

# WAXAHACHIE INDEPENDENT SCHOOL DISTRICT



## 2009-10 WISD STUDENT CODE OF CONDUCT



Continuing our tradition of "Excellence in Education," the mission of the Waxahachie Independent School District is to develop through a cooperative effort with the home and community, well-educated, responsible citizens who can excel in a complex world.

411 North Gibson Street :: Waxahachie, Texas 75165  
Phone: (972) 923-4631 :: Fax: (972) 923-4759

## LETTER FROM THE SUPERINTENDENT

Dear Waxahachie Families:

As required by state law, the Waxahachie Independent School District Board of Trustees has officially adopted the Student Code of Conduct in order to promote a safe and orderly learning environment for every student.

We believe in fair and consistent discipline that encourages students to be responsible for their actions. At school, we try to create a safe environment where courtesy and kindness prevail, and where there is respect for differences in other people, customs, and cultures.

We urge you to read this publication thoroughly and to discuss it with your family. If you have any questions about the required conduct and consequences for misconduct, we encourage you to ask for an explanation from your student's campus principal or other appropriate administrator.

Please share with your child's teacher(s) any information regarding his or her special needs. Our goal is to meet the needs of every child in our district. We also believe that communication between parents, students, and teachers is critical in assuring student success.

If you ever have any questions, feel free to stop by the WISD Administration Building at 411 North Gibson Street or call me at (972) 923-4631.

Thank you for your support!

Sincerely,

Thomas J. Collins  
Superintendent

## **ACKNOWLEDGEMENT**

The Waxahachie Independent School District takes great pride and responsibility in maintaining safety and security on all campuses. An “action team” composed of professional educators, parents, and business leaders have been working together to develop strategies to address the security and safety needs of the Waxahachie Independent School District.

1. Possession of weapons, alcohol and other drugs at school, on school transportation, or at a school-related activity will not be tolerated.
2. All students are expected to attend school all day every day school is in session and comply with the dress code and all other rules.
3. The following pages contain the Waxahachie Independent School District’s Code of Conduct. Parents or guardians should become familiar with the discipline rules of the school district and be aware of the student’s responsibilities.
4. It is important for you to read the Code of Conduct and review and discuss its contents with your child. By being informed and working together, we can increase the educational achievements of our students. Consistent and fair discipline procedures help to ensure that learning is the priority for our district. Questions and complaints regarding any school district policies, procedures or personnel should be directed to the campus principal or other appropriate district administrative personnel.
5. Please complete the form on the following page and return it to your child’s school to indicate that you have read a copy of the Waxahachie Independent School District’s Code of Conduct and technology Appropriate Use Policy (AUP).

# ACKNOWLEDGEMENT FORM

*Please sign and date this page, remove it from the Code of Conduct, and return it to the student's school.*

Name of Student (please print): \_\_\_\_\_

Grade: \_\_\_\_\_ WISD Campus: \_\_\_\_\_

## **STUDENT CODE OF CONDUCT**

My child and I have been offered the option to receive a paper copy or to electronically access the 2009-10 WISD Student Code of Conduct at <http://www.wisd.org>.

I have chosen to (check one):

- Receive a paper copy of the Student Code of Conduct.
- Accept responsibility for accessing the Student Code of Conduct by visiting the Web address listed above.

I understand that the Code contains information that my child, and I may need during the school year and that all students will be held accountable for their behavior and will be subject to the disciplinary consequences outlined in the Code. If I have any questions regarding the Code, I should direct those questions to the campus principal or other appropriate administrator.

I have read a copy of the 2009-10 Waxahachie Independent School District's Student Code of Conduct and understand the Class I-V Discipline Offenses listed within it.

Print Name of Student: \_\_\_\_\_

Signature of Student: \_\_\_\_\_ Date: \_\_\_\_\_

Print Name of Parent/Guardian: \_\_\_\_\_

Signature of Parent/Guardian: \_\_\_\_\_ Date: \_\_\_\_\_

## **TECHNOLOGY APPROPRIATE USE POLICY (AUP)**

I understand that my computer use is not private, and that the District will monitor my activity on the computer screen. I have read the District's Technology Policy and agree to abide by its provisions. I understand that violation of these provisions may result in suspension or revocation of my system access.

My son/daughter (check one):

- May use the Internet.
- May not use the Internet.

Print Name of Student: \_\_\_\_\_

Signature of Student: \_\_\_\_\_ Date: \_\_\_\_\_

Print Name of Parent/Guardian: \_\_\_\_\_

Signature of Parent/Guardian: \_\_\_\_\_ Date: \_\_\_\_\_

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## **Student Code of Conduct**

### ***Purpose***

The Student Code of Conduct is the district's response to the requirements of Chapter 37 of the Texas Education Code.

The Code provides methods and options for managing students in the classroom and on school grounds, disciplining students, and preventing and intervening in student discipline problems.

The law requires the district to define misconduct that may—or must—result in a range of specific disciplinary consequences including removal from a regular classroom or campus, suspension, placement in a Disciplinary Alternative Education Program (DAEP), or expulsion from school.

This Student Code of Conduct has been adopted by the Waxahachie Independent School District Board of Trustees and developed with the advice of a district-level Code of Conduct review committee. This Code provides information to parents and students regarding standards of conduct, consequences of misconduct, and procedures for administering discipline.

In accordance with state law, the Code will be posted at each school campus or available for review at the office of the campus principal. A printed copy of the Code is available at the WISD Administration Building located at 411 North Gibson Street. The Code is also available on the district website at:

<http://www.wisd.org>

Parents will be notified by phone, in writing, or by mail of any conduct violation that may result in a student being suspended, placed in a DAEP, or expelled.

Because the Student Code of Conduct is adopted by the district's Board of Trustees, it has the force of policy; therefore, in case of conflict between the Code and the Student Handbook, the Code will prevail.

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

### ***General Guidelines***

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

1. Discipline shall be administered when necessary to protect students, school employees, or property and maintain essential order and discipline.
2. Students shall be treated fairly and equitably. Discipline shall be based on a careful assessment of the circumstances of each case. Factors to consider shall include:
  - The seriousness of the offense;
  - The student's age, maturity, attitude, and intent;
  - The frequency of misconduct;
  - Documented evidence of self defense;
  - The potential effect of the misconduct on the school environment;
  - Requirements of Chapter 37 of the Education Code; and
  - The Student Code of Conduct adopted by the WISD Board.

## **School District Authority and Jurisdiction**

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

The district has disciplinary authority over a student:

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

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

The district has the right to search a student's person, backpack or book bag, binder, purse, personal cell phone or other electronic device, or locker when there is reasonable cause to believe it contains articles or materials prohibited by the district. Also, district administrators and security officers conduct routine campus inspections and searches which may include the use of specially trained dogs.

### ***Reporting Crimes***

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

WISD also promotes and supports the Crime Stoppers hotline and services for the community.

### ***Revoking Transfers***

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

## **Standards of Student Conduct**

While at school or a school-sponsored event/activity, all WISD students are expected to:

- Demonstrate courtesy and respect, even when others do not.
- Behave in a responsible manner, always exercising self-discipline.
- Attend all classes, regularly and on time.
- Prepare for each class; take appropriate materials and assignments to class.
- Meet district and campus standards of grooming and dress.
- Obey all campus and classroom rules.
- Respect the rights and privileges of students, teachers, and other district staff and volunteers.
- Respect the property of others, including district property and facilities.
- Cooperate with and assist the school staff in maintaining safety, order, and discipline.
- Report to school officials and/or proper authorities threats to safety and security.
- Seek changes in school policies and regulations in an orderly and responsible manner.
- Adhere to the requirements of the Student Code of Conduct.

## **Attendance — Warning Notice**

As required by *Texas Education Code 25.095*, Waxahachie ISD is providing written notice to parents/guardians of the following requirement related to compulsory attendance:

If a student, who is required to attend school under Section 25.085, is absent from school three (3) days or parts of days in a four-week period or is absent for ten (10) or more days or parts of days in a six-month period in the same school year:

- (1) The student's parent or legal guardian is subject to prosecution under Section 25.093; and
- (2) The student is subject to prosecution under Section 25.094.

The parent's/legal guardian's responsibility under compulsory attendance no longer applies once a student reaches the age of 18; the student has sole responsibility from that point forward.

## **Discipline Management Techniques**

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

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

### ***Students with Disabilities***

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

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

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

### ***Techniques***

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

- Fine assessed
- Verbal correction, oral or written
- Cooling-off time or “time-out” in a separate setting from other students that is not locked and from which the student is not physically prevented from leaving
- Seating changes within the classroom
- Temporary confiscation of items that disrupt the educational process
- Phone call home
- Letter or e-mail home
- Home visits
- Rewards or demerits
- Behavioral contracts
- Counseling by teachers, counselors, or administrative personnel
- Parent-teacher conferences or parent-administrator conferences
- Grade penalties for cheating, plagiarism, and as otherwise permitted by policy
- Before or after school, lunch, extended, or Saturday detention
- Sending the student to the office or other assigned area, or to in-school suspension
- Assignment of school duties such as cleaning or picking up litter

- Withdrawal of privileges, such as participation in extracurricular activities, eligibility for seeking and holding honorary offices, or membership in school-sponsored clubs and organizations
- Penalties identified in individual student organizations' extracurricular standards of behavior
- Withdrawal or restriction of bus privileges
- School-assessed and school-administered probation
- Corporal punishment
- Out-of-school or overnight suspension, as specified in the Suspension section of this Code
- Placement in a DAEP, as specified in the DAEP section of this Code
- Placement and/or expulsion in an alternative educational setting, as specified in the Placement and/or Expulsion for Certain Serious Offenses section of this Code
- Expulsion, as specified in the Expulsion section of this Code
- Referral to an outside agency or legal authority for criminal prosecution in addition to disciplinary measures imposed by the district
- Other strategies and consequences as determined by school officials

The following disciplinary measures may be used, alone or in combination with each other or any of the previously listed techniques, for serious misbehavior that violates the Student Code of Conduct or campus or classroom rules:

- Grade penalties for cheating, plagiarism, and as otherwise permitted by policy
- Corporal punishment
- Before or after school, lunch, extended, or Saturday detention
- In-school suspension
- Suspension from school, not to exceed three school days at one time
- Formal removal from class by the teacher
- Removal to a disciplinary alternative education program
- Extension of disciplinary alternative education program removal term for additional offenses while in the alternative program
- Expulsion from school
- Fine or Citation/Complaint

## **Listing of General Conduct Violations by Class**

### ***General Information***

The district may impose campus or classroom rules in addition to those found in Classes I-V lists of offenses. These rules may be posted in classrooms or given to the student and may or may not constitute violations of the Code.

### ***Discipline of Students with Disabilities***

Federal law regarding the education of students with disabilities (IDEA and Section 504) imposes specific procedures and limitations on the discipline of students with disabilities. For further information on this topic, please contact the campus principal, who will direct you to the special education staff or the Director of Special Education. Information is also available to parents of students with disabilities in the "Explanation of Rights and Procedural Safeguards of a Parent with a Child with Disabilities in School," which is provided to parents at the time of admission to special education and at every ARD meeting.

### ***Notification***

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

Parents will not necessarily be informed of every classroom infraction.

### ***Appeals***

WISD encourages students and parents to discuss their concerns and complaints through informal conferences with the appropriate teacher, principal, or other campus administrator. Concerns should be expressed as soon as possible to allow early resolution at the lowest possible administrative level.

Parental questions or complaints regarding disciplinary measures should be addressed to the teacher or campus administration, as appropriate, and in accordance with WISD Board Policy FNG(LOCAL). A copy of the policy may be obtained from the principal's office, central administration office, or through Policy On-line at the following Internet address:

<http://www.wisd.org>  
(under the "Board of Trustees" pull-down menu)

For Suspension, please refer to FOB(LEGAL).

For Removal to a DAEP, refer to FOC(LEGAL).

For Expulsion, refer to FOD(LEGAL). For information regarding the appeal process for an Expulsion, please see page 23 of this Code.

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

## **Class I**

A student shall be subject to disciplinary measures if he or she commits any of the following acts while within 300 feet of school property as measured from any point on the school's real property line, or while attending a school-sponsored or school-related activity on or off the property.

### ***Offenses***

1. Student misbehavior (not abusive, threatening, or violent)
2. Tardiness to school and class
3. Violation of the Dress Code
4. Littering
5. Running or making excessive noise in the hall, classroom, or building
6. Neglecting to bring required materials or assigned work to class
7. Eating or drinking in an undesignated area
8. Failure to follow classroom/cafeteria rules
9. Chewing gum

### ***Disciplinary Options***

- Verbal correction, oral or written
- Cooling-off time or "time-out" in a separate setting from other students that is not locked and from which the student is not physically prevented from leaving
- Seating changes within the classroom
- Phone calls or e-mail home
- Home visits
- Rewards or demerits
- Behavioral contracts
- Counseling by teachers, counselors, or administrative personnel
- Parent-teacher conferences
- Before or after school, lunch, extended, or Saturday detention
- Sending the student to the office or other assigned area, or to in-school suspension
- Assignment of school duties such as cleaning or picking up litter
- Withdrawal of privileges, such as participation in extracurricular activities, eligibility for seeking and holding honorary offices, or membership in school-sponsored clubs and organizations
- Penalties identified in individual student organizations' extracurricular standards of behavior
- School-assessed and school-administered probation
- Corporal punishment
- Other strategies and consequences as determined by school officials

## **Class II**

A student shall be subject to disciplinary measures if he or she commits any of the following acts while within 300 feet of school property as measured from any point on the school's real property line, or while attending a school-sponsored or school-related activity on or off the property.

### **Offenses**

1. Repeated violation of Class I offenses
2. Repeated violations of the Dress Code
3. Repeated tardiness to school and class
4. Being disrespectful to a teacher, district employee or volunteer
5. Failing to serve detention
6. Engaging in an act of familiarity with another and/or inappropriate public display of affection
7. Being present in an area without authorization
8. Abusing the use of a hall pass
9. Telling a falsehood to an adult (not associated with an investigation)
10. Violating parking rules/procedures
11. Committing scholastic dishonesty, which includes but is not limited to, cheating on a test, plagiarism, or unauthorized collaboration with another person in preparing written or computer generated work (See glossary)
12. Possessing lighters or matches
13. Failing to wear or present campus ID upon request
14. Displaying, turning on, or using of a cellular telephone or other telecommunication device(s) on school property during the school day (TEC 37.082) when not in a designated area
  - Each offense: confiscation (including all cell phone components) and \$15 fine
    - a. Elementary Campuses: After school parent pick up
    - b. Secondary Campuses: After school student and/or parent pick up
  - WISD is not responsible for lost or stolen cellular telephones.
15. Possessing a laser pointer
16. Possessing personal electronic items (cameras, electric or video games, radios, tape recorders, cassette players, CD players, iPods, MP3 players, GameBoy, Blackberry, headphones)
  - Each offense: confiscation (including all cell phone components) and \$15 fine
    - a. Elementary Campuses: After school parent pick up
    - b. Secondary Campuses: After school student and/or parent pick up
  - WISD is not responsible for lost or stolen personal electronic items.
17. Failing to disclose possession of any over-the-counter medications or personal prescriptions to the school nurse at the beginning of the school day
18. Posting or distributing unauthorized publications
19. Committing Appropriate Use Policy (AUP) violations
20. Disobeying rules of conduct while on a school bus
21. Encouraging or promoting a fight

***Disciplinary Options***

- Temporary confiscation of items that disrupt the educational process
- Phone calls or e-mail home
- Home visits
- Rewards or demerits
- Behavioral contracts
- Counseling by teachers, counselors, or administrative personnel
- Parent-teacher conferences or parent-administrator conferences
- Grade penalties for cheating, plagiarism, and as otherwise permitted by policy
- Before or after school, lunch, extended, or Saturday detention
- Sending the student to the office or other assigned area, or to in-school suspension
- Assignment of school duties such as cleaning or picking up litter
- Withdrawal of privileges, such as participation in extracurricular activities, eligibility for seeking and holding honorary offices, or membership in school-sponsored clubs and organizations
- Penalties identified in individual student organizations' extracurricular standards of behavior
- Withdrawal or restriction of bus privileges
- School-assessed and school-administered probation
- Corporal punishment
- Out-of-school or overnight suspension, as specified in the Suspension section of this Code
- Other strategies and consequences as determined by school officials

### **Class III**

A student shall be subject to disciplinary measures if he or she commits any of the following acts while within 300 feet of school property as measured from any point on the school's real property line, or while attending a school-sponsored or school-related activity on or off the property.

#### **Offenses**

1. Repeated violation of Class II offenses
2. Disrupting the school environment or educational process
3. Interfering with school activities, including trespassing, boycotting, and group demonstrations
4. Failing to disclose information, hiding/covering up information/evidence for self or others, committing perjury, or lying as a witness
5. Intentionally or knowingly making libelous or slanderous remarks (written or verbal) about other students, district employees or volunteers
6. Committing or assisting in a theft (under \$50.00 value)
7. Forging or altering school records, parent notes, forms, or other school/home communications
8. Gambling
9. Committing extortion, coercion, or blackmail (obtaining money or another object of value from an unwilling person)
10. Committing insubordination; noncompliance with the directives of a member of the school staff
11. Violation of district or classroom safety guidelines, policies, or rules
12. Engaging in conduct that constitutes sexual harassment or sexual abuse, whether by word, gesture, or any other conduct, directed toward another person, including others students, district employees or volunteers
13. Hacking (illegal or unauthorized entry or attempted entry into computer files; including Skyward Gradebook)
14. Using profane, lewd or vulgar language; vulgar body language and/or obscene gestures; threatening language
15. Using a laser pointer
16. Possessing or using tobacco products [2<sup>nd</sup> offense, see Class IV.1]
17. Possessing, distributing, or using a nonprescription drug
18. Using ethnic, racial, or gender-related slurs (verbal or written) or inappropriate acts toward a specific racial/ethnic person/group
19. Possessing or distributing of fireworks of any kind, poppers, smoke or stink bombs, or any other pyrotechnic device
20. Engaging in bullying, hazing, harassment or stalking (non sexual), or making hit lists (See glossary for all five terms)
21. Vandalizing, defacing or damaging school property, including non-felony graffiti—including textbooks, lockers, furniture, and other equipment. (For felony criminal mischief, see Class IV and V) [Parent/guardian and/or student may be responsible for financial restitution for any and all damage.]
22. Using lighters or matches [For arson or other related infractions, see Class IV and V]
23. Possessing a chain (including chains attached to wallets)

24. Possessing, using, or distributing paraphernalia related to any prohibited substance (See glossary for “paraphernalia”)
25. Recording the voice or image of another with or without the prior consent of the individuals being recorded or in any way that disrupts the educational environment or invades the privacy of others
26. Skipping school or leaving school grounds after arrival
27. Tampering with a fire extinguisher, an automated external defibrillator (AED), or their storage cabinet
28. Engaging in behavior on school property or at school-related activities that represents affiliation with a gang. This includes, but is not limited to, wearing gang-related clothing or “colors,” committing vandalism through the use of graffiti depicting gang signs, exposing tattoos that represent gang affiliation, using or possessing (on the body, school supplies, or personal belongings) graffiti depicting gang signs

### ***Disciplinary Options***

- Temporary confiscation of items that disrupt the educational process
- Phone calls or e-mail home
- Home visits
- Behavioral contracts
- Counseling by teachers, counselors, or administrative personnel
- Parent-teacher conferences or parent-administrator conferences
- Grade reductions for cheating, plagiarism, and as otherwise permitted by policy
- Before or after school, lunch, extended, or Saturday detention
- Sending the student to the office or other assigned area, or to in-school suspension
- Assignment of school duties such as cleaning or picking up litter
- Withdrawal of privileges, such as participation in extracurricular activities, eligibility for seeking and holding honorary offices, or membership in school-sponsored clubs and organizations
- Penalties identified in individual student organizations’ extracurricular standards of behavior
- Withdrawal or restriction of bus privileges
- School-assessed and school-administered probation
- Corporal punishment
- Out-of-school or overnight suspension, as specified in the Suspension section of this Code
- Placement in a DAEP, as specified in the DAEP section of this Code
- Referral to an outside agency or legal authority for criminal prosecution in addition to disciplinary measures imposed by the district
- Other strategies and consequences as determined by school officials

## **Class IV**

A student **shall** be removed from class and placed in a disciplinary alternative education program as provided by Section 37.008 if a student commits any of the following acts while within 300 feet of school property as measured from any point on the school's real property line, or while attending a school-sponsored or school-related activity on or off the property.

### ***Disciplinary Alternative Education Program (DAEP) Placement***

1. Repeated violation of Class III offenses
2. Engaging in a fight (A citation may be issued.) [All fights will be investigated thoroughly by a campus administrator. If a fight is determined to be consensual all participants will be assigned to DAEP and a disorderly conduct citation will be issued. If a student is found to have acted in self-defense, a self defense provision will be implemented.]
3. Possessing a pocketknife, any other small knife, or any sharp object that could be used as a weapon
4. Possessing or selling look-alike drugs or items attempted to be passed off as drugs or contraband
5. Using fireworks of any kind, poppers, smoke or stink bombs, or any other pyrotechnic device
6. Possessing, distributing, or creating pornographic or sexually-oriented material
7. Possessing, distributing, or using a look-alike weapon
8. Possessing a razor or box cutter
9. Abusing a student's own prescription drug, give a prescription drug to another student, or possessing or being under the influence of another person's prescription drug on school property or at a school-related event. (See glossary for "abuse")
10. Possessing any device, not included as a removable or expellable offense by statute, that is designed to propel a projectile either by a spring-type mechanism, air, or gas; This includes, but is not limited to, items such as BB-guns, pellet guns, paintball guns, slingshots, etc.
11. Involvement in criminal street gang activity (See glossary)
12. Involvement in 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 of a public school fraternity, sorority, secret society, or gang (See glossary)
13. Criminal mischief, not punishable as a felony (See Texas Penal Code 28.03)
14. Engaging in conduct punishable as a felony, other than those listed as offenses involving injury to a person in Title 5 (see glossary) of the Texas Penal Code, that occurs off school property and not at a school-sponsored or school-related event, if the student's presence in the regular classroom threatens the safety of other students or teachers or will be detrimental to the educational process
15. Engaging in conduct (non felony offense) relating to a false alarm or report (including a bomb threat, call to 911, pulling a fire alarm, or discharging a fire extinguisher) or a terroristic threat involving a public school, other student or district employee or volunteer (See glossary)
16. Engaging in conduct punishable as a felony (non Class V offenses)
17. Committing an assault against another student or an adult under Texas Penal Code 22.01(a)(1) (See glossary)
18. Selling, giving, or delivering to another person, or possessing, using, or is under the influence of marijuana, a controlled substance, or a dangerous drug in an amount not constituting a felony offense (School-related felony drug offenses are addressed in the Expulsion section.) (See glossary for "under the influence") [approved counseling requirement]

19. Possessing or selling seeds or pieces of marijuana in less than a usable amount
20. Selling, giving, or delivering to another person an alcoholic beverage; committing a serious act or offense while under the influence of alcohol; or possessing, using, or is under the influence of alcohol, if the conduct is not punishable as a felony offense (School-related felony alcohol offenses are addressed in the Expulsion section.) [approved counseling requirement]
21. Behaving in a manner that contains the elements of an offense relating to abusable volatile chemicals under Sections 485.031 through 485.034 of the Texas Penal Code
22. Behaving in a manner that contains the elements of the offense of public lewdness or indecent exposure under Section 21.07, Penal Code, or indecent exposure under Section 21.08 of the Texas Penal Code
23. Engaging in an expellable conduct and is between six and nine years of age
24. Committing a federal firearms violation and is younger than six years of age
25. Engaging in conduct (non felony offense) that contains the elements of the offense of retaliation against any school employee or volunteer on or off school property. (Committing retaliation in combination with another expellable offense is addressed in the Expulsion section of this Code.)
26. Committing robbery under Section 29.02 of the Texas Penal Code, against another student, without regard to whether the conduct occurs on or off of school property or while attending a school-sponsored or school-related activity on or off of school property, if the conduct is not punishable as a felony offense
27. Possessing or distributing counterfeit money
28. Possessing ammunition
29. Using profane, lewd or vulgar language; vulgar body language and/or obscene gestures towards any school employee or volunteer
30. Engaging in conduct that constitutes dating violence, including the intentional use of physical, sexual, verbal, or emotional abuse to harm, threaten, intimidate, or control another person with whom the student has or has had a dating relationship
31. Registered sex offender under court supervision (permissive placement for those not under court supervision)
32. Engaging in conduct punishable as a felony listed under Title 5 (see glossary) of the Texas Penal Code when the conduct occurs off school property and not at a school-sponsored or school-related event and:
  - The student receives deferred prosecution (See glossary),
  - A court or jury finds that the student has engaged in delinquent conduct (See glossary), or
  - The superintendent or designee has a reasonable belief (See glossary) that the student engaged in the conduct.

### ***Disciplinary Options***

- Confiscation of items that disrupt the educational process
- Withdrawal of privileges, such as participation in extracurricular activities, eligibility for seeking and holding honorary offices, or membership in school-sponsored clubs and organizations
- Penalties identified in individual student organizations' extracurricular standards of behavior
- Withdrawal or restriction of bus privileges
- School-assessed and school-administered probation
- Out-of-school or overnight suspension, as specified in the Suspension section of this Code

- Placement in a DAEP, as specified in the DAEP section of this Code
- Referral to an outside agency or legal authority for criminal prosecution in addition to disciplinary measures imposed by the district
- Other strategies and consequences as determined by school officials

All Non-Title and Title V felonies will result in placement in DAEP until adjudicated. All Title V felonies may result in placement in DAEP until completion of probation. The return date for the student will be determined by the Superintendent or designee and must also be approved by the campus principal.

For all students with disabilities, an ARD will be held regarding a potential change in placement.

Proper authorities may be notified and citations may be issued for all Class IV offenses.

## **Class V**

### ***Mandatory Expulsion: Misconduct That Requires Expulsion***

#### **At School, Within 300 Feet, or at School Event or Activity**

##### ***Federal Law***

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

1. Any weapon (including a starter gun) that will, is designed to, or may readily be converted to expel a projectile by the action of an explosive
2. The frame or receiver of any such weapon
3. Any firearm muffler or firearm weapon
4. Any destructive device, such as any explosive, incendiary or poison gas bomb, or grenade

##### ***Texas Penal Code***

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

5. A firearm (any device designed, made, or adapted to expel a projectile through a barrel by using the energy generated by an explosion or burning substance or any device readily convertible to that use)
6. An illegal knife, such as a knife with a blade over 5½ inches; hand instrument, designed to cut or stab another by being thrown; dagger, including but not limited to a dirk, stiletto, and poniard; bowie knife; sword; or spear
7. A club (see glossary) such as an instrument specially designed, made, or adapted for the purpose of inflicting serious bodily injury or death by striking a person with the instrument, including a blackjack, nightstick, mace, and tomahawk
8. A prohibited weapon, such as an explosive weapon, a machine gun, a short-barrel firearm, a firearm silencer, a switchblade knife, knuckles, armor-piercing ammunition, a chemical dispensing device, or a zip gun (See glossary)

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

9. Aggravated assault, sexual assault, or aggravated sexual assault
10. Arson (See glossary)
11. Murder, capital murder, or criminal attempt to commit murder or capital murder
12. Indecency with a child
13. Aggravated kidnapping
14. Aggravated robbery
15. Manslaughter
16. Criminally negligent homicide
17. Continuous sexual abuse of a young child or children
18. Behavior punishable as a felony that involves selling, giving, or delivering to another person, or possessing, using, or being under the influence of marijuana, a controlled substance, a dangerous drug, or alcohol; or committing a serious act or offense while under the influence of alcohol [approved counseling requirement]

19. Engaging in retaliation against a school employee or volunteer combined with one of the listed Class V mandatory expulsion offenses, with the exception of a federal firearm offense, on or off school property or at a school-related activity
20. Conduct that contains the elements of assault under Texas Penal Code 22.01(a)(1) in retaliation against a district employee or volunteer
21. Criminal mischief, if punishable as a felony
22. Engaging in serious offenses or persistent misbehavior (see glossary) that violates the district's Code, while placed in a DAEP
23. Committing any offense that is a state-mandated expellable offense if the offense is committed on the property of another district in Texas or while the student is attending a school-sponsored or school-related activity of a school in another district in Texas
24. Behavior punishable as a felony that relates to a false alarm or report (including a bomb threat) or a terroristic threat involving a public school, other students, district employees or volunteers

**The following offenses are not confined to the school campus, 300 feet, or a school event or activity.**

### ***Any Location***

A student **may** be expelled for:

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

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

Engaging in conduct that contains the elements of one of the following offenses against another student, without regard to where the conduct occurs:

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

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

### ***Disciplinary Options***

- Withdrawal of privileges, such as participation in extracurricular activities, eligibility for seeking and holding honorary offices, or membership in school-sponsored clubs and organizations
- Penalties identified in individual student organizations' extracurricular standards of behavior
- Withdrawal or restriction of bus privileges
- Placement and/or expulsion in an alternative educational setting, as specified in the Placement and/or Expulsion for Certain Serious Offenses section of this Code
- Expulsion, as specified in the Expulsion section of this Code

- Referral to an outside agency or legal authority for criminal prosecution in addition to disciplinary measures imposed by the district
- Other strategies and consequences as determined by school officials

For all students with disabilities, an ARD will be held regarding a potential change in placement.

Proper authorities will be notified for all Class V offenses.

Depending on the offense, expulsion may range from one year from the date of the offense to a minimum of three six-week grading periods (approximately 90 school days).

The period of expulsion may not exceed one year unless the District determines that:

1. The student is a threat to the safety of other students or to District employees; or
2. Extended placement is in the best interest of the student. [See Texas Education Code 37.009(h)]

### ***Hearing/Appeal Procedure***

A written hearing notice will be provided to the student and the student's parent or legal guardian by the campus principal or other appropriate administrator. No later than the third class day after the student is removed, the campus principal or other appropriate administrator shall schedule the hearing conference. At the hearing conference, the student is entitled to written or oral notice of the reasons for the removal, an explanation of the basis for the removal, and an opportunity to respond to the reasons for the removal. [See Texas Education Code 37.009(a)]

After the due process hearing, if the student is expelled, a district designee will deliver to the student and the student's parent or legal guardian a copy of the expulsion order.

If the parent is dissatisfied with the decision by the hearing committee, the student or the student's parent or legal guardian may appeal the decision to the superintendent or designee. The request for appeal must be in writing and must be received by the superintendent within ten days of the date of the order of expulsion.

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

## **Removal from the Regular Educational Setting**

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

### ***Routine Referral***

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

### ***Formal Removal***

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

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

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

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

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

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

### ***Returning Student to Classroom***

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

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

## **Corporal Punishment**

Corporal punishment has been approved by the Waxahachie ISD Board of Trustees as an appropriate disciplinary consequence for Code of Conduct violations. Corporal punishment is permitted in order to preserve an effective educational environment, free from disruption. Corporal punishment shall be reasonable and moderate and may not be administered maliciously or for the purpose of revenge. Such factors as the size, age, physical, mental, and emotional condition of the student, the type of instrument to be used, the amount of force to be used, and part of the body to be struck shall be considered before administering any corporal punishment. Corporal punishment is limited to spanking or paddling the student and will be administered only in accordance with the following corporate punishment guidelines:

1. The student will be told of the reason corporal punishment is being administered.
2. Corporal punishment may be administered by the school principal, assistant principal, or an administrative designee.
3. The instrument to be used in administering corporal punishment shall be approved by the principal or designee.
4. When corporal punishment is administered, it shall be done in the presence of one other district professional employee and shall take place in a designated place out of view of other students.
5. All reasonable efforts will be made to contact the student's parent or legal guardian either by phone, mail, or by sending a note home with the student.
6. Parents may submit a written statement opposing corporal punishment. If they do, they must also submit an alternative discipline plan or agree to school suspension for offenses that would normally merit corporal punishment. This statement and plan would be submitted to the building principal at the beginning of the current school year.

A disciplinary record shall be maintained and shall contain the name of the student, the type of misconduct, any previous disciplinary actions, the type of corporal punishment administered, the name of the person administering the punishment, the name of the witnesses present, and the date and time of punishment. Disciplinary records shall be made available to parents or the students, whichever is appropriate. Coaches and physical education teachers may use reasonable physical exercises as a disciplinary measure in their classes and activities; however, no other employee may use exposure to the physical elements, e.g., standing outside in heat or cold, or physical exertion, e.g., running, sit-ups, etc., as a disciplinary measure.

## **Detention**

For minor infractions of the Student Code of Conduct or campus or classroom rules, teachers or administrators may detain students after school hours on one or more days or on Saturdays. Before a detention is issued, notice should be given to a student's parents to allow arrangements for transportation. [See FO(LOCAL)]

## **Suspension**

### ***Misconduct***

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

In deciding whether to order suspension, the district will take into consideration:

1. Self-defense (see glossary),
2. Intent or lack of intent at the time the student engaged in the conduct, and
3. The student's disciplinary history.
4. A disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct.

### ***Process***

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

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

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

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

## **Disciplinary Alternative Education Program (DAEP) – WISD Challenge Academy**

### ***General Information***

The DAEP shall be provided in a setting other than the student's regular classroom. An elementary school student may not be placed in a DAEP with a student who is not an elementary school student.

For purposes of DAEP, elementary classification shall be kindergarten-grade 6, and secondary classification shall be grades 7-12.

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

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

In deciding whether to order placement in a DAEP, the district will take into consideration:

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

The campus principal or other appropriate administrator **may** place a student in a DAEP if the student violates the Code of Conduct by engaging in any prohibited conduct which is classified as a Class III offense and **will** place a student in a DAEP if the student violates the Code of Conduct by engaging in any prohibited conduct which is classified as a Class IV offense.

The Challenge Academy is located in the Turner Learning Center at 614 Getzendaner. Waxahachie ISD operates the Challenge Academy for students who have committed certain serious offenses. The Challenge Academy:

- is in a setting other than the student's regular classroom.
- is located off the regular school campus.
- separates students in the DAEP from students in the regular program.
- separates elementary school students assigned to DAEP from secondary school students assigned to DAEP.
- focuses on English language arts, mathematics, science, history, physical education (when applicable) and self-discipline.
- provides for students' educational and behavioral needs; and
- provides supervision and counseling. Texas Education Code 37.006(f), 37.008(a)(b); Board Policy FOCA(LEGAL)

The Challenge Academy operates between the hours of 8:35 AM and 3:35 PM. Parents must provide transportation and ensure their student attends while assigned. Failure to attend the DAEP is a violation of compulsory attendance laws, and students and parents may be prosecuted for failure to attend while assigned. Parents are required to attend an orientation session with the building administrator at which time specific DAEP rules and guidelines will be provided.

### ***Misconduct Identified in State Law***

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

- Involvement in a public school fraternity, sorority, or secret society, including participating as a member or pledge, or soliciting another person to become a pledge or member of a public school fraternity, sorority, secret society, or gang. (See glossary)

- Involvement in criminal street gang activity. (See glossary)
- Criminal mischief, not punishable as a felony.

In accordance with state law, a student **may** be placed in a DAEP if the superintendent or the superintendent’s designee has reasonable belief (see glossary) that the student has engaged in conduct punishable as a felony, other than those listed as offenses involving injury to a person in Title 5 (see glossary) of the Texas Penal Code, that occurs off school property and not at a school-sponsored or school-related event, if the student’s presence in the regular classroom threatens the safety of other students or teachers or will be detrimental to the educational process.

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

***Mandatory Placement: Misconduct That Requires DAEP Placement***

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

- Engages in conduct relating to a false alarm or report (including a bomb threat) or a terroristic threat involving a public school. (See glossary)
- Commits the following offenses on school property or within 300 feet of school property as measured from any point on the school’s real property boundary line, or while attending a school-sponsored or school-related activity on or off school property:
  - Engages in conduct punishable as a felony.
  - Commits an assault (see glossary) under Texas Penal Code 22.01(a)(1).
  - Sells, gives, or delivers to another person, or possesses, uses, or is under the influence of marijuana, a controlled substance, or a dangerous drug in an amount not constituting a felony offense. (School-related felony drug offenses are addressed in the Expulsion section.) (See glossary for “under the influence”)
  - Sells, gives, or delivers to another person an alcoholic beverage; commits a serious act or offense while under the influence of alcohol; or possesses, uses, or is under the influence of alcohol, if the conduct is not punishable as a felony offense. (School-related felony alcohol offenses are addressed in the Expulsion section.)
  - Behaves in a manner that contains the elements of an offense relating to abusable volatile chemicals.
  - Behaves in a manner that contains the elements of the offense of public lewdness or indecent exposure.
- Engages in expellable conduct and is between six and nine years of age.
- Commits a federal firearms violation and is younger than six years of age.
- Engages in conduct that contains the elements of the offense of retaliation against any school employee or volunteer on or off school property. (Committing retaliation in combination with another expellable offense is addressed in the Expulsion section of this Code.)
- Engages in conduct punishable as a felony listed under Title 5 (see glossary) of the Texas Penal Code when the conduct occurs off school property and not at a school-sponsored or school-related event and:
  1. The student receives deferred prosecution (see glossary),
  2. A court or jury finds that the student has engaged in delinquent conduct (see glossary), or
  3. The superintendent or designee has a reasonable belief (see glossary) that the student engaged in the conduct.

### ***Sexual Assault and Campus Assignments***

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

### ***Emergencies***

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

### ***Process***

Removals to a DAEP will be made by the campus principal or other appropriate administrator.

### ***Conference***

When a student is removed from class for a DAEP offense, the campus principal or appropriate administrator will schedule a conference within three school days with the student's parent, the student, and the teacher, in the case of a teacher removal.

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

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

### ***Placement Order***

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

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

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

### ***Length of Placement***

The duration of a student's placement in a DAEP will be determined by the campus principal or other appropriate administrator.

The duration of a student's placement will be determined on a case-by-case basis. DAEP placement will be correlated to the seriousness of the offense, the student's age and grade level, the frequency of misconduct, the student's attitude, and statutory requirements.

For Class III Offenses, the campus principal or other appropriate administrator may assign 10-15 successful days. For Class IV Offenses, the campus principal or other appropriate administrator may assign 16-30 successful days. The maximum period of DAEP placement shall be one calendar year except as provided below.

### ***Exceeds One Year***

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

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

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

### ***Exceeds School Year***

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

For placement in a DAEP to extend beyond the end of the school year, the campus principal or other appropriate administrator must determine that:

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

### ***Exceeds 60 Days***

For placement in a DAEP to extend beyond 60 days or the end of the next grading period, whichever is sooner, a student's parent will be given notice and the opportunity to participate in a proceeding before the board or the board's designee.

### ***Appeal***

Questions from parents regarding disciplinary measures should be addressed to the campus administration. Appeals regarding the decision to place a student in a DAEP should be addressed to the campus principal or other appropriate administrator in accordance with policy FOC(LEGAL). All other appeals regarding a placement in the DAEP should be addressed in accordance with policy FNG(LOCAL).

In accordance with state law, the Code will be posted at each school campus or available for review at the office of the campus principal. A printed copy of the Code is available at the WISD Administration Building located at 411 North Gibson Street. The Code is also available on the district website at:

<http://www.wisd.org>

Disciplinary consequences will not be deferred pending the outcome of an appeal. The decision to place a student in a DAEP cannot be appealed beyond the board.

### ***Restrictions during Placement***

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

A student placed in a DAEP will not be provided transportation unless he or she is a student with a disability who has transportation designated as a related service in the student's IEP.

When a student is placed in DAEP during the 12th grade, the District will allow the student to participate in graduation ceremonies, provided that all state and district prerequisites for graduation are met and the student has successfully completed all (assigned) days of the DAEP placement. If the student in question has unexcused absences or has not completed his or her placement days in the DAEP for any other reason, such as withdrawal or transfer to another school district, the student will not be allowed to participate in

graduation ceremonies. Any decision concerning participation in graduation ceremonies and activities will be made by the campus principal.

### ***Placement Review***

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

### ***Additional Misconduct***

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

### ***Notice of Criminal Proceedings***

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

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

If a student was placed in a DAEP for such conduct, on receiving the notice from the prosecutor, the superintendent or designee will review the student's placement and schedule a review with the student's parent not later than the third day after the superintendent or designee receives notice from the prosecutor. The student may not be returned to the regular classroom pending the review.

After reviewing the notice and receiving information from the student's parent, the superintendent or designee may continue the student's placement if there is reason to believe that the presence of the student in the regular classroom threatens the safety of other students or teachers.

The student or the student's parent may appeal the superintendent's decision to the board. The student may not be returned to the regular classroom pending the appeal. In the case of an appeal, the board will, at the next scheduled meeting, review the notice from the prosecutor and receive information from the student, the student's parent, and the superintendent or designee, and confirm or reverse the decision of the superintendent or designee. The board will make a record of the proceedings.

If the board confirms the decision of the superintendent or designee, the student and the student's parent may appeal to the Commissioner of Education. The student may not be returned to the regular classroom pending the appeal.

### ***Withdrawal during Process***

When a student violates the district's Code in a way that requires or permits the student to be placed in a DAEP and the student withdraws from the district before a placement order is completed, the district may complete the proceedings and issue a placement order. If the student then reenrolls in the district during the

same or a subsequent school year, the district may enforce the order at that time, less any period of the placement that has been served by the student during enrollment in another district. If the appropriate administrator or the board fails to issue a placement order after the student withdraws, the next district in which the student enrolls may complete the proceedings and issue a placement order.

### ***Newly Enrolled Students***

The district will continue the DAEP placement of a student who enrolls in the district and was assigned to DAEP in an open-enrollment charter school or another district.

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

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

### ***Emergency Placement Procedure***

When an emergency placement occurs, the student will be given oral notice of the reason for the action. Not later than the tenth day after the date of the placement, the student will be given the appropriate conference required for assignment to a DAEP.

## **Placement and/or Expulsion for Certain Serious Offenses**

This section includes two categories of serious offenses for which the Education Code provides unique procedures and specific consequences.

### ***Registered Sex Offenders***

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

If the student is under any form of court supervision, including probation, community supervision, or parole, the placement will be in DAEP for at least one semester. [See FOE(LEGAL)]

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

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

### ***Review Committee***

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

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

### ***Newly Enrolled Student***

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

### ***Appeal***

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

### ***Certain Felonies***

Regardless of whether placement or expulsion is required or permitted by one of the reasons in the DAEP Placement or Expulsion sections, in accordance with Education Code 37.0081, a student **may** be expelled and placed in DAEP (if court ordered) if the board or its designee makes certain findings and the following circumstances exist in relation to a felony offense under Title 5 (see glossary) of the Texas Penal Code. The student must:

- Have received deferred prosecution for conduct defined as a Title 5 felony offense;

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

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

1. The date on which the student's conduct occurred,
2. The location at which the conduct occurred,
3. Whether the conduct occurred while the student was enrolled in the district, or
4. Whether the student has successfully completed any court disposition requirements imposed in connection with the conduct.

***Hearing and Required Findings***

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

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

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

***Length of Placement***

The student is subject to the placement until:

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

***Newly Enrolled Students***

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

## **Expulsion**

In deciding whether to order expulsion, the district will take into consideration:

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

### ***Discretionary Expulsion: Misconduct That May Result in Expulsion***

#### ***Any Location***

A student **may** be expelled for:

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

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

Engaging in conduct that contains the elements of one of the following offenses against another student, without regard to where the conduct occurs:

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

Engaging in conduct relating to a false alarm or report (including a bomb threat) or a terroristic threat involving a public school, other students, district employees or volunteers

#### ***At School, Within 300 Feet, or at School Event***

Committing any of the following offenses on or within 300 feet of school property, as measured from any point on the school's real property boundary line, or while attending a school-sponsored or school-related activity on or off school property:

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

### ***Within 300 Feet of School***

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

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

### ***Property of Another District***

- Committing any offense that is a state-mandated expellable offense if the offense is committed on the property of another district in Texas or while the student is attending a school-sponsored or school-related activity of a school in another district in Texas.

### ***While in DAEP***

- Engaging in serious offenses or persistent misbehavior (see glossary) that violates the district's Code, while placed in a DAEP.

### ***Mandatory Expulsion: Misconduct That Requires Expulsion***

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

#### ***Federal Law***

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

- Any weapon (including a starter gun) that will, is designed to, or may readily be converted to expel a projectile by the action of an explosive.
- The frame or receiver of any such weapon.
- Any firearm muffler or firearm weapon.
- Any destructive device, such as any explosive, incendiary or poison gas bomb, or grenade.

#### ***Texas Penal Code***

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

- A firearm (any device designed, made, or adapted to expel a projectile through a barrel by using the energy generated by an explosion or burning substance or any device readily convertible to that use).
- An illegal knife, such as a knife with a blade over 5½ inches; hand instrument, designed to cut or stab another by being thrown; dagger, including but not limited to a dirk, stiletto, and poniard; bowie knife; sword; or spear.
- A club (see glossary) such as an instrument specially designed, made, or adapted for the purpose of inflicting serious bodily injury or death by striking a person with the instrument, including a blackjack, nightstick, mace, and tomahawk.

- A prohibited weapon, such as an explosive weapon, a machine gun, a short-barrel firearm, a firearm silencer, a switchblade knife, knuckles, armor-piercing ammunition, a chemical dispensing device, or a zip gun. (See glossary)

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

- Aggravated assault, sexual assault, or aggravated sexual assault.
- Arson. (See glossary)
- Murder, capital murder, or criminal attempt to commit murder or capital murder.
- Indecency with a child.
- Aggravated kidnapping.
- Aggravated robbery.
- Manslaughter.
- Criminally negligent homicide.
- Continuous sexual abuse of a young child or children.
- Behavior punishable as a felony that involves selling, giving, or delivering to another person, or possessing, using, or being under the influence of marijuana, a controlled substance, a dangerous drug, or alcohol; or committing a serious act or offense while under the influence of alcohol.

Engaging in retaliation against a school employee or volunteer combined with one of the above-listed mandatory expulsion offenses, with the exception of a federal firearm offense, on or off school property or at a school-related activity.

### ***Under Age Ten***

When a student under the age of ten engages in behavior that is expellable behavior, the student will not be expelled, but will be placed in a DAEP. A student under age six will not be placed in a DAEP unless the student commits a federal firearm offense.

### ***Emergency***

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

### ***Process***

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

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

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

### ***Hearing***

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

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

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

The Board of Trustees delegates to the Superintendent or the Superintendent's designee authority to conduct hearings and expel students.

### ***Board Review of Expulsion***

After the due process hearing, the expelled student may request that the Board of Trustees review the expulsion decisions. The student or parent must submit a written request to the superintendent within ten days after receipt of the written decision. The superintendent must provide the student or parent written notice of the date, time, and place of the meeting at which the board will review the decision.

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

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

### ***Expulsion Order***

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

Not later than the second business day after the hearing, the Superintendent or Superintendent's designee will deliver to the juvenile court a copy of the expulsion order and the information required by Section 52.04 of the Family Code.

If the length of the expulsion is inconsistent with the guidelines included in the Student Code of Conduct, the expulsion order will give notice of the inconsistency.

### ***Length of Expulsion***

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

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

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

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

State and federal law require a student to be expelled from the regular classroom for a period of at least one calendar year for bringing a firearm, as defined by federal law, to school. However, the superintendent or other appropriate administrator may modify the length of the expulsion on a case-by-case basis.

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

### ***Withdrawal during Process***

When a student has violated the district's Code in a way that requires or permits expulsion from the district and the student withdraws from the district before the expulsion hearing takes place, the district may conduct the hearing after sending written notice to the parent and student.

If the student then reenrolls in the district during the same or subsequent school year, the district may enforce the expulsion order at that time, less any expulsion period that has been served by the student during enrollment in another district.

If the appropriate administrator or the board fails to issue an expulsion order after the student withdraws, the next district in which the student enrolls may complete the proceedings.

### ***Additional Misconduct***

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

### ***Restrictions during Expulsion***

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

No district academic credit will be earned for work missed during the period of expulsion unless the student is enrolled in another district-approved program.

When a student is expelled during the spring semester of 12th grade, the District will not allow the student to participate in graduation ceremonies or activities.

### ***Newly Enrolled Students***

The district will continue the expulsion of any newly enrolled student expelled from another district or an open-enrollment charter school until the period of the expulsion is completed.

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

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

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

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

### ***Emergency Expulsion Procedures***

When an emergency expulsion occurs, the student will be given verbal notice of the reason for the action. Within ten days after the date of the emergency expulsion, the student will be given appropriate due process required for a student facing expulsion.

***DAEP Placement of Expelled Students***

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

## Glossary

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

**Abuse** is improper or excessive use.

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

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

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

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

**Bullying** is written or oral expression or physical conduct that a school district's board of trustees or the board's designee determines:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Hacking** is intentional or unauthorized access or attempted access of any portion of the District's computer systems, networks, or private databases to view, obtain, manipulate, or transmit information, programs, or codes. Hacking and other inappropriate use of the District's computer systems are prohibited and are addressed in the "Computer/Network/Internet Acceptable Use Agreement" found at the back of this booklet.

**Harassment** is:

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

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

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

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

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

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

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

**Persistent misbehavior** is two or more violations of the Code in general or repeated occurrences of the same violation.

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

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

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

**Scholastic dishonesty** is giving or receiving information or help on a test; possession of any unauthorized material during a test; copying another student's assignment or knowingly allowing another unauthorized student to copy from his/her assignment; working with others on a project that is meant to be done individually; unauthorized possession of test or quiz questions and/or answer sheets; completing an assignment, test or quiz on behalf of another student; submitting duplicate work; having someone else complete an assignment, test, or quiz on behalf of the student, or accessing a teacher edition. Using electronic devices to send or receive information as described above is also classified as cheating.

Plagiarism, the use of another's ideas or products as one's own, shall also be defined as cheating. Plagiarism is any failure to give credit for information found and used. It may involve word-for-word copying, paraphrasing, or simply using ideas and information.

The penalty for scholastic dishonesty will be a zero for work involved and the student will be subject to other appropriate disciplinary action which may include lowering the conduct grade one level. In scholastic dishonesty offenses, all students involved shall be subject to disciplinary action.

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

**Serious offenses** include but are not limited to:

- Murder.
- Vandalism.
- Robbery or theft.
- Extortion, coercion, or blackmail.
- Actions or demonstrations that substantially disrupt or materially interfere with school activities.
- Hazing.
- Insubordination.
- Profanity, vulgar language, or obscene gestures.
- Fighting, committing physical abuse, or threatening physical abuse.
- Possession or distribution of pornographic materials.
- Leaving school grounds without permission.
- Sexual harassment of a student or district employee.
- Possession of or conspiracy to possess any explosive or explosive device.
- Falsification of records, passes, or other school-related documents.
- Refusal to accept discipline assigned by the teacher or principal.

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

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

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

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

**Title 5 offenses** are those that involve injury to a person and include murder; kidnapping; assault; sexual assault; unlawful restraint; coercing, soliciting, or inducing gang membership if it causes bodily injury to a child; indecency with a child; injury to a child, an elderly person, or a disabled person; abandoning or endangering a child; deadly conduct; terroristic threat; aiding a person to commit suicide; and tampering with a consumer product. [See FOC(EXHIBIT)]

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

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

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

## **Elementary (PreK-Grade 5) Student Dress Code**

The Waxahachie Independent School District is committed to providing an excellent educational opportunity for each student in the district. Efforts are being made to ensure the highest standards of performance for all WISD students and to promote a safe and secure environment.

The District's dress code is established to teach grooming and hygiene, instill discipline, prevent disruption, avoid safety hazards, and teach respect for authority. In addition, dress and grooming standards shall promote community values and good citizenship, enhance a safe orderly educational environment, and shall not infringe on any individual's religious beliefs or protected free speech.

The desire of the Dress Code Committee is to present changes in a positive format; however, the most effective manner in which to explain the changes is to list the prohibited dress and/or grooming practices. Even though the Dress/Grooming Code is restrictive, students continue to have a wide variety of choices. The cooperation of parents and students and the consistent and fair enforcement of this policy by teachers and administrators are essential to the effectiveness of the Code. The campus administrator has the final decision as to what constitutes appropriate school attire. Administrators shall have the discretion to determine the appropriateness of attire and grooming for religious and/or medical necessities.

### ***The Following Modes Of Dress Or Grooming Are Prohibited:***

#### ***General***

- Any aspect of a student's appearance or attire that is likely to distract or disrupt the learning environment, including images or messages that are lewd, vulgar, sexually suggestive, containing profanity, or promoting violation of school rules (such as promoting drugs, tobacco use, alcohol, violence, death, sex, profanity, or hate).
- Torn or frayed clothing or clothing with holes
- All camouflage, all black, all red, all blue, etc. attire

#### ***Shirts, Tops, and Blouses***

- Sleeveless shirts or blouses that are not hemmed
- Spaghetti straps, halter tops, basketball jerseys, tank tops, unbuttoned shirts and blouses (unless worn over appropriate garments such as an appropriate tee shirt)
- Exposed midriff or cleavage
- See-through clothing (e.g. thin or mesh)

#### ***Dresses, Skirts, Shorts, and Pants***

- Shorts, skorts, or skirts shorter than fingertip length with arms in normal position (i.e. arms hanging naturally as student is standing straight and upright)
- Pants, shorts, and skirts worn below waist ("sagging" garments)
- Underwear as outerwear or exposed underwear or nightwear
- Oversize or overlong baggy pants or pants with oversized pockets (pants with pant legs that conceal the shoes are inappropriate)
- Leggings, leotards, or hosiery will not be worn as outer garment with only a shirt; (They may be worn with dresses, skirts, or shorts of appropriate length.)

#### ***Outerwear***

- Trench coats, dusters, and one-piece jump suits

#### ***Accessories***

- Jewelry, which displays music groups, sex, violence, drugs, tobacco, profanity, professional

- wrestling, alcohol, death, or that promote hate and/or violence.
- Chains on clothing or wallets, or as necklaces
- Stud or earrings on young men; (Female students may wear earrings in their ears. All other visible pierced jewelry is prohibited. Students may not wear band-aides, plastic spacers, sticks, etc. to conceal piercings.)
- Heavy or spiked jewelry (e.g. dog collars, heavy chains, spiked bracelets, etc.)
- Spiked or studded belts
- Body piercing
- Glitter, stickers, or writing on body
- Visible tattoos

### ***Footwear***

- House shoes
- Skate shoes
- Bare feet
- Shoes with metal cleats
- Shoes with wheels

### ***Grooming***

- Sunglasses (except with a signed note from the school nurse), and sweatbands during the school day Skate shoes
- Head coverings of any kind
- Hairstyles that are disruptive (spikes, Mohawks, etc.)
- Non-natural colored hair (green, blue, purple, orange, cherry red, etc.)

### ***Exemptions***

Parents or guardians seeking an exemption from the Elementary Dress Code for their student must complete a WISD Elementary Dress Code Exemption Request Form. This form is available upon request by mail or in person in the main office. The form is also available on the WISD website. The form must be completed in full and returned to the campus principal. The parent or guardian will be asked to discuss with the campus principal the reasons and goal of the policy and the nature of the objections to the Dress Code. This meeting shall be held within ten days after receipt of the form. Based on the information provided in the Exemption Request Form and the interview with the parent, the campus principal will make a determination as to whether the exemption is granted. This decision shall be provided to the student or parent within ten days following the conference. Parents with more than one student enrolled in the District must fill out a separate WISD Elementary Dress Code Exemption Request Form for each student.

Any appeal of the campus principal's decision will be treated as a student/parent or guardian complaint under WISD Board Policy FNG(LOCAL).

Unless otherwise approved by the campus principal, the student must continue to comply with the WISD Elementary Dress Code pending the outcome of the Exemption Meeting.

## **Secondary (Grades 6-12) Student Dress Code**

In order to maintain an orderly and safe learning environment, increase the focus on instruction, promote safety and life-long learning, and encourage professional and responsible dress for all students, all Waxahachie ISD secondary students (grades 6-12) must meet the expectations of the WISD Student Code of Conduct: Secondary Dress Code.

The campus principal or his/her designee will be the sole authority in deciding whether a student's dress complies with the Secondary Dress Code. Any violations of the Code must be immediately corrected at the direction of the campus principal or his/her designee.

Students, parents, teachers, and administrators must work together to assume responsibility for complying with and enforcing this Dress Code adopted by the Waxahachie ISD Board of Trustees.

### ***General***

- Torn clothing or clothing with holes is prohibited. (All apparel must be appropriately hemmed.)
- The secondary campuses are a closed forum for student expression through student attire. This means that during the school day, student clothing should be free of any slogans, words or symbols except those that promote the school district and its instructional programs.
- Students should come to school prepared to learn. Any aspect of a student's appearance or attire that is likely to distract or disrupt the learning environment, including images or messages that are lewd, vulgar, sexually suggestive, containing profanity, or promoting violation of school rules (such as promoting drug or alcohol use) are prohibited.
- All camouflage, all black, all red, all blue, etc. attire is prohibited.

### ***Shirts, Tops, and Blouses***

- Any manufacturer logo larger than 2" x 2" is prohibited.
- Low-cut necklines, tank tops, spaghetti straps, and off-the-shoulder shirts, blouses, or sweaters are prohibited.
- Any shirts or tops that show the torso when arms are raised above the head is prohibited.
- For male students, untucked shirts are prohibited. (A belt must be worn inside the belt loops and be visible at all times.)

### ***Dresses, Skirts, Shorts, and Pants***

- Any manufacturer logo larger than 2" x 2" is prohibited.
- Skirts, shorts, and dresses that are shorter than fingertip length when the arms are held at the student's side are prohibited.
- Dresses with low-cut necklines, spaghetti straps, or off-the-shoulder sleeves are prohibited.
- Sagging pants or shorts are prohibited. (Pants or shorts should fit properly and must be worn around the normal waist area.)

### ***Outerwear***

- Trench coats, dusters, and one-piece jump suits are prohibited.
- Athletic clothing, such as warm-up suits, sweat suits, sweat pants, athletic shorts, biker shorts, spandex, overalls, coveralls, soccer or boxer style shorts, and cotton pants with drawstrings or elastic waistbands are prohibited in the academic classroom.

### ***Accessories***

- Scarves, hats, caps, hoods, sweat bands, and bandanas are prohibited.
- Chains attached to pants or wallets are prohibited.
- Spiked or studded clothing, jewelry, and belts are prohibited.

- Sunglasses are prohibited.
- For male students, earrings are prohibited. For female students, pierced jewelry not worn in the ear is prohibited.

### ***Footwear***

- House shoes, shoes with metal cleats, taps, or wheels on heels or soles are prohibited.

### ***Grooming***

- All hair colors that are not deemed natural color are prohibited.
- Mohawks and spikes are prohibited.

### ***Exemptions***

Parents or guardians seeking an exemption from the Secondary Dress Code for their student must complete a WISD Secondary Dress Code Exemption Request Form. This form is available upon request by mail or in person in the main office. The form is also available on the WISD website. The form must be completed in full and returned to the campus principal. The parent or guardian will be asked to discuss with the campus principal the reasons and goal of the policy and the nature of the objections to the Dress Code. This meeting shall be held within ten days after receipt of the form. Based on the information provided in the Exemption Request Form and the interview with the parent, the campus principal will make a determination as to whether the exemption is granted. This decision shall be provided to the student or parent within ten days following the conference. Parents with more than one student enrolled in the District must fill out a separate WISD Secondary Dress Code Exemption Request Form for each student.

Any appeal of the campus principal's decision will be treated as a student/parent or guardian complaint under WISD Board Policy FNG(LOCAL). Unless otherwise approved by the campus principal, the student must continue to comply with the WISD Secondary Dress Code pending the outcome of the Exemption Meeting.

## Extracurricular Activities

Sponsors and coaches of extracurricular activities may develop and enforce codes of conduct that are more stringent than this policy and may condition membership or participation in the activity on adherence to that Code of Conduct. Extracurricular codes of conduct may take into consideration conduct that occurs outside of the schools' usual jurisdiction. No provision of an extracurricular code of conduct shall have the effect of discriminating on the basis of sex, race, disability, religion, or ethnicity.

Such codes shall be approved by the principal and the superintendent before they are communicated to the students. Students shall be informed of any extracurricular code of conduct at the beginning of each school year or at the time the students report for workouts or practice that occur prior to the actual beginning of classes. Students and their parents **shall** sign and return to the sponsor or coach a statement that they have read the extracurricular code of conduct and consent to it as a condition of participation in the activity.

Extracurricular activity Codes of Conduct may include disciplinary measures related to participation in the activity, including removal or suspension from participation. If the conduct for which a student is removed or suspended from an activity is also conduct that violates the general code of student conduct and the conduct occurs while the student is not under the school's jurisdiction, the student shall also be subject to appropriate disciplinary action.

Student participation in extracurricular activities is encouraged. Waxahachie ISD makes extracurricular activities available as an extension of the regular school program, with one important difference; participation in the regular curriculum is a right afforded to each student, while participation in the extracurricular program is a privilege that carries additional expectations for acceptable conduct. Students engaging in extracurricular activities represent themselves, but also other students and the school district when performing, competing, or participating in extracurricular activities and while wearing uniforms or other clothing that identifies the students to the community or public in any setting as a Waxahachie ISD student. For this reason, their behavior must be exemplary and reflect the finest attributes of the total Waxahachie ISD student body at all times and places.

An important goal of the extracurricular program is to give students direction in developing self-discipline, responsibility, pride, loyalty, leadership, teamwork, respect for authority, and healthy living habits.

Because participation in extracurricular activities is a privilege and not a right, Waxahachie ISD is authorized to set higher standards for participants of extracurricular activities than it would for those students who choose not to participate in extracurricular activities. Therefore, the Extracurricular Code of Conduct extends beyond the Waxahachie ISD Student Code of Conduct not only in types of behavior prohibited, but also in corresponding consequences and jurisdiction for imposing discipline.

This Extracurricular Code of Conduct will include all students grades 7-12 participating in extracurricular activities, twenty-four hours a days, seven days a week, three hundred sixty-five days a year.

It is possible that a student who violates the Waxahachie ISD Student Code of Conduct will incur consequences from both the appropriate school administrator and from his or her activity supervisor for the same particular violation. It is also possible that a student participating in extracurricular activities could violate the Extracurricular Code of Conduct and be subject to discipline by a coach or sponsor without having violated the Waxahachie ISD Student Code of Conduct.

Eligibility for participation in many of these activities is governed by state law and the rules of the University Interscholastic League (UIL)--a statewide association overseeing interdistrict competition. The following requirements apply to all extracurricular activities:

- A student who receives at the end of a grading period a grade below 70 in any academic class--other than a class identified as honors or advanced by either the State Board of Education or by the

local Board of Trustees--may not participate in extracurricular activities for at least three school weeks.

- A student with disabilities who fails to meet the standards in the individualized education program (IEP) may not participate for at least three school weeks.
- An ineligible student may practice or rehearse.
- A student is allowed in a school year up to ten absences not related to post-district competition, a maximum of five absences for post-district competition prior to state, and a maximum of two absences for state competition. All extracurricular activities and public performances, whether UIL activities or other activities approved by the board, are subject to these restrictions.
- A student who misses a class because of participation in an activity that has not been approved will receive an unexcused absence.

## **WISD Technology Policy**

### ***Purpose***

1. Waxahachie Independent School District provides employees and students with access to the District's electronic communication system, which includes Internet access.
2. The District system has a limited educational purpose. The purpose of the District system is to assist in preparing students for success in life and work in the 21st century by providing them with electronic access to a wide range of information and the ability to communicate with people from throughout the world. Additionally, the system will be used to increase District intercommunication, enhance productivity, and assist District employees in upgrading their skills through greater exchange of information with their peers. The District will also assist the District in sharing information with the local community, including parents, social service agencies, government agencies, and businesses.
3. Students may not use the District system for commercial purposes, defined as offering or providing goods or services or purchasing goods or services for personal use. District acquisition policies will be followed for District purchase of good or services through District system.
4. Users may not use the system for political lobbying. District employees and students may use the system to communicate with their elected representatives to express their political issues.
5. The term "educational purpose" includes use of the system for classroom activities, professional or career development, and limited individual research high-quality self-discovery activities.

### ***District Responsibility***

1. The Executive Director of Human Resources will serve as the coordinator to oversee the District system and will work with other regional and state organizations if necessary.
2. The building principal and designee will serve as the building-level coordinator for the District system, will approve building-level activities, ensure teachers receive proper training in the use of the system and the requirements of this policy, establish a system to ensure adequate supervision of students using the system, maintain executed user agreements, and be responsible for interpreting the District Acceptable Use Policy at the building level.
3. The District Tech Specialist will establish a process for setting-up individual and class accounts, set quotas for disk usage on the system, and establish an information retention schedule.

### ***Technical Services Provided Through District System***

1. E-Mail. E-mail allows employees and students to communicate with people throughout the world.
2. World Wide Web (a.k.a. Web). The Web provides access to a wide range of information in the form of text, graphics, photographs, video, television and sound, from throughout the world. The Web is a valuable research tool for students and employees.
3. File Transfer Protocol (FTP). FTP provides for users to download large files and computer software.

### ***Access to System***

1. Use of the District system will be governed by District policy.
2. World Wide Web. All District employees and students may have access to the Web through the District's networked computers. No student E-mail account will be required.
3. Individual E-Mail Accounts for District Employees. Permanent, full-time District employees may be provided with an individual account and will have dial-up access to the system. E-mail is the property of WISD and employees should have no reasonable expectation of privacy when using WISD E-mail.
4. Guest Accounts. Guest Accounts may be considered for other than WISD staff or students. Guests may receive an individual account with the approval of the District of Information Technology if there is a specific District-related purpose requiring such access. Use of the system by a guest must be specifically limited to the District-related purpose. An agreement will be required.

### ***Parental Notification and Responsibility***

1. The District will notify the parent, guardians or managing conservator about the District network and the policies governing its use. Parent, guardians or managing conservator must sign an agreement to allow their students to have an individual account.

2. Parent, guardian or managing conservator have the right to request termination of their child(ren)'s individual account at any one time.
3. The District Internet Acceptable Use Policy contains restrictions on accessing inappropriate material. There is a wide range of material available on the Internet, some of which may not be fitting with the particular values of the families of the students. It is not practically possible for the District to monitor and enforce a wide range of social values in the student use of the Internet. Within the parameters of the District Internet Acceptable Use Policy/Procedure, parent/guardian's bear primary responsibility for transmitting their particular set of family values to their children in determining appropriate material access on the World Wide Web. The District encourages parents to specify to their child(ren) what material is and is not acceptable for their child(ren) to access through the District system.

### ***District Limitation of Liability***

1. The District makes no warranties of any kind, either express or implied, that the functions or the services provided by or through the District system will be error-free or without defect. The District will not be responsible for any damage users may suffer, including but not limited to, loss of data or interruptions of service. The District is not responsible for the accuracy or quality of the information obtained through or stored on the system. The District will not be responsible for financial obligations arising through unauthorized use of the system.

### ***Due Process***

1. Disciplinary action will be tailored to meet specific concerns related to the violation and to assist the student gaining the self-discipline necessary to behave appropriately on an electronic network.
2. Employee violations of the District Internet Acceptable Use Policy will be handled in accord with District disciplinary procedures.
3. An individual search will be conducted through the District system.
4. Guest accounts not active for more than 30 days may be removed, along with the user's files without notice to the Routine maintenance and monitoring of the system may lead to the discovery that the user has or is violating District Internet Acceptable Use Policy or the law.

### ***Search and Seizure***

1. System users should have no reasonable expectation of privacy when using WISD E-mail.
2. Routine maintenance and monitoring of the system may lead to discovery that the user has or is violating the District Internet Acceptable Use Policy or the law.
3. An individual search will be conducted if there is reasonable suspicion that a user has violated the law of District policy/procedure. The nature of the investigation will be reasonable in the context of the nature of the alleged violation.
4. District employees should be aware that their personal files may be accessible under state public records laws.

### ***Copyright and Plagiarism***

1. State/Federal law will govern the use of material accessed through the District system. Because of the extend of copyright protection of certain works found on the Internet in unclear, employees will make standard practice of requesting permission from the holder of the work if their use of the material has potential of being considered an infringement. Teachers will instruct students to respect copyright and to request permission when appropriate.

### ***Academic Freedom, Selection Material, Student Rights to Free Speech***

1. When using the Internet for class activities, teachers will make every effort to select material that is preview the materials and sites they require or recommend students to access, in order to determine the appropriateness of the material contained on or accessed through the site. Teachers will make an effort to provide guidelines and lists of resources to assist their students in developing the skills to ascertain the truthfulness of information, distinguish fact from opinion, and engage in discussion about controversial issues while demonstrating tolerance and respect for those who hold divergent views.

### ***District Web Site***

1. District Web Site. The District may establish and maintain a Web site. Individual departments may develop Web pages that will present information about the District. The Director of Public Relations, or his/her appointee will be designated the Webmaster, responsible for maintaining the District Web site, as well as assist the individual departments in the development and transfer of web pages to the system.
2. School or Class Web Pages. Schools and classes may establish Web pages that present information about the school or class activities. The principal will designate an individual to be responsible for managing the school Web site, if a teacher chooses to publish information. Teachers will be responsible for maintaining their class site.
3. Student Web Pages. With the approval of the building principal, students may establish personal Web pages. The principal will establish a process and criteria for the establishment and posting of material, including links to other sites, on these pages. Material presented in the student's Web site should be related to the student's educational and career preparation activities. Student web pages must include the following notice: "This is a student Web page. Opinions expressed on this page shall not be attributed to the District."
4. Staff Web Pages. WISD staff may establish personal Web pages. Material presented in the staff Web site should be related to the staff member's educational and career objectives. Staff Web Pages must include the following notice: "This is a WISD staff Web Page. Opinions expressed on this page shall not be attributed to the District."
5. School-sponsored Extracurricular Organization Web Pages. With approval of the building principal, school-sponsored extracurricular organizations may reestablish Web pages. The principal will establish a process and criteria for the establishment and posting of material, including links to the other sites, on these pages. Material presented on the organization Web page must relate specifically to organization activities and will include only student-produced material. Organization Web pages must include the following notice: "This is a school sponsored student extracurricular organization Web page. Opinions expressed on this page shall not be attributed to the District." Organization web pages will be "sponsored" and stored by a single user.

### ***District Internet Acceptable Use Policy***

1. Personal Safety (Restrictions are for students only)
  - a. Users will not post personal contact information about themselves or other people. Personal contact information includes address, telephone, school address, work address, etc.
  - b. Users will not agree to meet with someone they have met online without their parent/guardian's approval and participation.
  - c. Users will promptly disclose to their teacher or other school employee messages they receive that are inappropriate or make them feel uncomfortable.
  - d. Student Photographs:
    - i. K-6: Parent/guardian may notify the building principal if they object to the publishing of individual or group photographs, where their students are not identified. If schools wish to publish photos with student identification, written parent/guardian permission is required.
    - ii. Parent/guardian may notify the building principal if they do NOT wish to have photographs of their students published, whether or not the student can be identified.
2. Illegal Activities (United States Code - Title 18, Part I, Chapter 47 [The Computer Fraud and Abuse Act, United States Code - Title 18, Part I, Chapter 12) [Stored Wire and Electronic Communications and Transactional Records Act]
  - a. Users will not attempt to gain unauthorized access to the District system or to any other computer system through the District system, or go beyond their authorized access. This includes attempting to log in through another's person's account or access another person's files. These actions are illegal.
  - b. Users will not make deliberate attempts to disrupt the computer system performance or destroy data by spreading computer viruses or by any other means. These actions are illegal.

- c. Users will not use the District system to engage in any other illegal act, such as arranging for a drug sale or the purchase of alcohol, engaging in criminal gang activity, threatening the safety of person or property, etc.
- 3. System Security
  - a. Users are responsible for the use of their individual account and should take all reasonable precautions to prevent others from being able to use their account. Under no conditions should a user provide their password to another person.
  - b. Users will immediately notify the system administrator if they have identified a possible security problem. Users will not seek out/go looking for security problems, because this may be construed as an illegal attempt to gain access.
  - c. Users will avoid the inadvertent spread of computer viruses by following standard virus protection procedures.
  - d. Users will not post information that, if acted upon, could cause damage or disruption.
- 4. Inappropriate Language
  - a. Restrictions against inappropriate language apply to public messages, private messages, and material posted on Web pages.
  - b. Users will not use obscene, profane, lewd, vulgar, rude, inflammatory, threatening, or disrespectful language.
  - c. Users will not post information that, if acted upon, could cause damage or a danger of disruption.
  - d. Users will not engage in personal attacks, including prejudicial or discriminatory attacks.
  - e. Users will not harass another person. Harassment is persistently acting in a manner that distresses or annoys another person. If a user is told by a person to stop sending them messages, they must stop.
  - f. Users will not knowingly or recklessly post false or defamatory information about a person or organization.
- 5. Respect for Privacy
  - a. Users will not report a message that was sent to them privately without permission of the person who sent them the message. Information sent via E-mail could be forwarded to any number of people, intentionally or not. No expectation of privacy can be assured.
  - b. Users will not post private information about another person.
- 6. Respecting Resource Limits
  - a. Users will use the system only for educational and professional or career development activities and limited individual research.
  - b. Users will not download large files unless it is absolutely necessary. If necessary, users will download the file at a time with the system is not being heavily used and immediately remove the file from the system to their personal computer.
  - c. Users will not post chain letters or engage in “spamming”. Spamming is sending an annoying or unnecessary message to a large number of people. Users will check their E-mail frequently, delete unwanted message promptly, and stay within their E-mail quota.
  - d. Users will be subscribed to only the high quality discussion group mail lists that are relevant to their education or professional/career development.
- 7. Plagiarism and Copyright Infringement
  - a. Users will not plagiarize works that they find on the Internet. Plagiarism is taking the ideas or writing of others and presenting them as if they were the originals to the user.
  - b. Users will respect the rights of copyright owners. Copyright infringement occurs when an individual inappropriately reproduces a work that is protected by a copyright. If a work contains language that specifies acceptable use of that work, the user should follow the expressed requirements. If the user is unsure whether or not they can use a work, they should request permission from the copyright owner.
- 8. Inappropriate Access to Material
  - a. Above material only in the context of legitimate research.
  - b. If a user inadvertently accesses such Users will not use the District system to access material that is profane or obscene (pornography), that advocates illegal acts, or that advocates violence or discrimination towards other people (hate literature). For students, a special exception may be made for hate literature if the purpose of such access is to conduct research

and access the informations; they should immediately disclose the inadvertent access in a manner specified by their school. This will protect users against an allegation that they have intentionally violated the Acceptable Use Policy.

## **WISD Publications Policy**

### ***Prohibited Materials***

Distribution, publication or possession of written materials on school property may be restricted, subject to the following guidelines:

1. Distribution, publication, or possession may be limited in order to prevent material and substantial interference with normal school operations in circumstances where there is evidence that reasonably supports a forecast that disruption will likely result directly from the distribution.
2. Reasonable administrative regulations as to the time, place and manner of distribution may be prescribed to promote orderly administration of school activities by preventing disruption, but shall not be designed to stifle expression.
3. Written materials having the following content shall not be distributed:
  - a. Materials that are sexually inappropriate for the age and maturity of the audience or that endorse actions endangering the health and safety of students shall not be distributed; however, material may not be forbidden if the portions or specific language objected to may also be found in material that is made available to students through school facilities, i.e., the school library or reading assigned by the teacher.
  - b. Libelous material.
  - c. Materials that criticize Board members or school officials or advocate violation of school rules when there is evidence that reasonably supports a forecast that material and substantial disruption of normal school operations will result from distribution of materials. Advocacy directed toward inciting or producing imminent lawless or disruptive action and that is likely to incite or produce such action shall be restricted.
  - d. Hate materials or publications that scurrilously attack ethnic, religious, or racial groups, and similar irresponsible materials or publications aimed at creating hostility and violence may be banned.

### ***Prior Review***

All Students Publications and other written material intended for distribution to students submitted for prior review according to the following procedures:

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