must be neat, well trimmed, and clean. Hair should not be in a color or style that is distracting. Boys hair should be no longer than middle of the ear and off the collar. Teacher's judgments will determine the appropriateness. It must also comply with

school health standards so as not to be detrimental to the health and safety of the individual and to others.

2. All standard footwear is acceptable and must be worn during school hours.
3. Short shorts, dresses or skirts are UNACCEPTABLE attire to be worn during academic Classes. Shorts, dresses and skirts approximately 3 inches above the knee are allowed. Teacher's judgments will determine the appropriateness.
4. The entire midriff must be covered. Shirts and blouses must be buttoned appropriately. Tank tops, Spaghetti Strap shirts and net shirts are not allowed. All shoulders must be completely covered.
5. Clothing with appropriate or suggestive symbols, patches, or lettering is not allowed.
6. Pants must be worn at waist level. Undergarments must not be exposed at any time. Baggy/sagging pants will not be allowed. Pants must be fitted at the waist, no more than 1 inch bigger than waist size.
7. Sunglasses may not be worn during school hours unless prescribed by a doctor.
8. Excessive make-up is not considered appropriate for school. Additional cosmetic supplies (ex. Lipstick, nail polish, mascara, etc....) should not be brought to school.
9. No hats or caps may be worn in the school building.
10. Jewelry worn due to body piercing, other than ear lobes, will not be allowed. Boys may not wear earrings.
11. The school has the right to ask a student to change their dress if it is of such nature as to disrupt the maintenance of order, modesty, and cleanliness. Individuals who try to attract attention by dressing in an irregular and/or unconventional manner are inviting criticism. Parents will be called to bring student appropriate clothing if violations occur.
12. The school recognizes that it is not possible to list every area of student dress; therefore, parent cooperation is essential.

## **PARENT - TEACHER CONFERENCES**

Parent - teacher conferences are a valuable means of communication, and they promote the cooperation necessary to operate a sound educational program. Teachers, on occasion, request appointments with parents for conferences. Parents may schedule a conference by calling the school office. Conferences have been

found to be more productive if scheduled during a teacher's conference period rather than visitation at school functions.

WALCOTT SCHOOL STAFF ENCOURAGES PARENT-TEACHER CONFERENCES.

**Teacher's conferences times are as follows:**

.....	10:00am - 10:30am
Tonya Gruhlkey .....	10:00am - 10:30am
Brandi Hodges. ....	1:30pm - 2:00pm
Emily Betzen.....	1:30pm - 2:00pm
Dee Rae Timberlake .....	2:00pm - 2:30pm
Micah Noland.....	2:30pm - 3:15pm
Natalie Sims. ....	2:30pm - 3:15pm
Darla Bryant.....	12:00pm -12:30pm

**DAILY TIME SCHEDULES**

The school day for instructional purposes begins at 8:15am.  
School will be dismissed at 3:15pm.

**PARENT'S VISITATION AT SCHOOL**

Parents may visit all phases of the school program. On arrival at school, visitors must make arrangements with the office staff for classroom visitations. Parent's visitation at school is "welcomed" and "encouraged". Prior arrangements with the teacher and/or superintendent can result in a more profitable visit.

**TAKING STUDENTS OUT OF SCHOOL**

If it is necessary for parents to take their children out of school during the school day, the parents are asked to sign the appropriate form that will be on the secretary's desk in the office.

## **PLAYGROUND AND GYM RULES**

In order to promote safety and fair play, the following types of games or activities are not allowed: \* chase \* dodge ball \* Keep-away

A certified teacher shall be on duty during all recess times. The teacher's shall use her best judgment to promote safety and fair play.

## **BREAKFAST SCHEDULE**

Breakfast will be served from 8:00 - 8:15 am. (If buses are running late, then the time may be different.) The price of student's breakfast will be 0.60cents; reduced breakfast price will be 0.20cents. Adult breakfast will be \$1.00.

## **LUNCH SCHEDULE**

Lunch will be served from 11:30am - 12:00pm. The price for student's lunch will be \$1.00, reduced price will be 0.30cents. Extra milk will be 0.20 cents per half-pint. Adult visitor lunch will be \$3.00 and child visitor will be \$1.00.

**A PRE-PAY SYSTEM IS NOW IN EFFECT. PARENTS ARE ENCOURAGED TO PREPAY FOR THEIR CHILD/CHILDREN'S LUNCHES.**

## **PAYMENTS FOR MEALS AND THE STORE**

A monthly statement for breakfast, lunch and store charges will be sent home if there is a negative balance. Parents are asked to pay promptly. Pre-payment of the above is encouraged. If payment is not kept current, store charging privileges will be revoked.

## **ADMINISTERING MEDICATION TO STUDENTS**

The following employees of the district are authorized to administer medication to pupils in accordance with the rules here in after stated: Superintendent and teacher.

A student who must take prescription or non-prescription medicine during the school day must bring a written request from his or her parent and the medicine, in its original, properly labeled container.

Parents shall complete an emergency care form each year that includes a place for parental consent for school officials to request medical treatment for the student, as provided by law. Parents shall also be asked to supply other information that could be required in case of an emergency; parents should update this information as often as necessary.

The District, the Board, and its employees shall be immune from civil liability except for acts constituting gross negligence, for damages or injuries resulting from the administration of medication to a student, provided such administration conforms to the requirements of this policy. Education Code 21.914.

Students must bring all medication to their homeroom teacher each day. They may pick up the medicine as they leave at the end of the school day.

## **ATTENDANCE = ABSENCES AND EXCUSES**

Any student not already exempted from the compulsory attendance law may nevertheless be excused for temporary absence resulting from personal illness or death in the family, quarantine, weather, or any other cause acceptable to the superintendent. Members of the Jewish faith shall be excused on days that Rosh Hashanah and Yom Kippur are observed, but shall be counted as having attended for purposes of calculating the average daily attendance of students in the District. Education Code 21.035

To receive credit in a class, a student must attend at least 90 percent of the days the class is offered. The actual number of days a student must attend in order to receive credit will depend on whether the class is for a full semester or for a full year. A student who attends fewer than 90 percent of the days the class is offered cannot receive credit for the class unless the attendance review committee finds that the absences are the result of extenuating circumstances.

A student may not be given credit for a class if the student has more than five days of unexcused absences during a semester. Education Code 21.041

Between a student's 6<sup>th</sup> and 18<sup>th</sup> birthday's, attendance is required each day during the instructional year unless the student is otherwise legally exempted or excused.

School employees must investigate and report violations of the state compulsory attendance law. These attendance requirements also apply to any District-required tutorial sessions. Students absent without permission from school, from any class, or from required tutorials, will be considered truant and subject to disciplinary action.

## **COMMUNICABLE DISEASES**

To protect children from contagious illnesses, students infected with certain diseases are not allowed to come to school while contagious. Parents of a student with a communicable or contagious illness should telephone the school nurse or principal so that other students who have been exposed to the disease can be alerted. These diseases include:

Amebiasis	Hepatitis, Viral (specify type)	Rubella (German measles)
Campylobacteriosis	Impetigo	including congenital
Chickenpox	Infectious Mononucleosis	Salmonellas, including
Common cold w/fever	Influenza	typhoid fever
Fifth disease	Measles (Rubella)	Scabies
Gastroenteritis, Viral	Meningitis, Bacterial	Shigellosis
Giardiasis	Mumps	Streptococcal disease, invasive
Head Lice	Pinkeye (Conjunctivitis)	Whooping Cough
	Ringworm of the scalp	(Pertussis)

## **DRILLS: FIRE, TORNADO AND OTHER EMERGENCIES**

From time to time, students, teachers, and other District employees will participate in drills of emergency procedures. When the alarm is sounded, students should follow the direction of teachers or others in charge quickly, quietly, and in an orderly manner.

### **FIRE DRILL BELLS:**

3 Bells	Leave the building
1 Bell	Halt, stand at attention
2 Bells	Return to the classroom

## TORNADO DRILL BELLS:

- 1 continuous bell    Move quietly but quickly to the designated locations  
2 Bells                Return to the classroom

## ELIGIBILITY TO PARTICIPATE IN EXTRA-CURRICULAR ACTIVITIES

Participation in school and school-related activities is an excellent way for a student to develop talents, receive individual recognition, and build strong friendships with other students. Participation in (UIL) - a statewide association of participation districts. Eligibility for participation in many of these activities is governed by state law as well as UIL rules.

A Maximum of 10 days per year of absences from any class for extra-curricular activities is allowed. Absences beyond the 10-day limit will result in the student receiving 0's and no make-up work allowed in each class that was missed. Examples of extra-curricular activities (this list is not all inclusive) are as follows:

1. Student Assemblies
2. Field Trips
3. 4-H Activities
4. UIL Activities: Basketball, Track, Tennis, Literary Events
5. Cheerleading
6. Yearbook Staff

Parents should be aware of these possible absences outlined above prior to committing and signing the agreement form for their child to participate in any extra-curricular activities.

A student who receives, at the end of any grade evaluation period, a grade below 70 in any academic class, or a student with disabilities who fails to meet the standards in the Individual Education Plan (IEP) may not participate in extra-curricular activities for at least three school weeks. An ineligible student may participate or rehearse, however. The student regains eligibility when the principal and teacher determine that he or she has: (1) earned a passing grade (70 or above) in all academic classes, and (2) completed the three weeks if ineligibility.

If a student is sent to the office for disciplinary reasons, he/she will have to miss one basketball game. Students must maintain a "satisfactory" in conduct at all times.

Anytime a student's conduct becomes unsatisfactory for any teacher, that student will not be eligible to participate until the teacher reports improvement.

Students should consider possible absences of all extra-curricular activities prior to selecting activities in which they wish to participate.

Students must adhere to the rules of each activity in which he/she participates.

Parents must be willing to relinquish to the sponsor of each activity the authority of making decisions related to that activity. There will be times during the school year that personal and family sacrifices must be made in order for the students to participate in an activity.

YOUR CHILD NEEDS TO KNOW THAT YOU SUPPORT AND ENCOURAGE THE ACTIVITY, AND THAT YOU RESPECT THE DECISION OF THE ACTIVITY'S SPONSOR.

## **BASKETBALL, TRACK, TENNIS, AND UIL**

(Basketball schedule will be given out later in the school year)

1. All practice-sessions must be attended unless absent from school. Absences from practice will result in an appropriate penalty to be determined by the coach.
2. The coach will determine exemptions from the above rules (ex: illness, family emergency, doctor appointment, etc....)

## **TRACK**

1. One day of school may be missed to attend the district track meet.
2. Failure to attend practice sessions will result in disqualification to participate in track meets that the coach deems appropriate.
3. Failure to attend a track meet will result in appropriate disciplinary action.

4. *The coach will determine exemptions from the above rules.*

## **TENNIS**

The tennis schedule will be set at a later date. Maximum participation shall be encouraged.

## **UIL COMPETITION**

1. Practice will generally be between 8:00am and 3:30pm on school days, and if possible, during the related academic class period. However, if the sponsor deems it necessary, the participating student may be required after school, evenings, or on weekends.
2. Failure to attend regular practices will result in student forfeiting his/her right to participate in that particular event.
3. The sponsor will determine exemptions for the above rules.
4. Examples of UIL events are:

Music Memory, Number Sense, Picture Memory, Story Telling, Ready Writing, Spelling, Creative Writing, Oral Reading, Calculators, and Maps, Charts, and Graphs.

The above are only possibilities. The District 1-1A Executive Committee will set the actual competition in the fall.

## **FEES**

Materials that are part of the basic education program are provided with state and local funds and are at no charge to a student. A student, however, is expected to provide his or her own pencils, paper, erasers, and notebooks and may be required to pay other fees or deposits.

The following fees will be collected as necessary:

1. Library Fines - \$12.00 for all lost books.
2. Additional fees will be assessed for lost or damaged school property (ex: textbooks, uniforms, desks, bus seats, etc.....)

# RESPONSIBILITIES OF WALCOTT STUDENTS

Walcott School rules do not allow you to:

- Damage school property
- Have weapons, such as knives or guns, at school or at school events
- Have tobacco, such as cigarettes or snuff, at school or at school events
- Have or be under the influence of alcohol, marijuana, or prohibited drugs at school or at school events
- Assault students or school employees or get involved in fights
- Cheat or copy the work of another student
- Use curse words or obscene gestures, be disrespectful, or disobey school rules
- Throw objects in class
- Steal someone else's property
- Engage in misconduct on school buses
- Leave school grounds when not allowed to do so
- Use cell phone to text or make calls during the school day

IF YOU VIOLATE THESE RULES, YOU MAY BE:

- Counseled by teachers and other school personal
- Asked to meet with your teacher and your parent or guardian
- Lose your privileges
- Paddled
- Suspended

## CORPORAL PUNISHMENT

Corporal punishment - spanking or paddling the student - may be used as a discipline management technique in accordance with the Student Code of Conduct. Corporal punishment will be governed by the following conditions:

- The student will be told the reason for the corporal punishment
- The punishment may be administered only by the principal or a teacher
- The instrument to be used will be approved by the principal
- The punishment will be administered in the presence of one other District professional employee and out of view of other students.

A record will be maintained of each instance of corporal punishment.

\*\*\*SEE CODE OF CONDUCT

# RESPONSIBILITIES OF SCHOOL COMMUNITY

Each member of the school community should fulfill certain responsibilities if a positive learning environment is to be achieved. A cooperative relationship among student, parent, and educator requires that:

## Parents and/or Guardians

- Ensure their child's compliance with school attendance requirements and promptly report and explain absences and tardiness to school.
- Assist their child in being properly attired.
- Take an active interest in the overall school program.
- Communicate regularly with the school concerning their child's conduct and progress.
- Discuss report cards and work assignments with their child.
- Bring up-to-date home-, work- and emergency telephone numbers to the school.
- Cooperate with school administrators and teachers in their efforts to achieve and maintain a quality school system.
- Bring up-to-date addresses and phone numbers to the school

## Students

- Attend all classes, daily and on time.
- Be prepared for each class with appropriate materials and assignments.
- Be properly attired.
- Exhibit an attitude of respect towards individuals and property, and conduct themselves in a responsible manner.
- Refrain from making profane, insulting, threatening, or inflammatory remarks, engaging in disruptive conduct, and cheating.
- Obey all school rules.

## STUDENT RECORDS

Notice of parent and student rights.

Family Educational Right and Privacy Act, 20 U.S.C. Sec 12.32g

The Walcott Independent School District maintains general records required by law. A student's records are private and are protected from unauthorized inspection or use. A cumulative record is maintained for each student from the time the student enters the District until the student withdraws or graduates. This record moves with the student from school to school.

By law, both parents, whether married, separated, or divorced, have access to the records of a student who is a minor or a dependent for tax purposes, as do students who are 18 years of age or older. A parent whose rights have been legally terminated will be denied access to the records if the school is given a copy of the court order terminating these rights.

The principal is custodian of all records for currently enrolled students at the assigned school. The Superintendent is the custodian of all records for students who have withdrawn or graduated. Records may be reviewed during regular school hours. The record custodian or designee will respond to reasonable requests for explanation and interpretation of the records. The address of the Superintendent's/Principal's office is:

Walcott ISD  
4275 Hwy 214  
Hereford, TX 79045

Parents of a minor or a student who is a dependent for tax purposes, the student (if 18 or older), and school officials with legitimate educational interests are the only persons who have general access to a student's records. "School officials with legitimate educational interest" include any employees, agents, or Trustees of the District, cooperatives, or contractual placement facilities, as well as their attorneys and consultants, who are:

1. Working with the student
2. Considering disciplinary or academic actions, the student's case, or a handicapped student's individual educational plan,
3. compiling statistical data,
4. investigating or evaluating programs.

Certain other officials from various governmental agencies may have limited access to the records. The District forwards a student's records on request to a school in which a student seeks or intends to enroll without the necessity of the parent's permission. Parental consent is required to release the records to anyone else. When the student reaches 18 years of age, the right to consent the release of records transfers to the student.

The parent's or student's right of access to, and copies of, student records does not extend to all records. Materials such as, but not limited to, teachers' personal notes on a student that are shared only with a substitute teacher and records on ex-students do not have to be made available to the parents or student.

Students over 18 and parent of minor students may inspect the student's record and request a correction if the records are inaccurate, misleading, or otherwise in violation of the student's privacy or other rights. If the District refuses the request to amend the records, the requestor has the right to a hearing and to place in the student's record a statement commenting on the information. Although improperly recorded grades may be challenged, parents and students are not allowed to contest a student's grade in a course through this process. Parents or students have the right to file a complaint with the Superintendent if they feel the District is not in compliance with the law regarding student records.

Copies of student records are available at a cost of 10 cents per page, payable in advance. Parents may be denied copies of student's records. (1) after the student reaches 18 and is no longer a dependent for tax purposes; (2) when the student is attending an institution of post-secondary education, or (3) If the parent fails to follow proper procedure and pay the copying charge. If the students are unable to view the records during regular school hours, upon written request of the parent, one copy of the record will be provided at no charge.

Grant or deny any written request from the District to make a videotape or voice recording of the child unless the videotape or voice recording is to be used for school safety; relates to classroom instruction or a co-curricular or extracurricular activity; or relates to media coverage of the school as permitted by law.

Certain information about District students is considered directory information and will be released to anyone who follows procedures for requesting it, unless the parent objects in writing to the principal within ten school days after the issuance of this notice. Directory information includes: a student's name, address, telephone

number, date and place of birth, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, awards received in school, most recent previous school attended, and other similar information.

The District's complete policy regarding student records is available from the principal's of Superintendent's office.

THE INFORMATION IN THIS NOTICE SHOULD BE TRANSLATED FOR, OR EXPLAINED TO, THE PARENTS OF STUDENTS WHOSE PRIMARY OR HOME LANGUAGE IS NOT ENGLISH.

Please note: The school will not conduct a psychological examination, test, or treatment without first obtaining the parent's written consent, unless required by state or federal law for special education purposes.

## **ACCEPTABLE USE**

### **Responsibility for Use of the Network:**

It shall be the responsibility of the client organization to address the issue of acceptable use with their users and to encourage them to abide by their local policies. Region 16 ESC will make reasonable attempts to establish boundaries of what is considered acceptable use of the region 16.net network through educating clients about those acceptable uses, enforcing the policies, and providing general supervision. Region 16 ESC shall not be held responsible for direct supervision of every user while they are using the network.

Region 16 ESC shall not be held responsible for the quality of any information obtained from the Internet. Any information retrieved from the Internet must be carefully scrutinized to determine not only the appropriateness of the content, but also the validity. Safeguards are available to help filter out inappropriate materials, but they are not foolproof. It is strongly recommended that access to network services only be given to students who agree to act in a considerate and responsible manner and who have parental permission to access those services. Because there is no absolute way to prevent access to information that is clearly inappropriate for users, local clients should develop policies that establish the necessary responsibilities for users.

## **Definition of the Internet:**

The Internet is a worldwide system of computer networks - a network of networks in which users at any one computer can obtain information from any other computer. It is a public, cooperative, and self-sustaining facility accessible to hundreds of millions of people worldwide. Physically, the Internet uses a portion of the total resources of the currently existing public telecommunication networks. Electronic mail is the most widely used application on the Net. Another widely used part of the Internet is the World Wide Web. Also a part of the Internet is an area called "USENET". This is a collection of notes on various subjects that are posted to servers on a worldwide network. Each subject collection of posted notes is known as a newsgroup. Most newsgroups are hosted on Internet-connected servers, but they can also be hosted from servers that are not part of the Internet. Most browsers, such as those from Netscape and Microsoft, provide Usenet support and access to any newsgroups that are selected.

## **World Wide Web Publishing:**

An integral part of the educational experiences gained from use of the electronic network is the creation of a site to which the worldwide Internet community can publish information for access. However, the following guidelines should be taken into consideration:

- Pictures should not be posted on web sites that allow the person to be identified individually without written permission of the individual or guardian.
- Students' work should be published only under the direction of the supervising teacher and with parental permission.
- Prior to publication on an electronic page, the material to be posted should be reviewed by the appropriate administrator.

## **Netiquette:**

All Region 16.net users are expected to abide by the generally accepted rules of network etiquette, called "Netiquette". These are informal rules of behavior for the use of and communication on the Internet.

## **Policies and procedures for acceptable use of computers and networks:**

Policies and procedures for acceptable use are intended to make the computers and networks more reliable for the users. Each client organization is accountable and responsible for their actions and decisions regarding the appropriate use of technology and information gained. Clients are responsible for creating their own Acceptable Use Policies. Each individual user should read these rules and sign an agreement prior to receiving access.

### **Local policies must address the following issues:**

#### **Appropriate Use**

Users are encouraged to utilize the Internet to further the mission of education in general and are expected to follow their locally created, approved, and adopted Acceptable Use Policies.

#### **Inappropriate Use**

The Region16.net network usage must comply with all applicable law, policy, and contracts. Inappropriate use includes, but is not limited to the following items:

- Access to another individual's user account without permission of that individual. (In other words, no user shall use or try to discover another user's password to access another person's e-mail or other files.)
- Use of the region16.net network for purposes other than education or other government activity (e.g. gaming, political activity, or activities for personal profit).
- Unlawful purpose such as the illegal copying, distribution, or installation of software.
- Unlawful programming activity such as writing, producing, copying, or attempting in any way to introduce computer code designed to self-replicate, damage, or otherwise hinder the performance of any computer's memory, file system, or software (e.g. virus, bug, worm, etc.)
- Vandalism. The user shall not intentionally damage the system, damage information belonging to others, misuse system resources, or knowingly allow others to misuse system software.
- Socially unacceptable activities. The user shall not deliberately use the network to annoy or harass others with language, image, innuendo, or threat.

The user shall not deliberately access or create any obscene or objectionable information, language, or image.

### **Failure to Comply**

These guidelines establish no new governance or disciplinary structures. Alleged violations of this policy are to be treated like other allegations of wrongdoing.

Allegations of misconduct will be adjudicated according to established procedures. Actions for inappropriate use of the Internet may include, but are not limited to, one or more of the following:

1. Temporary or permanent revocation of access to some or all computing and networking resources and facilities.
2. Disciplinary action according to applicable policies.
3. Legal action according to applicable laws and contractual agreements.

The Digital Millennium Copyright Act requires that Internet Service Providers adopt a termination policy in regard to users that consistently disregard copyright law. In response to this, Region 16 ESC respect and upholds the law in regard to all copyrighted materials as well as the intellectual property of others. It is also required that education entities that use the Region 16 site(s) comply with these laws. If copyright infringement becomes an ongoing and consistent problem, the contracts and services of the repeated offender clients will be terminated.

### **Monitoring:**

Region 16 ESC may monitor Internet activity that negatively impacts region 16.net network performance. Authorization will be requested from appropriate client administration except in emergency situations. Region 16 ESC may also monitor Internet activity upon appropriate request from legal authorities.

### **Disclaimer:**

Region 16 ESC assumes no liability for any direct or indirect damages arising from the user's connection to the Internet. Region 16 ESC merely facilitates the accessing and dissemination of information through its systems. Users are solely responsible for any material that they access and disseminate. Region 16 ESC disclaims all liability for losses due to failures of technology, intrusion, or acts of nature.

## SERVICES FOR STUDENTS WITH DISABILITIES

Parents of students with learning difficulties or who may need special education services may request an evaluation for special education at any time.

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

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

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

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

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

Contact Person: TAMMY NORTHCUTT

Phone number: 289-5222

# **GRADING GUIDELINES**

## **REPORT CARDS/PROGRESS REPORTS**

At the end of the first three weeks of a grading period, parents will be given a written progress report if their child's performance in any course is near or below 70, or is below the expected level of performance.

Report cards are distributed each six weeks of school. In addition to the traditional report cards, parent-teacher conferences are encouraged. In all cases, when the teacher deems it necessary, a parent conference is scheduled. Students must be present more than half the six weeks to receive a report card. Report cards with each student's grades on performance and absences in each class or subject are issued to parents at least once every six weeks.

Teachers follow grading guidelines approved by the principal/Superintendent that have been designed to reflect each student's academic achievement for the grading period, semester, or course. State law provides that a test or course grade issued by a teacher cannot be changed unless the Board determines that the grade was arbitrary or contains an error, or that the teacher did not allow the District's grading policy.

## **STATE-MANDATED ASSESSMENT TESTS**

Students at certain grade levels will take the state assessment tests (such as TAKS) in the following subjects, as well as routine testing and other measurements of achievement.

- Mathematics, annually in grades 3-6 without the aid of technology
- Reading, annually in grades 3-6
- Writing, including spelling and grammar, in grade 4
- Science in grades 5
- Any other subject and grade required by federal law.

## **PROMOTION AND RETENTION**

A student will be promoted only on the basis of academic achievement or demonstrated proficiency in the subject matter of the course or grade level. To earn credit in a course, a student must receive a grade of at least 70 based on course-level or grade-level standards. In addition, students at certain grade levels will be required to pass the Texas Assessment of Knowledge and Skills (TAKS) as a further requirement for promotion.

- In order to be promoted to grade 4, students must have performed satisfactorily on the Reading section of the grade 3 assessment test in English or Spanish.
- In order to be promoted to grade 6, students enrolled in grade 5 must perform satisfactorily on the Mathematics and Reading sections of the grade 5 assessment test in English or Spanish.

In addition, students in grades 3 and 5 must meet promotion standard established by the District in order to be promoted.

## **STATEMENT FOR YOUR HANDBOOK**

This school periodically applies pesticides.

Information concerning these applications may be obtained from:

Dr. Bill S. McLaughlin

At 289-5222

# STUDENT CODE OF CONDUCT

## THE PURPOSE OF THE STUDENT CODE OF CONDUCT

The Student Code of Conduct that follows is the District's response to the requirements of Chapter 37 of the Texas Education Code. The law requires the District to define misconduct that may - or must - result in a range of specific disciplinary consequences including removal from a regular classroom or campus, suspension, placement in or removal from a Disciplinary Alternative Education Program (DAEP), or expulsion from school.

Walcott ISD Board of Trustees has adopted this Student Code of Conduct with the advice of its District-level committee. The Student Code of Conduct provides information to parents and students regarding expectations for behavior, consequences of misconduct, and procedures for administering discipline.

In accordance with state law, the Student Code of Conduct will be posted at each school campus or will be available for review at the office of the campus principal. Parents will be notified of any Student Code of Conduct violation that may result in a student being suspended, removed to a DAEP, or expelled from District.

## CONTENTS

This code is organized into the following sections:

1. Standards for Student Conduct
2. General Misconduct Violations
3. Removal from the Regular Educational Setting:
  - a. Suspension
  - b. Placement in a Disciplinary Education Program
  - c. Expulsion

The **Glossary** at the back of the Student Code of Conduct provides easy access to definitions of legal terms.

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

**Please note:** The discipline of students with disabilities who are eligible for services under federal law (Individuals with Disabilities Education Act and Section 504 of the Rehabilitation Act of 1973) is subject to the provisions of those laws.

## **STANDARDS FOR STUDENT CONDUCT**

### **BEHAVIORS**

Each student is expected to:

- Demonstrate courtesy even when others do not.
- Behave in a responsible manner, always exercising self-discipline
- Attend all classes, regularly and on time
- Prepare for each class; take appropriate materials and assignments to class.
- Meet District and campus standards of grooming and dress.
- Obey all campus and classroom rules. (Teachers may refer a student to the principal's office for violations of campus or classroom rules that may be printed, perhaps in the student handbook, or posted in a classroom. For a routine referral, the principal may employ one of the discipline management techniques listed in the Consequences. If a teacher repeatedly refers a student to the office for misconduct, the principal should alert the student's parents to the recurring misconduct and the possibility of placement in a DAEP if documented misconduct continues.
- Respect the rights and privileges of other students and of teachers and other District staff.
- Respect the property of others, including District property and facilities.
- Cooperate with and assist the school staff in maintaining safety, order and discipline.
- Avoid violations of Student Code of Conduct.

The District may impose campus or classroom rules in addition to those found in the Student Code of Conduct. These rules may be posted in classrooms or given to the student and may or may not constitute violations of the Student Code of Conduct.

## CONSEQUENCES

A students whose behavior shows disrespect for others, including interference with learning and a safe environment, will be subject to disciplinary action.

School rules and the authority of the District to administer discipline apply whenever the interest of the 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. During lunch periods in which a student is allowed to leave campus;
3. For certain mandatory DAEP and discretionary expulsion offenses, within 300 feet of school property as measured from any point on the school's real property boundary line;
4. While student is in attendance at any school-related activity, regardless of time or location;
5. For any school-related misconduct, regardless of time or location;
6. For any mandatory expulsion offense committed while on school property or while attending a school-sponsored or school-related activity of another district in Texas; (OFFENSES OF OTHER DISTRICTS. HB 552 extended the District's disciplinary authority to other Texas school districts' property and to all school-related or school-sponsored activities.)
7. When retaliation against a school employee or volunteer occurs or is threatened, regardless of time or location;
8. When the student commits a felony, as provided by Texas Education Code 37.006 or 37.0081; and
9. When criminal mischief is committed on or off school property or at a school-related event.

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

The District has the right to search a students' locker or back pack whenever there is reasonable cause to believe it contains articles or materials prohibited by the District.

A school administrator will report crimes as required by law. A school administrator who suspects that a crime has been committed on campus will call local law enforcement. (REPORTING CRIMES. Education Code 37.015 requires principals to report certain offenses that occur on school property. HB 1314 added to the offenses that districts must report to law enforcement. School districts should not hesitate to call law enforcement for assistance in determining whether a crime has been committed.)

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

In general, discipline will be designed to correct misconduct and to encourage all students to adhere to their responsibilities as citizens of the school community. Disciplinary action will draw on the professional judgment of teachers and administrators and on a range of discipline management techniques. Disciplinary action will be correlated to the seriousness of the offense, the student's age and grade level, the frequency of misbehavior, the student's attitude, the effect of the misconduct on the school environment, and statutory requirements.

The following discipline management techniques may be used - alone or in combination - for misbehavior violating the Student Code of Conduct or campus or classroom rules.

- Verbal correction.
- Cooling-off time or "time-out".
- Seating changes within the classroom.
- Counseling by teachers, counselors, or administrative personnel.
- Parent-teacher conferences.
- Temporary confiscation of items that disrupt the educational process.
- Grade reductions as permitted by policy. (Grade reductions are most commonly associated with cheating, plagiarism, and late work. If grade reductions are used as a discipline management technique, the reductions should be consistent with EIA (LOCAL) and EIAB (LOCAL).
- Rewards or demerits.

- Behavioral contracts.
- Detention. (When detention is used, notice should be given to the student's parents to explain the reason for the detention and to allow time for the parents to make transportation arrangements. All students in detention should be under the direct supervision of an adult employee of the District, such as a teacher or other professional.
- Sending the student to the office or other assigned area, or to in school suspension. (This is considered a discipline management technique and does not have the same three-day limit associated with out-of-school suspension. Parents should be notified, however, of the removal to in-school suspension and should be offered the opportunity for a conference. HB 1314 added a new section to Chapter 37 that impacts a student's placement in in-school suspension or any other setting other than a DAEP. Section 37.021 requires districts to offer a 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. The District may provide the opportunity to complete courses by any method available, including correspondence courses, distance learning, and summer school.)
- Out-of-school suspension, as specified in the suspension section of this Student Code of Conduct.
- Placement in a Disciplinary Alternative Education Program (DAEP), as specified in the DAEP section of this Student Code of Conduct.
- Expulsion, as specified in the expulsion section of this Student Code of Conduct.
- Assignment of school duties such as scrubbing desks or picking up litter.
- Withdrawal of privileges, such as participation in extracurricular activities and eligibility for seeking and holding honorary offices, and/or membership in school-sponsored clubs or organizations.
- Techniques or penalties identified in individual student organizations' extracurricular standard of behavior.

- Withdrawal or restriction of bus privileges. (A student's transportation privileges may be revoked or restricted. However, transportation privileges may be taken away from a student with disabilities only in accordance with state and federal law.
- School-assessed and school-administered probation.
- Corporal punishment.
- Referral to an outside agency and/or legal authority for criminal prosecution in addition to disciplinary measures imposed by the District.
- Other strategies and consequences as specified by the Student Code of Conduct.

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

## **GENERAL MISCONDUCT VIOLATIONS**

### **BEHAVIORS:**

The following behaviors are prohibited at all school and school-related activities:

- Cheating or copying the work of another.
- Throwing objects that can cause bodily injury or property damage.
- Failing to comply with directives given by school personnel.
- Leaving school ground or school-sponsored events without permission.
- Disobeying rules for conduct on school buses.
- Directing profanity, vulgar language, or obscene gestures towards another student or District employee.
- Fighting or scuffling. (Keep in mind that not all fighting constitutes assault and may not require placement in a DAEP.)
- Hazing.
- Stealing from students, staff or the school.

- Damaging or vandalizing property owned by the school. (Damage to property equal to or in excess of \$1,500 is felony criminal mischief and requires placement in a DAEP or expulsion.)
- Defacing or damaging school property - including textbooks, lockers, furniture, and other equipment - with graffiti or by other means.
- Possessing fireworks of any kind, smoke or stink bombs, or any other pyrotechnic device.
- Discharging a fire extinguisher.
- Possessing a razor, box cutter, chain, or any other object used in a way that threatens or inflicts bodily injury to another person.
- Possessing or selling a "look-alike" weapon.
- Possessing an air gun or BB gun.
- Possessing ammunition
- Possessing a stun gun. (Stun guns are not included in Texas law as a prohibited weapon.)
- Possessing mace or pepper spray.
- Possessing or using any articles not generally considered to be weapons, including school supplies, when the principal or designee determine that a danger exists.
- Gambling
- Making false accusations or hoaxes regarding school safety.
- Falsifying records, passes, or other school-related documents.
- Committing extortion, coercion, or blackmail (obtaining money or another object of value from an unwilling person).
- Engaging in disruptive actions or demonstrations that substantially disrupt or materially interfere with school activities.
- Being insubordinate.
- Refusing to accept discipline management techniques assigned by a teacher or principal.
- Forcing an individual to act through the use of force or threat of force.
- Committing or assisting in a robbery or theft even if it does not constitute a felony according to the Texas Penal Code. (Felony robbery or theft offenses are addressed later in the Student Code of Conduct.)
- Bullying, including intimidation by name-calling, using ethnic or racial slurs, or making derogatory statements that could disrupt the school program or incite violence.
- Engaging in threatening behavior toward another student or District employee on or off school property.

- Engaging in harassment motivated by race, color, religion, national origin, disability, or age and directed toward another student or District employee.
- Engaging in inappropriate verbal, physical, or sexual contact directed toward another student or a District employee.
- Engaging in conduct that constitutes sexual harassment or sexual abuse, whether the conduct is by word, gesture, or any other sexual conduct, including requests for sexual favors directed toward another student or a District employee.
- Inappropriate or indecent exposure of a student's private body parts.
- Possessing or using matches or a lighter.
- Possessing, smoking, or using tobacco products.
- Possessing or selling look-alike drugs or items attempted to be passed off as drugs or contraband.
- Possessing or selling seeds or pieces of marijuana in less than a usable amount.
- Possessing, using, giving, or selling paraphernalia related to any prohibited substance.
- 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.
- Violating the District's policy on taking prescription drugs and over-the-counter drugs to school.
- Using a cellular telephone or other telecommunications device at school during the school day.
- Possessing or using a laser pointer for other than an approved use. (Some laser pointers can cause injury to eyes, however, and districts should decide whether they want to prohibit or allow these items in school and/or at school-related activities. HB 831 made knowingly directing a light from a laser pointer at a uniformed safety officer, including a peace officer, security guard, firefighter, emergency medical service worker or other uniformed municipal, state, or federal officer, a Class C misdemeanor.)
- Using the Internet or other electronic communications to threaten students or employees, or cause disruption to the educational program.
- Sending or posting electronic messages that are abusive, obscene, sexually oriented, threatening, harassing, damaging to another's reputation, or illegal.
- Engaging in verbal or written exchanges that threaten the safety of another student, a school employee, or school property.

- Possessing published or electronic material that is designed to promote or encourage illegal behavior or that could threaten school safety; using e-mail or Web sites at school to encourage illegal behavior; or threatening school safety.
- Possessing material that is pornographic.
- Violating dress and grooming.
- Repeatedly violating other communicated campus or classroom standards of behavior.

## **CONSEQUENCES:**

General misconduct identified in the list of prohibited behaviors will result in application of one or more discipline management techniques consistent with law and the Student Code of Conduct.

The principal or appropriate administrator will notify a student's parent by phone or in writing of any violation of the Student Code of Conduct that may result in a suspension, removal to a Disciplinary Alternative Education Program (DAEP), or expulsion. Notification will be made within three school days after the administrator becomes aware of the violation.

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

## **DISCRETIONARY REMOVAL**

General misconduct violations will not necessarily result in the formal removal of the student from class or another placement but may result in a routine referral, formal removal, or the use of one or more discipline management techniques.

## **FORMAL REMOVAL**

Formal removal from class will be initiated by a teacher if:

1. The student's behavior has been documented by the teacher as repeatedly interfering with the teacher's ability to teach his or her class; or
2. The behavior is so unruly, disruptive, or abusive that the teacher cannot teach, and the students in the classroom cannot learn.

A teacher or administrator MUST remove a student engaged in behavior that under the Education Code requires or permits the student to be placed in a DAEP or expelled. (HB 1314 repealed Education Code 37.001(b), which required teachers to make written reports to administrators when they had knowledge of a Student Code of Conduct violation.)

A teacher or administrator MAY remove a student from class for a behavior that the District has determined is a violation of the Student Code of Conduct.

*Within three school days, the principal will schedule a conference with the student's parent, the student, and the teacher in the case of a teacher, principal, or administrator removal.*

At the conference, the principal or appropriate administrator will inform the student of the misconduct for which he or she is charged and will give the student an opportunity to give his or her version of the incident. The principal or administrator will notify the student of the consequences of the Student Code of Conduct violation.

When a teacher removes a student from the regular classroom and a conference is pending, the principal may place a student in:

- Another appropriate classroom.
- In-school suspension.
- Out-of-school suspension.
- A Disciplinary Alternative Education Program.

When a teacher has formally removed a student from class, the principal may not return the student to the teacher's class without the teacher's consent, unless the placement review committee determines that the teacher's class is the best or only alternative available.

## **REMOVAL FROM THE REGULAR EDUCATIONAL SETTING**

### **SUSPENSION**

Students may be suspended for any behavior listed in the Student Code of Conduct as a general misconduct violation. Disciplinary Alternative Education Program

placement, or expellable offense. (HB 1314 changed Education Code 37.005(a) to state that a principal or other administrator may suspend a student for any conduct that has been identified in the Student Code of Conduct as conduct for which a student may be suspended. The three-day suspension rule was not changed. Suspension cannot exceed three days for one offense. Chapter 37 does not place any limits on the number of times a student can be suspended in a semester or year, although case law prior to the 1995 revisions to the Education Code suggests the need for limiting the number of days a student may be suspended in a semester. A district may be challenged if it suspends a student for so many days during a semester that the suspension has the effect of depriving a student of his or her right to an education.)

## **CONSEQUENCES**

State law allows a student to be suspended for as many as three school days per behavior violation, with no limit on the number of times a student may be suspended in a semester or school year.

A student who is to be suspended will have an informal conference with the principal or appropriate administrator advising the student of the conduct of which he or she is accused. The student will be given the opportunity to explain his or her version of the incident before the administrator's decision is made.

The number of days of a student's suspension will be determined by the principal or other appropriate administrator, but will not exceed three school days.

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

## **PLACEMENT IN A DISCIPLINARY ALTERNATIVE EDUCATION PROGRAM**

### **BEHAVIORS**

A student must be placed in a Disciplinary Alternative Education Program (DAEP) if the student engages in conduct relating to a false alarm or report (including a bomb threat) or a terrorist threat involving a public school. (This includes behaviors such

as calling in a bomb threat or pulling a fire alarm without cause. Districts also have the discretion to expel for these offenses.)

A student must be placed in a DAEP for any of the following offenses, if the student commits these offenses on school property or within 300 feet of school property as measured from any point on the school's real property boundary line, or while attending a school-sponsored or school-related activity on or off school property:

- Engages in conduct punishable as a felony.
- Commits an assault under Penal Code 22.01(a)(1).
- Sells, gives or delivers to another person, or possesses, uses, or is under the influence of marijuana, a controlled substance, or a dangerous drug in an amount not constituting a felony offense. (School-related felony drug offenses are addressed in the expulsion section of this Student Code of Conduct.)
- Sells, gives, or delivers to another person an alcoholic beverage; commits a serious act or offense while under the influence of alcohol, if the conduct is not punishable as a felony offense. (School-related felony alcohol offenses are addressed in the expulsion section in this Student Code of Conduct.) (HB 1314 deleted the phrase "glue or aerosol paint" and replaced it with "volatile chemical." A volatile chemical includes aerosol paint and other abusable substance.)
- Behaves in a manner that contains the elements of an offense relating to abusable volatile chemicals.
- Behave in a manner that contains the elements of the offense of public lewdness.
- Behaves in a manner that contains the elements of the offense of indecent exposure.
- Engages in expellable conduct, if the student is between six and nine years of age.  
(The law regarding young students is as follows:
  - \* Students under age six cannot be removed from class and placed in a DAEP unless they commit a federal offense. HB 1314 added this exception.
  - \* Students between six and nine years of age who commit expellable offenses must be placed in a DAEP.
  - \* Elementary students cannot be placed in a DAEP with students not in elementary school.
- Engages in conduct that contains the elements of the offense of retaliation against any school employee on or off school property.

(Committing retaliation in combination with another expellable offense is addressed in the expulsion section of this Student Code of Conduct.)

- Engages in conduct punishable as a felony listed under Title 5 (see glossary) of the Texas Penal Code when the conduct occurs off school property and not at a school-sponsored or school-related event and:
  1. The student receives deferred prosecution. (See Glossary)
  2. A court or jury finds that the student has engaged in delinquent conduct. (See Glossary)
  3. The Superintendent or designee has a reasonable belief that the student engaged in the conduct. (See Glossary)

A principal or other appropriate administrator may, but is not required to, place a student in a DAEP for off-campus conduct for which DAEP placement is required by state law if the principal or other appropriate administrator does not have knowledge of the conduct before the first anniversary of the date the conduct occurred.

In accordance with state law, a student may be placed in a DAEP for any one of the following offenses:

- Engaging in conduct punishable as a felony, other than those listed as offenses involving injury to a person in Title 5 of the Texas Penal Code, that occurs off school property and not at a school-sponsored or school-related event, if the student's presence in the regular classroom threatens the safety of other students or teachers or will be detrimental to the educational process.

In accordance with Education 37.0081, after an opportunity for a hearing before the Board or its designee, a student may be placed in a DAEP if:

- The student receives deferred prosecution for conduct defined as a felony offense in Title 5 of the Texas Penal Code; or
- The student has been found by a court to engage in delinquent conduct defined as a felony offense in Title 5 of the Texas Penal Code.

The Board or the Board's designee must determine that the student's presence in the regular classroom:

1. Threatens the safety of other students or teachers;

2. Will be detrimental to the educational process; or
3. Is not in the best interest of the District's students.

A student's placement in DAEP as a result of receiving deferred prosecution or delinquent conduct, as described above, may occur regardless of:

1. The date on which the student's conduct occurred;
  2. The location at which the conduct occurred;
  3. Whether the conduct occurred while the student was enrolled in the District; or
  4. Whether the student has successfully completed any court disposition requirements imposed in connection with the conduct.
- Involvement in gang activity, including participating as a member or pledge, or soliciting another person to become a pledge or member of a gang.
  - Involvement in a public school fraternity, sorority, or secret society, including participating as a member of pledge, or soliciting another person to become a pledge or member of a public school fraternity, sorority, or secret society.
  - Any criminal mischief

OR

- Criminal mischief not punishable as a felony. (Criminal mischief constitutes a felony if the property damage meets or exceeds \$1,500. A district may either place a student in a DAEP or expel the student. The District must decide whether to make this an offense for which a student will be placed in a DAEP. The District must decide whether to make this an offense for which a student will be placed in a DAEP or expelled and indicate this choice in the Student Code of Conduct.)
- A federal firearms violation, for a student six years of age or younger. (A student under 6 may not be removed from class and placed in a DAEP unless he or she has committed a federal firearms offense.)

In addition, the District has determined that the following behaviors may result in a student's placement in a DAEP

- Cheating or copying the work of another.
- Throwing objects that can cause bodily injury or property damage.
- Failing to comply with directives given by school personnel.
- Leaving school grounds or school-sponsored events without permission.

- Disobeying rules for conduct on school buses.
- Directing profanity, vulgar language, or obscene gestures towards other students or a District employee.
- Fighting.
- Hazing.
- Stealing from students, staff, or the school.
- Damaging or vandalizing property owned by others.
- Defacing or damaging school property - including textbooks, lockers, furniture, and other equipment - with graffiti or by other means.
- Possessing fireworks of any kind, smoke or stink bombs, or any other pyrotechnic device.
- Discharging a fire extinguisher.
- Possessing a razor, box cutter, chain, or any other object used in a way that threatens or inflicts bodily injury to another person.
- Possessing or selling a "look-alike" weapon.
- Possessing an air gun or BB gun.
- Possessing ammunition.
- Possessing mace or pepper spray.
- Possessing or using any articles not generally considered to be a weapon, including school supplies, when the principal or designee determines that a danger exists.
- Gambling.
- Making false accusations or hoaxes
- Making false accusations or hoaxes regarding school safety.
- Falsifying records, passes, or other school-related documents.
- Committing extortion, coercion, or blackmail (obtaining money or another object of value from an unwilling person).
- Engaging in disruptive actions or demonstrations that substantially disrupt or materially interfere with school activities.
- Being insubordinate.
- Refusing to accept discipline management techniques assigned by a teacher or principal.
- Forcing an individual to act through the use of force or threat of force.
- Committing or assisting in a robbery or theft even if it does not constitute a felony according to the Texas Penal Code. (Felony robbery or theft offenses are addressed later in the Student Code of Conduct.)
- Bullying, including intimidation by name-calling, using ethnic or racial slurs, or making derogatory statements that could disrupt the school program or incite violence.

- Engaging in threatening behavior toward another student or District employee on or off school property.
- Engaging in harassment motivated by race, color, religion, national origin, disability, or age and directed toward another student or District employee.
- Engaging in inappropriate verbal, physical, or sexual contact directed toward another student or a District employee.
- Engaging in conduct that constitutes sexual harassment or sexual abuse, whether the conduct is by word, gesture, or any other sexual conduct, including requests for sexual favors directed toward another student or a District employee.
- Inappropriate or indecent exposure of a student's private body parts.
- Possessing or using matches or a lighter.
- Possessing, smoking, or using tobacco products.
- Possessing or selling look-alike drugs or items attempted to be passed off as drugs or contraband.
- Possessing or selling seeds or pieces of marijuana in less than a usable amount.
- Possessing, using, giving, or selling paraphernalia related to any prohibited substance.
- 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.
- Violating the District's policy on taking prescription drugs and over-the-counter drugs to school.
- Possessing a cellular telephone or other telecommunications device at school or at a school-related or school-sponsored event. (State law does not prohibit a student from possessing a cellular telephone or other telecommunication device at school. District's, however, are empowered to adopt and enforce a local prohibition.)

OR

- Possessing a cellular telephone or other telecommunications device at school during the school day

OR

- Using a cellular telephone or other telecommunications device at school during the school day.
- Possessing or using a laser pointer for other than an approved use.
- Violating computer use policies, rules, or agreements signed by the student, and/or agreements signed by the student's parent.

- Using the Internet or other electronic communications to threaten students, employees, or cause disruption to the educational program.
- Sending or posting electronic messages that are abusive, obscene, sexually oriented, threatening, harassing, damaging to another's reputation, or illegal.
- Engaging in verbal or written exchanges that threaten the safety of another student, a school employee, or school property.
- Possessing published or electronic material that is designed to promote or encourage illegal behavior or that could threaten school safety; using e-mail or Web sites at school to encourage illegal behavior; or threatening school safety.
- Possessing material that is pornographic.
- Violating dress and grooming standards as communicated in the student handbook.
- Repeatedly violating other communicated campus or classroom standards of behavior.

In an emergency, the principal or the principal's designee may order the immediate placement of a student in a DAEP for any reason for which placement in a DAEP may be made on a non emergency basis.

## **CONSEQUENCES**

Removals to a DAEP will be made by Walcott Independent School District.

The duration of a student's placement in a DAEP will be determined by the Walcott Independent School District.

The duration of a student's placement in a DAEP will be determined on a case-by-case basis. The maximum period of DAEP placement is as follows:

DAEP placement will be correlated to the seriousness of the offense, the student's age and grade level, the frequency of misbehavior, the student's attitude, and statutory requirements.

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

A student who, is on or within 300 feet of school property or at a school-related event on or off school property.

1. Sells, gives, delivers, possesses, uses, or is under the influence of prohibited drugs or alcohol or
2. engages in conduct punishable as an offense relating to an abusable volatile chemical.

Will be place in a DAEP on the first offense if the conduct is not punishable as a felony.

However, if the student sells, gives, delivers, possesses, uses, or is under the influence of prohibited drugs, alcohol or an abusable volatile chemical of any amount a second time in the same school year, the student will be expelled.

OR

A student who, on or within 300 feet of school property or at a school-related event on or off school property

1. Sells, gives, delivers, possesses, uses, or is under the influence of prohibited drugs or alcohol or
2. engages in conduct punishable as an offense relating to an abusable volatile chemical.

Will be expelled.

OR

The District will decide on a case-by-case basis whether to place in a DAEP or expel a student who

1. Sells, gives, delivers, possesses, uses, or is under the influence of prohibited drugs or alcohol or
2. engages in conduct punishable as an offense relating to an abusable volatile chemical.

If the conduct is not punishable as a felony.

When a student is removed from class by a teacher (formal removal) or an administrator for a mandatory or discretionary DAEP offense, the principal or other appropriate administrator will schedule a conference within three school days with the student's parent, the student, and the teacher, in the case of a teacher removal.

Until a conference can be held as a result of a formal teacher removal or administrator removal, the principal may place the student in:

- Another appropriate classroom.
- In-school suspension.
- Out-of-school suspension.
- A Disciplinary Alternative Education Program.

At the conference, the principal or appropriate administrator will inform the student, orally or in writing, of the reasons for the removal, an explanation of the basis for the removal, and an opportunity to respond to the reasons for the removal.

Following valid attempts to require their attendance, the District may hold the conference and make a placement decision regardless of whether the student or the student's parent attends the conference.

After the conference, if the student is placed in the DAEP and the length of placement is inconsistent with the guidelines included in the Student Code of Conduct, the DAEP placement order will give notice of the inconsistency.

Placement in a DAEP may not exceed one year unless a review by the District determines that:

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

The Board or its designee in light of the factors considered before placement may for any length of time determine a DAEP placement in accordance with Education Code 37.0081 necessary. A student placed under this section is entitled to periodic status reviews by the Board or designee at intervals not to exceed 120 days.

The Board's designee will send the student and the parents a copy of the DAEP order. Not later than the second business day after the conference, the Board's

designee will deliver to the juvenile court a copy of the order placing the student in a DAEP and all information required by Section 52.04 of the Family Code.

After the conference, if the student is placed in a DAEP, the appropriate administrator will write a DAEP placement order. A copy of the DAEP placement order will be sent to the student and the student's parent. Parental questions or complaints regarding disciplinary measures should be addressed to the campus administration, in accordance with policy FNG (LOCAL). A copy of this policy may be obtained from the principal's office or the central administration office. Consequences will not be deferred pending the outcome of an appeal. The decision to place a student in a DAEP cannot be appealed beyond the Board. (Some districts have had problems with parents who grieve disciplinary action in an effort to delay or avoid the consequence assigned to their child. Districts are not required to delay a consequence while a parent submits a grievance.)

The District does not permit a student who is placed in a DAEP to participate in any school-sponsored or school-related extracurricular or co curricular activity including seeking or holding honorary positions and/or membership in school-sponsored clubs and organizations. (State law prohibits students placed in a DAEP for state-mandated removal reasons from attending or participating in school-sponsored or school-related extracurricular activities during the period of placement. The District is also required to enforce this prohibition when a Superintendent or designee has a reasonable belief that the student committed a non-Title 5 (nonviolent) felony and the student's continued presence in the classroom threatens the safety of other students or teachers or will be detrimental to the educational process. For other violations that result in a DAEP placement, a student may be restricted or prohibited - at the District's discretion - from participating in school-sponsored or school-related extracurricular or co curricular activities and may be ineligible to seek or hold honorary positions and/or membership in school-sponsored clubs or organizations.)

A student placed in a DAEP will not be provided transportation unless he or she is a student with a disability who has transportation designated as a related service in the student's IEP. (A student's transportation privileges may be taken away or restricted. However, the removal of transportation privileges from students with disabilities must be consistent with state and federal law.)

OR

The District will provide transportation to students in a DAEP.

If during the term of placement in a DAEP the student engages in additional conduct for which placement in a DAEP or expulsion is required or permitted, additional proceedings may be conducted, and the principal, or other appropriate administrator, or the Board may enter an additional disciplinary order as a result of those proceedings.

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

For placement in a DAEP to extend beyond 60 days or the end of the next grading period, whichever is sooner, a student's parent will be given notice and the opportunity to participate in a proceeding before the Board or Board's designee. Any decision is final and may not be appealed beyond the Board.

For placement in a DAEP to extend beyond the end of the school year, the Board or the appropriate designee must determine that:

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

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

When a student violates the District's Student Code of Conduct in a way that requires or permits the student to be placed in a DAEP and the student withdraws from the District before a DAEP placement order is completed, the District may complete the proceedings and issue a DAEP placement order. If the student then reenrolls in the District during the same or a subsequent school year, the District may enforce the order at that time, less any period of the placement that has been served by the student during enrollment in another district. If the principal, or

other appropriate administrator, or the Board fails to issue a DAEP placement order after the student withdraws, the next district in which the student enrolls may complete the proceedings and issue a DAEP placement order.

A student assigned to a DAEP placement in another district or open-enrollment charter school at the time he or she enrolls in the District will be placed directly into the District's DAEP. (HB 1314 allows districts to place a student enrolling from an open-enrollment charter school in the District's DAEP if the student was in the charter school's DAEP and the charter school provides a copy of the placement order to the District. (HB 1314 allows a district to place an enrolling student who was in a DAEP in another state in the District's DAEP if the student's placement was for a reason that is a DAEP placement in the receiving district, and the sending district provides a copy of the placement order.

If a student was placed in a DAEP by a district in another state for a period that exceeds one year, a district in Texas must count the student's time spent in the DAEP in the other state so that the student's total placement time does not exceed one year unless, after a review, the District determines that:

1. The student is a threat to the safety of other students and District employees; or
2. Extended placement is in the best interest of the student.)

OR

The District will decide on a case-by-case basis the placement of a student who enrolls in the District and was assigned to a DAEP in another district, including a district in another state (if the behavior committed is a reason for DAEP placement in the receiving district) or an open-enrollment charter school. The District may place the student in the District's DAEP or a regular classroom setting.

If the student was placed in a DAEP by a school district in another state for a period that exceeds one year, this District, by state law, will reduce the period of the placement so that the total placement does not exceed one year unless, after a review, the District determines that the student is a threat to the safety of other student or employees or the extended placement is in the best interest of the student.

OR

A student who enrolls in the District and was previously assigned to a DAEP placement in another district, including a district in another state (if the behavior committed is a reason for DAEP placement in the receiving district) or in an open-enrollment charter school will be placed directly into a regular classroom setting.

For seniors who are eligible to graduate and are assigned to a DAEP at the time of graduation, the last day of placement in the program will be the last instructional day, and the student will be allowed to participate in the graduation ceremony and related graduation activities unless otherwise specified in the DAEP placement order. (The Education Code prohibits students in a DAEP for certain reasons from participating in school-sponsored or school-related activities. Districts should decide and communicate clearly to parents and students whether a DAEP placement in the second semester ends on the last day of instruction or continues through graduation and graduation-related activities.)

OR

For seniors assigned to a DAEP who are eligible to graduate, the placement in the program will continue through graduation, and the student will not be allowed to participate in the graduation ceremony and related graduation activities.

The office of the prosecuting attorney will notify the District if a student was placed in a DAEP and:

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

If a student was placed in a DAEP for conduct other than a false alarm or report or terrorist threat involving a public school or conduct on or within 300 feet of school property for which DAEP placement is required by law, on receiving the notice from the prosecutor, the Superintendent or designee will review the student's placement in the DAEP and schedule a review of the student's placement with the student's parent not later than the third day after the Superintendent or designee receives

notice from the prosecutor. The student may not be returned to the regular classroom pending the review.

After reviewing the notice and receiving information from the student's parent, the Superintendent or designee may continue the student's placement in the DAEP if there is reason to believe that the presence of the student in the regular classroom threatens the safety of other students or teachers. The student or the student's parent may appeal the Superintendent's decision to the Board. The student may not be returned to the regular classroom pending the appeal.

The Board will, at the next scheduled meeting, review the notice from the prosecutor and receive information from the student, the student's parent, and the Superintendent or designee, and confirm or reverse the decision of the Superintendent or designee. The Board will make a record of the proceedings.

If the Board confirms the decision of the Superintendent or designee, the Board will inform the student and the student's parent of the right to appeal to the Commissioner of Education. The student may not be returned to the regular classroom pending the appeal.

When an emergency placement occurs, the student will be given oral notice of the reason for the action. Not later than the tenth day after the date of placement, the student will be given the appropriate conference required for placement in a DAEP. If emergency placement involves a student with disabilities who receives special education services, the term of the student's emergency removal is subject to the requirements of federal law. (The Education Code allows administrators to place a student in a DAEP in an emergency situation. HB 1314 revised the emergency placement provision of Chapter 37.)

## **EXPULSION**

### **BEHAVIORS**

A student must be expelled for any of the following offenses that occur on school property or while attending a school-sponsored or school-related activity on or off school property:

- Bringing to school a firearm, as defined by federal law.

"Firearm" under federal law includes:

1. Any weapon (including a starter gun) that will, is designed to, or may readily be converted to expel a projectile by the action of an explosive.
  2. The frame or receiver of any such weapon.
  3. Any firearm muffler or firearm weapon.
  4. Any destructive device, such as any explosive, incendiary or poison gas bomb, or grenade.
- Using, exhibiting, or possessing the following, as defined by the Texas Penal Code:
    1. A firearm (any device designed, made, or adopted to expel a projectile through a barrel by using the energy generated by an explosion or burning substance or any device readily convertible to that use.
    2. Any illegal knife, such as a knife with a blade over 5 1/2 inches; hand instrument, designed to cut or stab another by being thrown; dagger, including but not limited to a dirk, stiletto and poniard, bowie knife, sword; or spear

OR

3. A club such as an instrument specially designed, made, or adapted for purpose of inflicting serious bodily injury or death by striking a person with the instrument, including a blackjack, nightstick, mace, and tomahawk. (See glossary)
  4. A prohibited weapon, such as an explosive weapon; a machine gun; a short-barrel firearm; a firearm silencer; a switchblade knife; knuckles; armor-piercing ammunition; a chemical dispensing device; or a zip gun. (See glossary)
- Behavior containing elements of the following offenses under the Texas Penal Code:
    1. Aggravated assault, sexual assault, or aggravated sexual assault.
    2. Arson. (See glossary)
    3. Murder, capital murder, or criminal attempt to commit murder or capital murder.
    4. Indecency with a child.

5. Aggravated kidnapping.
6. Aggravated robbery.
7. Manslaughter.
8. Criminally negligent homicide.
9. Behavior punishable as a felony that involves the selling, giving, or delivering to another person, possessing, using, or being under the influence of marijuana, a controlled substance, a dangerous drug, or alcohol; or committing a serious act or offense while under the influence of alcohol.
10. Retaliation against a school employee combined with one of the above-listed offenses on or off school property or at a school-related activity.

A student may be expelled for engaging in conduct relating to a false alarm or report (including a bomb threat) or a terrorist threat involving a public school.

A student may be expelled for any offense that is a state-mandated expellable offense if the offense is committed on the property of another district in Texas or while the student is attending a school-sponsored or school-related activity at a school in another district in Texas. (HB 552 allows districts to expel students for any state-mandated expellable offense even if the offense is committed on the property of another district in Texas or while the student is attending a school-sponsored or school-related activity at a school in another district in Texas.)

A student may be expelled for committing any of the following offenses 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.

- Selling, giving, or delivering to another person, or possessing, using, or being under the influence of any amount of marijuana, a controlled substance, or a dangerous drug, if the conduct is not punishable as a felony.
- Selling, giving, or delivering to another person or possessing, using, or being under the influence of any amount of alcohol; or committing a serious act or offense while under the influence of alcohol, if the conduct is not punishable as a felony.
- Engaging in conduct that contains the elements of an offense relating to abusable volatile chemicals.
- Engaging in conduct that contains the elements of assault under Section 22.01(a)(1) against an employee or a volunteer.

- Engaging in deadly conduct.

A student may be expelled for the following conduct while within 300 feet of school property, as measured from any point on the school's real property boundary line:

- Committing aggravated assault, sexual assault, or aggravated sexual assault.
- Committing arson.
- Committing murder, capital murder, or criminal attempt to commit murder or capital murder.
- Committing indecency with a child, aggravated kidnapping, manslaughter, criminally negligent homicide, or aggravated robbery.
- Committing a felony drug- or alcohol-related offense.
- Using, exhibiting, or possessing a firearm (as defined by state law, an illegal knife, a club, or prohibited weapon, or possessing a firearm (as defined by federal law).
- A student may be expelled if the student engages in the following conduct no matter where the conduct takes place:
  - Engaging in conduct that contains the elements of assault under Penal Code 22.01(a)(1) in retaliation against a school employee or volunteer.
  - Engaging in criminal mischief, if punishable as a felony.

A student may be expelled if the student engages in conduct that contains the elements of one of the following offenses against another student, without regard to where the conduct occurs:

- Aggravated assault.
- Sexual assault
- Aggravated sexual assault.
- Murder.
- Capital murder.
- Criminal attempt to commit murder or capital murder.
- Aggravated robbery.

A student may be expelled for engaging in serious or persistent misbehavior that violates the District's Student Code of Conduct, while placed in a DAEP. The District defines "persistent" as two or more violations of the Student Code of Conduct in general or repeated occurrences of the same violation. Serious offenses include, but are not limited to, the following:

- Murder.
- Vandalism.
- Robbery or theft.
- Extortion, coercion, or blackmail.
- Disruptive actions or demonstrations that substantially disrupt or materially interfere with school activities.
- Hazing.
- Insubordination.
- Profanity, vulgar language, or obscene gestures directed toward teachers or other school employees.
- Fighting, committing physical abuse, or threatening physical abuse.
- Possession or distribution of pornographic materials.
- Sexual harassment of a student or District employee.
- Possession of or conspiracy to possess any explosive or explosive device.
- Falsification of records, passes, or other school-related documents.
- Refusal to accept discipline management techniques assigned by the teacher or principal.

In an emergency, the principal or the principal's designee may order the immediate expulsion of a student for any reason for which expulsion may be made on a non-emergency basis.

## **CONSEQUENCES**

Students with disabilities are subject to applicable state and federal law in addition to the Student Code of Conduct. To the extent any conflicts exist, state and/or federal law will prevail.

When a student under the age of ten engages in behavior that is expellable behavior, the student will not be expelled, but will be placed in a Disciplinary Alternative Education Program (DAEP). Students under age six will not be removed from class or placed in a DAEP unless the student commits a federal firearms offense.

State and federal law require a student to be expelled from the regular classroom for a period of at least one calendar year for bringing a firearm, as defined by federal law, to school. However, the Superintendent or other appropriate administrator may modify the length of the expulsion on a case-by-case basis, and/or the District may provide educational services to the expelled student in a DAEP. The District must provide educational services in the DAEP if the student is less than ten years of age.

If a student is believed to have committed an expellable offense, the principal or other appropriate administrator will schedule a hearing within a reasonable time. The student's parent will be invited in writing to attend the hearing.

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

- Another appropriate classroom
- In-school suspension.
- Out-of-school suspension.
- A Disciplinary Alternative Education Program.

The duration of a student's expulsion will be determined on a case-by-case basis. The maximum period of expulsion is as follows:

The length of an expulsion will be correlated to the seriousness of the offense, the student's age and grade level, the frequency of misbehavior, the student's attitude, and statutory requirements.

A student facing expulsion will be given appropriate due process.

The student is entitled to:

1. Representation by the student's parent or another adult who can provide guidance to the student and who is not an employee of the District.
2. An opportunity to testify and to present evidence and witnesses in the student's defense.
3. An opportunity to question the District's witnesses.

A decision to expel will be made by the Board.

OR

The Board delegates to Walcott Independent School District authority to expel students.

A student expelled by Walcott Independent School District after the due process hearing may request that the Board review the expulsion decision. The student or parent must submit a written request to the Superintendent within seven days after receipt of the written decision. The Superintendent must provide the student or parent written notice of the date, time, and place of the meeting at which the Board

will review the decision. Consequences will not be deferred pending the outcome of the hearing.

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

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

The Board will hear statements made by the parties at the review and will base its decision on evidence reflected in the record and any statements made by the parties at the review. The Board will make and communicate its decision orally at the conclusion of the presentation. Consequences will not be deferred pending the outcome of the hearing.

After the due process hearing, if the student is expelled, the Board or its designee will deliver to the student and the student's parent a copy of the order expelling the student.

If the length of the expulsion is inconsistent with the guidelines included in the Student Code of Conduct, the expulsion order will give notice of the inconsistency. An expulsion may not exceed one year unless, after review, the District determines that:

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

When a student has violated the District's Student Code of Conduct in a way that requires or permits expulsion from the District and the student withdraws from the District before the expulsion hearing takes place, the District may conduct the hearing after sending written notice to the parent and student. If the student then reenrolls in the District during the same or subsequent school year, the District may enforce the expulsion order at that time, less any expulsion period that has been served by the student during enrollment in another district. If the principal, another appropriate administrator, or the Board fails to issue an expulsion order after the student withdraws, the next district in which the student enrolls may complete the proceedings. If during the expulsion, the student engages in additional

conduct for which placement in a DAEP or expulsion is required or permitted, additional proceedings may be conducted, and the principal, another appropriate administrator, or the Board may issue an additional disciplinary order as a result of those proceedings.

Not later than the second business day after the hearing the Walcott Independent School District will deliver to the juvenile court a copy of the order expelling the student and the information required by Section 52.04 of the Family Code.

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

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

No District academic credit will be earned for work missed during the period of expulsion, (unless the student is enrolled in a Juvenile Justice Alternative Education Program or another District-approved program.)

The District will continue the expulsion of any student expelled from another district during the period of the expulsion order.

OR

The District will enroll a student expelled from another district and will place the student directly into a DAEP until the period specified in the expulsion order has expired.

OR

The District will decide on a case-by-case basis the placement of a student who is subject to an expulsion order from another district upon enrollment in the District.

OR

The District will enroll a student expelled from another district and will place the student directly into a regular classroom setting.

The District will continue the expulsion of any student expelled from another open-enrollment charter school during the period of the expulsion order.

OR

The District will decide on a case-by-case basis the placement of a student who is subject to an expulsion order from an open enrollment charter school upon enrollment in the District.

OR

The District will enroll a student expelled from an open enrollment charter school and will place the student directly into a regular classroom setting.

If a student expelled in another state enrolls in the District, the District may continue the expulsion under the terms of the expulsion order, may place the student in a DAEP for the period specified in the order, or may allow the student to attend regular classes if:

1. The out-of-state district provides the District with a copy of the expulsion order; and
2. The offense resulting in the expulsion is also an expellable offense in the District in which the student is enrolling.

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

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

When an emergency expulsion occurs, the student will be given verbal notice of the reason for the action. Within ten days after the date of the emergency expulsion, the student will be given appropriate due process required for a student with disabilities who receives special education services; the term of the student's emergency expulsion is subject to the requirements of federal law.

## GLOSSARY

**Armor-piercing ammunition** is handgun ammunition designed primarily for the purpose of penetrating metal or body armor and to be used primarily in pistols and revolvers.

**Arson** occurs when a person starts a fire, regardless of whether the fire continues after ignition, or causes an explosion with intent to destroy or damage:

1. Any vegetation, fence, or structure on open-space land; or
2. Any building, habitation, or vehicle:
  - a. Knowing that it is within the limits of an incorporated city or town;
  - b. Knowing that it is insured against damage or destruction;
  - c. Knowing that it is subject to a mortgage or other security interest;
  - d. Knowing that it is located on property belonging to another;
  - e. Knowing that it has located within a property belonging to another; or
  - f. When the person is reckless about whether the burning or explosion will endanger the life of some individual or the safety of the property of another.

**Assault** is defined in part by Texas Penal Code 22.01(a)(1). A person commits an assault if the person intentionally, knowingly, or recklessly causes bodily injury to another.

**Chemical dispensing device** is a device, other than small chemical dispenser sold commercially for personal protection, designed, made, or adapted for the purpose of causing an adverse psychological or physiological effect on a human being.

**Club** is an instrument specially designed, made, or adapted for the purpose of inflicting serious bodily injury or death by striking a person with the instrument, including a blackjack, mace and tomahawk.

**Deadly conduct** occurs when a person commits an offense by recklessly engaging in conduct that places another in imminent danger of serious bodily injury or by knowingly discharging a firearm in the direction of an individual, habitation, building, or vehicle.

**Deferred adjudication** may be offered to a student who is 17 or older, as an alternative to seeking a conviction in court.

**Delinquent conduct** is conduct that violates either state or federal law and is punishable by imprisonment or confinement in jail. Delinquent conduct also includes conduct that violates certain juvenile court orders, including probation orders. Delinquent conduct does not, however, include violations of traffic laws.

**Explosive weapon** is any explosive or incendiary bomb, grenade, rocker, or mine that is designed, made, or adapted for the purpose of inflicting serious bodily injury, death, or substantial damage, or for the principal purpose of causing such a loud report as to cause undue public alarm or terror, and includes a device designed, made, or adapted for delivery or shooting an explosive weapon.

**False alarm or report** occurs when a person knowingly initiates, communicates or circulates a report of a present, past, or future bombing, fire, offense, or other emergency that he or she knows is false or baseless and that would ordinarily:

1. Cause action by an official or volunteer agency organized to deal with emergencies.
2. Place a person in fear of imminent serious bodily injury; or
3. Prevent or interrupt the occupation of a building, room, or place of assembly.

**Graffiti** is making marks with aerosol paint or an indelible marker on tangible property of the owner without the effective consent of the owner. The markings may include inscriptions, slogans, drawings, or paintings.

**Harassment** means repeated unwelcome and offensive slurs, jokes, or other oral, written, graphic, or physical conduct related to an individual's race, color, religion, national origin, disability, or age that creates an intimidating, hostile, or offensive educational or work environment.

**Hazing** involves any knowing, intentional, or reckless act, occurring on or off the campus, by one person alone or acting with others, directed against a student, that endangers the mental or physical health or safety of a student for the purposes of pledging, initiation into, affiliation with, holding office in, or maintaining membership in an organization.

**Knuckles** is any instrument consisting of finger rings or guards made of a hard substance that is designed, made or adapted for the purpose of inflicting serious bodily injury or death by striking a person with a fist enclosed in the knuckles.

**Machine gun** is any firearm that is capable of shooting more than two shots automatically, without manual reloading, by a single function of the trigger.

**Paraphernalia** is any device that can be used to inhale, ingest, inject, or otherwise introduced a controlled substance into a human body.

**Possession** means to have on a student's person or in the student's personal property, including but not limited to the student's clothing, purse, or backpack; in any private vehicle used by the student for transportation to or from school or school-related activities, including but not limited to an automobile, truck, motorcycle, or bicycle; or any other school property used by the student, including but not limited to a locker or desk.

**The Superintendent or designee using all available information, including the information furnished under Article 15.27 of the Code of Criminal Procedure, can make reasonable belief determination.** Administrators may place a student in a Disciplinary Alternative Education program (DAEP) if they have reasonable belief that the student engaged in felony conduct under Title 5. Administrators also may place a student in a DAEP if they have reasonable belief that the student has committed felony conduct that is not a Title 5 offense, if the Superintendent believes the student's continued presence in the regular classroom threatens the safety of other students or teachers, or will be detrimental to the educational process.

**Self-defense** is using force against another when and to the degree a person reasonably believes the force is immediately necessary to protect himself or herself.

**Switchblade** is any knife with a blade that folds, close, or retracts into the handle or sheath and that opens automatically by pressing a button or by the force of gravity or centrifugal force.

**Short-barrel firearm** is a rifle with a barrel length of less than 16 inches or a shotgun with a barrel length of less than 18 inches, or any weapon made from a rifle or shotgun that, as altered, has an overall length of less than 26 inches.

**Terrorist threat** occurs when a person threatens to commit any offense involving violence to any person or property with intent to:

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

**Title 5 offenses** involve injury to a person and include murder, kidnapping, assault, sexual assault, unlawful restraint, coercing, soliciting, or inducing gang membership if it causes bodily injury to a child; indecency with a child; injury to a child, and elderly person, or a disabled person; abandoning or endangering a child; deadly conduct; terrorist threat; aiding a person to commit suicide; and tampering with a consumer product.

**Under the influence** means not having the normal use of mental or physical faculties; however, the student need not be legally intoxicated. Impairment of a person'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.

**Use** means that 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.

**Zip gun** is a device or combination of devices, not originally a firearm, but adapted to expel a projectile through a smoothbore or rifled-bore barrel by using the energy generated by an explosion or burning substance.