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# MANAGEMENT PLAN & STUDENT CODE OF CONDUCT

**AUGUST 2008**

Garland Independent  
School District  
Division of  
Educational Operations



**Dear Parents / Guardians,**

**The Garland Independent School District wants to make sure that parents/guardians are aware of all policies regarding student conduct in our schools. Student behavior is a critical component when determining the success of students in our district.**

**Please take time to review the policies in this document. On the last page of this book, the Management Plan & Student Code of Conduct, there is a place for you to sign verifying you have reviewed this document. Please sign and have your son/daughter return this document.**

**The district has a booklet describing the rights of parents. Parents who are interested should contact the principal of their child's school.**

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## **GARLAND INDEPENDENT SCHOOL DISTRICT EQUAL OPPORTUNITY STATEMENTS**

### **Title IX**

1. No administrative officer or employee of the Garland Independent School District, acting in his/her official capacity, may discriminate on the basis of a person's sex, race, religion, color, language, or national origin regarding: personnel practices, including assigning, hiring, promoting, compensating, and discharging employees; use of facilities; awarding contracts; and participation in programs.
2. No student shall, on the basis of sex, race, religion, language, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity sponsored by this school district except as specifically provided in Title IX implementing regulations.

Inquiries regarding any of these statements should be directed to Dr. Gary Reeves, Assistant Superintendent of Personnel, P.O. Box 469026, Garland, Texas 75046-9026, (972)487-3041.

### **Section 504**

1. No qualified disabled person shall, on the basis of disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity sponsored by this school district except as specifically provided in Section 504 Implementing Regulations.
2. Garland Independent School District does not discriminate on the basis of disability by denying access to the benefits of District services, programs, or activities.

Inquiries regarding any of these statements should be directed to Dr. Joseph Lopez, Director of Special Programs, P.O. Box 469026, Garland, Texas 75046-9026, (972)487-3177.

*“The use of illicit drugs and unlawful possession and use of alcohol are wrong and harmful.”*

# 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 DAEP (disciplinary alternative education program within the district), or expulsion from school.

This Student Code of Conduct has been adopted by the Garland Independent School District’s Board of Trustees and developed with the advice of the district-level 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 will be available for review at the office of the campus principal. Parents will be notified of any conduct violation that may result in a student being suspended, placed in the local alternative education center, or expelled.

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Because the district’s board of trustees adopts the Student Code of Conduct it has the force of policy; therefore, in case of conflict between the Code and the student handbook, the Code will prevail.

The filing of criminal charges by any law enforcement agency does not preclude the enforcement of the GISD Student Code of Conduct.

**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.

### **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 lunch periods in which a student is allowed to leave 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; and
9. When the student commits a felony, as provided by Texas Education Code 37.006 or 37.0081.
10. When the student is required to register as a sex offender.

#### **Search of Student's Person**

Searches of a student's outer clothing and pockets may be conducted if reasonable cause exists. Highly intrusive searches of the student's person shall be conducted only if probable cause exist that the student possesses contraband.

#### **Search of Student Vehicles**

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.

#### **Search of Student Lockers**

The district retains the right to search school-issued lockers with or without cause. A sealed item within the locker will not be searched without reasonable cause that it contains contraband.

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

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.

A teacher with knowledge that a student has violated the Student Code of Conduct shall file with the appropriate administrator a written report not to exceed one page, documenting the violation.

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

### **Standards for Student Conduct**

The district expects each student to:

- Be aware of all items that are brought onto any Garland Independent School District property. This includes, but is not limited to, items carried in clothing, backpacks and vehicles or placed in lockers.
- 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.
- Be responsible for textbooks and other school-issued items and return them in good condition.
- Pay required fees and fines, unless they are waived.
- Cooperate with and assist the school staff in maintaining safety, order, and discipline.
- Notify teachers or school officials of any conflict with other students, including threats of any kind.
- Seek changes in school policies and regulations in an orderly and responsible manner through appropriate channels.
- Adhere to the requirements of the Student Code of Conduct.

Conduct by students either in or out of class that for any reason, whether because of time, place, or manner of behavior, materially disrupts class work or involves substantial disorder or invasion of the

rights of other students or employees at school or school-related activities is prohibited.

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

**Extracurricular Standards**

With approval of the Superintendent and principal, sponsors and coaches of extracurricular activities may develop and enforce standards of conduct that are higher than the District-developed Student Code of Conduct and may maintain membership and eligibility for participation in activities on adherence to those established standards. These organizational standards of behavior are independent of the Student Code of Conduct. Violations of the Student Code of Conduct may result in independent disciplinary action by the school.

Students shall be informed of any extracurricular behavior standards for the organization in conjunction with tryout, practice or acceptance/ induction into membership.

Students and their parents shall sign and return to the sponsor or coach a statement acknowledging recognition of the extracurricular behavior standards and consent to abide by them as a condition of membership or participation in the activity.

A student may be removed from membership or participation in extracurricular activity or may be excluded from school honors for violation of organizational standards of behavior or for violations of the Student Code of Conduct.

The higher standards may take into account conduct that occurs at any time, on or off school property. No provision of the extracurricular behavioral standard shall have the effect of discriminating on the basis of sex, race, disability, religion, or ethnicity.

A student who has engaged in conduct punishable as a Title 5 Felony offense as defined by the Texas Penal Code or is charged with aggravated robbery or possession of a deadly weapon during the current school year shall be suspended from competition or performance in extracurricular activities for the remainder of the current school year.

**Pledges and Moment Of Silence**

The district is required to have students recite the pledges to the United States and Texas flags once each school day. The district will excuse a student from reciting a pledge upon request of the student's parent or guardian. Also, a minute of silence following the pledges is required allowing students to reflect, pray, meditate, or engage in another silent activity that is not distracting to others.

## General Conduct Violations

The categories of conduct below are prohibited at school and all school-related activities, but the list does not include the most serious offenses. In subsequent sections on Suspension, DAEP Placement, and Expulsion, severe offenses that require or permit specific consequences are listed. Any offense, however, may be serious enough to warrant removal from the regular educational setting as detailed in that section. Repeated violations of the general conduct rules will result in more severe consequences.

The district prohibits the following:

### Disregard for Authority

- Failing to comply with lawful directives given by school personnel (insubordination).
- Leaving school grounds or school-sponsored events without permission.
- Disobeying rules for conduct on school buses.
- Refusing to accept discipline management techniques assigned by a teacher or principal.

### Mistreatment of Others

- Using profanity or vulgar language or making obscene gestures.
- Fighting or scuffling.
- Threaten a district student, employee, SRO, or volunteer, including off school property if the conduct causes a substantial disruption to the educational environment.
- Unwarranted use of a chemical-dispensing device used for personal protection (i.e. mace or pepper spray).
- Engaging in cruel teasing, bullying, harassment, and making hit lists.
  - The school administration may consider past student behavior when identifying a bully.
  - The determination of the administration is final and may not be appealed.
- Engaging in conduct that constitutes sexual harassment or sexual abuse, whether by word, gesture, or any other conduct, including requests for sexual favors directed toward another student or a district employee.
- Hazing.
- Causing an individual to act through the use of or threat of force (coercion).
- Committing extortion or blackmail (obtaining money or an object of value from an unwilling person).
- Engaging in inappropriate verbal, physical, or sexual conduct directed toward another student or a district employee/SRO/volunteer or other adult.

## Property Offenses

- Engage in conduct that constitutes dating violence, including the intentional use of physical, sexual, verbal, or emotional abuse to harm, threaten, intimidate, or control another person with whom the student has had a dating relationship.
- Damaging or vandalizing property owned by others where damage does not constitute felony criminal mischief.
- Damaging, destroying, or defacing school property—including textbooks, lockers, furniture, and other equipment—with graffiti or by other means (less than felony criminal mischief).
- Stealing from students, staff, or the school.
- Committing or assisting in a robbery or theft even if it does not constitute a felony according to the Texas Penal Code.

## Possession of Prohibited Items

- Possessing or using:
  - fireworks of any kind, smoke or stink bombs, or any other pyrotechnic device;
  - any hazardous material such as mercury, acid;
  - a razor, box cutter, chain, or any other object used in a way that threatens or inflicts bodily injury to another person;
  - a “look-alike” weapon or hoax explosive;
  - an air, BB, blow, paint, pellet, or stun gun or any device designed to propel a projectile;
  - ammunition;
  - any pocketknife;
  - pornographic material;
  - tobacco products and related paraphernalia;
  - matches or a lighter;
  - a laser device for other than an approved use; or
  - any articles not generally considered being weapons, including school supplies, when the principal or designee determines that a danger exists.

## Possession of Tele-Communications And Entertainment Devices

- Possessing a cellular telephone or other communications device (i.e. pagers) at school during the school day.
  - A parent may retrieve the device without charge.
    1. When the device is confiscated and retrieved by the student an administrative fee not to exceed \$15 **may** be charged.
    2. If confiscated a second time an administrative fee of \$15 **will** be charged for the return of the device.
    3. Three violations may result in confiscation of the device for the remainder of the school year.

## **Illegal and Prescription Drugs**

- An exception to confiscation is if the student is in attendance as an active member of a volunteer fire-fighting organization or a volunteer emergency medical service organization.

- Possessing a radio, compact disc, iPod or other entertainment device.
- Possessing or selling seeds or pieces of marijuana in less than a usable amount.
- Abusing the student's own prescription drug, giving a prescription drug to another student, or possessing or being under the influence of another person's prescription drug on school property or at a school-related event.
- Having or taking prescription drugs or over-the-counter drugs at school other than as provided by district policy.

## **Misuse of Computers And Internet**

- Violating computer use policies, rules, or agreements signed by the student and/or agreements signed by the student's parent.
- Using the Internet or other electronic communications to threaten students or employees or cause disruption to the educational program.
- Sending or posting electronic messages that are abusive, obscene, sexually oriented, threatening, harassing, damaging to another's reputation, or illegal.
- Using e-mail or Web sites at school to encourage illegal behavior or threaten school safety.

## **Safety Transgressions**

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

## **Miscellaneous Offenses**

- Violating dress and grooming standards as communicated in the student handbook.
- Cheating or copying the work of another.
- Unexcused absences from school.
- Trespass on to school property.
- Gambling.
- Falsifying records, passes, or other school-related documents.

- Engaging in action or demonstrations that substantially disrupt or materially interfere with school activities.
- Repeatedly or persistently violating communicated campus or classroom standards of conduct.

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

**Discipline Management Techniques**

Discipline will be designed to improve conduct and to encourage students to adhere to their responsibilities as members of the school community. Disciplinary action will draw on the professional judgment of teachers and administrators and on a range of discipline management techniques. Students shall be treated fairly and equitably. 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.

**IEP/IAP**

Each student with disability eligibility under the Individual with Disabilities Education Improvement Act (IDEIA) or as warranted by Section 504 shall have an individualized education program (IEP/IAP) to address the student’s specialized education needs. If the student’s IEP contains disciplinary sanctions and is not being challenged in an administrative or court appeal pursuant to the Individual with Disabilities Education Improvement Act (IDEIA), then those sanctions in the IEP should be followed.

**BIP/BMP**

A behavior intervention plan (IDEIA) or a behavior modification plan (Section 504) shall be developed for those eligible students who exhibit persistent misconduct and/or whose behavior interferes with learning.

The behavior intervention plan of a student with disabilities shall be reviewed prior to taking discipline action in order to determine that a selected discipline technique is not prohibited by the student’s plan.

In deciding whether to order (in/out-of)-school 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.

If it is determined that a behavior management technique is not appropriate to be applied to a student with disability, the ARD/Section 504 Committee shall determine what alternate consequences would be appropriate by referencing the student's BIP.

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

For students with disabilities, an ARD/Section 504 Committee must be convened to consider the first removal of the student from class for more than 10 cumulative days in a school year and for any removal for over 10 consecutive days. Thereafter, an ARD/Section 504 Committee must be convened should a series of removals demonstrate a pattern of removal.

## **Discipline Techniques**

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

- Verbal (oral or written) correction.
- Cooling-off time or "time-out."
- Seating changes within the classroom.
- Temporary confiscation of items that disrupt the educational process.
- Rewards or demerits.
- Behavioral contracts.
- Counseling by teachers, counselors, or administrative personnel.
- Parent-teacher conferences.
- Grade reduction as permitted by policy for cheating, copying or plagiarism.
- 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.
- Suspension of campus parking lot privilege.

- Citations for fighting and disorderly conduct.
- In-school suspension, as specified in the Suspension section of this Code.
- Out-of-school suspension, as specified in the Suspension section of this Code.
- Placement in a DAEP, as specified in the DAEP 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.

**Parent Notification**

The principal or appropriate administrator will notify a student's parent by phone or in writing 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.

**Student Arrest**

If a student is subject to arrest or apprehension by a law enforcement officer while at school, the principal shall deliver the student into police custody. The principal shall immediately attempt to notify the parent and the appropriate director.

**IDEIA Student**

If the apprehension is initiated by the school district and the student is a student with disabilities, the administrator shall seek parental permission to release pertinent information concerning the student's disability. If permission is denied, information should not be released.

**Student Questioning  
By Police or Agency**

Off-campus law enforcement officers or CPS workers are expected to contact the principal or his/her designee prior to questioning a student at school. Police other than the campus school resource officer shall state the necessity of questioning a student while in school. CPS may choose not to share such information due to confidentiality issues. School administrators will make a reasonable effort to notify a parent should police appear to question their student regarding a police matter. Parents or guardians may not always be notified when CPS visits with a student.

**Appeals**

Parental questions or complaints regarding disciplinary measures should be addressed to the teacher or campus administration, as appropriate, and in accordance with policy FNG (LOCAL). A copy of the policy may be obtained from the principal's office or the central administration office.

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

## Removal from the Regular Educational Setting

In deciding whether to remove a student from a student's regular classroom to a reassignment room, out of building suspension, DAEP or JJAEP (expulsion), the district will not take into consideration:

1. Self-defense
  2. Intent or lack of intent at the time the student engaged in the conduct\*,
- or
3. The student's disciplinary history\*\*.

\*Unless the guidelines for term of removal or the offense definitions in this code specifically state a requirement of intent.

\*\*Disciplinary history may be considered in determining the length of a removal. Additionally, removals for persistent misconduct must take disciplinary history into account.

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
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.

The student may not be returned to the teacher's classroom before the conference is conducted.

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 teacher removes a student from the regular classroom 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.

**Immediate  
Removal from  
Class/Campus**

If a student's behavior is so unruly, disruptive, or abusive that it seriously interferes with a teacher's ability to communicate effectively with students in the classroom, with the ability of the student's classmates to learn, with the operation of school or school-sponsored activities or in order to protect persons or property from imminent harm, the principal or the principal's designee may order the immediate removal of the student to in-school or out-of-school suspension, the off-campus DAEP, or expulsion. An emergency removal for DAEP or expulsion is allowed for any reason under which that form of removal would be allowed on a non-emergency basis.

The student shall be given verbal notice for the immediate removal. If a parent cannot be contacted prior to the immediate action, contact shall occur as soon as possible. Within a reasonable time, the student shall be afforded due process. For emergency removal regarding DAEP or expulsion, the due process shall be given within ten days after the date of the emergency removal.

**Transfer**

On the request of a parent or other person with authority to act on behalf of a student who is a victim of bullying, the school shall transfer the victim to another classroom at the campus or consider other options.

Transportation to another campus will not be provided, unless the student is otherwise eligible to be transported by the district.

## Suspension

### In-School Suspension

Students who fail to conform to the normal rules and regulations may be assigned to in-school suspension, hereafter referred to as the **Reassignment Room**. The setting is to provide students with a highly structured, controlled academic environment. The goal is to strive to assist students to return to productive work in regular classes.

### Misconduct

A student may be assigned to the Reassignment Room for any behavior listed in the Code as a general conduct violation.

In addition to offenses listed in the general conduct rules, a student may be placed in the Reassignment Room for the following misconduct:

- Disturbance in a class, hallway, cafeteria, or on school grounds or at a school-sponsored or school-related activity.
- Verbal assault on a school employee/SRO/school volunteer.
- Dissemination/possession of unauthorized materials, including hazardous items such as acid or mercury.
- Loitering in unauthorized areas, including within 500 feet of school grounds.
- Illegal entry into a school facility.
- Participating in an unauthorized organization/activity.
- Possession of smoking devices including rolling paper and pipes.
- Possession of an object adapted to be a weapon.
- Setting a fire.
- Theft, possession or sale of another person's property with a value under \$200.
- Assault as defined by Penal Code 22.01(a)(3).
- Failure to serve an assigned detention.
- Unauthorized use of a vehicle, speeding, or parking lot violation.
- Violation of school district's medication policy.
- Use, transmit, sale, or attempted sale of any intoxicant or mood-changing, mind-altering, or behavior-altering substance.

In deciding whether to place a student in the Reassignment Room, the district will not take into consideration:

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

### Change in Placement

For a student with disability under IDEIA or Section 504, a removal to the Reassignment Room **may** or **may not** be considered a change in placement depending upon services provided while removed.

The objectives of the Reassignment Room are as follows:

- To provide for the removal of disruptive students from academic classes; thus allowing meaningful instruction to take place,

- To provide structured academic supervision,
- To effect positive attitudinal changes,
- To serve as a means of behavioral modification, and
- To assist the student in returning to class as a productive member of his/her peer group.

Before being placed in the campus' Reassignment Room, 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.

As soon as reasonable, the parent shall be notified by telephone or other appropriate means of the student's placement in Reassignment.

### **Reassignment Room Rules**

Students will be subject to very strict discipline while assigned to in-school suspension. The following rules and regulations will prevail in the Reassignment Room:

1. Misconduct while in reassignment can result in the assignment of additional days to reassignment.
  - a. Upon arrival to school, the student must report directly to reassignment, unless authorized to do otherwise.
  - b. Students are to be punctual and bring needed supplies.
  - c. Tardiness will result in assignment of an additional day to be served.
  - d. Students are not to leave the Reassignment Room without permission.
  - e. Students shall not talk without permission or make disruptive noises.
  - f. Students may not sleep or lay their head down on the desk.
  - g. Students will have assigned seating and may not leave their desk without permission.
2. Students may provide or purchase from the cafeteria their lunch (no fast food).
3. One restroom break will be permitted in the morning and afternoon.
4. Students who have absences while assigned to the Reassignment Room are required to make up those missed days before dismissal.
5. Students having early dismissal will be released only upon the discretion of the principal or designee.
6. Repeated violation of Reassignment Room rules may result in the student's suspension from school.

## **Extracurricular Sanctions**

Students assigned to the Reassignment Room are subject to the following rules regarding participation in extracurricular activities:

- Students will not be allowed to participate in extracurricular activities for the length of time assigned to reassignment **plus** the next calendar school day. (Student returning on Friday morning will be eligible on Saturday.)
- Students assigned to Reassignment more than six (6) days during the current term will not be allowed to participate in extracurricular activities for the remainder of the current term.
- Students having already served a suspension from extracurricular competition or performance for citizenship reasons for the remainder of a previous term of the current school year will not be allowed to participate in extracurricular activities for the remainder of the current term, if the total number of days in reassignment exceeds three days during the current term.
- Students who have been placed in the district's DAEP during the current school year and then are placed in the Reassignment Room will not be allowed to participate in extracurricular activities for the remainder of the current term.

## **Out-of-School Suspension**

Student dismissal from the Reassignment Room will depend upon his/her work accomplishment, conduct, attitude, and attendance while assigned to the placement and will be at the discretion of the reassignment room supervisor and the principal or designee. Students must serve a full day in reassignment for each day assigned.

Students may be suspended from campus for any misbehavior listed in the General Conduct Violation section of this Code (except for tardiness or truancy) and for offenses in which In-School Suspension is permitted.

Additionally, a student may be suspended from school for continuing to misbehave while assigned to the Reassignment Room.

In deciding whether to order out-of-school suspension, the district will not take into consideration:

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

## **Process**

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

However, see section on "Students With Disabilities" beginning on page 8, which covers removal of students with disabilities.

## **Length of Suspension**

The principal or assistant principal will determine the length of a student's suspension out of school, not to exceed three days.

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. Reasonable effort shall be made to contact the parent of a student regarding the student's suspension.

### **Student Sanctions Regarding Suspension**

The appropriate administrator and sponsor/coach will determine any restrictions on participation in school-sponsored or school-related extracurricular and co-curricular activities due to out-of-school suspension.

- Any student who is suspended from school for 3 days or less shall be suspended from participation in extracurricular competition/performance for the length of the suspension **plus** the next calendar school day. (Student returning on Friday morning will be eligible on Saturday.)
- A student who is suspended from school more than one time during the current school term shall be prohibited from participation in extracurricular activities for the remainder of the current term.
- Any student who is suspended from school after having been prohibited from participation for disciplinary reasons in a previous term of the current school year shall again be suspended from participation for the remainder of the current term.
- A student who having previously served a stay in the district's DAEP during the current school year and is then suspended from school shall be prohibited from competition or performance in extracurricular activities for the remainder of the current term.
- After having been suspended from extracurricular activities for the remainder of a previous term in the current school year due to a citizenship reason and then is suspended from school again in the next term of the current school year shall again be suspended from participation for the remainder of the current term.

Suspended students are prohibited from being on school grounds or attending school-sponsored or school-related activities during the period of suspension, except by special permission.

### **Scholastic Penalties**

A student on suspension from classes can complete assignments without penalty for the period of suspension, if done so within a time designated by the teacher.

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

A student who under conditions set forth in this Code fails to conform to the normal rules and regulations may be removed from his/her regular classes or campus and placed in an alternative education center located off campus. Students may be placed in the DAEP for the duration of time that has been recommended by the principal or assistant principal.

#### **Discretionary Placement in DAEP**

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

In deciding whether to order placement in the DAEP, the district will not take into consideration:

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

#### **General Misconduct**

A student may be placed in the DAEP for the following conduct violations committed on school property or at a school-related or sponsored activity:

- Record the voice or image of another without the prior consent of the individual being recorded or in any way disrupts the educational environment or invades the privacy of others.
- Terroristic threat.
- After formal teacher removal from class.
- Deadly conduct
- Possession of a weapon (except as described by Penal Code 46.01 and 46.05) or an object perceived or adapted to be a weapon.
- Aiding a person to commit suicide (less than a felony)
- Persistent misconduct.
  - Requires prior parent and student conferences.
  - Requires five previous suspensions one of which was out-of-school placement.
- On campus possession, use, or transmittal of paraphernalia related to any prohibited substance.
- Gang activity.
- Inappropriate exposure, including mooning, flashing, streaking.
- Reckless speech and/or writing.
- Serious disruption of school operation.
- Illegal entry into a school facility.
- Assault on school district employee/SRO/volunteer or other adult.
- Assault by intentionally or knowingly causing physical contact with another when the person knows or should know that the other person will regard the contact as offensive or provocative.

**Misconduct  
Identified in  
State Law**

- Assault under Texas Penal Code 22.01(a)(2) by intentionally or knowingly threatening another with imminent bodily injury.
- The transmittal, possession, use, sale, or attempted sale of what is represented to be (fake) any substance prohibited under school rules.
- Theft, possession, or sale of another's property valued over \$200.
- Violation of medication policy.
- Verbal assault on a school district employee/SRO/volunteer or other adult.
- Recklessly or negligently engaging in improper, disrespectful, offensive or provocative physical contact with an employee.
- Violation of the acceptable computer use policy.
- Setting a fire on school property.
- Repeated sexual harassment offenses.
- Bullying, harassment, and making a hit list.

A student may be placed in the DAEP for the following conduct violations committed off campus:

- Aggravated robbery; and
- Possession of a deadly weapon.

In accordance with state law, a student **may** be placed in a DAEP for any 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.
- Engages in criminal mischief felony on campus (damage meets or exceeds \$1,500).
- If the superintendent or the superintendent's designee has reasonable belief that the student has engaged in conduct punishable as a felony, other than those listed as offenses involving injury to a person in Title 5 of the Texas Penal Code, that occurs off school property and not at a school-sponsored or school-related event, if the student's presence in the regular classroom threatens the safety of other students or teachers or will be detrimental to the educational process.
- Involvement in criminal street gang activity (see glossary).
- Dating violence (see glossary).

The appropriate administrator **may**, but is not required to, place a student in a DAEP for off-campus Title 5 felony conduct for which

DAEP placement is required by state law if the district does not have knowledge of the conduct before the first anniversary of the date the conduct occurred.

## **Certain Felonies**

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

## **Mandatory Placement in DAEP**

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

- 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:
  - Conduct on or off campus involving a public school that contains the elements of terroristic threat.
  - Conduct on or off campus involving a public school that contains the elements of false alarm or report.
  - Engages in conduct punishable as a felony.
  - Commits an assault under Penal Code 22.01(a)(1).
  - Sells, gives, or delivers to another person, or possesses, uses, or is under the influence of marijuana, a controlled substance, or a dangerous drug in a usable amount not constituting a felony offense.
  - Sells, gives, or delivers to another person an alcoholic beverage; commits a serious act or offense while under alcohol; or possesses, uses, or is under the influence of alcohol, if the conduct is not punishable as a felony offense.
  - Behaves in a manner that contains the elements of an offense relating to abusable volatile chemicals.
  - Engages in conduct that contains the elements of the offense of public lewdness or indecent exposure.
- Being a member of, pledging to become a member of, joining or soliciting another person to join or become a member of a public school fraternity, secret society or gang.
- 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, SRO, or volunteer on or off school property.
- Engages in conduct punishable as a felony listed under Title 5 of the Texas Penal Code when the conduct occurs off school property and not at a school-sponsored or school-related event and:
  1. The student receives deferred prosecution,
  2. A court or jury finds that the student has engaged in delinquent conduct, or
  3. The superintendent or designee has a reasonable belief that the student engaged in the conduct.
- Registered sex offenders or registered sex offenders under court supervision (placement will be at least one semester).

**DAEP and Students With Disabilities**

The ARD/Section 504 Committee shall consider if placement in the DAEP is an appropriate consequence for a student with disabilities. If this option is not appropriate, the committee shall specify what disciplinary measures can be used for offenses that would normally warrant an assignment to DAEP. The ARD/Section 504 Committee must review an assignment for more than 10 consecutive school days.

**Sexual Assault and Campus Assignment**

To the extent permitted under the District’s court-ordered desegregation plan, 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 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 serving the grade level of the offending student. If there is no other campus in the district serving the grade level of the offending student or if the District’s desegregation plan would not permit a transfer to another campus, the offending student will be transferred to a DAEP.

**Process**

The campus principal or his/her designee will make removals to the DAEP.

**Conference**

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

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

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

**Placement Order**

After the conference, if the student is placed in the DAEP, the appropriate administrator will write a placement order.

A copy of the DAEP placement order will be sent to the student and the student’s parent.

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

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

**Length of Placement**

A placement begins at the time that the school conference is concluded and the campus administrator assigns the student to an alternative educational setting. The campus principal or his/her designee or the central-level hearing officer for the district will determine the duration of a student's placement in a DAEP.

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.

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.

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 appropriate operations director, 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 that violates the district's Code.

Students placed in the DAEP during the last six weeks of a semester may have their placement extended through the next semester with the approval of the appropriate operations director.

**Appeals**

Questions or complaints from parents regarding disciplinary measures should be addressed to the campus administration, in accordance with policy FNG (LOCAL). A copy of this policy may be obtained from the principal's office or the central administration office. For appeals above the campus level for DAEP placements see pages 35.

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.

**Sanctions Regarding DAEP Placement**

Any student placed in the DAEP for the first time is prohibited from participating in GISD school-sponsored or school-related activities during the length of time of the placement in the alternative education center **plus** the next calendar school day. (Student returning on Friday morning will be eligible on Saturday.)

Students placed in the DAEP more than once during the current school year are prohibited from participating in school-sponsored or school-related activities for the remainder of the current school year.

A student, after having been suspended from extracurricular participation in a term of the current school year for a citizenship reason and then is subsequently placed in the DAEP for more than three days in the next term of the school year, shall be suspended from extracurricular participation for the remaining current term.

Students while placed in DAEP are prohibited from being on their home campus or attending school-sponsored or school-related activities during the period of placement without special permission.

A student placed in the off-campus 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/IAP.

**Senior Graduation**

Seniors eligible to graduate and that are assigned to the DAEP at the time of graduation will have the last day of instruction coincide as the last day of placement in the DAEP and the student will be allowed to participate in the graduation ceremony and related graduation activities, unless otherwise stipulated in their DAEP placement order.

**Placement Review**

The administrator at intervals not to exceed 120 days will provide a student placed in a DAEP a review of his or her status, including academic status. 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, 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**

A student assigned to a DAEP in an open enrollment charter school or another district including a district in another state (if the behavior committed is a reason for DAEP placement in this district) at the time he or she enrolls in the district will be evaluated to determine the appropriate GISD placement.

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.

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

Before a student may be expelled, the administrator must provide the student a hearing at which the student is afforded appropriate due process as required by the federal Constitution and which the student's parent or guardian is invited, in writing, to attend. At the hearing, the student must be represented by the student's parent or guardian or another adult who can provide guidance to the student and who is not an employee of the school district.

#### **Discretionary Expulsion**

In deciding whether to order expulsion, the district will not take into consideration:

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

#### **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, SRO, or volunteer.
- 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.
- 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:

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

- 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, SRO, or a volunteer.
- Engaging in deadly conduct.

**Within 300 Feet of School (may be expelled)**

- 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.
  - 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).
  - Continuous sexual abuse of a young child or children.

**Property of Another District**

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

**While in DAEP**

- Engaging in serious offenses or persistent misbehavior that violates the district’s Code, while placed in a DAEP.

**Mandatory Expulsion**

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.

**Texas Penal Code  
(must be expelled)**

- Any firearm muffler or firearm weapon.
- Any destructive device, such as any explosive, incendiary or poison gas bomb, or grenade.
- Using, exhibiting, or possessing the following, as defined by the Texas Penal Code:
  - A firearm, which is 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 5 ½ 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 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.
- Engaging in conduct that contains elements of the following offenses under the Texas Penal Code:
  - Aggravated assault, sexual assault, or aggravated sexual assault.
  - Arson.
  - Murder, capital murder, or criminal attempt to commit murder or capital murder.
  - Indecency-with-a-child.
  - Aggravated kidnapping.
  - Aggravated robbery.
  - Manslaughter.
  - Criminally negligent homicide.
  - 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.
  - Continuous sexual abuse of a young child or children.

## **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 removed from class or placed in a DAEP unless the student commits a federal firearm offense.

## **Students with Disabilities**

A student with disabilities may be expelled for conduct that would warrant such action for a non-disabled student if the ARD/Section 504 Committee determines through a duly constituted Manifestation Determination Review that either:

- The expellable behavior is not a manifestation of the student's disability; or
- The expellable behavior falls within one of the special circumstances recognized by the IDEA (drugs, weapons, or serious bodily injury); or
- The expellable behavior is a manifestation of the student's disability but the parent and the school district agree to a change of placement to the DAEP or the DCJJAEP as part of the modification of the behavior intervention plan.

In determining relatedness of misconduct and a student's disabling condition, the committee shall review all relevant information in the student's file including the current IEP/IAP, any teacher observations and any relevant information provided by the parent.

If the committee determines that the student's misconduct is related to the disabling condition or was the direct result of the district's failure to implement the student's IEP/IAP, the student shall not be expelled, except as noted in the first paragraph of this section. An exception exists to allow school officials to remove a student for not more than 45 school days without regard to disability for certain offenses involving deadly weapons, drugs, or serious bodily injury.

If the ARD/Section 504 Committee finds that the misconduct was due to inappropriate placement or program, the committee shall review the placement or program and recommend alternatives. When expulsion is not appropriate, the committee shall specify what disciplinary measures can be used for an offense that would normally warrant expulsion.

The ARD/Section 504 Committee shall determine the educational services to be provided during an expulsion, which will ensure that the student has the opportunity to progress in the general education curriculum and make progress toward achieving their goals and objectives.

## **Process**

If a student is believed to have committed an expellable offense, the principal or other appropriate administrator will schedule a hearing within seven school days from the date of the offense. 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, or
- 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 **written** notice of the date, time, and place of the hearing to the student and parent, the district may hold the hearing regardless of whether the student or the student’s parent attends.

The student may be denied the privilege of his/her campus pending appeal of the expulsion.

**Board Review of Expulsion**

The board of trustees delegates to the principal or his/her designee the authority to conduct hearings and expel students.

After the due process hearing, the expelled student may request that the board review the expulsion decision. The student or parent must submit a written request to the superintendent within seven calendar days after receipt of the written decision. Within five school days of receipt of the appeal, 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.

The board’s decision to uphold the expulsion may be appealed by trial de novo to a state district court in the county in which the district’s central administrative offices are located.

**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 board'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.

### **Dallas County JJAEP**

The board of trustees of the Garland Independent School District has entered into an agreement with the county juvenile board, which has established and operates a Juvenile Justice Alternative Education Program. Students expelled from their home school or DAEP may be placed in the DCJJAEP.

### **MOU with DCJJAEP**

Pursuant to the Memorandum of Understanding (MOU) entered into with the Dallas County Juvenile Board, the GISD Student Code of Conduct contains the discretionary provisions under which youth will be subject to removal from the school district's DAEP and placed in the DCJJAEP. These provisions are as follows:

- Serious misbehavior agreed to under the MOU for discretionary purposes of removing a student from the district's DAEP to the DCJJAEP includes but is not limited to the following:
  - Assault on a teacher or other individual;
  - Retaliation against a school employee;
  - The use, gift, sale, delivery, possession, or being under the influence of alcohol, marijuana, other controlled substances, dangerous drugs, or abuse of glue or volatile chemicals;
  - Aggressive action that poses a direct threat to the health and safety of others;
  - Public lewdness;
  - Indecent exposure; and
  - Terrorist threat or false alarm or report pursuant to TEC Sec. 37.007(b)(1).
- Persistent misbehavior applied under the MOU for purposes of discretionary removal of a student from the district DAEP to the DCJJAEP shall mean two or more violations of the Student Code of Conduct as listed below, or three or more violations of the Code not listed below, where there are documented interventions of these behaviors:
  - Engaging in conduct that constitutes criminal mischief;
  - Vandalism;
  - Extortion, coercion, or blackmail;
  - Aggressive, disruptive action or group demonstration that substantially disrupts or materially interferes with school activities;
  - Hazing;

- Profanity, vulgar language, or obscene gestures directed toward school employees/SROs;
- Fighting;
- Sexual harassment of a student or district employee;
- Falsification of records, passes, or other school-related documents; and
- Possession or distribution of pornographic materials.

**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.

Students expelled to the county juvenile justice alternative educational program will be placed there for a minimum of 90 days.

The maximum period of expulsion is one calendar year except as provided below.

- Students released from the DCJJAEP before the end of their expulsion completion date may enroll in the district’s DAEP.
- An expulsion may not exceed one year unless, after review, the district determines that:
  - The student is a threat to the safety of other students or to district employees, or
  - Extended expulsion is in the best interest of the student.
- State and federal law require a student to be expelled from the regular classroom for a period of at least one calendar year for bringing a firearm, as defined by federal law, to school. However, the superintendent or other appropriate administrator may modify the length of the expulsion on a case-by-case basis.
- Students who commit offenses that require expulsion at the end of one school year may be expelled into the next school year to complete the term of expulsion.

**Withdrawal during Process**

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

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

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

**Additional Misconduct**

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

**Restrictions during Expulsion**

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

Students who are expelled during the current school year are suspended from competition or performances in extracurricular activities for the remainder of the current school year.

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

**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, or 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.

**DAEP Placement of Expelled Students**

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.

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.

**Court-returned Students**

If a court orders a student who has been expelled to attend school as a condition of probation, the district shall readmit the student, but the student is not immune from suspension, removal to the DAEP, or expulsion during the term of the probation.

## Miscellaneous Information

### Technology Use Policy

The Garland Independent School District provides technology resources to its students for educational purposes. The use of these technology resources is a privilege, not a right. Students shall display network etiquette of district computers and computer networks by using them in an appropriate and ethical manner. The Garland ISD complies with Federal Regulations regarding Internet filtering in order to limit user access to inappropriate content.

### Term

This policy is binding for the duration of the student's enrollment in Garland ISD.

### Technology Resources

The technology systems and networks include all of the computer hardware, operating system software, application software, stored text, and data files. This includes but is not limited to electronic mail, local databases, externally accessed databases such as Internet, CD-ROM, optical media, clip art, digital images, digitized information, communications technologies, and new technologies as they become available.

The District will at its own discretion monitor any technology resource activity without further notice to the end user.

### Acceptable Use of Technology

The District's technology resources will be used only for learning consistent with the District's mission and goals.

1. Only personnel authorized by GISD Technology Department may install software on any computer.
2. A student may use a computer only if supervised or granted permission by a GISD staff member.
3. Attempting to log on or logging on to a computer or e-mail system by using another's password is prohibited. (Students shall not share passwords.)
4. Improper use of any computer or the network is prohibited. This includes the following:
  - a. Submitting, publishing, or displaying any inflammatory, defamatory, inaccurate, racially or ethnically offensive, abusive, obscene, profane, vulgar, sexually oriented or threatening materials or messages, either public or private.
  - b. Attempting to or harming equipment, materials or data.
  - c. Attempting to or sending anonymous messages.
  - d. Using the network to access inappropriate material.
  - e. Knowingly placing a computer virus or any other destructive computer code on a computer or the network.
  - f. Using the network to provide addresses or other personal information that others may use inappropriately.

- g. Accessing of information resources, files and documents of another user without authorization.
- h. Bypassing school proxy servers.
- i. Posting personal information about yourself or others.
- j. Downloading or using copyrighted information without permission from the copyright holder.
- k. Attempting to “hack” into network resources.
- l. Storing inappropriate information in home directories or STU Share.
- m. Intentionally introducing a virus to the computer system.
- n. Accessing the GISD grade book system.
- o. Disabling, attempting to disable, or circumventing any district filtering software.
- p. Encrypting communications to avoid security review.
- q. Accessing materials that are abusive, obscene, sexually oriented, threatening, harassing, damaging to another’s reputation, or illegal.
- r. Wasting school resources through improper use of the computer system.
- s. Gaining unauthorized access to restricted information or resources.
- t. Using a network account belonging to someone else.

**Individual User Responsibilities**

The following standards will apply to all users of the District’s computer network systems:

- The person in whose name a system account is issued will be responsible for its proper use at all times.
- The system may not be used for illegal purposes, in support of illegal activities, or for any other activity prohibited by district guidelines.
- Users may not use another person’s system account to access computer or network resources.

**Network Etiquette**

System users are expected to observe the following network etiquette:

- Use appropriate language.
- Do not publish or display defamatory, inaccurate, racially offensive, abusive, obscene, profane, sexually oriented, or threatening materials.
- Do not reveal personal information such as addresses or phone numbers of users or others.
- Using the network in such a way as to not disrupt the use of the network by other users.

**Vandalism**

Any attempt to harm or destroy district equipment or materials, data of another user of the District’s system, or any of the agencies or networks to which the district has access is prohibited. Intentional attempts to degrade or disrupt system performance will be viewed as violations of district guidelines and possible criminal activity under applicable state and federal laws. This includes, but is not limited to, the uploading or creating of viruses, system break-in utilities or system hacking programs.

**Consequence of Misuse of Technology**

The District will suspend or revoke system access to a user found to have violated the district's acceptable use policy. Improper or unethical use may result in disciplinary action as outlined in the Student Code of Conduct. Restitution costs associated with system restoration, hardware, or software will be assessed against those responsible for degrading the system.

**Appeal of Discipline at Campus Level**

Incidents involving detentions, in-school suspension, and out-of-school suspension shall be appealed to the building principal. A student or parent shall request a conference with the principal within 15 days of the time the student or parent knew, or should have known, of the events or series of events causing the complaint.

The principal shall hold a conference within seven calendar days following receipt of the request. [In the case of an expulsion, the principal shall hold a hearing within seven school days from the date of the offense, if the student is removed from campus.] The principal shall have seven calendar days in which to respond to the appellant. The decision of the principal is final and may not be appealed to a higher level. Complaints or concerns about such decisions may be presented to the Board of Trustees in accordance with policy BED (Local).

**Appeal of Discipline to Central Level**

After a conference or hearing is held at the campus level, placements in DAEP or the DCJJAEP (expulsion) can be appealed to the Superintendent or designee. To request an appeal at the central level, the student or parent must file a request within the earlier of seven days following receipt of a response from the principal or the response deadline.

The Superintendent or designee shall hold a conference within seven calendar days after receiving the request. Prior to or at the time of the conference, the student or parent shall submit a written complaint that includes the student's or parent's signed statement of the complaint, any evidence in its support, the solution sought, and the date of the conference with the principal. The Superintendent or designee shall have seven calendar days following the conference within which to respond to the appellant. Questions regarding this process shall be directed to the Student Services Office at 972-494-8255.

To appeal a campus decision upheld at the central level, the student or parent may submit to the Superintendent or designee a request to place the matter on the agenda of a future Board meeting. The request must be in writing and must be filed within the earlier of seven calendar days from the Superintendent or designee's response or the response deadline as stated above.

The Superintendent shall inform the student or parent of the date, time, and place of the meeting. The District shall make an audiotape record of the proceeding before the Board. The Board shall hear the complaint and shall then make and communicate its decision orally or in writing at any time up to and including the next regularly scheduled Board meeting.

**Due Process**

General due process requires that the student be told for what it is they are being charged and given an opportunity to tell their version of the incident.

**Expulsion**

In an expulsion of a student from campus, a more formal process is required that includes the following:

1. Prior written notice of the charges and the proposed sanctions so as to afford a reasonable opportunity for preparation.
2. Right to a full and fair hearing.
3. Right to an adult representative.
4. Opportunity to testify and present evidence and witnesses in his/her defense.
5. Opportunity to examine the evidence presented by the school administration and question the administration's witnesses.

**Conduct while on School Provided Transportation**

Students are expected to conduct themselves in a safe and orderly fashion at all times while being transported in school vehicles. For the security of all individuals, district employees who operate these vehicles shall have the authority to maintain control of students while the student is on district provided transportation. Transportation drivers shall handle routine discipline problems according to established rules and regulations.

Transportation drivers shall not dismiss a student from a district-operated vehicle except as set out below:

- Under extreme circumstances in which the safety of passengers is threatened by the conduct of another student passenger, the offending passenger may be removed from the vehicle at the first place where this may be done safely.
  - The operator shall radio the transportation office for help and wait in the safe location for the offending passenger to be removed.
  - If the bus is still within proximity of the student's school, the driver may return to the school for assistance.
- When a student commits repeated incidents of misconduct that are disruptive and compromise safety.
  - The student offender shall be promptly reported to the student's principal and the driver's transportation supervisor.

The campus administrator may deny a student the privilege of accessing school transportation in cases of noncompliance with the established rules of conduct for school transportation or designate other consequences as deemed appropriate.

Anytime a student is removed from or denied the privilege of boarding transportation due to misconduct reasonable effort must be made by district personnel to contact the student's parent or guardian.

**Transportation  
for  
Students with  
Disabilities**

When provided to an eligible student with disability as a related service, suspension of the privilege of transportation shall be for no more than three days per occurrence. For those receiving transportation as a related service, days of removal from transportation count toward the 10-day rule regarding change in educational placement. A change occurs if the removal is for more than 10 cumulative days in a school year, any removal for more than 10 consecutive school days, or a series of removals that would demonstrate a pattern. For students with disabilities, an ARD/Section 504 Committee must be convened to consider a change in any placement.

**Detention**

For infractions of the Student Code of Conduct or regarding a campus or classroom rule violation, teachers and administrators may detain students after school hours on one or more days. The student shall be informed of the behavior that constitutes the violation and shall be given an opportunity to explain his/her version of the incident.

**Notice**

The parent or guardian shall be given notice of the student's detention to permit the arrangement of any necessary transportation for the student. The parent is responsible for making the necessary travel arrangements. Except in cases where the student is 18 years of age or older, the detention shall not begin until the parent has been notified.

In extenuating circumstances such as district provided transportation being the sole means to get home, detention may be deemed inappropriate and another suitable discipline alternative may be imposed.

All students detained for disciplinary purposes shall be under the direct supervision of a teacher or another member of the professional staff. The period of time in detention shall be devoted for educational purposes.

**Physical Restraint**

Restraint means the use of physical force or a mechanical device to significantly restrict the free movement of all or a portion of the student's body (TAC 89.1053). Any district employee may, within the scope of their duties, use and apply physical restraint to a student when the employee can reasonably assume it is necessary in order to:

- Protect a person from physical harm, including the person using physical restraint.
- Obtain possession of a weapon or other dangerous object.
- Protect property from serious damage.
- Remove a student from a specific location who is refusing a lawful command of a school employee/SRO, including from a classroom or other school property, in order to restore order or impose disciplinary measures.
- Restrain an irrational student.

**Limited Use  
with  
Students having  
Disabilities**

By Commissioner Rule (TAC 89.1053), a school employee, volunteer, or independent contractor may use restraint on students with disabilities only in an emergency and under the following guidelines:

- Limited to such reasonable force as is necessary to address the emergency.
- Use discontinued at the point at which the emergency no longer exists.
- Implemented in such a way as to protect the health and safety of the student and others.
- Does not deprive the student of basic human necessities.

**Emergency Use**

An emergency as defined by TAC 89.1053 means:

1. Imminent, serious physical harm to the student or others; or
2. Imminent, serious property destruction.

When an employee, volunteer, or independent contractor uses restraint on a student with disabilities as covered under IDEIA, the person shall complete Incident Report form S-SE-1175A.

**Restrictive Timeout**

Restrictive Timeout is a behavior management technique in which to provide a student with an opportunity to regain self-control, the student is separated from other students for a limited period in a setting that is not locked nor has the door physically blocked.

School employees, volunteers, or independent contractors may use restrictive time-out for students with disabilities with the following limitations:

- Physical force or threat of physical force shall not be used to place a student in restrictive time-out.
- Technique must be used in conjunction with an array of positive behavior intervention strategies and techniques.
- Technique must be included in the student's IEP and/or BIP, if used on a recurrent basis to increase or decrease a target behavior.
- Technique shall not be implemented in a fashion that precludes the ability of the student to be involved in and progress in the general curriculum and advance appropriately toward attaining the annual goals specified in the student's IEP.

Use must be documented by completing Documentation for Use of Restrictive Time-out Procedures (S-SE-855).

**School Resource  
Officer (SRO)  
Program**

All secondary schools have an assigned SRO and several resource officers are assigned to the elementary schools. Their duties are as follows:

- Instruction on a variety of topics (work in consultation with classroom teachers).
- Informal counseling (serve as first responders and crisis interveners).

- Law enforcement and safety on campus and at school related activities (responsible for all police services provided to their campus).

### **Metal Detectors**

The District shall use hand-held or walk-through metal detectors to discover and deter violations of the District's policy prohibiting weapons. The screenings will be random and conducted by district officials trained in the use of metal detectors.

After explaining the scanning process, the student shall place any bags, briefcases, purses, parcels, or the like on a table and remove any metal objects from his or her pockets. The student and their accompanying items will be scanned. If a student shall set off a scanning device and again be asked to remove all metal objects from their pocket and after that sets off the device, the student shall be escorted to a private area where a more thorough search shall be conducted. Should the student's baggage set off an alarm, they will be asked to open the item so that it may be searched.

Once in the private area, the student will be again asked to remove all metal objects and then a pat-down search near the place on the student's person where the scanner activated will be conducted. If an object is felt, the student will be given an opportunity to remove the object before the official does. A final scan will be conducted. If an alarm again sounds, the pat-down process will be repeated.

A particular student shall only be singled out for scanning if there exists reasonable suspicion that the individual possesses a prohibited weapon. Non-students in the same area of the search shall be searched in the same manner as the students.

Refusal by a person other than a student to be searched shall result in their being removed from campus or referred to the city police force. Students in DAEP that refuse to cooperate with the random searches are subject to expulsion.

### **Surveillance and Security Equipment**

Video and audio equipment will be used for safety purposes to monitor student behavior on district transportation and any other school property. Students and parents will be notified that the district uses such equipment, but students will not be notified when the equipment is turned on. Tapes shall remain in the custody of the campus principal and be maintained as required by law. A parent or student who wishes to view videotape in response to disciplinary action against the student may request such access under the procedures set out by law.

### **Use of Trained Dogs**

The District shall use special trained, non-aggressive dogs to sniff out and alert to the current presence of concealed, prohibited items, illicit substances defined in FNCF (Legal), and alcohol. Visits to campuses will be unannounced. The dogs shall not be used with students. If the dog alerts on a bag, locker, vehicle or classroom, school officials may search it.

**Emergency Medications**

Except for emergency medications (asthma inhalers, epipens), students shall not possess medications on school property or at school-related events, whether or not the medications are prescribed for the student. A student must provide the school nurse with a valid prescription for the medication and a written statement from a licensed physician and from a parent authorizing the possession and use of the medication by the student.

**Non-emergency Medications**

Students who need to take non-emergency medications during the school day or at school activities shall furnish such medications to the school nurse or other appropriate school employee who will keep and administer the medications. All medications administered on school property or at school-related event require a prescription or written doctor's order.

## 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.

**Alcoholic beverage** is defined by Section 1.04 of the Alcoholic Beverage Code as alcohol, or any beverage containing more than one-half of one percent of alcohol by volume, which is capable of use for beverage purposes, either alone or when diluted.

**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:

1. Any vegetation, fence, or structure on open-space land; or
2. Any building, habitation, or vehicle:
  - a. Knowing that it is within the limits of an incorporated city or town;
  - b. Knowing that it is insured against damage or destruction;
  - c. Knowing that it is subject to a mortgage or other security interest;
  - d. Knowing that it is located on property belonging to another;
  - e. Knowing that it has located within 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. For purposes of this definition, an assault must involve a victim and a perpetrator(s).

**Bodily injury** is temporary loss or impairment of the function of any bodily member or organ.

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

1. To have the effect of physically harming a student, damaging a student's property, or placing a student in reasonable fear of harm to the student's person or of damage to the student's property; or
2. To be sufficiently severe, persistent, or pervasive 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.

**Controlled substance** is a substance, including a drug and an immediate precursor, listed in Schedules I-V or penalty Groups 1-4, Chapter 481 of the Health and Safety Code of the Texas Controlled Substance Act or by 21 U.S.C. Section 801 et seq.

**Criminal mischief** is when without effective consent of the owner a person:

1. Intentionally or knowingly damages or destroys the tangible property of the owner;
2. Intentionally or knowingly tampers with the tangible property of the owner and causes pecuniary loss or substantial inconvenience to the owner or a third person;
3. Intentionally or knowingly makes markings, including inscriptions, slogans, drawings, or paintings, on the tangible property of the owner.

Such misconduct is a felony if the pecuniary loss is \$1,500 or more.

**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.

**Dangerous drug** as defined by Chapter 483, Health and Safety Code of the Texas Controlled Substance Act is a device or a drug that is unsafe for self-medication and that is not included in Schedules I-V or penalty Groups 1-4 of the Health and Safety Code. The term includes a device or drug that bears or is required to bear the legend:

1. Caution: federal law prohibits dispensing without a prescription; or
2. Caution: federal law restricts this drug to use by or on the order of a licensed veterinarian.

**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.

**Disruption of lawful assembly** is when any person in attendance is rendered incapable of participating in the assembly due to the use of force or violence or due to a reasonable fear that force or violence is likely to occur. Disruptive activity is the following acts:

1. Obstructing or restraining the passage of persons in an exit, entrance, or hallway of any building without the authorization of the administration of the school.
2. Seizing control of any building or portion of a building for the purposes of interfering with any administrative, educational, research, or other authorized activity.
3. Preventing or attempting to prevent by force or violence or the threat of violence any lawful assembly authorized by the school administration.

4. Disrupting by force or violence or the threat of force or violence a lawful assembly in progress.
5. Obstructing or restraining the passage of any person at an exit or entrance to said campus or property or preventing or attempting to prevent by force or violence or by threats thereof the entrance or exit of any person to or from said property or campus without authorization of the administration of the school.

**Disruption of school operation** means that a person has intent to interrupt the normal operation of school for a prolonged period of time and /or involves a significant number of students. Conduct that disrupts the educational process of school includes:

1. Emissions by any means of noise of an intensity that prevents or hinders classroom instruction.
2. Enticement or attempted enticement of students away from classes or other school activities that students are required to attend.
3. Prevention or attempted prevention of students from attending classes or other school activities those students are required to attend.
4. Entrance into a classroom without consent of either the principal or teacher and either through acts of misconduct and/or use of loud or profane language causes a disruption of class activity.
5. False fire alarms and/or false 911 calls.
6. Emission of offensive smells from devices such as smoke or stink bombs.
7. Inciting a disruptive action that interferes with the normal operation of school.

**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:

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

**Firearm** is 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.

**Fraternalities, sororities, secret societies, and gangs** is an organization composed wholly or in part of students in public schools that seek to perpetuate itself by taking in new members from the student body on the basis of the decision of its membership rather than on the free choice of a student who is qualified by the rules of the school to fill the special aims of the organization. This definition does not pertain to an agency for public welfare, such as Boy and Girl Scouts, Hi-Y, Girl Reserves, DeMolay, Rainbow Girls, Pan-American Clubs, scholarship societies or other organizations sponsored by state or national education authorities.

**Gang activity** is individually or collectively engaging in actions such as, but not limited to recruitment, marking territory, flashing signs, displaying colors, wearing associated haircuts, jewelry, or clothing, displaying symbols or markings any of which can be linked with advertising one's affiliation with a gang or acknowledging the existence of a gang.

**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.

**Harassment** is:

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

**Hazardous material** is any material that may pose a risk to human health or the environment, including but not limited to acids or mercury.

**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.

**Illegal knife** is defined as a knife with a blade longer than 5 and one-half inches, or is a hand instrument designed to cut or stab another by being thrown, or a dagger, including but not limited to a dirk, stiletto, and poniard.

**Indecent exposure** is a reckless, offensive, or alarming act of revealing one's private body parts as defined by Section 21.08 of the Texas Penal Code.

**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.

**Laser** is an acronym for Light Amplification by Stimulated Emission of Radiation. The most common educational application for laser on campus is as presentation pointers. Because their rays can present a danger to others, these devices are prohibited from student use without principal approval.

**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 misconduct** is repeated chronic defiance of authority (excluding tardiness or absenteeism) or repeated misbehavior that endangers the health and safety of school district employees or students.

**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 lewdness** encompasses an inappropriate, indecent, or offensive public act that implies or involves any sexual contact as described in Section 21.07 of the Texas Penal Code.

**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.

**Reckless speech/writing** is defined as a written or oral statement(s) made by a student which constitutes, involves or concerns a plan, scheme, or threat to violate any law, commit an act of violence to any person, disrupt or disturb any school or school-related activity; or damage or destroy any school building or property. There has to be no validation that the student intends to carry out the plan, scheme, or threat.

**Retaliation** is when a person intentionally or knowingly harms or threatens to harm another by an unlawful act in retaliation for or on account of the service of another as a public servant, witness, prospective witness, informant, or a person who has reported or who the actor knows intends to report the occurrence of a crime or to prevent or delay the service of another as a public servant, witness, prospective witness, informant, or a person who has reported or who the actor knows intends to report the occurrence of a crime.

**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. A claim of self-defense will not exempt a student from discipline when:

1. The force being used against the student is lawful.
2. The student has an opportunity to avoid force or to inform a school official of threatened use of force.
3. The student uses force after the other party abandons or attempts to abandon a fight or confrontation.

**Serious misbehavior** includes but is not limited to:

- All acts punishable as a felony.
- Possession, use, sell, attempted sell, giving, delivery or transmittal to another any prohibited or controlled substance material, product, paraphernalia, or device, whether real or represented-to-be real (fake).
- Being under the influence of marijuana, a controlled substance, a dangerous drug, abusable volatile chemical, and alcohol, misuse of over-the-counter medication or violation of the district's medication policy.
- Deadly conduct.
- Terroristic threat, making a hit list, or harassment.
- Vandalism, arson, setting fires or otherwise damaging the property of another.
- Sexual contact, public lewdness, or indecent exposure
- Gambling, extortion, coercion, blackmail, robbery, or theft.
- Verbal abuse, name-calling, ethnic or racial slurs or derogatory statements.
- Actions or demonstrations that substantially disrupt or materially interfere with school activities, including reckless speech/writing, false alarms and false emergency reports.

- Fraternity, sorority, secret society, gang or hazing activities.
- Engaging in misconduct while being transported in a school district vehicle.
- Insubordination or refusal to accept discipline assigned by the teacher or principal.
- Profanity, vulgar language, or obscene gestures.
- Action that poses a direct threat to the health or safety of others.
- Fighting, bullying, committing assault, physical abuse, or threatening physical abuse.
- Throwing objects that can cause bodily injury or damage property.
- Possession or distribution of pornographic materials.
- Leaving school or activities without permission, unexcused absences and truancy.
- Sexual harassment of a student or district employee.
- Violations regarding any weapon or objects perceived or adapted to be a weapon.
- Possession, use, or transfer or conspiracy to possess, use, or transfer any explosive, explosive device, including a hoax bomb.
- Falsification of records, passes, or other school-related documents.
- Giving false testimony, cheating, plagiarism, or copying work of another student.
- Retaliation against students, employees, SRO, or school volunteers.
- Illegal entry into a school facility.
- Computer usage violation.

**Sexual harassment** is defined as the creation of a “hostile environment” where unwelcome sexual conduct unreasonably interferes with the student’s educational performance by creating an intimidating, hostile, abusive, or offensive environment.

**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.

**Tele-communications device** is defined as any device that emits an audible signal, vibrates, displays a message, or otherwise summons or delivers a communication to the possessor, including but not limited to cellular phones and pagers.

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

1. Cause a reaction of any type by an official or volunteer agency organized to deal with emergencies;
2. Place any person in fear of imminent serious bodily injury;
3. Prevent or interrupt the occupation or use of a building; room, place of assembly, or place to which the public has access; place of employment or occupation; aircraft, automobile, or other form of conveyance; or other public place;
4. Cause impairment or interruption of public communications, public transportation, public water, gas, or power supply or other public service;

5. Place the public or a substantial group of the public in fear of serious bodily injury; or
6. Influence the conduct or activities of a branch or agency of the federal government, the state, or a political subdivision of the state (including the district).

**Title 5 offenses** 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)]

**Tobacco** refers to a genus of broad-leafed plants which is most commonly smoked, chewed, or “dipped” (placed between the cheek and gum).

**Trespass** is a crime of entering property without authority or remaining on property without consent.

**Under the influence** means use of a substance recently enough that it is detectable by the student’s physical appearance, actions, breath, speech, student admission of influence, effect of intoxication, or any other manner. A student “under the influence” need not be legally intoxicated to trigger disciplinary action.

**Use** means introducing into one’s body a prohibited substance by any means, including but not limited to smoking, ingesting, injecting, imbibing, inhaling, drinking, or tasting.

**Vandalism** is when a person wilfully damages or defaces the property of others.

**Volatile chemical abuse** is described in Chapter 485 of the Health and Safety Code of the Texas Controlled Substance Act as when a person inhales, ingests, applies, uses, or possesses a volatile chemical with the intent to inhale, ingest, apply, or use a volatile chemical (glue, aerosol paint, etc) in a manner contrary to the directions for use, cautions or warnings appearing on a label of a container of chemical and is designed to affect the persons central nervous system, create or induce a condition of intoxication, hallucination, or elation or change or distort or disturb the person’s eyesight, thinking process, balance or coordination.

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

**CLASSIFICATION OF OFF-CAMPUS TITLE V FELONIES**  
(FOR ADMINISTRATOR CONSIDERATION ONLY)

Administrators should consider the potential impact upon the safety of students and school staff and the effect upon the tranquility of the learning environment when considering the number of days between the minimum and maximum range of punishment for off-campus felony offenses. The current year conduct record of the student should also be reviewed for assessing the number of days of assignment to the AEC.

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**CATEGORY ONE FELONIES: OFF-CAMPUS OFFENSES**

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*Minimum: Remainder of the school year*

*Maximum: Mid-term of the next school year with Director permission*

<b>PENAL CODE</b>	<b>DESCRIPTION</b>
19.02	Murder
19.03	Capital Murder

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**CATEGORY TWO FELONIES: OFF-CAMPUS OFFENSES**

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*Minimum: 90 School days not to exceed current school year*

*Maximum: Remainder of the school year or (Mid-term of next year with Director permission)*

<b>PENAL CODE</b>	<b>DESCRIPTION</b>
19.04	Manslaughter
19.05	Criminally Negligent Homicide
20.04(a)(2)(3)(4)(5)&(b)	Aggravated Kidnapping
22.01(b)	Assault on a Public Servant (School Employees)
22.11	Sexual Assault
22.02(a)(1)	Aggravated Assault (resulting in serious bodily injury)
22.21	Aggravated Sexual Assault
22.05(b)(1)(2)	Deadly Conduct (discharge firearm)

37.303-05

Registered sex offenders or registered sex offenders under court supervision will be placed in DAEP for a minimum of one semester

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### **CATEGORY THREE FELONIES: OFF-CAMPUS OFFENSES**

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*Minimum: 75 School days not to exceed current school year*

*Maximum: 90 School days not to exceed current school year*

<b>PENAL CODE</b>	<b>DESCRIPTION</b>
20.02(c)	False Imprisonment (exposing victim to substantial risk of serious bodily injury)
20.03	Kidnapping (with intent to use or threaten to use deadly force)
20.04(a)(1)(6)	Aggravated Kidnapping
21.11(a)(1)	Indecency with a Child (contact with victim younger than 17 years old)
22.02(a)(2)	Aggravated Assault (resulting in no serious bodily injury)
29.03	Aggravated Robbery
22.04(a)(1)(2)	Injury to a child, Elderly, or Disabled Individual (resulting in serious bodily injury, mental impairment or deficiency)
46.05	Possession of a Deadly Weapon
22.09(b)(d)	Tampering with a Consumer Product (causing serious bodily injury)

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### **CATEGORY FOUR FELONIES: OFF-CAMPUS OFFENSES**

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*Minimum: 60 School days not to exceed current school year*

*Maximum: 75 School days not to exceed current school year*

<b>PENAL CODE</b>	<b>DESCRIPTION</b>
20.03(b)(1)	Kidnapping (without use of deadly force)
22.07(a)(4)	Terroristic Threat (affecting public service)

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### **CATEGORY FIVE FELONIES: OFF-CAMPUS OFFENSES**

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*Minimum: 45 School days not to exceed current school year*

*Maximum: 60 School days not to exceed current school year*

<b>PENAL CODE</b>	<b>DESCRIPTION</b>
21.11(a)(2)	Indecency with a Child (without contact to a victim younger than 17 years of age)
22.01(b)	Assault on a Public Servant (Non school employees)
22.04(a)(3)	Injury to a Child, Elderly, or Disabled Individual (resulting in bodily injury)
22.08(b)	Aiding Suicide (conduct causes suicide or attempted suicide results in serious bodily injury)

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### **CATEGORY SIX FELONIES: OFF-CAMPUS OFFENSES**

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*Minimum: 30 School days not to exceed current school year*

*Maximum: 45 School days not to exceed current school year*

<b>PENAL CODE</b>	<b>DESCRIPTION</b>
22.01(b)	Assault on a Family Member (twice convicted of family member assault)
22.041(c)(d)(1)	Abandoning or Endangering a Child
22.09	Threatening to Tamper with a Consumer Product

# CLASSIFICATION OF ON-CAMPUS OFFENSES FOR AEC PLACEMENT

(FOR ADMINISTRATOR CONSIDERATION ONLY)

Administrators should consider the potential impact upon the safety of students and school staff and the effect upon the tranquillity of the learning environment when considering the number of days between the minimum and maximum range of punishment for on-campus offenses. The current year conduct record of the student should also be reviewed for assessing the number of days of assignment to the AEC.

## CATEGORY ONE: ON-CAMPUS OFFENSES

*Minimum: Remainder of the school year*

*Maximum: Mid-term of the next school year with Director permission*

PENAL CODE	DESCRIPTION	EDUCATION
22.02	Assault- as when a person intentionally, knowingly, or recklessly causes serious bodily injury to another that creates substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.	[37.006(1)]
22.04(a)(1)(2)	Injury to a child, elderly, or disabled individual (resulting in serious bodily injury, mental impairment or deficiency)  Assault on school district employee/volunteer/ School Resource Officer/any other adult (with intention to harm employee)	

## CATEGORY TWO: ON-CAMPUS OFFENSES

*Minimum: 75 School days (Carry over into new school year with Director approval)*

*Maximum: 80 School days ((Carry over into new school year with Director approval)*

PENAL CODE	DESCRIPTION	EDUCATION
22.07	Terroristic threat	[37.006(a)(1)]
21.07(a)(1)(2)	Public lewdness (sexual intercourse Or deviant sexual intercourse)	
22.05	Deadly Conduct	

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### CATEGORY THREE: ON-CAMPUS OFFENSES

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*Minimum: 45 School days (Carry over into new school year with Director approval)*  
*Maximum: 50 School days (Carry over into new school year with Director approval)*

PENAL CODE	DESCRIPTION	EDUCATION
	Reckless speech and/or writing	
42.06	False alarm or report	
Alcohol Beverage Code 1.04	Drugs, first offense, or alcohol, second offense, possession, use, or being under the influence (within the school day on school property, or at a school related activity.) (Students who participate successfully in an approved counseling program may have their days reduced by one week).	[37.06(a)(b)]
Health/Safety Code 484.485.05	Engages in conduct that contains the elements of an offense relating to abuse of volatile chemicals	[37.006(a)(4)]
21.07(a)(3)	Public lewdness(inappropriate touching inside the clothing)	[37.006(5)]
	Felony criminal mischief (value of destroyed or damaged property in excess of \$20,000)	[37.007]
	Serious disruption of school operation (with intention of disrupting school operations) Director Approval	
21.08	Indecent exposure	[37.006(a)(5)]
22.08(b)	Aiding suicide (conduct causes suicide or attempted suicide results in serious bodily injury)	
20.03(b)(1)	Kidnapping (with intent to use or threaten to use deadly force)	
22.041(c)(d)(1)	Abandoning or endangering a child	
	Transmittal, possession, use, sale, or attempted sale of what is represented to be (fake) any substance prohibited under school rules	

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## CATEGORY FOUR: ON CAMPUS

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*Minimum: 30 School days (Carry over into next school year with Director approval)*

*Maximum: 35 School days (Carry over into next school year with Director approval)*

PENAL CODE	DESCRIPTION	EDUCATION
Alcohol Beverage Code 1.01	Drugs, first offense, or alcohol, second offense, possession, use, or being under the influence (outside the school day on school property with absence of any school activities.) (Students who participate successfully in an approved counseling program may have their days reduced by one week).	[37.06(a)(b)]
	Possession, use, or transmittal of paraphernalia related to any prohibited substance on campus. (Students who participate successfully in an approved counseling program may have their days reduced by one week).	[37.06(5)]
22.05	Deadly Conduct	
22.09(b)(d)	Tampering with a consumer product (causing serious bodily injury)	
20.03(b)(1)	Kidnapping (without use of deadly force)	
	Weapon possession (excluding those covered under Student Code of Conduct – Category IV: expulsion)	[37.006]
	Felony criminal mischief (Value of destroyed or damaged property \$1,500-\$20,000)	[37.007]
21.07(a)(3)	Public lewdness (inappropriate touching outside the clothing)	[37.006(5)]
	Illegal entry	
	Theft, possession, or sale, of another's Property (over \$200)	
	Inappropriate exposure (Mooning, Flashing, Streaking)	
	Intentionally setting a fire on campus	

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## CATEGORY FIVE: ON CAMPUS OFFENSES

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*Minimum: 20 School days (Carry over into next school year with Director approval)*  
*Maximum: 25 School days (Carry over into next school year with Director approval)*

PENAL CODE	DESCRIPTION	EDUCATION
	Teacher removal from class	[37.002]
	Gang activity (fraternity, sorority, and secret society)	[37.006]
	Persistent misconduct	[37.002]
36.06	Retaliation against a school employee	
22.01(a)(1)	Assault-as when a person intentionally or knowingly causes physical contact with another resulting in temporary loss or impairment of the function of any bodily member or organ.	[37.006(a)(1)]
	Violation of medication policy	
	Violation of computer use policy	
	Sexual harassment (3 <sup>rd</sup> offense)	

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## CATEGORY SIX: ON-CAMPUS OFFENSES

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*Minimum: 15 School days (Carry over into the next school year with Director approval)*  
*Maximum: 20 School days (Carry over into the next school year with Director approval)*

PENAL CODE	DESCRIPTION	EDUCATION
Alcohol Beverage Code 1.04	Alcohol possession, use, or being under the influence on district Property (first offense)	[37.006(a)(b)]
22.01(a)(2)	Assault by threat  Recklessly or negligently engaging in improper, disrespectful, offensive or provocative physical contact with an employee	
22.01(a)(3)	Assault-intentionally or knowingly causes physical contact with another when the person knows or should reasonably believe that the other will regard the contact as offensive or provocative	[37.006(a)(1)]
22.09	Threatening to tamper with a consumer product  Verbal assault on school employee/volunteer/ School Resource Officer/any other adult	

**For any behavior for which no specific length of removal to the AEC is provided, the student shall be removed for a period of 20-30 school days.**



**GARLAND INDEPENDENT SCHOOL DISTRICT**  
 HARRIS HILL ADMINISTRATION BUILDING  
 501 S. JUPITER ROAD  
 P.O. BOX 469026  
 GARLAND, TEXAS 75046-9026

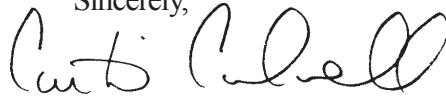
**PLEASE DETACH AND RETURN TO SCHOOL AS SOON AS POSSIBLE.**

Dear Parent and Student:

The Garland Independent School District's Management Plan & Student Code of Conduct have been drawn up to help your son or daughter gain the greatest possible benefit from his or her school experience.

The school is in need of your help and cooperation. It is important that every student understand the Management Plan & Student Code of Conduct and be encouraged by his/her parents or guardians to follow the rules and regulations set forth in the plan and code. Please read and discuss the discipline plan and code with your child. It is also important that every student understand the Guidelines for Acceptable Computer Use found on pages 33-35. As we enter into the cyber world and access the Internet, the students must follow these guidelines. Please read and discuss these with your child.

When you and your child have read and discussed the Management Plan & Student Code of Conduct including the Guidelines for Acceptable Computer Use, please sign this form and return it to the school. Your signature and that of your child's acknowledge receipt of a copy of the Management Plan & Student Code of Conduct. The signatures will also allow your child to access the Internet and be accountable for actions he/she takes. This form will be kept on file at the school.

Sincerely,  
  
 Curtis Culwell, Ed.D.  
 Superintendent

\_\_\_\_\_  
 Student's Name (Please Print)

\_\_\_\_\_  
 Grade

\_\_\_\_\_  
 ID #

\_\_\_\_\_  
 Parent/Guardian Signature

\_\_\_\_\_  
 Date

\_\_\_\_\_  
 Student's Signature

\_\_\_\_\_  
 Date