

2008-2009

FORT WORTH INDEPENDENT SCHOOL DISTRICT
S T U D E N T C O D E O F
CONDUCT



Fort Worth
INDEPENDENT SCHOOL DISTRICT
Student Discipline and Placement

PARENT FORM ON PAGE 22

AN OVERVIEW OF THE DISTRICT'S POLICY ON BEHAVIORS AND CONSEQUENCES.

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VISION

The Fort Worth Independent School District envisions a high performing learning organization in which all students achieve proficiency in rigorous standards of intellectual thought and knowledge.

MISSION

The mission of the Fort Worth Independent School District is to provide and support rigorous learning opportunities which result in successful completion of a quality high school experience for all students.

Fort Worth Independent School District
100 N. University Drive
Fort Worth, Texas 76107
Phone: 817.871.2000
www.fwisd.org

LETTERS TO PARENTS

Dear Parents/Guardian,

Welcome to the 2008-09 school year. Students and teachers have a right to learn and work in a safe environment that encourages academic achievement. Creating such an environment requires everyone know and support the rules.

This *Student Code of Conduct* details the high standards of behavior expected of students. The Fort Worth Independent School District Board of Education has established these standards to ensure that our schools will continue to be safe places for teaching and learning.

The 2008-09, *Student Code of Conduct* contains some important information. Please note that inappropriate language, verbal abuse and threats by students will not be tolerated. Remember that certain items are not allowed on school grounds. They include, but are not limited to, the following: knives of any kind, mace, laser pointers, firecrackers, box cutters, BB guns, replicas of weapons and razors.

Individual schools may develop campus-level student handbooks, but each one will reinforce this *Student Code of Conduct* and support both district policy and state law.

You and your child must sign and date the Parent/Student Acknowledgment Form on page 22 and return the form to your child's school immediately. Please keep the booklet so you may refer to it throughout the school year.

The Student Code of Conduct underscores the importance of creating a safe and healthy learning environment for all students, one in which academic achievement is priority one. **Please read the Student Code of Conduct carefully and discuss the information with your child.**

Thank you for your support of Fort Worth ISD and its high academic and behavioral standards for students. My best wishes for a successful and productive school year for your child.



Melody A. Johnson, Ph. D.
Superintendent

***This Student Code of Conduct is available in its entirety on the Fort Worth ISD Web site at www.fwisd.org.**

Dear Parent/Guardian and Student:

Welcome to the 2008-2009 school year. The Fort Worth ISD hopes everyone had an enjoyable summer. There are some important issues that the District wants you to be aware of regarding truancy.

What is Truancy, and how will Fort Worth ISD handle truancy issues?

Individuals between the ages of 6 to 18 or those individuals enrolled in a pre-kindergarten or kindergarten program must attend school for the entire time courses are offered. If a student misses 10 or more days or parts of days within a six-month period during the same school year, without a valid excuse, *the student is truant*. If the student misses three or more days or parts of days within a four-week period, without a valid excuse, the student is truant. This student can and will be prosecuted for Failure to Attend School (Texas Education Code 25.094). The parent/guardian of a truant student can also be prosecuted, after receiving a warning, for Parent Contributing to Non-Attendance (Texas Education Code 25.093). These cases are prosecuted in the City of Fort Worth Municipal Court. The parent/guardian must take the necessary measures to make sure the student is regularly attending school. You may contact your child's school attendance office to ensure that your child has regular attendance.

Parents and students are responsible for making sure *written* excuses for absences are submitted to the student's school attendance office. This must be done within seven days of the absence to ensure that an absence is not marked as unexcused. Also, a student must have a legitimate excuse for arriving late or leaving early from school. The school attendance office must be notified, in writing, with a valid reason for the tardy or early dismissal. If a student becomes a truant, the parent/guardian will be notified in writing about the truancy and may be required to attend future meetings regarding the truant student.

We want your student to be successful. You can help by making sure that your student is regularly attending school. Best wishes for a successful school year.

DISCLAIMER



The *Student Code of Conduct* contains a general statement of the standards of behavior for students while at school or attending school-sponsored or school-related activities on or off school property, including conduct at a school bus stop off campus. Provisions of the *Student Code of Conduct* may be expanded, modified or revoked only by action of the Board of Education or a change in law; however, district administrators may interpret the *Student Code of Conduct* as may be needed to carry out its intended purpose and to maintain discipline in the school environment. Any changes will be effective upon adoption by the Board of Education. If any of the provisions of this *Student Code of Conduct* conflict with federal or state laws, rules, and regulations, or Board policy, the provisions are superseded by applicable law or Board policy, then the most recently adopted provision shall control. The provisions of the *Student Code of Conduct* are severable, and the invalidity, illegality or unenforceability of any provision will not affect the validity, legality or enforceability of the other provisions.

The *Student Code of Conduct* is available in its entirety on the Fort Worth ISD District Web site at www.fwisd.org.

THE PURPOSE OF THE STUDENT CODE OF CONDUCT

Education in this community is a very high priority and deserves and requires a significant commitment of financial and human resources. The benefits a student derives from this investment depend on the student's attitude toward learning and the student's adherence to high standards of behavior.

The *Student Code of Conduct* that follows is the District's specific response to requirements of Chapter 37 of the Texas Education Code. The law requires the District to define misconduct that may or must result in a range of specific disciplinary consequences. This Code, adopted by the Board of Education, provides information and direction to students and parents regarding standards of behavior as well as consequences of misconduct.

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

TABLE OF CONTENTS

Board of Education	i
Letter to Parents	ii
Attendance Letter	iii
Disclaimer/Purpose	iii
Standards for Student Behavior	1-3
• Discipline Philosophy, Student Standards, Jurisdiction	
General Misconduct Violations	3-5
• Consequences, Discipline Management Techniques, Parental Concerns	
Tier I: Removal from the Regular Educational Setting	5-7
• Discretionary Removal: Assault, Abuse of School Property, Harassment, Sexual Harassment, Disruptive Behavior, Hazardous/Prohibited Items	
• Mandatory Removal	
Tier II: Removal from the Regular Educational Setting	7-10
• Discretionary Removal: Assault, Abuse of School Property, Weapons, Serious/Persistent Offenses, Conduct Punishable as a Felony, Sexual Harassment, Organizations/Clubs	
• Mandatory Removal: School Related Misconduct, Alcohol/Drugs	
Tier III: Expulsion or Placement in Alternative Setting	10-12
• Discretionary Expulsion: Serious/Persistent Offenses	
• Mandatory Expulsion: Felony Assault, Drugs/Alcohol Felony Offenses, Weapons/Felony Arrest	
Student and Parent Information	
• Central Office Conference Standards, Rules and Procedures	13
• Tier I and Tier III Right of Appeal; Tier II Right of Appeal	13-15
• Credit	15
• DAEP or JJAEP	15-16
• Electronic Media	16
• Emergency Removal	16
• Expulsion/Suspension Restrictions	17
• Extra-Curricular Activities	17
• Firearms	17
• Graduation	18
• Metal Detectors	18
• No Child Left Behind Act	18
• Searches	18-19
• Telecommunications Devices	19
<i>Glossary of Terms</i>	<i>20-21</i>
<i>Parent/Student Acknowledgment Form</i>	<i>22</i>

STANDARDS FOR STUDENT BEHAVIOR

Discipline Philosophy

These standards of student behavior are issued under the authority of the Fort Worth ISD to administer discipline whenever the interest of the District is involved, regardless of whether the misconduct occurs at school or off school grounds, including, but not limited to, school-sponsored or school-related activities away from the District, in conjunction with independent classes or at the bus stop.

Determining Consequences

Student discipline is designed both to correct misconduct and encourage students to behave as responsible citizens of the school community. The principal or designee has the discretion to apply school-based discipline for specific violations or refer the matter to Student Discipline and Placement for review. The sequence of disciplinary action begins with the minimum disciplinary action, which can be taken and progresses to the more serious disciplinary consequences established in this code. The disciplinary action to be taken depends on a number of factors, including but not limited to the seriousness of the offense, the student's age, the student's attitude regarding the conduct, the potential effect of the misconduct on the school's overall disciplinary environment and whether the student's actions were in defense of self or another. The disciplinary action to be taken will draw on the professional judgment of teachers, administrators and on a range of disciplinary management techniques. The consequence decision will be based on these factors, as well as the specific circumstances unique to the situation and the individual student involved. All examples of misconduct and disciplinary consequences shown are guidelines on which the administrator will rely to assist in making a disciplinary decision. These guidelines are not intended to be determined of lengths, infractions or consequences.

A resolution of inappropriate behavior may require application of more than one consequence. A student, who violates classroom or campus rules, but not *Student Code of Conduct* rules, may be disciplined by one or more of the discipline management techniques. For non-*Student Code of Conduct* violations, the teacher is not required to make a *Student Code of Conduct* violation report, and the principal is not required to notify the parents. Behavior management techniques will be administered in such a manner as to preserve the dignity and self-esteem of the student, without demeaning or humiliating the student.

The Student Discipline and Placement Department reserves the right to modify or revise the length of placements and determine the level of offense, as deemed appropriate under the circumstances present in each case.

There are major problem areas that not only violate school rules but state and local laws as well. When inappropriate behavior violates laws, a school administrator will take appropriate disciplinary action as well as make a report to local law enforcement. Any action law enforcement authorities might take would be in addition to action taken by the school. A student may be cited or arrested. If the student is arrested, law enforcement may transport the student to the Tarrant County Juvenile Detention Center and/or Mansfield City Jail.

Disciplinary consequences for students with disabilities will follow the student's Behavior Intervention Plan, if one exists, and applicable federal and state law and guidelines except as provided by Section 37.007(e), in the Texas Education Code, the *Student Code of Conduct* is not required to specify a minimum term of removal under Section 37.006 or an expulsion under Section 37.007.

The decision of the central hearing officer is limited to whether a student violated the *Student Code of Conduct* and, if applicable, when the student may return to his/her home school. All other matters, including a student's eligibility for school-sponsored or school related extracurricular or noncurricular activities are not within the scope of this decision. See Fort Worth ISD's Athletic Activity Handbook and Board Policy FM (Local).

Student Responsibilities and Standards

Students are responsible for all items (i.e. backpacks, purses and vehicles and the contents of such items) brought on school property or to school-related or sponsored events. The student must protect and secure all items. The student is responsible for any contraband found on his/her person or in the student's personal belongings. Students must carefully inspect items in their control, including a family and/or multi-person owned/used vehicle, before bringing it on school property or to school-related events.

Students are required to respect the rights and privileges of other students, teachers, staff, volunteers and visitors to the campus. All students are expected to conduct themselves in accordance with the expectations set out in this code and common courtesies.

Students shall exercise their rights responsibly in compliance with the *Student Code of Conduct* and Board Policy. Students are required to report in good faith any misconduct by employees and other students. Students who violate the rights of others or who violate district, campus or classroom rules shall be subject to disciplinary action. School rules, and the authority of the District to administer discipline, apply whenever the interest of the school is involved on or off school grounds (including activities in conjunction with or independent of classes and school-sponsored activities).

Students are expected to:

- Attend school the entire instructional day, except when ill or otherwise lawfully excused and be on time to all classes.
- Follow the rules and regulations established by the teacher and the school as stated in the Student Code of Conduct, Campus Discipline Management Plan, and the procedures concerning appropriate behavior.
- Cooperate with all lawful and reasonable directives issued by school personnel.
- Be prepared for each class with assigned work and appropriate materials.
- Pursue mastery of the essential knowledge and skills of the curriculum as prescribed by the District and the State.
- Establish an effective working relationship with parents, peers and school personnel.
- Show respect for others and their property.
- Abstain from making profane, insulting, threatening or inflammatory remarks.
- Stay away from other Fort Worth ISD campuses during the school day, except with permission from school personnel.
- Express opinions and ideas in a respectful and courteous manner.
- Strive toward self-discipline, setting individual goals and utilizing good work habits.
- Leave campus immediately after the dismissal bell unless involved in a school activity.
- Assume responsibility for making choices and accept the consequences of those behaviors.
- Adhere to dress code standards

Parents or legal guardians are expected to:

- Establish and maintain a positive attitude toward education and school personnel.
- Take an active interest in the overall school program.
- Strive to prepare their child emotionally and socially to be receptive to learning and discipline.
- Require and lead their child to develop proper study habits at home.
- Assist their child in being properly attired for school according to the standards of dress.
- Send their child daily to school as required by law and promptly notify the school to explain absences and tardiness.
- Maintain current addresses and phone numbers in the school office for home, work and emergencies.
- Bring to the attention of school authorities any learning problem or condition that may relate to their child's education.
- Sign the Student and Parent Acknowledgement Statement indicating that a copy of the *Student Code of Conduct* has been received and read.
- Encourage their child to adhere to the *Student Code of Conduct* and school discipline policies.
- Attend school conferences; respond to the teacher's initial contact.
- Initiate conferences to discuss academic progress.
- Discuss work assignments and report cards with the student; request a conference with the teacher if their child receives a failing grade for the reporting period.
- Promote their child's attendance at school tutorials as the need arises.
- Cooperate with school personnel when their child is involved in a discipline problem.
- Cooperate with school administrators and teachers in their efforts to achieve and maintain a quality school system.
- Ensure student safety by adhering to appropriate drop-off and pick-up times.
- Provide appropriate identification when requested by school personnel.
- Cooperate with the school nurse to obtain state-required immunizations, to follow procedures for administration of medications at school and to take/keep the student home when ill.
- Demonstrate a positive attitude toward parents and students.

School personnel are expected to:

- Follow state laws as well as District policies and regulations.
- Abide by the Code of Ethics as approved by the Texas Education Agency.
- Value parents as partners in the educational process.
- Attempt to promptly contact parents when there is a change in the student's performance or when an improvement is not sustained.
- Respond promptly and appropriately to parents inquiries about their children.
- Participate in campus activities that promote parent involvement.
- Work with parents, students and other district professionals to solve problems at the classroom level.
- Disseminate grading procedures to students and parents at the beginning of each semester.
- Demonstrate a positive attitude toward parents and students.
- Encourage and assist students to develop effective study habits.
- Strive to prepare the child emotionally and socially to be receptive to learning and discipline.
- Establish a healthy tolerance level through setting limits.
- Follow the rules and regulations established by the school, the District and dress code standards.

Jurisdiction

The Texas Legislature has delegated authority to manage independent school districts and discipline students to the Board of Trustees and its employees. The school has the authority to administer discipline whenever the interest of the school is involved, on or off school property, in conjunction with or independent of classes and school-sponsored activities.

The District disciplinary authority applies:

1. During the regular school day and while the student travels to and from school, including conduct at a school bus stop off campus.
2. While students are participating in any activity during the school day on school grounds.
3. Within 300 feet of school property.
4. While students attend any school-related activity, regardless of time or location.
5. For any school-related misconduct, regardless of time or location.
6. When retaliation occurs including, but not limited to, making false reports against school employees, volunteers and/or students, either on or off school property, regardless of time or location.
7. When the student engages in conduct punishable as a felony, as provided by Texas Education Code 37.006 or 37.0081, regardless of time or location.
8. When felony criminal mischief is committed on or off school property or at a school-related event.
9. During lunch periods, including those in which a student leaves the campus.
10. For certain mandatory Disciplinary Alternative Education Program (DAEP) and discretionary expulsion offenses committed, within 300 feet of school property as measured from any point on the school's real property boundary line.
11. For certain mandatory Disciplinary Alternative Education Program (DAEP) and discretionary expulsion offenses committed, within 300 feet of school property as measured from any point on the school's real property boundary line.
12. The District has the right to revoke the transfer of a non-resident student for violating *Student Code of Conduct*.

GENERAL MISCONDUCT VIOLATIONS

Students are prohibited from:

- Cheating or copying the work of another.
- Being disrespectful to adults and/or other students.
- Engaging in any conduct that constitutes harassment of any type.
- Bullying others.
- Violating the *Student Code of Conduct*.
- Violating the campus student handbook.
- Violating the behavioral standards set by teachers, coaches, administrators and/or sponsors.
- Leaving school grounds or school-sponsored events without permission.
- Scuffling or fighting.
- Disobeying school rules regarding conduct on school buses.
- Failing to comply with directives given by school personnel.
- Possessing matches or a lighter.
- Behaving in any manner disruptive to the school environment or educational process.
- Violating safety rules.
- Violating the dress code.
- Violating extracurricular standards of behavior.
- Using a telecommunication device.
- Possessing, smoking or using tobacco products.
- Possessing a hazardous item or storing a prohibited item in his/her vehicle if the vehicle is unoccupied.

Consequences

General misconduct identified above will result in application of one or more discipline management techniques. Violations will be reported to the principal or other appropriate administrator who will notify the parent or guardian.

Discipline Management Techniques

The following discipline management techniques may be used alone or in combination for *Student Code of Conduct* and non-*Student Code of Conduct* violations:

- Verbal correction.
- Cooling-off time or "time-out".
- Seating changes in the classroom.
- Student-parent-teacher conferences.
- Confiscation of items that disrupt the educational process.
- Grade reductions as permitted by policy.
- Counseling by teacher, counselor or administrative personnel.
- Detention.
- Suspension conference held at the Student Discipline and Placement Department.
- Diversionary Action Plans developed at the Student Discipline and Placement Department.
- Restitution.
- Lower conduct grade.
- Behavioral contracts.
- Prohibited attendance at or participation in extracurricular activities.

- Withdraw or restriction of bus privileges.
- Ticket from school resource officer.
- Referral to outside agency and/or legal authority for criminal prosecution in addition to disciplinary measures imposed by the District.
- Other strategies and consequences as specified by the *Student Code of Conduct*.
- Teacher-parent telephone conferences.
- Sending the student to the office, other assigned areas or in-school suspension.
- School-assessed and school administered counseling and/or group socialization skills training.
- Suspension (not to exceed three school days, per incident).
- Placement in a Disciplinary Alternative Education Program (DAEP), as specified in the DAEP section of the *Student Code of Conduct*.
- Expulsion, as specified in the expulsion section of the Student Code of Conduct.
- Techniques or penalties identified in individual student organizations' extracurricular standards of behavior.
- Administrator-teacher-parent telephone conference call.

Physical Restraint

Any district employee may, within the scope of the employee's duties, use and apply appropriate physical restraint to a student that the employee reasonably believes is necessary in order to:

1. Protect a person, including the person using physical restraint, from physical injury.
2. Gain control of a weapon or other dangerous object.
3. Prevent a student from fleeing when fleeing would put the student or others in danger.
4. Protect property from serious damage.
5. Remove from a specific location a student refusing a directive or command of a school employee, including from a classroom or other school property, in order to restore order or impose disciplinary measures. (However, an employee is not allowed to use physical restraint as a disciplinary measure; corporal punishment is prohibited.)
6. Restrain an irrational student. Irrational is defined as the inability to think and reason clearly or logically.

General misconduct violations will not necessarily result in the formal removal of the student from class or another placement, but may result in a routine referral to the office where the student may receive other discipline management techniques. The schools may impose campus and classroom rules in addition to those found in the *Student Code of Conduct*. These local and classroom rules may be listed in the school student handbook or posted in classrooms. Violations may or may not constitute violations of the *Student Code of Conduct*. In lieu of a referral to a Central Office Conference, the campus administrator has the discretion to impose the following consequences:

- Restitution/Restoration for minor non gang-related discretionary offenses such as graffiti, vandalism or theft.
- Saturday School.
- Before/After School Detention.

In-School Suspension

A student may, at the discretion of the principal or other appropriate administrator, be placed in an in-school suspension program. If such placement is determined to be appropriate, the parent and/or guardian will be notified by the school administrator before the student placement becomes official.

Informal Teacher Removal

A teacher may send a student to the principal's office to maintain effective discipline in the classroom. Any removal of a student by a teacher for misbehavior requires that the teacher report the offense to the principal or appropriate administrator. The principal shall respond by employing appropriate discipline management techniques consistent with the *Student Code of Conduct*. No student will be returned to the teacher's classroom before the misconduct has been addressed and the disciplinary consequences deemed appropriate, if any, have been taken. Under no circumstances will the student be returned to the same class, during the same period, from which he/she was removed for disciplinary reasons.

If a student's actions result in more than one removal to the office during a six-week period by a teacher or combination of teachers for general misconduct violations, the following consequences shall apply:

1. The second removal to the office shall result in lunch and/or after school detention (and/or a combination of the two) for one or more days.
2. The third removal to the office shall result in one or more days of in-school suspension.
3. The fourth removal to the office shall result in one or more days of suspension. A teacher(s) parent-administrator conference is required at this level.

A student who fails to complete the assigned consequences will receive a suspension for one or more days. The student will still have to complete the original consequence.

Disciplinary action may be taken in order to help a student assume responsibility for correcting his/her performance or inappropriate behavior. The consequences are dependent on the severity or recurring nature of the violation and/or the student's problem behavior. Of course, misconduct deemed sufficiently serious, including criminal misconduct, may result in more serious consequences.

It is not required for the administrator to start at the beginning of the process if the behavior warrants more severe consequences.

If the aforementioned procedure is not followed, the administrator will provide the teacher(s) a written explanation of the reason why.

Formal Removal From The Classroom By The Teacher

Formal removal initiated by a teacher or administrator will occur if the student's behavior has been documented by the teacher as repeatedly interfering with the teacher's ability to teach his/her class or the behavior is so unruly, disruptive or abusive that the teacher cannot teach and the students in the classroom cannot learn.

Any removal of a student by a teacher for behavior described in this section requires that the teacher report the offense to the principal or appropriate administrator. The principal or appropriate administrator will then send a copy of the report to the student's parent(s) and/or guardian(s) within 24 hours of receiving the teacher's report.

A teacher or administrator must remove a student from class if the student engages in behavior for which the Texas Education Code requires Disciplinary Alternative Education Program (DAEP) placement.

When a student is formally removed from class by a teacher for conduct 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 from class 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.

A teacher or administrator may also remove a student from class for a behavior for which the District has determined a student may be suspended and/or placed in a DAEP.

Suspension

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

School Conference

Following notice of an incident that could be a violation of the *Student Code of Conduct*, a principal or other appropriate administrator, shall within three days following knowledge of the alleged incident:

1. Advise the student of the conduct or violation with which he/she is charged.
2. Permit the student the opportunity to explain his or her version of the incident.
3. Assign the student back to class, to in-house suspension or unsupervised home-based instruction.
4. Investigate and decide on the appropriate action.
5. Contact the Student Discipline and Placement Department if the incident warrants a Central Office Conference or Hearing.
6. Notify the student and student's parent(s) and/or guardian(s) of the time, date and location for the conference or hearing.

Parent(s) and/or Guardian(s) Concerns

Parent(s) and/or guardian(s) questions or complaints regarding disciplinary measures should be addressed to the teacher or campus administration, as appropriate and in accordance with policy FNG (Local). District policies are available for public inspection at each campus or through Board Policy Online at www.fwisd.org. Consequences will not be deferred pending the outcome of a complaint.

TIER I – REMOVAL FROM REGULAR EDUCATION SETTING

Discretionary Removal from Regular Education Setting

A student **may be** suspended pending a Central Office Conference in the Student Discipline and Placement Department and placed in a Tier I Disciplinary Alternative Education Program (DAEP) for 30 school days following a Central Office Conference held in the Student Discipline and Placement Department for any of the following offenses committed on or within 300 feet of school property or while attending a school-sponsored or school-related activity. If the offense occurs in the last six weeks of the school year, the placement may extend into the first semester of the next school year. The placement duration will be determined by the hearing officer.

Tier I violations include, but are not limited to, the following:

Assaults (Board Policy FNCH)

- Assault by contact (no citation). The District defines "assault by contact" for these purposes, as deliberate, purposely or recklessly making physical contact with another; with the knowledge, that such contact would be perceived as unpleasant or provoking.
- Assault by contact (with citation) is defined by Texas Penal Code 22.01(a) (3) as "intentionally or knowingly causes physical contact with

- another when the person knows or should reasonably believe that the other will regard the contact as offensive or provocative.”
- Assault by Threat (no citation). The District defines “assault by threat” for these purposes, as intentionally or knowingly threatening another with imminent bodily injury.
- Assault by Threat (with citation) is defined by Texas Penal Code 22.01(a) (2) as “intentionally or knowingly threatening another with imminent bodily injury.”
- Hazing
- Dating violence - The intentional use of physical, sexual, verbal or emotional abuse by a person to harm, threaten, intimidate or control another person in a dating relationship, as defined by Section 71.0021, Family Code. It is an act by an individual that is against another individual with whom that person has or has had a relationship and that is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the individual in fear of imminent physical harm, bodily injury, assault or sexual assault, but does not include defensive measures to protect oneself.
- (b) For purposes of this violation, “**relationship**” means a relationship between individuals who have or have had a continuing relationship of a romantic or intimate nature. The existence of such a relationship shall be determined based on consideration of:
 - (1) the length of the relationship;
 - (2) the nature of the relationship; and
 - (3) the frequency and type of interaction between the persons involved in the relationship.

Harassment (Board Policy F0)

- Engaging in conduct that threatens to cause harm or bodily harm to another student, is sexually intimidating, causes physical damage to the property of another student, subjects another student to physical confinement and restraint, or maliciously and substantially harms another student’s physical or emotional health or safety.
- Students shall not engage in harassment motivated by race, color, religion, national origin, gender, sexual orientation or disability and directed toward another student. A substantiated charge of harassment against a student shall result in disciplinary action.

Sexual Harassment (Board Policy FNCJ)

- Engaging in conduct that constitutes sexual harassment or sexual abuse of a student, district employee or volunteer whether the conduct is by word, gesture or any other sexual conduct, including requests for sexual favors.

Abuse of School Property (Board Policy FNCB)

- Defacing and/or damaging school property or damaging/vandalizing property owned by others (under \$200 and/or non-felony offenses).
- Theft.

Serious and/or Persistent Offenses (Board Policy F0):

- Failing to follow the directives of school personnel (except for issues regarding **truancy** and tardiness; these issues must be addressed at the school level).
- Intervening in staff attempts to discipline student.
- Theft.
- Using profanity, lewd, offensive or vulgar language or obscene gestures directed at a school employee.
- Fighting (2nd offense).
- Any school-related conduct that disrupts the educational process on or within 300 feet of school property or while attending a school-sponsored or school-related activity.
- Students may not use any type of recording device to film and/or photograph a fight(s) or group incident(s) while on school property, during school hours or at school related events.
- Possessing and/or distributing any pornographic or obscene materials.
- Falsifying passes or other school-related documents.
- Repeatedly violating dress code standards.
- Bullying is defined as engaging in written or oral expression or physical conduct that Fort Worth ISD determines:
 1. 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
 - 2 To be sufficiently severe, persistent or pervasive enough that the action or threat creates an intimidating, threatening, or abusive environment for a student.

On the request of a parent or other person authorized to act on authority of a student who is a victim of bullying, Fort Worth ISD shall transfer the victim to:

1. Another classroom at the campus to which the victim was assigned at the time the bullying occurred; or
2. A campus in the school district other than the campus to which the victim was assigned at the time the bullying occurred.

The District shall verify that a student has been a victim of bullying before transferring a student under this section. The District may also consider past student behavior when identifying a bully. School districts are not required to provide transportation to students transferred under this section.

A student enrolled in a special education program cannot be disciplined for bullying, harassment or making a hit list until an Admission, Review and Dismissal (ARD) committee convenes to review the student's conduct.

Hazardous and/or Prohibited Items (Board Policy FNCG)

Possession of hazardous items, prohibited items or any item that in the manner of its use, actual use, or intended use is capable of causing bodily injury, including but are not limited to, the following:

- Knives of any kind, less than 5 1/2 inches not otherwise prohibited by law, i.e., pen knives, Swiss army knives and/or pocket knives
- Live ammunition
- Mace/Pepper Spray
- Laser pointers of any kind
- Stink bombs
- Firecrackers
- Razors
- Box cutters
- Replicas of weapons
- BB guns
- Possessing for the second time a hazardous item in his/her vehicle if the vehicle is unoccupied while under school district jurisdiction.
- Possessing a prohibited or hazardous item on the student's person, in the student's locker, or in his or her vehicle if occupied. (This may be a TIER I or TIER II offense pending an evaluation based on the circumstances of each incident.)

Mandatory Removal from Regular Education Setting (Board Policy FNCF)

A student must be suspended pending a Central Office Conference in the Student Discipline and Placement Department and placed in a Tier I DAEP for 30 school days following a Central Office Conference held in the Student Discipline and Placement Department for possessing or using alcohol, drugs, volatile substances or simulated drugs that does not constitute a felony, on or within 300 feet of school property or while attending a school-sponsored or school-related activity. If the offense occurs in the last six (6) weeks of the school year, the placement may extend into the first semester of the next school year. The placement duration will be determined by the hearing officer.

Illegal Substances in Unoccupied Vehicles

- The first time a minuscule amount of an illegal substance is found in an unoccupied vehicle, a parent conference is warranted in addition to other campus-based consequences.
- The second time a minuscule amount of an illegal substance is found in an unoccupied vehicle will result in a Central Office Conference.
- Distributing, accepting and/or abusing over-the-counter medications.

Students who have allegedly violated the District's drug and alcohol policy for using or being under the influence of drugs, alcohol or volatile substance, on or within 300 feet of school property or while attending a school-sponsored or school-related activity may voluntarily submit to a drug test at one of the following certified collection facilities identified by Fort Worth ISD. The student must submit to the drug test within 24 hours of the alleged incident and must be accompanied by a parent or guardian. The parent/guardian will be responsible for any and all fees and must consent to the release of the drug test results to Fort Worth ISD.

Concentra Medical Center
2500 W Freeway Suite 10D
Fort Worth, Texas 76102

Harris Occupational
1512 Pennsylvania
Fort Worth, Texas 76104

Merit Program

Students' DAEP placements may be reduced by one day for every full week of enrollment (Monday-Friday), if they have had perfect attendance and no behavior referrals. This applies to all DAEPs except the JJAEP.

Second Opportunity for Success (SOS) Program

Some students may be eligible to participate in SOS in lieu of a TIER I DAEP placement; however, certain offenses will require a minimum placement of one day in a TIER I DAEP.

The SOS program engages students and parents or guardians in a series of intensive work sessions, after school hours, which address the social and behavioral issues of these students and families. Students and parents or guardians must participate fully and successfully to complete the requirements of the program.

See pages 13-15 for information regarding Central Office Conference Standards, Rules and Procedures and Student Right of Appeal.

Note: If a second Tier I violation occurs in the same school year resulting in a second Central Office Conference, the student will be placed in a Tier II DAEP.

TIER II – REMOVAL FROM REGULAR EDUCATION SETTING

Discretionary Removal from Regular Education Setting

A student **may be** suspended pending a Central Office Conference or Hearing in the Student Discipline and Placement Department and placed in a Tier II Disciplinary Alternative Education Program (DAEP) for 31 to 90 school days for any of the following offenses committed on or within 300 feet of school property or while attending a school-sponsored or school-related activity. If the offense occurs in the last six weeks of the school year, the placement may extend into the first semester of the next school year. The placement duration will be determined by the hearing officer.

Tier II violations include, but are not limited to, the following:

Abuse of School Property (Board Policy FNCFB)

- Graffiti, defacing, vandalizing or damaging school property (more than \$200, but less than \$1,500).
- Theft of school property (more than \$200, but less than \$1,500).

Weapons (Board Policy FNCG)

- Using or possessing a pellet gun, air-powered rifle, toy gun or any other instrument that may be perceived by a third party as a firearm.
- Possessing or using martial arts objects, unless the conduct amounts to an assault resulting in bodily injury.
- Possessing a weapon on the student's person or in his/her vehicle, occupied or unoccupied while under school district jurisdiction, if such conduct is not punishable as a juvenile or criminal offense.†
- Acting in a manner intended to cause alarm or personal injury to another person, or to damage school property, by intentionally exhibiting, using or threatening to exhibit or use a firearm:
 1. In or on any property, including a parking lot, parking garage or other parking area, that is owned by a private or public school; or
 2. On a school bus being used to transport children to or from school-sponsored activities of a private or public school.

† Should juvenile or criminal authorities decide not to pursue action against the student even though the conduct may be punishable by such authorities, the school district will consider the matter as a "serious offense" under Fort Worth ISD Board Policy and the Student Code of Conduct.

Serious and/or Persistent Offenses (Board Policy F0)

Serious offenses include, but are not limited to, the following:

- Assault by contact.
- Making a false report of bombing, fire or other emergency involving a public school, which includes the following offenses:
 - Pulling a fire alarm or discharging a fire extinguisher in a building owned or operated by the District when there is no smoke, fire or danger that requires evacuation;
 - Calling 9-1-1 when no emergency exists; or
 - Terroristic threat involving a public school.
- Indecent exposure.
- Public lewdness.
- Retaliation against a school employee, regardless of where the conduct takes place
- Repeated acts of profanity, lewd, offensive or vulgar language or obscene gestures directed at a school employee.
- Making false accusations about district employees.
- Failing to comply with district policies.
- Repeated acts of bullying, harassment and making "hit lists," which include the following offenses:
 - Committing extortion, coercion or blackmail (obtaining money or another object of value from an unwilling person), or forcing an individual to act through the use of force or threat of force.
 - Making ethnic, racial or religious slurs or any other harassment based on race, color, national origin, religion or disability, against students, employees or volunteers.
 - Damaging or vandalizing property of other students.
 - Sending or posting messages, by any means that are abusive, obscene, sexually oriented, threatening, harassing, damaging to another's reputation or illegal, while on school property or while attending school-sponsored events, or that creates a disruption in the school environment.
- Committing or assisting in a robbery or theft or burglary that does not constitute a felony according to the Texas Penal Code.
- Inappropriate or indecent exposure of a student's body parts, including exposure of any portions of the body that are ordinarily covered by clothing or required to be covered by the standards of dress.
- Gambling of any kind.
- Hazing.
- Repeatedly violating other previously communicated campus or classroom standards of behavior, thereby, interfering with the delivery of instruction or by hindering the ability of other students to learn.
- Committing an assault of any kind.
- Repeated acts of possessing and/or distributing any pornographic or obscene materials.

- Possessing electronic or published materials while on school property or school-sponsored events that are designed to promote or encourage illegal behavior or could threaten school safety.
 - Persistent misbehavior while assigned to a DAEP.
 - Violating computer use, policies, rules and agreements signed by students and/or agreements signed by students' parents or guardians.
 - Engaging in criminal mischief not punishable as a felony.
- † Any student who assists, encourages, promotes or attempts to assist in the commission of a serious offense will receive the same punishment as the student who actually engages in the conduct.

A student who has knowledge that another student(s) has committed a serious offense is expected to report this information to the school. Failure to report will be subject to a lesser disciplinary consequence, either one step lower than that required for the offense of which the student had knowledge or a shorter term of discipline.

Conduct Punishable as a Felony (Board Policy FOC-LEGAL)

- A student may also be removed from class and placed in an alternative education program for 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 campus and while the student is not in attendance at a school sponsored or school-related activity if:
 - a. The superintendent or the superintendent's designee has reasonable belief that the student has engaged in conduct defined as a felony offense other than those defined in Title 5, Penal Code; and
 - b. The continued presence of the student in the regular classrooms threatens the safety of others or will be detrimental to the educational process.

Sexual Harassment (Board Policy FNCJ)

- Engaging in conduct that constitutes sexual harassment or sexual abuse of a student, district employee or volunteer whether the conduct is by word, gesture or any other sexual conduct, including request for sexual favors.

Organizations and Clubs (Board Policy FNCC)

- Soliciting another person to pledge, join or become a member of a public school fraternity, sorority, secret society or gang.
- Engaging in gang related activity, i.e., gang fights demonstrations, harassment and/or intimidation.
- Involvement in gang activity, a public school fraternity, sorority or secret society, including participating as a member or pledge or soliciting another person to become a pledge or member.

MANDATORY REMOVAL FROM REGULAR EDUCATION SETTING

A student **must be** suspended pending a Central Office Conference or Hearing in the Student Discipline and Placement Department and placed in a Tier II Disciplinary Alternative Education Program (DAEP) for 31 to 90 school days for any of the following offenses committed on or within 300 feet of school property or while attending a school-sponsored or school-related activity. If the offense occurs in the last six (6) weeks of the school year, the placement may extend into the first semester of the next school year. The placement duration will be determined by the hearing officer.

Tier II violations include, but are not limited to, the following:

School Related Felony Misconduct (Board Policy FOD-LEGAL)

- Behaving in a manner that contains the elements of public lewdness (under Section 21.07 of the Penal Code) or indecent exposure (under Section 21.08 of the Penal Code).
- Engaging in conduct punishable as a felony.
- Engaging in expellable conduct if the student is between 6 and 9 years of age.
- A student younger than six (6) may not be sent to a DAEP unless the student commits a firearm offense under TEC 37.007(e) (2). [TEC 37.006(1)]
- Engaging in conduct involving a public school that contains the elements of the offense of false alarm or report (under Section 42.06, Penal Code) or terroristic threat (under Section 22.07, Penal Code) anywhere the offense is committed.
- Engaging in conduct that contains the elements of the offense retaliation against any school employee or volunteer on or off school property.
- Engaging in conduct punishable as a felony that occurs off school property, but not at a school-sponsored or school-related event, injuring a person in a manner listed as Title 5 offense in the Texas Penal Code, and resulting in one of the following:
 1. The student receives deferred adjudication.
 2. A court or jury finds that the student has engaged in delinquent conduct.
 3. The superintendent or designee determines there is reasonable belief that the student has engaged in the conduct.
- If a student has been convicted of or placed on deferred adjudication for sexual assault or aggravated sexual assault against another student on the same campus, and the victim or victim's parents request that Fort Worth ISD transfer the offending student to another campus (following completion of the recommended DAEP placement), the offending student shall be transferred to another campus in the district. School districts are not required to provide transportation to students transferred under this section.

Alcohol/Drugs (Board Policy FNCF-LEGAL)

- Selling, giving or delivering to another person an alcoholic beverage, marijuana, a controlled substance or dangerous drug in any amount not constituting a felony.
- Possession or using any substance represented to be an illegal drug, a dangerous drug, a controlled substance or alcohol.
- Selling look-alike drugs or items attempted to be passed off as drugs and contraband.
- Selling seeds, pieces of marijuana or paraphernalia related to any prohibited substances.
- Behaving in a manner that contains the elements of the offense relating to volatile chemicals. (i.e. sniffing carburetor fluid, aerosols, glue, paint thinner, etc.)

Assault (Board Policy FNCH)

- Assault by contact (no citation). The District defines “assault by contact” as deliberate, purposely or recklessly making physical contact with another; with the knowledge, that such contact would be perceived as unpleasant or provoking.
- Assault with bodily injury is defined by Texas Penal Code 22.01 (a) (1). A person commits an assault if the person intentionally, knowingly, or recklessly causes bodily injury to another.
- Assaulting or threatening to strike a school employee or volunteer.
- Engaging in retaliation without reference to the Penal Code, including but not limited to, the reporting of allegations of misconduct against a school employee, volunteer or student that is known to be false at the time the report is made or a report of alleged misconduct made without regard for the truth of the report.
- Using the Internet to threaten students and employees or to cause disruption to the educational program while on school property or while attending school-sponsored events.
- Making a verbal or written statement to kill, shoot, bomb, burn, wield knife or use other weapons, while on school property or while attending a school-related or school-sponsored activity.
- Harassment of a public servant, i.e., causing an employee to be in contact with the blood, bodily fluids, saliva, urine or feces of any person or animal with the intent to assault, harass or alarm.
- Committing an assault with bodily injury. Assault with bodily injury is defined by Texas Penal Code 22.01 (a) (1). A person commits an assault if the person intentionally, knowingly or recklessly causes bodily injury to another.

Merit Program

Students’ DAEP placements may be reduced by one day for every full week of enrollment (Monday-Friday), if they have had perfect attendance and no behavior referrals. This applies to all DAEPs except the JJAEP.

See pages 13-14 for information regarding Central Office Conference and Procedures and Student Right of Appeal.

TIER III – EXPULSION OR PLACEMENT IN ALTERNATIVE SETTING

Discretionary Expulsion

A student **may be** suspended pending a Central Office Hearing in the Student Discipline and Placement Department and expelled to the Juvenile Justice Alternative Education Program (JJAEP) or Disciplinary Alternative Education Program (DAEP) for up to one calendar year for any of the following offenses committed on school property or within 300 feet of school property or while attending a school-sponsored or school-related activity on or off school property. If the offense occurs in the last six weeks of the school year, the placement may extend into the first semester of the next school year. The placement duration will be determined by the hearing officer.

Tier III violations include but are not limited to, the following:

Serious and/or Persistent (Board Policy F0)

Engaging in serious and/or persistent misbehavior while in a DAEP continuing to violate the District’s Student Code of Conduct. The District defines “persistent” to be two or more violations of the Student Code of Conduct in general or repeated occurrences of the same violation.

Serious and/or persistent misbehavior offenses while in a DAEP include but are not limited to, the following:

1. Vandalism.
2. Felony offenses.
3. Robbery or theft.
4. Extortion, coercion or blackmail.
5. Aggressive, disruptive action or group demonstration that substantially disrupts or materially interferes with school activities.
6. Failing to follow the directives of school personnel.
7. Hazing.
8. Fighting, committing physical abuse or threatening physical abuse.
9. Possession or distribution of obscene or pornographic materials.
10. Sexual harassment of a student or district employee.

11. Possession of or conspiracy to possess any explosive or explosive device.
12. Falsifying records and official documents.
13. Refusing to accept discipline management proposed by the teacher or administrator.
14. Engaging in conduct that contains the elements of assault under Penal Code Section 22.01 (a) (1) against a school employee or a volunteer.
15. Engaging in criminal mischief, if punishable as a felony.

Any student who assists, encourages, promotes or attempts to assist in the commission of a serious offense will receive the same punishment as the student who actually engages in the conduct.

A student who has knowledge that another student(s) has committed a serious offense is expected to report this information to the school. Failure to report will be subject to a lesser disciplinary consequence, either one step lower than that required for the offense of which the student had knowledge or a short term of discipline.

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

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

If a student has been convicted of or placed on deferred adjudication for sexual assault or aggravated sexual assault against another student on the same campus, and the victim or victim's parents request that Fort Worth ISD transfer the offending student to another campus (following completion of the recommended DAEP or JJAEP placement), the offending student shall be transferred to another campus in the district. School districts are not required to provide transportation to students transferred under this section.

Schools are authorized to expel and place in a DAEP or JJAEP, any student who is charged with or arrested for a felony under Title 5 of the Penal Code, as well as those who receive deferred prosecution or found guilty of such conduct. There must be a finding that the student's presence in the regular classroom would threaten the safety of others, be detrimental to the educational process or not be in the best interests of the students. Such students must be placed in a JJAEP, and otherwise the DAEP. This action can be taken regardless of when or where the conduct occurred, whether or not the student has completed any court disposition requirements. The length of placement is until the student graduates from high school, the charges are dropped or reduced to a misdemeanor, or the student completes the term set by the District.

MANDATORY EXPULSION TO JUVENILE JUSTICE ALTERNATIVE EDUCATION PROGRAM

A student must be suspended pending a Central Office Hearing in the Student Discipline and Placement Department and expelled to the JJAEP for any of the following felony offenses committed on school property or within 300 feet of school property or while attending a school-sponsored or school-related activity on or off school property. If the offense occurs in the last six weeks of the school year, the placement may extend/begin into the first semester of the next school year. The placement duration will be determined by the hearing officer.

Tier III violations include, but are not limited to, the following:

Felony Assaults (Board Policy FNCH/FOD-LEGAL)

Behavior containing the elements of the following 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.
- Retaliation against a school employee or volunteer combined with one of the above-listed offenses on or off school property or at a school-related activity, committed on or off school property or at school-related event.
- Aggravated robbery.
- Manslaughter.
- Criminally negligent homicide.

Districts are authorized to impose disciplinary consequences for up to 45 school days if a special education student inflicts "serious bodily injury" on someone at school or at a school-related or school-sponsored event, even if the behavior is a manifestation of their disability.

Drug/Alcohol Felony Offenses (Board Policy FNCF/FOD-LEGAL)

Behavior punishable as a felony that involves the following:

- Selling, giving or delivering marijuana, a controlled substance, alcohol or a dangerous drug to another person.
- Possessing, using or being under the influence of marijuana, a controlled substance, a dangerous drug or alcohol.
- Committing a serious act or offense while under the influence of alcohol.

Weapons/Felony Arrest (Board Policy FNCG/FOD-LEGAL)

- Bringing to school a firearm, as defined by federal law. A firearm under federal law includes:
 - Any weapon (including a starter gun) which is designed to or which may readily be converted to expel a projectile by the action of an explosive.
 - The frame, receiver or muffler of any such weapon.
- Any destructive devices, such as explosives, incendiaries, poison gas, bombs or grenades.
- Possessing of or conspiring to possess any explosive or explosive device.
- Use, exhibition or possession of the following, as defined by the Texas Penal Code:
 - An illegal knife, such as knife with a blade over 5 1/2 inches; any hand instrument, designed to cut or stab another by being thrown; a dagger including but not limited to a dirk, stiletto and poniard; bowie knife; sword; or spear.
 - A club.
 - A prohibited weapon, such as an explosive weapon; a machine gun; a short-barrel firearm; a firearm silencer; a switchblade knife, knuckles, or armor-piercing ammunition; a chemical dispensing device; or a zip gun.

See pages 13-15 for information regarding Central Office Conference and Procedures and Student Right of Appeal.

EXPULSION AND PLACEMENT OF CERTAIN STUDENTS IN ALTERNATIVE SETTINGS

When the school receives notice that a student is required to register as a sex offender, the school “shall remove the student from the regular classroom and determine the appropriate placement.” Sex offenders who are under any form of court supervision must be placed in a Juvenile Justice Alternative Education Program (JJAEP) or Disciplinary Alternative Education Program (DAEP) for at least one semester.

Sex offenders who are not under any form of court supervision may be placed in the JJAEP or DAEP for one semester. The District may place the student in the regular classroom unless the Board of Trustees determines that the student's presence in the regular classroom threatens the safety of others, is detrimental to the educational process or is not in the best interest of the students.

At the end of one semester placement, the Board must convene a committee to review the placement. The committee will be comprised of 1) a teacher from the regular campus; 2) the parole or probation officer, or a representative of juvenile probation; 3) an instructor from the alternative program to which the student was assigned; 4) a designee selected by the Board; 5) a counselor employed by the school. By majority vote, the committee recommends further placement to the board.

The Board must follow the committee's recommendation unless it makes findings to the contrary. If the committee recommends regular classroom placement, the Board must follow that recommendation unless it determines it would threaten the safety, be detrimental or otherwise not in the best interests of students. Likewise, if the committee recommends continued alternative placement, the Board must follow that unless it concludes that the regular classroom placement would not be threatening, detrimental or not in the best interests of students. If the student remains in the alternative setting, a committee must conduct another review and make another recommendation before each school year, as long as the student is in the alternative setting.

In the case of a special education student, this review must be done by the Admission, Review and Dismissal Committee (ARDC) rather than the five-member committee outlined above, but the ARDC may request the Board to convene a committee to assist them. The placement decision about a special education student must be done in compliance with the Individuals with Disabilities Education Act (IDEA).

Sex offenders who are required to register and are under court supervision and who transfer to another school district during the one-semester mandatory placement may be extended for an additional semester without the necessity of a committee review. The new district may count the time spent towards the mandatory placement requirement. Otherwise, the placement of transfer students is subject to the committee review process.

The alternative placement must be the DAEP unless the Memorandum of Understanding (MOU) for the JJAEP calls for placement of such students in the JJAEP, or the court orders JJAEP placement. JJAEPs are entitled to funding for a student placed pursuant to these provisions to the same extent as for students who are expelled for discretionary expellable offenses.

The student or the student's parents may appeal the Board's decision by requesting a conference with the Board, but the conference “is limited to the factual question of whether the student is required to register as a sex offender under Chapter 62, Code of Criminal Procedure.” The Board's decision is final and not appealable.

Upon receipt of a “15.27” notice from law enforcement, if the superintendent determines that the employee needs the information for educational purposes or for the protection of the person informed or others; the superintendent may send to a school district employee having direct supervisory responsibilities over the student the information contained in the confidential notice. This notice will not indicate whether or not a student is required to register as a sex offender.

Upon conviction, deferred prosecution, deferred adjudication or adjudication of delinquent conduct, the superintendent is to be informed within 24 hours and the notice is to include "whether the student is required to register as a sex offender." The superintendent is required to pass this along within 24 hours to "all instructional and support personnel who have regular contact with the student."

Similar notice must be given by law enforcement officials to school officials within 24 hours of when they learn of the student's transfer or re-enrollment in a new district or school.

STUDENT/PARENT INFORMATION

Nothing in this policy shall be construed to require proof beyond a reasonable doubt at the conference, or hearing or hearing panel level. The actions contemplated herein are not penal in nature and are merely administrative determinations.

CENTRAL OFFICE CONFERENCE AND PROCEDURES

Central Office Conference -- The Board delegates to the Student Discipline and Placement Department and its administrators the authority to remove a student to a Disciplinary Alternative Education Program (DAEP). The Central Office Conferences or hearings shall be held "de novo," and the central hearing officer shall not be bound by the findings or conclusions of any prior hearings, procedure or decision.

Central Office Conference and Procedures – The central hearing officer shall conduct an informal conference for a student who is being placed in a Tier I or II DAEP. When possible, this conference shall be held within three days of the time of the offense. During the informal conference, the following procedures may be followed:

1. Advise the student of the conduct or offense with which he/she is charged.
2. Permit the student the opportunity to explain his/her version of the incident.
3. Permit the student to have adult or legal representation. The District may be represented by an employee or legal counsel.
4. Written statements from witnesses or parties may be introduced.
5. No formal rules of evidence will be observed. Each party in turn, beginning with the District, shall be permitted to develop or defend the charge, present evidence and request appropriate action of the central hearing officer.
6. The central hearing officer shall be and remain impartial and assist the parties in developing all the facts and evidence in order to present a full account of the incident. The central hearing officer's decision will be based upon a consideration of the credible evidence offered and the discipline philosophy of the District. If appropriate, not later than the second business day after the conference, the Board's designee will deliver to the Juvenile Court a copy of the order placing a student in a DAEP and information required by Section 52.04 of the Family Code.

Central Office Hearing Rules and Procedures for Expulsions to DAEP or JJAEP– The central hearing officer shall conduct a hearing for a student who is being recommended for placement in a Tier III DAEP/JJAEP. When possible this hearing shall be held within three days of the time of the offense. During the hearing, the following procedures shall be followed:

1. Advise the student of the conduct or offense with which he/she is charged.
2. Permit the student the opportunity to explain his/her version of the incident.
3. Permit the student to have adult or legal representation. The District may be represented by an employee or legal counsel.
4. Written statements from witnesses or parties may be introduced.
5. No formal rules of evidence will be observed. Each party in turn, beginning with the District, shall be permitted to develop or defend the charge, present evidence, and request appropriate action of the central hearing officer.
6. The central hearing officer shall be and remain impartial and assist the parties in developing all the facts and evidence in order to present a full account of the incident. The central hearing officer shall render a decision based upon a consideration of the preponderance of the credible evidence offered. If appropriate, not later than the second business day after the conference, the Board's designee will deliver to the juvenile court a copy of the order placing a student in a DAEP and information required by Section 52.04 of the Family Code.

Record – All proceedings shall be electronically recorded or a stenographic record made to preserve a verbatim transcript of the hearing for appeal purposes.

Student Withdrawal Prior to Discipline – Withdrawing a student from school does not affect the District's authority to schedule and conduct a conference or hearing on the conduct and enter an order for removal to a DAEP or JJAEP, regardless whether the student or parent is present to participate. The order for removal will be included with records sent to transferring school district.

Special Note Regarding Placement Extensions – A student placed in a DAEP may be subject to a placement extension for any of the following reasons:

- Failure to register and attend the DAEP immediately following placement notification,
- Absences during placement at the DAEP, or
- The scheduled returned date would fall during testing times creating a disruption to the educational process

TIER I AND TIER III – STUDENT RIGHT OF APPEAL

Removal to a Disciplinary Alternative Education Program (DAEP)

A student or a student's parent(s) or guardian(s) may appeal in writing a Tier I Disciplinary Alternative Education Placement (DAEP), Tier III DAEP and Juvenile Justice Education Program (JJAEP) placement to the superintendent or designee, both of which have been designated by the Board. This written appeal must be delivered to the Office of Legal Services within five working days after receiving notification of the alternative education placement. Parent(s) and/or guardian(s) may also submit any information they believe is relevant to the appeal.

The superintendent or designee may also investigate and request additional information that was not presented at the original conference or hearing. If after review, the superintendent or designee determines that the reasons given in support of the DAEP are sound and substantiated, he or she shall issue a written notice informing the parent(s) and/or guardian(s) of his or her decision to sustain the placement within three working days of the conclusion of the review. The superintendent or designee may also take any action he or she deems appropriate to modify or overturn the placement and will notify the parent(s) and/or guardian(s) promptly of his or her decision in this regard. If at the conclusion of the investigation, additional information is brought forth that might increase the consequence, the superintendent or designee will review (within three days) the new information with parent(s) and/or guardian(s). Following this review, the superintendent or designee will issue a final ruling.

Noncustodial parent(s) and/or guardian(s) may request in writing a copy of any written notification relating to a student's placement in a DAEP or expulsion from school that is generally provided by the District to a student's parents.

TIER II – STUDENT RIGHT OF APPEAL

Removal to a Disciplinary Alternative Education Program (DAEP)

A student or a student's parent(s) and/or guardian(s) may appeal, in writing a Tier II DAEP to a Hearing Panel or designee appointed by the superintendent. This written appeal must be delivered to the Office of Legal Services within five working days after receiving notification of the alternative education placement. Parent(s) and/or guardian(s) may also submit any information they believe is relevant to the appeal.

Open-Closed Hearings – The student charged with a violation of Board policy or the *Student Code of Conduct* may choose for the proceeding before the Hearing Panel or designee to be open or closed. Closed proceedings shall be attended only by the parties, representatives, parent(s) or guardian(s) of a student, proceeding personnel and a stenographer, if required.

Record – All proceedings shall be electronically recorded or a stenographic record made to preserve a verbatim transcript of the hearing for appeal purposes.

Superintendent's Hearing Panel Procedures

The superintendent delegates all fact-finding authority to a Hearing Panel or designee. This panel is appointed by the superintendent for hearing an appeal of a placement in a DAEP for Tier II only, and to establish a written record for review. The superintendent's Hearing Panel or designee shall conduct an informal proceeding no later than eight business days after receipt of the written request for an appeal. At this informal proceeding, the following procedures shall be followed:

1. The parent(s) and/or guardian(s) of the student shall be notified and requested to attend and participate in the proceeding.
2. The student shall be permitted the opportunity to explain his or her version of the incident.
3. The student shall be permitted to have adult or legal representation. An employee or legal counsel may also represent the District.
4. Written statements from witnesses and parties may be introduced as evidence.
5. No formal rules of evidence will be observed. Each party in turn, beginning with the student or parent(s) and/or guardian(s), shall be permitted to develop or rebut the evidence, present witnesses and evidence, and recommend appropriate action to the Hearing Panel or designee.
6. The Hearing Panel or designee shall remain impartial and assist the parties in developing all of the facts and evidence in order to present a full account of the incident and shall render a decision in the matter.
7. The Hearing Panel or designee shall render a decision that determines whether the student violated the *Student Code of Conduct* and the appropriate duration of placement in a DAEP.
8. The decision of the panel or designee may be announced to the participants, but written notice of the decision shall be rendered to all parties within five working days following the proceeding.

Final Appeal

A student, or a student's parent(s) and/or guardian(s), is entitled to a review of the record of the proceedings before the Hearing Panel by the superintendent or designee. The superintendent or designee may investigate and request additional information that was not presented at the original conference or hearing or the proceeding before the Hearing Panel. Parent(s) and/or guardian(s) may also submit information they believe is relevant to the appeal.

Following this review, the superintendent or designee will issue a final ruling. If after review, the superintendent or designee determines that the reasons given in support of the DAEP placement are sound and substantiated, he or she shall issue a written notice informing the parent(s) and/or guardian(s) of his/her decision to sustain the placement within three working days of the conclusion of the review. The

superintendent or designee may also take any action he/she deems appropriate to modify or overturn the placement and will notify the parent(s) and/or guardian(s) promptly of his/her decision in this regard. If at the conclusion of the investigation, additional information is brought forth that might increase the consequences, the superintendent or designee will review (within three days) the new information with parent(s) and/or guardian(s).

Noncustodial parent(s) and/or guardian(s) may request in writing a copy of any written notification relating to a student's placement in a DAEP or expulsion from school that is generally provided by the District to a student's parents.

CREDIT

No district academic credit will be earned for work missed during the period of expulsion unless the student is enrolled in a Juvenile Justice Education Program (JJAEP) or other district-approved program. The District defers a Disciplinary Alternative Education Placement (DAEP) assignment to the Student Discipline and Placement Department for any student expelled from another district during the period of the expulsion order.

Parent(s) and/or Guardian(s) Responsibility for Students assigned to a DAEP or the JJAEP

If, as a result of a Central Office Conference or Hearing, a student is assigned a DAEP or to the JJAEP it is the responsibility of the parent(s) and/or guardian(s) to register the student at the placement location within three days. Failure to do so may result in court action through the School Truancy Court.

Duration of Placement for Students assigned to a DAEP or the JJAEP

The duration of placement for a DAEP and/or the JJAEP will be determined by the Student Discipline and Placement Department with approval by the director or the director's designee. Expelled or suspended students are prohibited from being on school grounds or attending school-sponsored or school-related activities during the period of expulsion/suspension. Students who commit offenses that require suspension/expulsion to DAEP or the JJAEP at the end of the school year will be suspended/expelled into the next school year to complete the term of suspension/expulsion. Students may not be placed in a Tier I DAEP or the Second Opportunity for Success Program more than once, per school year.

Students Under 10 Years of Age

When a student under the age of 10 engages in behavior that is an expellable behavior, the student will not be expelled but will be placed in a Disciplinary Alternative Education Program (DAEP). The District must provide educational services in the DAEP if the student is younger than 10 years of age. Students under age 6 will not be removed from class or placed in a DAEP. Pending the outcome of the hearing, unless the student is removed under the Emergency Placement or Expulsion provisions, the student may be suspended for up to three days, placed in in-house suspension or provided an alternative arrangement.

Transportation

Transportation will be provided for:

1. Students placed in a DAEP with disabilities who have transportation designated as a related service in the student's Individualized Education Program;
2. Elementary students; and
3. Students assigned to Tier 1 sites, Horizons and Middle Level Learning Center. In the event that a student requests or is expelled to a DAEP that is not in the student's attendance zone, transportation will not be provided.

Placement in JJAEP

The Board of Education has entered into an agreement with the Tarrant County Juvenile Board outlining the Juvenile Board's responsibilities concerning the establishment and operation of the JJAEP and conditions on payments from the District to the Juvenile Board. Details of this relationship are defined in agreements available for public inspection upon request to the superintendent.

Students Entering and Exiting the District While On a DAEP/JJAEP Placement

When a student violates the District's Student Code of Conduct in a way that requires or permits the student to be placed in a DAEP/JJAEP and the student withdraws from the District before a DAEP/JJAEP placement order is completed, the District may complete the proceedings and issue a DAEP/JJAEP placement order. If the student then re-enrolls in the District during the same or a subsequent year, the District may enforce the order at that time, less any period of the placement that has been served by the student during enrollment in another district. If the principal, or other appropriate administrator, or the Board fails to issue a DAEP/JJAEP placement order after the student withdraws, the next district in which the student enrolls may complete the proceedings and issue a DAEP/JJAEP placement order.

The District will decide on a case-by-case basis the placement of a student who enrolls in the District and was assigned to a DAEP/JJAEP in another district, including a district in another state (if the behavior committed is a reason for a DAEP/JJAEP placement in the receiving district), or an open-enrollment charter school. The District may place the student in the District's DAEP/JJAEP or a regular classroom setting. If a student expelled in another state enrolls in the District, the District may continue the expulsion under the terms of the expulsion order, may place the student in a DAEP/JJAEP for the period specified in the order, or may allow the student to attend regular classes if:

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

2. The offense resulting in the expulsion is also an expellable offense in the District in which the student is enrolling.

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

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

ELECTRONIC MEDIA

The superintendent or designee shall design, implement, monitor and evaluate electronic media resources for instructional and administrative purposes.

Availability of Access

Availability to the District's electronic communications system(s), including the Internet shall be available to students, employees and volunteers expressly for instructional and administrative purposes and in accordance with policy regulations.

Access to the District's electronic communications system(s) is a privilege, not a guaranteed right. All users shall be required to acknowledge receipt and understanding of all policy and administrative regulations governing use of the system(s) and shall agree in writing to comply with such policies and administrative regulations. Policies and administrative regulations are available online at www.fwisd.org, located in the school library or contact the Communications Department at 817.871.2455 for a copy. Noncompliance will result in disciplinary action consistent with District policies and regulations. Violations of law may result in criminal prosecutions as well as disciplinary action by the Fort Worth ISD.

Acceptable Use

The superintendent or designee shall develop and implement regulations, policies, and use agreements, consistent with the instructional and administrative purposes of the District and the law and policy governing copyright.

Monitored Use

Electronic mail transmissions and other use of the electronic communication system(s) by students, employees or volunteers shall NOT be considered confidential and may be monitored at any time by designated staff to ensure appropriate use for educational and administrative purposes.

Disclaimer of Liability

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

Training

Training for employees and students in the proper use of the system(s) is available. Users will be provided copies of the District's acceptable use guidelines. The District will emphasize ethical use of the system(s) resources.

Copyright

Copyrighted software or data may not be placed on any system connected to the Fort Worth ISD's system(s) without permission from the holder of the copyright.

System Access

Access to the District's electronic communication system(s) will be governed with the approval of the campus principal or designated supervisor; users will be granted access to the District's system(s).

EMERGENCY REMOVAL

In an emergency, the principal or the principal's designee may order the immediate expulsion of a student when people or property is in imminent danger of harm. When an emergency removal occurs, the student will be given oral notice of the reason for the action. Within a reasonable amount of time after the emergency removal, the student will be given appropriate due process required for a student facing expulsion. If emergency removal involves a student with disabilities who receives special education services, the term of the student's emergency removal is subject to the requirements of federal law.

Students Referred to Juvenile Court

The juvenile court will notify the Student Discipline and Placement Department if:

1. Prosecution of the student's case was refused for lack of prosecutorial merit or insufficient evidence and no formal proceedings, deferred adjudication or deferred prosecution will be initiated; or
2. The court or jury found the student not guilty or made a finding that the child did not engage in delinquent conduct or conduct indicating a need for supervision resulting in the case being dismissed with prejudice. The superintendent or designee will review the student's placement in the Disciplinary Alternative Education Program (DAEP). The student may not be returned to the regular classroom pending the review. The superintendent or designee will schedule a review of the student's placement with the student and the student's parent(s) and/or guardian(s) no later than the third day after the superintendent or designee receives a notice from the juvenile court. After reviewing the notice and receiving information from the student's parent(s) and/or guardian(s), the superintendent or designee may continue the student's placement in the DAEP if there is reason to believe that the presence of the student in the regular classroom threatens the safety of other students or teachers. The student may not return to the regular classroom pending the appeal. The student or the student's parent or guardian may appeal the decision regarding continued placement in a DAEP to the Board. The appeal process does not apply to placements resulting from offenses for which the state requires mandatory DAEP placement.

EXPULSION/SUSPENSION RESTRICTIONS

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

Students, who commit offenses that require suspension/expulsion to Disciplinary Alternative Education Programs, at the end of the school year, will be suspended/expelled into the next school year to complete the term of suspension/expulsion.

EXTRA-CURRICULAR ACTIVITIES

State law prohibits students placed in a Disciplinary Alternative Education Placement (DAEP) for disciplinary reasons from attending or participating in school-sponsored or school-related extracurricular activities or non-curricular activities during the period of placement including seeking or holding honorary positions and/or membership in school-sponsored clubs and organizations. See Fort Worth ISD's Athletic Activity Handbook and Board Policy (FM-LOCAL.)

A student assigned to a DAEP for any violation of school board policy or the *Student Code of Conduct* shall also be ineligible to participate in any extracurricular activities during the DAEP placement and following the return to his/her home school or to hold any position of honor or trust, elected or appointed, at his/her home school. According to the severity of the policy or code of conduct violation, the period of ineligibility is as follows:

Tier I Violations – Any student returning to his/her home school from a Tier I DAEP shall regain eligibility for participation when he/she has attended regular classes at his/her home school for one full day.

Tier II Violations – Any student returning to his/her home school from a Tier II DAEP shall regain eligibility for participation when he/she has attended the home school, subsequent to release from DAEP, for a period of time equal to the original DAEP placement.

If an appeal of the original DAEP placement is reviewed by a Tier II Hearing Panel [see FOA (LOCAL)] and the student is returned to his/her home school after only serving a reduced number of days in a DAEP, the number of days a student is ineligible at his/her home school shall equal the number of days served in DAEP.

Tier III Violations – Any student returning to his/her home school from a Tier III DAEP shall regain eligibility for participation when he/she has attended the home school for a period of one year. Upon repetition of a Tier I, II, or III violation (including a second or subsequent DAEP placement), a student shall be declared permanently ineligible to participate in extracurricular activities or hold any position of trust or honor within his/her home school upon return to the campus. Upon request of a student or his/her parent or legal guardian and upon the recommendation of the principal, the superintendent may adjust or waive any of the above penalties/sanctions in light of the circumstances that warrant such change, in the superintendent's sole discretion.

FIREARMS

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 designee may modify the length of the expulsion on a case-by-case basis and/or the district may provide educational services to the expelled student in a Disciplinary Alternative Education Program. The Board delegates to the superintendent the authority to expel students.

GRADUATION

Students who are in a Disciplinary Alternative Education Placement at the end of the school year and have met all the criteria for

graduation will be allowed to participate in the graduation ceremony or in other related graduation activities only at the alternative placement site.

METAL DETECTORS

The District shall not tolerate actions that endanger the well being of students or faculty or disrupt the educational process. Accordingly, upright or hand-held metal detectors may be randomly used any time by the administration as a safeguard to students and to maintain a safe environment.

Students shall be notified at the beginning of each school year that students will be subject to search by a metal detector on a random basis. All prohibited weapons and/or illegal contraband revealed shall be confiscated and turned over to applicable law enforcement agencies, which shall determine whether or not to initiate criminal prosecution. (See Board Policy FNCF or FNCG) Contraband found to be in violation of school board policy shall be confiscated by school personnel. School administrators will determine what, if any, disciplinary action is taken.

If a student refuses to comply with a metal detector search the parent(s) and/or guardian(s) will be contacted. If the parent(s) and/or guardian(s) support their child's decision to refuse, the school liaison officer shall determine if a search is now mandatory for the safety of all. If not, the student shall be removed from the campus immediately and will be subject to appropriate disciplinary action. The second time a student refuses to comply with a metal detector search will result in immediate removal from school pending a central office conference.

NO CHILD LEFT BEHIND ACT

The *No Child Left Behind Act (NCLB)* [P.L.107-110, Section 9532] requires that each local education agency (LEA), as a condition of receiving funds under NCLB, shall establish and implement a policy requiring that a student attending a persistently dangerous public elementary school or secondary school as determined by the Texas Education Agency, or who becomes a victim of a violent criminal offense while in or on the grounds of a public elementary or secondary school that the student attends, be allowed to attend a safe public elementary or secondary school within the LEA, including a public charter school.

If a violent criminal offense occurs on campus, in such cases, the district will notify the parent of the student who is a victim of a violent criminal offense that the District has a policy allowing such students to transfer to a safe public elementary or secondary school within the District, including a public charter school.

SEARCHES

Students may be required to submit to lawful searches. Failure to comply with directives given by school personnel relating to lawful searches will result in immediate removal from school. The second time a student fails to comply with directives given by school personnel relating to lawful searches will result in immediate removal from school pending a central office conference.

Lockers and vehicles parked on school property may be searched by school officials if there is reasonable suspicion to believe they contain articles or materials prohibited by district policy. Students shall be responsible for any prohibited items found in their lockers or vehicles parked on school property.

If a vehicle subject to search is locked, the student shall be requested to unlock the vehicle. If the student refuses, the District shall contact the student's parent(s) and/or guardian(s) and withdraw parking privileges. If the parent(s) and/or guardian(s) also refuse to permit a search of the vehicle, the District may contact local law enforcement officials who will assume responsibility of the matter.

The District shall use specially trained non-aggressive dogs to sniff out and alert to the current presence of concealed prohibited items and illicit substances as defined in FNCF (LOCAL) and alcohol. Visits to the school shall be unannounced. The dogs shall be used to sniff the air in vacant classrooms, in vacant common areas, around student lockers and around vehicles parked on school property. The dogs shall not be used with students. If a dog alerts to a locker, a vehicle or an item in a classroom, the area may be searched by school officials. Searches of vehicles shall be conducted as described above.

Specifically:

1. Lockers may be sniffed by trained dogs at any time.
2. Vehicles parked on school property may be sniffed by trained dogs at any time.
3. Classrooms and other common areas may be sniffed by trained dogs at any time students are not present.
4. If contraband of any kind is found, the student shall be subject to appropriate disciplinary action. The student's parent or guardian shall be notified if any prohibited articles or materials are found in a student's locker, a student's vehicle parked on school property or on the student's person as a result of a search conducted in accordance with the policy.

Video/Audio

Video/Audio equipment shall be used for safety purposes in monitoring student behavior on buses and in common areas on district's campuses.

TELECOMMUNICATIONS DEVICES

The District prohibits students from the use of telecommunication devices, which include but are not limited to cellular phones, pagers and/or beepers, camera and/or videophones or any other telecommunication items that would be considered a distraction to the educational enterprise while on school property during the school day.

Students in Grades PreK-5

The District prohibits students in grades PreK-5 from possessing telecommunication devices while on school property or while attending school-sponsored or school-related activities on or off school property.

Students in Grades 6-12

Students in grades 6-12 may possess telecommunication devices while on school property or while attending school sponsored or school-related activities on or off school property. However, such devices shall not be visible and shall remain off during the instructional school day.

Campus administrators shall have the discretion to determine the appropriate use of cellular phones, pagers/beepers, and any other telecommunication devices for students participating in extracurricular activities while on school property or while attending school-sponsored or school-related activities on or off school property.

Confiscation, Notice and Disposal

Any student, who violates this policy for the first time, shall have the telecommunication device confiscated and retained until a parent(s) and/or guardian(s), retrieves it. The parent(s) and/or guardian(s) of the student shall be notified of the violation within two school days. On the second and subsequent violations, the telecommunication device shall be confiscated.

The parent(s) and/or guardian(s) shall be notified within two school days after the telecommunication device is confiscated. A confiscated telecommunication device shall be held by the District for a period of 30 days after notification has been made.

Parent(s) and/or guardian(s) may obtain the release of the device for a fee of \$15. After the 30-day period has expired, the District shall dispose of the telecommunication device. Students who continue to violate this policy shall be subject to established disciplinary measures.

DEFINITIONS/GLOSSARY

The District's administrators will rely on their professional judgment, the definitions from the glossary at the back of the Student Code of Conduct, Chapter 37 of the Texas Education Code, the Texas Penal Code and Board Policies in reviewing misconduct and making disciplinary decisions. The glossary list is not all-inclusive and the District reserves the right to interpret the definitions as may be needed to address unanticipated misconduct. The glossary list is intended only to provide a guideline and easy reference for parents and administrators.

ABUSE of Property is defacing and/or damaging school property or damaging/vandalizing property owned by others or the District; unauthorized taking or property that belongs to another or the District.

ARSON is the willful burning or attempt to maliciously burn a structure.

ASSAULT by Contact (no citation). The District defines "assault by contact" as deliberate, purposely or recklessly making physical contact with another; with the knowledge, that such contact would be perceived as unpleasant or provoking.

ASSAULT by Contact (with citation) is defined by *Texas Penal Code 22.01(a)(3)* as intentionally or knowingly causes physical contact with another when the person knows or should reasonably believe that the other will regard the contact as offensive or provocative.

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

ASSAULT by Threat (no citation). The District defines "assault by threat" as intentionally or knowingly threatening another with imminent bodily injury.

ASSAULT by Threat (with citation) is defined by *Texas Penal Code 22.01(a)(2)* as intentionally or knowingly threatening another with imminent bodily injury.

BEHAVIOR is the way a person acts.

BULLYING is defined as engaging in written or oral expression or physical conduct that Fort Worth ISD determines:

1. 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
2. To be sufficiently severe, persistent or pervasive enough that the action or threat creates an intimidating, threatening or abusive environment for a student.

CLASS DISRUPTION is any behavior which violates the rules of a particular classroom and interferes with the teacher's opportunity to present material or any other student's opportunity to concentrate on the material or their assignments.

COPYING means to reproduce the schoolwork of another student with intent to represent it as one's own.

DATING VIOLENCE is the intentional use of physical, sexual, verbal or emotional abuse by a person to harm, threaten, intimidate, or control another person in a dating relationship, as defined by Section 71.0021, Family Code.

DEFACING SCHOOL PROPERTY is destroying or damaging school property, including buses, whether during school hours, after school hours or during vacation time.

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

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. Delinquent conduct also includes conduct that violates certain juvenile court order, including probation orders. However, delinquent conduct does not include violations of traffic laws.

DETENTION means a student may be detained by a teacher or administrator after school hours for disciplinary action according to Board Policy FO (Local). The period of time for which a student is assigned to detention shall be used for educational purposes. For all minor students, detention shall not begin until notice has been given to the parents. The parents may be required to provide transportation when the student has been assigned detention.

DUE PROCESS applies before expulsion. Each student must be provided a "due process" conference/hearing that includes prior notice of charges and proposed sanctions, right to an adult representative or legal counsel, opportunity to testify and present evidence and opportunity to examine the evidence.

EMERGENCY REMOVAL the principal or the principal's designee may immediately place a student into a campus based Disciplinary Alternative Education Program when a student is so unruly, disruptive or abusive that the student's presence seriously interferes with a teacher's ability to communicate effectively with the students in a class, with the ability of the student's classmates to learn or with the operation of school or a school-sponsored activity.

EXPULSION is the most severe consequence of a student's misbehavior at a school, on school property or at a school-related event on or off school property. Except for discretionary Tier III alternative education placement, the student will be subject to adjudication by district court and placed in Tarrant County Juvenile Justice Alternative Education Program.

FALSE ALARM occurs when a person knowingly initiates, communicates or circulates a report of a present, past or future bombing, fire, offense or other emergency he/she knows is false or baseless or that would ordinarily cause action by an official or volunteer agency organized to deal with emergencies; place a person in fear or imminent serious bodily injury; or prevent or disrupt the occupation of a building, room, place of assembly, place to which the public has access, or aircraft, automobile or other mode of conveyance.

FORGERY/FORGING is imitating an original piece of writing with the intent to deceive.

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

HARASSMENT may be defined as:

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

HARASSMENT (Racial, Ethnic, Religious, Disability, Gender, and/or Sexual Orientation) is verbal, written, physical, psychological (both climate and contact) and any other demonstrative actions with regard to race, creed, ethnic origin, religious preference, gender, sexual orientation that is abusive and/or harassing.

HAZARDOUS ITEMS shall be defined as nuisance or dangerous items including, but not limited to: BB guns, pellet guns, replicas of firearms or weapons, fireworks, "poppers," smoke or stink bombs or any other pyrotechnic device that may be used to disrupt the educational process.

HAZING involves any knowing, intentional or reckless act, occurring on or off the campus, by one person alone or acting with others, directed against a student, that endangers the mental or physical health or safety of a student

for the purposes of pledging, initiation into, affiliation with, holding office in or maintaining membership in an organization.

HIT LIST is a list of people targeted to be harmed, using:

1. A firearm, as defined by Penal Code Section 46.01(3);
2. Knife, as defined by Penal Code Section 46.01(7); or
3. Any other object to be used with the intent to cause bodily harm.

IMMORAL CONDUCT includes lewd, lascivious or indecent acts including indecent sexual propositions, indecent exposure or obscene gestures.

INDECENT EXPOSURE occurs when a person exposes his/her genitals, and he/she is reckless about whether another person is present who will be offended or alarmed by his/her act.

INSUBORDINATION in serious acts of disobedience, defying authority of school personnel, unprovoked display of disrespect toward school personnel.

MISBEHAVIOR is behavior which is contrary to expectations stated in the *Student Code of Conduct*, behavior which prevents the teacher from carrying out the teaching process.

OFFENSE Offense is an act of misbehavior, which is stated in the *Student Code of Conduct* or may be implied from the examples in the Code.

OFFENSIVE LANGUAGE is using language which is outside the standards of acceptable language of the majority of persons in the community.

PAGING DEVICE is a telecommunications device that emits an audible signal, vibrates, displays a message or otherwise summons or delivers a communication to the possessor.

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

PERSISTENT MISBEHAVIOR is misbehavior that, on more than one occasion, violates specific, published standards of student conduct and may be the same or different types of misconduct.

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

PROHIBITED ITEMS are defined as any items that may be considered dangerous, or a distraction, to the learning environment, including, but not limited to: razors, knives of any kind less than five and one-half inches in length not otherwise prohibited by law, martial arts equipment not otherwise prohibited by law, laser pointers, chains, stun guns or ammunition of any kind.

PUBLIC LEWDNESS is defined as knowingly engaging in any act of sexual content in a public place, or if not in a public place, he/she is reckless about whether who will be offended or alarmed by his/her act.

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

SCHOOL PROPERTY is any property owned by the school district, or over which the school district or its personnel exert lawful authority, including property visited by students in connection with a school sponsored activity, such as a field trip or extracurricular activity.

SERIOUS OFFENSE defined as any misconduct, which seriously disrupts the educational process regardless of time or location.

SEVERITY is the seriousness or gravity of a situation.

SEXUAL HARASSMENT is making persistent or repeated sexual advances to another or otherwise engaging in any actions of a sexual connotation causing embarrassment, humiliation, or intimidation.

TEACHER-INITIATED REMOVAL means a teacher may remove a student from class who has been documented by the teacher as repeatedly interfering with the teacher's ability to communicate effectively with the students in the class or with the ability of the student's classmate to learn. A teacher may remove a student from class and recommend him/her for mandatory Disciplinary Alternative Education Program or expulsion if the student engages in conduct described in the Texas Education Code in sections 37.006 and/or 37.007.

TERRORISTIC THREAT shall be defined as threatening to commit any offense involving violence to any person or property with intent to 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 other public place.

TITLE 5 OFFENSES involve injury to a person and include murder; kidnapping; sexual assault; 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.

TRUANCY is staying away from school without permission of parent or guardian or in violation of State Attendance Law.

USE OF A PROHIBITED SUBSTANCE may included a student who has smoked, ingested, injected, imbibed, inhaled, drunk or otherwise taken internally, on or off campus, a prohibited substance recently enough that it is detectable by the student's appearance, actions, breath or speech.

UNDER THE INFLUENCE means a student's faculties are noticeably impaired by alcohol and/or drugs, but the student need not be legally intoxicated. Impairment of a person's physical and/or mental faculties may be evidenced by a pattern of abnormal or erratic behavior and/or the presence of physical symptoms of drug or alcohol use.

VANDALISM is willful action which results in destruction, damage, or defacement of property belonging to or rented by the District..

VIOLATIONS occur when a student fails to keep or observe the correct forms of behavior as stated in the Student Code of Conduct.

WEAPONS are prohibited on campus or at a school-sponsored activity, including, but not limited to: firearms, illegal knives, explosives (including fireworks), knuckles, nightsticks, chains, clubs, razors, look-alike guns, laser pointers or any other object used to threaten or inflict bodily injury on another person. The possession, manner of its use, actual use, intended use or threatened use, etc. of articles capable of causing bodily injury not generally considered to be weapons (including any action or remark that indicates a concealed weapon is or may be in the student's possession) may be prohibited when the principal or designee determines that a danger exists or is threatened to exist for any person or school property by virtue of possession, use or threatened use.

PARENT/STUDENT ACKNOWLEDGEMENT FORM

PLEASE READ THE FOREGOING INFORMATION CAREFULLY,
SIGN THE FOLLOWING FORM, ASK YOUR SON OR DAUGHTER TO SIGN IT, AND RETURN IT TO THE PRINCIPAL'S OFFICE.

I and my son/daughter have received, read and acknowledge the Fort Worth Independent School District's *Student Code of Conduct*. I have discussed with my son/daughter that he/she will be subject to school discipline, as appropriate, and to prosecution if found to have committed a criminal act. Failure to sign and return this statement does not reduce the parent's and/or student's responsibility to abide by the *Student Code of Conduct*, nor the District's authority in the administration of these policies.

ACUSO DE RECIBO PARA EL ESTUDIANTE/PADRES

FAVOR DE LEER CUIDADOSAMENTE LA INFORMACIÓN QUE SIGUE,
DE FIRMA EL FORMULARIO, DE PEDIRLE A SU HIJO/HIJA QUE LO FIRME Y DE DEVOLVERLO A LA OFICINA DEL DIRECTOR DE LA ESCUELA

Yo y mi hijo/hija hemos recibido, leído y entendido el *Código de conducta estudiantil* del Distrito escolar independiente de Fort Worth. He conversado con mi hijo/hija sobre el hecho de que él/élla será disciplinado/a tal como sea apropiado y será procesado/a si se le prueba que ha cometido un acto criminal. El incumplimiento de firmar y devolver esta acusación de recibo no reduce la responsabilidad de los padres y/o estudiante de comportarse de acuerdo con el *Código de conducta estudiantil* ni le quita al distrito la autoridad de administrar estas regulaciones.

Student's Name/Nombre del estudiante

Student's Signature/Firma del estudiante

Date/Fecha _____

Home Phone/ _____

School/Escuela _____

Homeroom Teacher/Maestro/a a cargo del estudiante

Parent or Guardian's Name/Nombre del padre o guardián

Parent or Guardian's Signature/Firma del padre o guardián

Date/Fecha _____