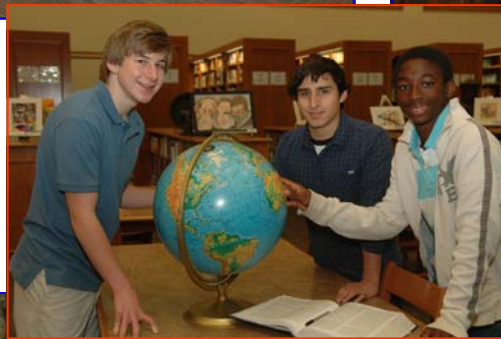




STUDENT CODE OF CONDUCT

2010-2011



LUBBOCK INDEPENDENT SCHOOL DISTRICT

<http://www.lubbockisd.org>

The Lubbock Independent School District does not discriminate in its educational programs and services on the basis of sex, race, religion, color, national origin, or disability. The District complies with Title IX of the Education Amendments of 1972 and with Section 504 of The Rehabilitation Act of 1973. Any questions or concerns about the District's compliance with these federal programs should be brought to the attention of the person shown below as the Title IX or Section 504 Specialist.

The Title IX Coordinator for the school district is Rick Rodriguez, Assistant Superintendent for Human Resources, whose office is located at 1628 19th Street and can be reached by telephone by calling 766-1138.

The Section 504 Specialist for the school district is Dana King, whose office is located at 1628 19th Street and can be reached by telephone by calling 766-1214.

DISTRICTWIDE EMERGENCY COMMUNICATION

The Lubbock Independent School District strives daily to provide a safe, educational environment for all staff and students. Should the need for emergency communication arise, we will put forth every effort available to effectively disseminate accurate information through the following venues:

- www.LubbockISD.org
- LISD Campus Principals
- LISD TV Suddenlink Channel 12
- LISD Communications and Community Relations Office, 766-1062
- LISD Parent Notification System

BOARD OF TRUSTEES

JAMES ARNOLD, PRESIDENT
STEVE MASSENGALE, VICE PRESIDENT
MARIO YBARRA, SECRETARY
MELISSA COLLIER
CHRIS COMER
DAN POPE
VERNITA WOODS-HOLMES

DR. KAREN GARZA, SUPERINTENDENT

Table of Contents

Acknowledgement	4
Purpose of a Student Code of Conduct	4
School District Authority and Jurisdiction	5
Texas Statute Requires Parent Notification of Attendance Laws	5
Standards for Student Conduct	6
Dress Code	6
Sexual and Other Unlawful Harassment Policy	7
General Conduct Violations	8
Possession of Telecommunications or Other Electronic Devices	9
Illegal, Prescription, and Over-the-Counter Drugs	9
Misuse of Computers and the Internet	10
Discipline Management Techniques	11
Students with Disabilities	11
Appeals	12
Student and Parent Complaint/Grievance	12
Removal from the Regular Educational Setting	12
Disciplinary Alternative Education Program (DAEP) Placement	13
Discretionary Placement: Misconduct that may Result in DAEP Placement	14
Mandatory Placement: Misconduct that Requires DAEP Placement:	14
Sexual Assault and Campus Assignments	15
Emergencies	15
Process	15
Conference	15
Placement Order	16
Restrictions During Placement	17
Placement Review	17
Additional Misconduct	17
Notice of Criminal Proceedings	17
Withdrawal Process	18
Newly Enrolled Students	18
Emergency Placement Procedure	18
Placement and/or Expulsion for Certain Serious Offenses	18
Registered Sex Offenders	18
Review Committee	19
Newly Enrolled Students	19
Appeal	19
Certain Felonies	19
Hearing and Required Findings	20
Length of Placement	20
Expulsion	20
Discretionary Expulsion: Misconduct that may Result in Expulsion	20
Mandatory Expulsion: Misconduct that Requires Expulsion	21
Federal Law	21
Texas Penal Code	22
Withdrawal During Process	24
Additional Misconduct	24
Restrictions During Expulsion	24
Emergency Expulsion Procedures	25
DAEP Placement of Expelled Students	25
Options and Requirements for providing assistance to students who have learning difficulties or who need or may need special education	25
LISD Electronic Communications and Data Management Policy	26
Internet Safety Policy Lubbock I.S.D.	27
Acceptable Use Policy	27
Notice of Parent and Student Rights Family Educational Rights and Privacy Act	29
Registration Notification for Pesticide Applications	30
Glossary	31

Acknowledgement

Dear Student and Parent:

The Lubbock Independent School District Board of Trustees officially adopted the Student Code of Conduct in order to promote a safe and orderly learning environment for every student.

We urge you to read this publication thoroughly and to discuss it among your family. If you have any questions about the rules and consequences, we encourage you to ask for an explanation from the student's teacher, the school counselor, or campus administrator.

Purpose of a 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 establish standards of student conduct and to identify the circumstances under which a student may be removed from a classroom, campus, or alternative education program, transferred to an alternative education program, suspended, or expelled.

This Code has been adopted by the LISD Board of Trustees with the advice of a district committee comprised of campus administrators, teachers, and parents. The purpose of the Student Code of Conduct is to instill parameters for behavior, prevent disruptions, avoid safety hazards, and teach respect for authority and community expectations. The Code also provides information to parents and students regarding consequences of misconduct, and procedures for administering discipline.

The Student Code of Conduct will be displayed at each campus in the library or a copy of the Student Code of Conduct may be obtained online at the following Web address: <http://www.lubbockisd.org>. This Code is not a contract and can be amended by the District at any time. However, any change or amendment to the Code will be approved by the Board of Trustees.

Violations of the Code of Conduct are documented by teachers and other professional employees using campus discipline referral forms. When the principal receives a referral form, he or she will notify the parent or guardian within a reasonable amount of time.

Teachers and principals 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 also constitute violations of the Student Code of Conduct. Parents will not necessarily be informed of classroom infractions, but will be informed of any Code of Conduct violation.

LISD Board Policy FO (LEGAL).

School District Authority and Jurisdiction

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

The District has disciplinary authority over a student:

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

The District has the right to search a vehicle driven to school by a 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 student's locker or desk when there is reasonable cause to believe it contains articles or materials prohibited by the District.

Reporting Crimes

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

Revoking Transfers

The District has the right to revoke a transfer if the resident or non-resident transfer student has poor attendance, excessive tardiness, persistent misbehavior, or a violation of the student code of conduct. If the behavior is serious enough that recommendation to a DAEP is warranted, DAEP recommendation must be made before the return to home school request is filed. The appropriate associate superintendent will review the request.

Texas statute requires parent notification of attendance laws (Sec.25.095).

If the student is absent from school on 10 or more days or parts of days within a six-month period in the same school year or on three or more days or parts of days within a four week period:

- the student's parent is subject to prosecution under **Sec. 25.093**, and
- the student is subject to prosecution under **Sec. 25.094**

Any student needing to leave school must have a signed note from a parent/guardian.

Standards for Student Conduct

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.
- Respect the rights and privileges of students, teachers, and other District staff and volunteers.
- Respect the property of others, including District property and facilities.
- Cooperate with and assist the school staff in maintaining safety, order, and discipline.
- Adhere to the requirements of the Student Code of Conduct.

Dress Code

The District's dress code is established in an effort to provide a school environment that is conducive to learning. It also addresses safety concerns for students and faculty alike, and instills real-world expectations for the student body.

Students shall be dressed and groomed in a manner that is clean and neat and that will not be a health or safety hazard to themselves or others. The District prohibits any clothing or grooming that in the principal's judgment may reasonably be expected to cause disruption of, or interference with, normal school operations.

The District prohibits pictures, symbols, emblems, jewelry, or writings on your body, clothing and/or personal belongings that:

- Are lewd, offensive, vulgar, or obscene
- Advertise or depict tobacco products, alcoholic beverages, drugs, or any other substance as prohibited by the District
- Refer to satanic, cult, or gang activities, including but not limited to:
Slashed eyebrows, colored shoestrings, web belts, jewelry
- Exhibit tattoos that depict gang symbols/letters, profanity, or inappropriate pictures.
- Disrupt classroom instruction

Clothing that has been modified in a revealing manner will not be allowed.

- Oversized clothing shall not be worn.
- See-through/chiffon blouses may not be worn without a shirt under it or a piece of clothing over it.
- The neck opening on any type of shirt or blouse may not exceed the equivalent of the second button below the collar of a dress shirt or blouse. Underwear-type shirts such as tank tops or muscle shirts shall not be worn.
- Bicycle shorts shall not be worn.
- Footwear shall be a part of regular attire. House shoes and roller shoes are not acceptable footwear for school.
- Appropriate undergarments shall be worn at all times.
- Jewelry that depicts weapons, drugs, or profanity may not be worn.
- Student's clothing must meet and cover student's body at all times.
- Inappropriate head wear is not allowed.
- The hair shall be clean, well-groomed, and shall not cover the eyes. The hairstyle shall not create a classroom distraction or make a reference to or possibly be interpreted as gang related.
- Sideburns shall be kept trimmed so as not to form a beard, and shall not be extreme in fullness. Mustaches shall be acceptable if neatly trimmed. Beards are not acceptable.

- Students may not wear facial studs, facial rings, or tongue bars. Body piercing must not be visible, nor may it be extreme or disruptive. Spacer earrings are prohibited.

Principals at individual campuses are authorized to publish and enforce additional rules that are felt to be necessary to maintain a safe and orderly learning environment.

If the principal determines that a student's grooming violates the dress code, that student shall be given an opportunity to correct the problem at school. If not corrected, the student shall be assigned to in-school suspension for the remainder of the day or until the problem is corrected.

Repeated offenses may result in more serious disciplinary action. Appropriate discipline procedures shall be followed in all cases.

The principal, in cooperation with the sponsor, coach, or other person in charge of an extracurricular activity, may regulate the dress and grooming of students who participate in the activity. Students who violate those standards may be removed or excluded from the activity for a period determined by the principal and/or sponsor and may be subject to other disciplinary action.

Exemptions

In order to exercise a religious tenet and/or national origin objection to the Board approved dress code, the parent or guardian must provide the principal with a written objection and proof. Board Policy FNCA (LEGAL)

This policy shall be reviewed annually.

Sexual and Other Unlawful Harassment Policy

A fundamental policy of Lubbock Independent School District is that school is a place for learning. Our goal is to provide a school environment that is free from tensions involving matters that do not relate to the business of education. In particular, an atmosphere of tension created by conduct including ethnic, racial, sexual, or religious remarks, animosity, unwelcome sexual advancements, request for sexual favors, or other such conduct, does not belong in our schools.

Harassment of other students or of school personnel by students, by those of the opposite or same sex, is prohibited. Harassment includes, without limitation, verbal harassment (derogatory statements, jokes, slurs), physical harassment (assault, physical interference with normal school activities or involvement), visual harassment (posters, cartoons, drawings, gestures, and body movements), and sexual innuendo.

What to do if you feel our policy has been violated

In the event that any sort of ethnic, racial, religious, or sexual harassment or similarly abusive verbal or physical conduct interferes with any student's performance or creates an intimidating, hostile, or offensive educational environment, we urge you to contact your classroom teacher where it is occurring, your homeroom teacher, or your principal. Charges of harassment will be promptly and thoroughly investigated and a report will be made to you concerning the results of the investigation.

If the District determines that harassment has occurred, appropriate relief for the student bringing the complaint and appropriate disciplinary action against the harasser will follow. Depending on the seriousness and repetition of the complaint, the harasser's parents will be notified.

If a student continues to be harassed, the student should go immediately to the school principal for further assistance. The school principal may direct or conduct an independent

investigation including witness interviews and statements concerning the complaint. The principal may make further remedial or disciplinary action as is appropriate.

Failure to promptly report harassment may impair an administrator's ability to investigate and address harassment. The District understands that these matters can be extremely sensitive and so far as possible the District will keep all student complaints and all communications such as interview and witness statements in confidence.

General Conduct Violations

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

Students shall not:

Disregard for Authority

- Fail to comply with directives given by school personnel (insubordination).
- Leave school grounds or school-sponsored events without permission.
- Disobey rules for conduct on school buses.
- Refuse to accept discipline management techniques assigned by a teacher or principal.

Mistreatment of Others

- Use profanity or vulgar language or make obscene gestures.
- Fight or scuffle. (For assault see DAEP Placement and Expulsion.)
- Threaten a district student, employee, or volunteer, including off school property, if the conduct causes a substantial disruption to the educational environment.
- Engage in bullying, harassment, or making hit lists.
- Engage in conduct that constitutes sexual harassment or sexual abuse, whether by word, gesture, or any other conduct, directed toward another person, including a district student, employee, or volunteer.
- Engage in conduct that constitutes dating violence, including the intentional use of physical, sexual, verbal, or emotional abuse to harm, threaten, intimidate, or control another person with whom the student has or has had a dating relationship.
- Engage in inappropriate or indecent exposure of private body parts.
- Participate in hazing.
- Cause an individual to act through the use of or threat of force (coercion).
- Commit extortion or blackmail (obtaining money or an object of value from an unwilling person).
- Engage in inappropriate verbal, physical, or sexual conduct directed toward another person, including a district student, employee, or volunteer.
- Record the voice or image of another without the prior consent of the individuals being recorded or in any way that disrupts the educational environment or invades the privacy of others.

Property Offenses

- Damage or vandalize property owned by others. (For felony criminal mischief see DAEP Placement or Expulsion.)
- Deface or damage school property—including textbooks, lockers, furniture, and other equipment—with graffiti or by other means.
- Steal from students, staff, or the school.

- Commit or assist in a robbery or theft even if it does not constitute a felony according to the Texas Penal Code. (For felony robbery and theft see DAEP Placement and Expulsion.)

Possession of Prohibited Items

Possess or use:

- fireworks of any kind, smoke or stink bombs, or any other pyrotechnic device;
- a razor, box cutter, chain, or any other object used in a way that threatens or inflicts bodily injury to another person;
- a “look-alike” weapon;
- an air gun or BB gun;
- ammunition;
- a stun gun;
- a pocket knife or any other small knife;
- mace or pepper spray;
- Toluene, spray paint, or any substance which used in a manner other than that for which it is intended results in intoxication;
- Any substance, synthetic or organic, the abuse of which results in intoxication;
- pornographic material;
- tobacco products;
- matches or a lighter;
- a laser pointer for other than an approved use; or
- any articles not generally considered to be weapons, including school supplies, when the principal or designee determines that a danger exists. (For weapons and firearms see DAEP Placement and Expulsion.)

Possession of Telecommunications or Other Electronic Devices

Students may not use paging devices or cellular phones anytime after the first bell and prior to the dismissal bell with the exception of their designated lunch period. Other than the time allowed for use before school, after school, or at lunch, all devices must be turned off. In the event that such devices need to be used for an approved instructional activity, students may use paging devices or cellular phones with teacher and principal permission. “Use” is defined as having a device ring, sound, or activate, allowing others to use the device, or exhibiting the device to others.

Use of a cell phone that results in an educational distraction for that student or any other student will be considered a violation of the policy and will result in confiscation of the device.

Violations of the telecommunications device policy will result in the following:

- Parent or legal guardian may pick up the confiscated telecommunication device at any time at no charge.
- The student may pick up the telecommunication device on any day, after school hours for a \$15.00 administrative fee. (An Administrator will notify a parent or guardian).
- Use of a cell phone to inappropriately record or film others may result in a DAEP placement.

Illegal, Prescription, and Over-the-Counter Drugs

- Possess or sell seeds or pieces of marijuana in less than a usable amount. (For illegal drugs, alcohol, and inhalants see DAEP Placement and Expulsion.)
- Possess, use, give, or sell paraphernalia related to any prohibited substance.
- Possess or sell look-alike drugs or attempt to pass items off as drugs or contraband.
- Abuse the student’s own prescription drug, give a prescription drug to another student, or possess or be under the influence of another person’s prescription drug on school property or at a school-related event.

- Abuse over-the-counter drugs.
- Be under the influence of prescription or over-the-counter drugs that cause impairment of the physical or mental faculties.
- Have or take prescription drugs or over-the-counter drugs at school other than as provided by District policy.

Misuse of Computers and the Internet

- Violate computer use policies, rules, or agreements signed by the student or the student's parent.
- Attempt to access or circumvent passwords or other security-related information of the District, students, or employees, or upload or create computer viruses, including off school property if the conduct causes a substantial disruption to the educational environment.
- Attempt to alter, destroy, or disable District computer equipment, District data, the data of others, or other networks connected to the District's system, including off school property if the conduct causes a substantial disruption to the educational environment.
- Use the Internet or other electronic communications to threaten District students, employees, or volunteers, including off school property if the conduct causes a substantial disruption to the educational environment.
- Send or post electronic messages that are abusive, obscene, sexually oriented, threatening, harassing, damaging to another's reputation, or illegal, including off school property if the conduct causes a substantial disruption to the educational environment.
- Use e-mail or Web sites at school to encourage illegal behavior or threaten school safety.

Safety Transgressions

- Possess published or electronic material that is designed to promote or encourage illegal behavior or that could threaten school safety.
- Engage in verbal (oral or written) exchanges that threaten the safety of another student, a school employee, or school property.
- Make false accusations or perpetrate hoaxes regarding school safety.
- Engage in any conduct that school officials might reasonably believe will substantially disrupt the school program or incite violence.
- Throw objects that can cause bodily injury or property damage.
- Discharge a fire extinguisher without valid cause.

Miscellaneous Offenses

- Violate dress and grooming standards as communicated in the student Code and handbook.
- Cheat or copy the work of another.
- Gamble.
- Falsify records, passes, or other school-related documents.
- Engage in actions or demonstrations that substantially disrupt or materially interfere with school activities.
- Repeatedly violate other communicated campus or classroom standards of conduct.

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

Discipline Management Techniques

Discipline will be designed to improve conduct and to encourage students to adhere to their responsibilities as members of the school community. Disciplinary action will draw on the

professional judgment of teachers and administrators and on a range of discipline management techniques. Discipline 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.

Because of these factors, discipline for a particular offense, unless otherwise specified by law, may bring into consideration varying techniques and responses.

Students with Disabilities

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

In accordance with the Education Code, a student who is enrolled in a special education program may not be disciplined for conduct meeting the definition of bullying, harassment, or making hit lists until an ARD committee meeting has been held to review the conduct.

In deciding whether to order suspension, DAEP placement, or expulsion, regardless of whether the action is mandatory or discretionary, the District will take into consideration a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct.

Techniques

The following discipline management techniques may be used—alone or in combination - for behavior prohibited by the Student Code of Conduct or by campus or classroom rules:

- Verbal correction, oral or written.
- Cooling-off time or "time-out."
- Seating changes within the classroom.
- Temporary confiscation of items that disrupt the educational process.
- Rewards or demerits.
- Behavioral contracts.
- Counseling by teachers, counselors, or administrative personnel.
- Parent-teacher conferences.
- Grade reductions due to academic dishonesty as permitted by policy [LISD Board policy EIA (LOCAL)]
- Detention.
- Sending the student to the office or other assigned area, or to in-school suspension.
- Assignment of school duties such as cleaning or picking up litter.
- Withdrawal of privileges, such as participation in extracurricular activities, eligibility for seeking and holding honorary offices, or membership in school-sponsored clubs and organizations.
- Penalties identified in individual student organizations' extracurricular standards of behavior.
- Withdrawal or restriction of bus privileges.
- School-assessed and school-administered probation.
- Corporal punishment. (Early Childhood programs are excluded from corporal punishment)
- Out-of-school suspension, as specified in the Out-of-School Suspension section of this Code.
- Placement in a DAEP, as specified in the DAEP section of this Code.
- Placement and/or expulsion in an alternative educational setting, as specified in the Placement and/or Expulsion for Certain Serious Offenses section of this Code.
- Expulsion, as specified in the Expulsion section of this Code.
- Referral to an outside agency or legal authority for criminal prosecution in addition to disciplinary measures imposed by the District.

- Other strategies and consequences as determined by school officials.

Notification

The principal or appropriate administrator will notify a student's parent by phone or in writing of any violation that may result in an out-of-school suspension, placement in a DAEP, or expulsion. Notification will be made within three school days after the administrator becomes aware of the violation.

Appeals

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 or through Policy On Line at the following address: <http://www.lubbockisd.org>

Consequences will not be deferred pending the outcome of a grievance.

STUDENT AND PARENT COMPLAINT/GRIEVANCE

The Student and Parent Complaint/Grievance process is located on the website at <http://www.lubbockisd.org> under Policy On Line FNG (LOCAL) and FNG (LEGAL). Forms can be picked up at the campus principal's office.

Removal from the Regular Educational Setting

In addition to other discipline management techniques, misconduct may result in removal from the regular educational setting in the form of a routine referral or a formal removal.

Routine Referral

A routine referral occurs when a teacher sends a student to the principal's office as a discipline management technique. The principal may then employ additional techniques.

Formal Removal

A teacher or administrator **may** remove a student from class for a behavior that violates this Code to maintain effective discipline in the classroom. A teacher **may** also initiate a formal removal from class if:

- 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 with the student's classmates' ability to learn; or
- 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 from class if the student engages in behavior that under the Education Code requires or permits the student to be placed in a DAEP or expelled. When removing for those reasons, the procedures in the subsequent sections on DAEP or expulsion will be followed. Otherwise, within three school days of the formal removal, the appropriate administrator will schedule a conference with the student's parent; the student; the teacher, in the case of removal by a teacher; and any other administrator.

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

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

- Another appropriate classroom.
- In-school suspension.
- Out-of-school suspension.

- DAEP.

Returning Student to Classroom

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

When a student has been formally removed by a teacher for any other conduct, the student may be returned to the teacher's class without the teacher's consent, if the placement review committee determines that the teacher's class is the best or only alternative available.

Out-of-School Suspension

Misconduct

Students may be suspended for any behavior listed in the Code as a general conduct violation, DAEP offense, or expellable offense.

In deciding whether to order out-of-school suspension, the District will take into consideration:

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

Process

State law allows a student to be suspended for no more than 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.

Before being suspended a student will have an informal conference with the appropriate administrator, who shall advise 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 appropriate administrator, but will not exceed three school days.

The appropriate administrator will determine any restrictions on participation in school-sponsored or school-related extracurricular and co-curricular activities.

Disciplinary Alternative Education Program (DAEP) Placement

What is a DAEP?

The District operates Project Intercept (PI) and Alternate Campus for Elementary Students (ACES), Disciplinary Alternative Education Programs (DAEP) for students who have committed certain serious offenses.

The DAEP:

- Is in a setting other than the student's regular classroom;
- Is located off a regular school campus;
- Is set for a minimum placement of 25 school days;
- Separates students in the DAEP from students in the regular program.

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

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

Where is the DAEP? Will it operate during the school day? Is transportation provided?

Project Intercept (PI) is located at 1324 East 24th Street. District transportation is provided from the student's assigned campus.

The Alternate Campus for Elementary Students (ACES) is located at 1302 Adrian. District transportation is provided from the student's assigned campus.

A student who is expelled for an offense that otherwise would have resulted in a DAEP placement does not have to be placed in a DAEP in addition to the expulsion.

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

- Self-defense (see glossary),
- Intent or lack of intent at the time the student engaged in the conduct, and
- The student's disciplinary history.

Discretionary Placement: Misconduct That May Result in DAEP Placement

A student may be placed in a DAEP for behaviors prohibited in the General Conduct Violations section of this Code. Discretionary placement for all students will be determined after the establishment and implementation of an intervention by the campus Student Support Team (SST).

Misconduct Identified in State Law

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

- Involvement in a public school fraternity, sorority, secret society, or gang, including participating as a member or pledge, or soliciting another person to become a pledge or member of a public school fraternity, sorority, secret society, or gang. Involvement in criminal street gang activity.
- Criminal mischief not punishable as a felony.

In accordance with state law, a student **may** be placed in a DAEP if the superintendent or the superintendent's designee has reasonable belief that the student has engaged 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.

The 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 administrator does not have knowledge of the conduct before the first anniversary of the date the conduct occurred.

Mandatory Placement: Misconduct That Requires DAEP Placement

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

- Engages in conduct relating to a false alarm or report (including a bomb threat) or a terroristic threat involving a public school.
- Commits the following 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

- Engages in conduct punishable as a felony.
- Commits an assault under Texas 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, if the conduct is punishable as a felony or if the conduct is a second offense in the same school year the student may be expelled.
- Sells, possesses, gives, or delivers to another person an alcoholic beverage, or commits a serious act or offense while under the influence of alcohol, or uses or is under the influence of an alcoholic beverage, if the conduct is punishable as a felony.
- Behaves in a manner that contains the elements of an offense relating to abusable volatile chemicals.
- Behaves in a manner that contains the elements of the offense of public lewdness or indecent exposure.
- Engages in expellable conduct and is between six and nine years of age.
- Commits a federal firearms violation and is younger than six years of age.
- Engages in conduct that contains the elements of the offense of retaliation against any school employee or volunteer on or off school property. (Committing retaliation in combination with another expellable offense is addressed in the Expulsion section of this Code.)
- Engages in conduct punishable as a felony listed under Title 5 of the Texas Penal Code when the conduct occurs off school property and not at a school-sponsored or school-related event and:
 - The student receives deferred prosecution
 - A court or jury finds that the student has engaged in delinquent conduct, or
 - The superintendent or designee has a reasonable belief that the student engaged in the conduct.

Sexual Assault and Campus Assignments

If a student has been convicted of continuous sexual abuse of a young child or children or convicted of or placed on deferred adjudication for sexual assault or aggravated sexual assault against another student on the same campus, and if the victim's parent or another person with the authority to act on behalf of the victim requests that the Board transfer the offending student to another campus, the offending student shall be transferred to another campus in the District. If there is no other campus in the District serving the grade level of the offending student, the offending student will be transferred to a DAEP.

Emergencies

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 nonemergency basis.

Process

Removals to a DAEP will be made by the District's Hearing Officer.

Conference

When a student is removed from class for a DAEP offense, the 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.

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

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

Placement Order

After the conference, if the student is placed in the DAEP, the appropriate administrator will write a placement order. A copy of the DAEP placement order will be sent to the student and the student's parent.

Not later than the second business day after the conference, the Board's designee will deliver to the juvenile court a copy of the placement order and all information required by Section 52.04 of the Family Code.

If the student is placed in the DAEP and the length of placement is inconsistent with the guidelines included in this Code, the placement order will give notice of the inconsistency.

Length of Placement

The length of placement to the DAEP will be a minimum of 25 days. DAEP placement will be correlated to the seriousness of the offense, the student's age and grade level, the frequency of misconduct, the student's attitude, and statutory requirements. The maximum period of DAEP placement shall be one calendar year except as provided below.

Exceeds One Year

Placement in a DAEP may exceed one year when a review by the District determines that:

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

The statutory limitations on the length of a DAEP placement do not apply to a placement resulting from the Board's decision to place a student who engaged in the sexual assault of another student so that the students are not assigned to the same campus.

Exceeds School Year

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

For placement in a DAEP to extend beyond the end of the school year, the Hearing Officer must determine that:

- The student's presence in the regular classroom or campus presents a danger of physical harm to the student or others, or
- The student has engaged in serious or persistent misbehavior (see glossary) that violates the District's Code.

Exceeds 60 Days

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 the Board's designee.

Appeals

Questions from parents regarding disciplinary measures should be addressed to the campus administration. Appeals regarding the decision to place a student in a DAEP should be addressed to the Director of Student Administrative Services, in accordance with Policy FOC (LEGAL). All other appeals regarding a placement in a DAEP should be addressed in accordance with policy FNG (LOCAL). A copy of this policy may be obtained from the principal's office or the central administration office or through Policy On Line at the following address: <http://www.lubbockisd.org>

Disciplinary 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.

Restrictions during Placement

School-Related Activities

State law prohibits a student placed in a DAEP for reasons specified in state law from attending or participating in school-sponsored or school-related extracurricular activities.

Students Younger than Ten

Students younger than ten who commit an expellable offense will be placed in an alternative education program, Alternate Campus for Elementary Students (ACES).

Graduating seniors in the DAEP

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.

Placement Review

A student placed in a DAEP will be provided a review of his or her status, including academic status, by the principal 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.

Additional Misconduct

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 appropriate administrator may enter an additional disciplinary order as a result of those proceedings.

Notice of Criminal Proceedings

The office of the prosecuting attorney will notify the District if a student was placed in a DAEP for certain offenses including any felony, unlawful restraint, indecent exposure, assault, deadly conduct, terroristic threats, organized crime, certain drug offenses, or possession of a weapon, and:

- 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
- 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 such conduct, on receiving the notice from the prosecutor, the superintendent or designee will review the student's placement and schedule a review 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 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. In the case of an 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 student and the student's parent may appeal to the Commissioner of Education. The student may not be returned to the regular classroom pending the appeal.

Withdrawal During Process

When a student violates the District's Code in a way that requires or permits the student to be placed in a DAEP and the student withdraws from the District before a placement order is completed, the District may complete the proceedings and issue a 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 appropriate administrator or the Board fails to issue a placement order after the student withdraws, the next district in which the student enrolls may complete the proceedings and issue a placement order.

Newly Enrolled Students

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

A newly enrolled student with a DAEP placement from a district in another state will be placed as any other newly enrolled student if the behavior committed is a reason for DAEP placement in the receiving district.

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. After a review, however, the placement may be extended beyond a year if the District determines that the student is a threat to the safety of other students or employees or the extended placement is in the best interest of the student.

Emergency Placement Procedure

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 the placement, the student will be given the appropriate conference required for assignment to a DAEP.

Placement and/or Expulsion for Certain Serious Offenses

Registered Sex Offenders

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

If the student is under any form of court supervision, including probation, community supervision, or parole, the placement will be in either DAEP or JJAEP for at least one semester.

If the student is not under any form of court supervision, the placement may be in DAEP or JJAEP for one semester or the placement may be in a regular classroom. The placement may not be in the regular classroom if the Board or its designee determines that the student's presence:

- Threatens the safety of other students or teachers,
- Will be detrimental to the educational process, or
- Is not in the best interests of the District's students.

Review Committee

At the end of the first semester of a student's placement in an alternative educational setting and before the beginning of each school year for which the student remains in an alternative placement, the District shall convene a committee, in accordance with state law, to review the student's placement. The committee will recommend whether the student should return to the regular classroom or remain in the placement. Absent a special finding, the Board or its designee must follow the committee's recommendation.

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

Newly Enrolled Student

If a student enrolls in the District during a mandatory placement as a registered sex offender, the District may count any time already spent by the student in a placement or may require an additional semester in an alternative placement without conducting a review of the placement.

Appeal

A student or the student's parent may appeal the placement by requesting a conference between the Board or its designee, the student, and the student's parent. The conference is limited to the factual question of whether the student is required to register as a sex offender. Any decision of the Board or its designee under this section is final and may not be appealed.

Certain Felonies

Regardless of whether placement or expulsion is required or permitted by one of the reasons in the DAEP Placement or Expulsion sections, in accordance with Education Code 37.0081, a student **may** be expelled and placed in either DAEP or JJAEP if the Board or its designee makes certain findings and the following circumstances exist in relation to a felony offense under Title 5 of the Texas Penal Code.

The student must:

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

The District may expel the student and order placement under these circumstances regardless of:

- The date on which the student's conduct occurred,
- The location at which the conduct occurred,
- Whether the conduct occurred while the student was enrolled in the District, or

- Whether the student has successfully completed any court disposition requirements imposed in connection with the conduct.

Hearing and Required Findings

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

- Threatens the safety of other students or teachers,
- Will be detrimental to the educational process, or
- Is not in the best interest of the District's students.

Any decision of the Board or the Board's designee under this section is final and may not be appealed.

Length of Placement

The student is subject to the placement until:

- The student graduates from high school,
- The charges are dismissed or reduced to a misdemeanor offense, or
- The student completes the term of the placement or is assigned to another program.

Newly Enrolled Students

A student who enrolls in the District before completing a placement under this section from another school district must complete the term of the placement.

Expulsion

In deciding whether to order expulsion, regardless of whether the action is mandatory or discretionary, the District will take into consideration:

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

Discretionary Expulsion: Misconduct That May Result in Expulsion

Any Location

A student **may** be expelled for:

Engaging in the following, no matter where it takes place:

- Conduct that contains the elements of assault under Penal Code 22.01(a)(1) in retaliation against a school employee or volunteer.
- Criminal mischief, if punishable as a felony.

Engaging 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.

Engages in conduct relating to a false alarm or report (including a bomb threat) or a terroristic threat involving a public school.

At School, Within 300 Feet, or at a School Event

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:

- Sells, gives, or delivers to another person or possesses, uses, or is under the influence of marijuana, a controlled substance, or a dangerous drug, if the conduct is punishable as a felony or if the conduct is a second offense in the same school year the student may be expelled.
- Sells, possesses, gives, or delivers to another person an alcoholic beverage, or commits a serious act or offense while under the influence of alcohol, or uses or is under the influence of an alcoholic beverage, if the conduct is punishable as a felony.
- Behaves in a manner 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.

Within 300 Feet of School

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

- Aggravated assault, sexual assault, or aggravated sexual assault.
- Arson.
- Murder, capital murder, or criminal attempt to commit murder or capital murder.
- Indecency with a child, aggravated kidnapping, manslaughter, criminally negligent homicide, or aggravated robbery.
- Continuous sexual abuse of a young child or children.
- Felony drug- or alcohol-related offense.
- Use, exhibition, or possession of a firearm (as defined by state law), an illegal knife, a club, or prohibited weapon, or possession of a firearm (as defined by federal law).

Property of another District

Committing 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 of a school in another district in Texas.

While in DAEP

Engaging in serious offenses or persistent misbehavior that violates the District's Code, while placed in a DAEP.

Mandatory Expulsion: Misconduct That Requires Expulsion

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:

Federal Law

Bringing to school a firearm, as defined by federal law. "Firearm" under federal law includes:

- 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.
- The frame or receiver of any such weapon.
- Any firearm muffler or firearm weapon.
- Any destructive device, such as any explosive, incendiary or poison gas bomb, or grenade.

Texas Penal Code

Using, exhibiting, or possessing the following, as defined by the Texas Penal Code:

- A firearm (any device designed, made, or adapted to expel a projectile through a barrel by using the energy generated by an explosion or burning substance or any

- An illegal knife or a prohibited knife as defined by the District. An illegal knife as defined by law (knife with a blade over 5 ½ inches, hand instrument designed to cut or stab another by being thrown, dagger, bowie knife, sword, spear).
- A club such as an instrument specially designed, made, or adapted for the purpose of inflicting serious bodily injury or death by striking a person with the instrument, including a blackjack, nightstick, mace, and tomahawk.
- 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.

Behaving in a manner that contains elements of the following offenses under the Texas Penal Code:

- Aggravated assault, sexual assault, or aggravated sexual assault.
- Arson.
- Murder, capital murder, or criminal attempt to commit murder or capital murder.
- Indecency with a child.
- Aggravated kidnapping.
- Aggravated robbery.
- Manslaughter.
- Criminally negligent homicide.
- Continuous sexual abuse of a young child or children.
- Behavior punishable as a felony that involves selling, giving, or delivering to another person, or 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.
- Engaging in retaliation against a school employee or volunteer combined with one of the above-listed mandatory expulsion offenses, with the exception of a federal firearm offense, on or off school property or at a school-related activity.

Under Age Ten

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 DAEP. A student under age six will not be placed in a DAEP unless the student commits a federal firearm offense.

Emergency

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 nonemergency basis.

Process

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.
- DAEP.

Hearing

A student facing expulsion will be given a hearing with appropriate due process. The student is entitled to:

- 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,
- An opportunity to testify and to present evidence and witnesses in the student's defense, and
- An opportunity to question the District's witnesses.

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 of Trustees delegates to the superintendent's designee authority to conduct hearings and expel students.

After the due process hearings, the expelled student may request that the Board review the expulsion decisions. 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.

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.
Education Code 37.009(f); Board Policy FOE (LEGAL)

Expulsion Order

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.

Not later than the second business day after the hearing, the principal of Project Intercept will deliver to the juvenile court a copy of the expulsion order and the information required by Section 52.04 of the Family Code.

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.

Length of Expulsion

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.

The duration of a student's expulsion will be determined on a case-by-case basis. The maximum period of expulsion is one calendar year except as provided below.

An expulsion may not exceed one year unless, after review, the District determines that:

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

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.

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.

Withdrawal During Process

When a student has violated the District's Code 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 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.

Additional Misconduct

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 appropriate administrator or the Board may issue an additional disciplinary order as a result of those proceedings.

Restrictions During 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 JJAEP or another District-approved program.

Newly Enrolled Students

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 or an open-enrollment charter school upon enrollment in the District.

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:

- The out-of-state district provides the District with a copy of the expulsion order, and
- 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:

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

Emergency Expulsion Procedures

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 facing expulsion.

DAEP Placement of Expelled Students

The District may provide educational services to any expelled student in a DAEP; however, educational services in the DAEP must be provided if the student is less than ten years of age.

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 academic or behavior 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 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-Right of Parents of Students with Disabilities**.

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

- Campus administrator/counselor
- Assigned campus for student
- Further information regarding the notice requirement may be found at <http://www.tea.state.tx.us/taa/stanprog042804.html>

LISD ELECTRONIC COMMUNICATION AND DATA MANAGEMENT POLICY

New techniques have shifted the way we access information and have provided access to unique resources, as well as the opportunity for collaborative work. These technologies have opened the doors to the world and all of the cultures provided by it. Students in LISD are given opportunities to access a wealth of information through electronic media, including the Internet. The Internet is a global network of computer networks. Its content is beyond the control of LISD and its staff. LISD will employ diligent efforts and sound education practices to make accessing the Internet as safe as possible. However, in spite of the foregoing efforts, there remains the risk of encountering inappropriate materials. It is, therefore, necessary that LISD students comply with all policies and procedures related to the Internet and understand that they are responsible for their actions while using the Internet and all other electronic resources.

In addition, all behaviors on the District's computer resources should conform to student policies found in the District's Student Code of Conduct and Internet Safety Policy. Violations of this policy would fall under the general discipline guidelines outlined elsewhere in this document. Behavior is also subject to any local, state, and federal laws.

More information is available in LISD Board Policy CQ (LOCAL) and CQ (LEGAL)

Access to the electronic resources and the Internet is a privilege, not a right. The privilege can be revoked as a result of inappropriate use. Inappropriate use includes, but is not limited to the following:

- Violating copyright laws
- Using the network for financial gain, commercial activity, political lobbying, or any illegal activity
- Transmitting or accessing offensive, impolite, abusive, or sexually explicit materials
- Violating the policies and procedures of other networks
- Attempting to access any computer accounts and resources for which one is not duly authorized
- Abusing the system resources in such a way that would disrupt the use of resources by other users. (Also includes any malicious attempt to access, copy, use, harm, or destroy data of another user, or District resources including introduction or spreading computer viruses.)
- Accessing chat rooms and newsgroups
- Distributing personal information about yourself or others

Students should be aware that:

- District computer storage areas and e-mail may be monitored by authorized District employees. Teachers and administrators may review student files and communications at any time to maintain system integrity and insure that users are acting responsibly.
- All communications and information accessible via the network should be assumed to be private property and students are expected to respect the privacy of others.
- Students are expected to report any actual or potential security problems to the system administrator.

Violations of this policy would allow for the general discipline guidelines outlined in the Student Code of Conduct. [See the Electronic Communication and Data Management Policy] CQ (LOCAL)

**INTERNET SAFETY POLICY
LUBBOCK INDEPENDENT SCHOOL DISTRICT**

Access to the electronic resources and the Internet is a privilege, not a right. The privilege can be revoked as a result of inappropriate use.

ACCEPTABLE USE POLICY (AUP)

Lubbock ISD recognizes the need to provide students access to electronic resources but at the same time we want to provide for the safety of our students and maintain the integrity of District resources. All Lubbock ISD students and employees are subject to the guidelines in this policy and any applicable local, state, and federal laws. Students in violation are subject to disciplinary action as outlined in the Student Code of Conduct. Staff members in violation are subject to disciplinary actions outlined in LISD Board Policy.

This policy outlines Lubbock ISD's compliance with the Children's Internet Protection Act (CIPA).

In an effort to protect students, other minors, and staff from intentional or accidental access of visual depictions that are obscene, child pornography, or other material harmful to minors, the Lubbock Independent School District (LISD) has implemented an Internet filtering system. Students who encounter material that conforms to the previously mentioned categories are required to report the offending URL to their teacher/administrator. Failure to do so will be considered a disciplinary offense as outlined in the "LISD Electronic Communication and Data Management Policy" found in the LISD Student Code of Conduct. Staff members that encounter or have offending URLs reported to them by students are required to report the offending URL by contacting LISD Technical Support.

Intentional access of material, on the Internet or World Wide Web that is inappropriate for viewing by minors or that is "harmful to minors" is a disciplinary offense. Accidental or inadvertent access to such material shall be reported as outlined in the previous paragraph. Cases where students are found to be repeatedly accessing such material "accidentally or inadvertently" will be scrutinized on a case-by-case basis and may be found to violate this policy.

Intentional access or storage of material by staff members, from any source, that is inappropriate for viewing by minors or that is "harmful to minors" shall be considered a violation of the moral turpitude section of the EMPLOYEE STANDARDS OF CONDUCT DH (LOCAL) and is considered a violation of this policy. This access is not limited by time of day or location when involving LISD equipment. Staff members are responsible for equipment assigned to them.

The unauthorized access, including but not limited to what is commonly referred to as "hacking," of any resources on the LISD computer network, other outside networks, the Internet, or the World Wide Web by staff, students, and/or other minors is expressly forbidden and is considered a disciplinary offense. Staff, students, and/or other individuals are specifically prohibited from accessing the District's network with non-LISD owned equipment including, but not limited to computers, PDAs, network equipment, etc. Accessing the LISD network in this manner or allowing for another individual to access the LISD network in this manner is considered a disciplinary offense.

No LISD student or other minor will be provided an LISD email account. Staff members are not allowed to give students access to use their District provided email accounts. Violation of this is considered a disciplinary offense.

Students are not allowed to use personal email accounts, such as, but not limited to, Yahoo mail, Hotmail, etc. Student use of these types of accounts on the District's computer network or District provided computer is considered a disciplinary offense.

The use of non-LISD sponsored Internet communication (chat, instant messaging, or other types of social networking technologies) by LISD students or other minors using LISD owned or provided computers and networks is expressly forbidden. Violation is considered a disciplinary offense. LISD staff who knowingly allow students and other minors to violate this policy are also subject to disciplinary action.

The unauthorized disclosure, use, and/or dissemination of personal information, including but not limited to home addresses and phone numbers, by students, other minors, or staff members about minors is expressly forbidden. Violation is considered a disciplinary offense.

Before any personal information can be posted regarding a student the school must have parent permission on the Student Registration Form. Completed forms are kept in the respective school office.

Student or other minor's access to, use of, and conduct on any LISD owned or provided computer can and will be monitored by District staff. District staff is responsible for students and equipment assigned to them.

Use of LISD equipment for personal gain is considered a disciplinary offense. Personal gain shall be defined as any use which brings monetary gain directly to the employee, a company the employee works for or a company that they represent. Use of LISD equipment to create material for instructional purposes is specifically limited to instructional programs within the District. Material created using LISD equipment is the property of LISD unless specifically noted in a grant or special project.

Any employee or student who has been given or who has taken the responsibility for creating or maintaining a website on LISD's web server or another web server containing information about LISD is required to adhere to these guidelines.

Material posted to any website located on LISD's web server or information posted by an LISD student or staff member regarding LISD on an outside web server must:

- Be free of material that is inappropriate for viewing by or that is harmful to minors (including but not limited to obscene material or child pornography),
- Not contain any direct link to material that is inappropriate for viewing by or that is harmful to minors (including but not limited to obscene material or child pornography),
- Not provide information or links to information on how to get unauthorized access to LISD computer networks, other outside networks, the Internet, or the World Wide Web,
- Not disclose, use or disseminate unauthorized personal information regarding minors,
- Be monitored for appropriate and timely content by the building principal or department head or designee

The District's system is provided on an "as is, as available" basis. The District does not make any warranties, whether express or implied, including, without limitation, those of merchantability and fitness for a particular purpose with respect to any services provided by the system and any information on software contained therein. The District does not warrant that the functions or services performed by, or that the information or software contained on

the system will meet the system user's requirements, or that the system will be uninterrupted or error-free.

Opinions, advice, services, and all other information expressed by system users, information providers, service providers, or other third-party individuals in the system are those of the providers and not the District.

The District will cooperate fully with local, state, or federal officials in any investigation concerning or relating to misuse of the District's electronic communication system.

All Lubbock ISD students and employees are subject to the guidelines in this policy and any applicable local, state, and federal laws. Students in violation are subject to disciplinary action as outlined in the Student Code of Conduct. Staff members in violation are subject to disciplinary actions outlined in LISD Board Policy.

NOTICE OF PARENT AND STUDENT RIGHTS

FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA), 20 U.S.C. SEC. 1232g

The Lubbock Independent School District maintains general education records required by law. A student's school 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. 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 custodial 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. If circumstances effectively prevent a parent or eligible student from inspecting the records, the District shall either provide a copy of the requested records, or make other arrangements for the parent or student to review the requested records. The record custodian or designee will respond to reasonable requests for explanation and interpretation of the records. The address of the superintendent's office is 1628 19th Street, Lubbock, Texas 79401.

Parents of a minor or a student who is a dependent for tax purposes, the student (age 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, of cooperatives of which the District is a member, or of facilities with which the District contracts for placement of students with disabilities, 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 an individual education plan (IEP) or a student with disabilities; (3) compiling statistical data; or (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. Records also are released pursuant to court order or lawfully issued subpoena. Unless the subpoena is issued for law enforcement purposes and the subpoena orders that its contents, existence, or the information sought not be disclosed, the District shall make a reasonable effort to notify the parent or eligible student in advance of compliance. Parental consent is required to release the records to anyone else or when the student reaches 18 years of age, the right to consent to release of records transfers to the student. The parent's or student's right to

access to, and copies of, student records does not extend to all records. Materials that are not considered educational records, such as teachers' personal notes on a student that are shared only with a substitute teacher and records on former students after they are no longer students in the District, do not have to be made available to the parents or students.

Students over 18 and parents of minor students may review and inspect the student's records and request a correction if the records are inaccurate, misleading, or otherwise in violation of the student's privacy rights. If the District refuses the request to amend the records, the requester has the right to request a hearing. If the records are not amended as a result of the hearing, the requester has 30 school days to exercise the right to place a statement commenting on the information in the student's records. 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. [See FNG (LEGAL) and (LOCAL) for the applicable complaint procedure] Parents or students have the right to file a complaint with the U.S. Department of Education if they believe the District is not in compliance with the law regarding student records.

Copies of student records are available at a cost of \$0.10 per page, payable in advance. Parents may be denied copies of student's records (1) after the student reaches age 18 and is no longer a dependent for tax purposes; (2) when the student is attending an institution of post-secondary education; (3) if the parent fails to follow proper procedures and pay the copying charge; or (4) when the District is given a copy of a court order terminating the parental rights. If the student qualified for free or reduced-price lunches and the parents 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.

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 to the release of any or all directory information about the child. This objection must be made 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, and most recent previous school attended.

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

As a parent of a student in the Lubbock Independent School District, you have the right to know the professional qualifications of the classroom teachers who instruct your child, and Federal law requires the school district to provide you this information in a timely manner if you request it. If you would like to receive any of this information, please contact your building principal.

REGISTRATION NOTIFICATION FOR PESTICIDE APPLICATIONS

In accordance with the Texas Structural Pest Control Act and the Lubbock Independent School District's Integrated Pest Management plan this is to notify parents or guardians at the time of the child's registration that pesticides are periodically applied indoors in all school district facilities. Notices of such applications are posted 48 hours prior to application. Application is to be made 12 hours before any school sponsored activity is to occur in the area affected.

Information concerning these applications may be obtained from Traci Robertson at the Lubbock Independent School District Central Office, 1628 19th Street, Lubbock, Texas 79401, telephone number 766-1098.

Glossary

The glossary provides legal definitions and locally established definitions and is intended to assist in understanding terms related to the Student Code of Conduct.

Abuse is:

Improper or excessive use.

Armor-piercing ammunition is:

Handgun ammunition used in pistols and revolvers and designed primarily for the purpose of penetrating metal or body armor.

Arson is:

A crime that involves starting a fire or causing an explosion with intent to destroy or damage:

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

A crime that involves recklessly starting a fire or causing an explosion while manufacturing or attempting to manufacture a controlled substance and the fire or explosion damages any building, habitation, or vehicle; or

A crime that involves intentionally starting a fire or causing an explosion and in so doing:

- Recklessly damages or destroys a building belonging to another, or
- Recklessly causes another person to suffer bodily injury or death.

Assault is:

Defined in part by Texas Penal Code 22.01(a)(1) as intentionally, knowingly, or recklessly causing bodily injury to another.

Bullying is:

Written or oral expression or physical conduct that a school district's Board of Trustees or the Board's designee determines:

- To have the effect of physically harming a student, damaging a student's property, or placing a student in reasonable fear of harm to the student's person or of damage to the student's property; or
- To be sufficiently severe, persistent, or pervasive to create an intimidating, threatening, or abusive educational environment for a student.

Chemical dispensing device is:

A device designed, made, or adapted for the purpose of causing an adverse psychological or physiological effect on a human being. A small chemical dispenser sold commercially for personal protection is not in this category.

Club is:

an instrument specially designed, made, or adapted for the purpose of inflicting serious bodily injury or death. A blackjack, mace, and tomahawk are in the same category.

Criminal street gang is:

three or more persons having a common identifying sign or symbol or an identifiable leadership who continuously or regularly associate in the commission of criminal activities.

Dating violence is:

the intentional use of physical, sexual, verbal, or emotional abuse by a person to harm, threaten, intimidate, or control another person with whom the student has or has had a dating relationship, as defined by Section 71.0021 of the Family Code.

Deadly conduct:

occurs when a person recklessly engages in conduct that places another in imminent danger of serious bodily injury, such as knowingly discharging a firearm in the direction of an individual, habitation, building, or vehicle.

Deferred adjudication is:

an alternative to seeking a conviction in court that may be offered to a juvenile for delinquent conduct or conduct indicating a need for supervision.

Deferred prosecution:

may be offered to a juvenile as an alternative to seeking a conviction in court for delinquent conduct or conduct indicating a need for supervision.

Delinquent conduct is:

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

Discretionary:

means that something is left to or regulated by a local decision-maker.

Explosive weapon is:

any explosive or incendiary bomb, grenade, rocket, or mine and its delivery mechanism that is designed, made, or adapted for the purpose of inflicting serious bodily injury, death, or substantial property damage, or for the principal purpose of causing such a loud report as to cause undue public alarm or terror.

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:

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

Firearm silencer:

means any device designed, made, or adapted to muffle the report of a firearm.

Graffiti:

are markings with paint, an indelible pen or marker, or an etching or engraving device on tangible property without the effective consent of the owner. The markings may include inscriptions, slogans, drawings, or paintings.

Harassment is:

- Conduct that meets the definition established in district policies DIA (LOCAL) and FFH (LOCAL); or
- Conduct that threatens to cause harm or bodily injury to another student, is sexually intimidating, causes physical damage to the property of another student, subjects another student to physical confinement or restraint, or maliciously and substantially harms another student's physical or emotional health or safety.

Hazing is:

an intentional or reckless act, on or off campus, by one person alone or acting with others, that endangers the mental or physical health or safety of a student for the purpose of pledging, initiation into, affiliation with, holding office in, or maintaining membership in an organization.

Hit list is:

a list of people targeted to be harmed, using a firearm, a knife, or any other object to be used with intent to cause bodily harm.

Knuckles:

are any instrument consisting of finger rings or guards made of a hard substance and designed or adapted for 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.

Mandatory:

means that something is obligatory or required because of an authority.

Paraphernalia:

are devices that can be used for inhaling, ingesting, injecting, or otherwise introducing a controlled substance into a human body.

Persistent misbehavior is:

two or more violations of the Code in general or repeated occurrences of the same violation.

Possession:

means to have an item on one's person or in one's personal property, including but not limited to clothing, purse, or backpack; a private vehicle used 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.

Public school fraternity, sorority, secret society, or gang:

means an organization composed wholly or in part of students that seeks to perpetuate itself by taking additional members from the students enrolled in school based on a decision of its membership rather than on the free choice of a qualified student. Educational organizations listed in Section 37.121(d) of the Education Code are excepted from this definition.

Reasonable belief is:

a determination made by the superintendent or designee using all available information, including the information furnished under Article 15.27 of the Code of Criminal Procedure.

Self-defense is:

the use of force against another to the degree a person reasonably believes the force is immediately necessary to protect himself or herself.

Serious offenses include but are not limited to:

- Murder.
- Vandalism.
- Robbery or theft.
- Extortion, coercion, or blackmail.
- Actions or demonstrations that substantially disrupt or materially interfere with school activities.
- Hazing.
- Insubordination.
- Profanity, vulgar language, or obscene gestures.
- Fighting, committing physical abuse, or threatening physical abuse.
- Possession or distribution of pornographic materials.
- Leaving school grounds without permission.
- 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 assigned by the teacher or principal.

Sexting:

“Sexting” is the act of sending sexually explicit messages or photos electronically, primarily between cell phones.

S.T.A.R. – Specialized Treatment and Rehabilitation:

A county-run military boot camp style program, run in conjunction with the DAEP (Disciplinary Alternative Education Program) and the JJAEP (Juvenile Justice Alternative Education Program).

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.

Switchblade is:

any knife with a blade that folds, closes, or retracts into the handle or sheath and that opens automatically by pressing a button or by the force of gravity or centrifugal force. The term does not include a knife that has a spring, detent, or other mechanism designed to create a bias toward closure and that requires exertion applied to the blade by hand, wrist, or arm to overcome the bias toward closure and open the knife.

Terroristic threat is:

a threat of violence to any person or property with intent to:

- Cause a reaction of any type by an official or volunteer agency organized to deal with emergencies;
- Place any person in fear of imminent serious bodily injury;
- 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;

- Cause impairment or interruption of public communications, public transportation, public water, gas, or power supply or other public service;
- Place the public or a substantial group of the public in fear of serious bodily injury; or
- 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:

are those that involve injury to a person and include murder; kidnapping; assault; aggravated assault; sexual assault; aggravated sexual assault; unlawful restraint; indecency with a child; injury to a child, an elderly person, or a disabled person; abandoning or endangering a child; deadly conduct; terroristic threat; aiding a person to commit suicide; and tampering with a consumer product. [See FOC (EXHIBIT)]

Under the influence:

means lacking the normal use of mental or physical faculties. Impairment of a person's physical or mental faculties may be evidenced by a pattern of abnormal or erratic behavior, the presence of physical symptoms of drug or alcohol use, or by admission. A student "under the influence" need not be legally intoxicated to trigger disciplinary action.

Use:

means voluntarily introducing into one's body, by any means, a prohibited substance.

Zip gun:

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