



BELLVILLE  
INDEPENDENT  
SCHOOL DISTRICT

**STUDENT  
CODE OF CONDUCT  
2013-2014**



Student Name: \_\_\_\_\_

Campus: \_\_\_\_\_



Bellville Independent School District  
Student Code of Conduct  
Directory Information  
Notification of Rights under FERPA  
2013-2014

I have read the Bellville Independent School District Student Code of Conduct and will abide by the standards, policies, and procedures defined or referenced in this document.

I and my child(ren) have read the district's notice within this code regarding drug-free schools and understand that my child(ren) will be subjected to school discipline and possibly to criminal prosecution if they are found to have violated the district's code of student conduct.

I have read the district's information about the release of directory information and the notification of rights under FERPA (see page ii of the Student Code of Conduct).

The information in this Student Code of Conduct is subject to change. I understand that changes in district Student Code of Conduct policies may supersede, modify, or render obsolete the information summarized in the Student Code of Conduct. As the district provides updated Student Code of Conduct policy information, I accept responsibility for reading and abiding by these changes.

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

\_\_\_\_\_  
Student Signature

\_\_\_\_\_  
Date Signed

\_\_\_\_\_  
Date Signed

PLEASE REMOVE THIS PAGE FROM THE STUDENT CODE OF CONDUCT AND RETURN TO THE STUDENT'S CAMPUS ACCORDING TO THE DUE DATE ESTABLISHED BY THE BUILDING PRINCIPAL. THANK YOU.



## **DIRECTORY INFORMATION**

**Certain information about District students is considered directory information. This information will be released to anyone who follows procedures for requesting it, unless the parent objects to the release of any or all directory information about his child. This objection must be made in writing to the principal within ten school days after the issuance of this notice. Directory information includes: a student's name, address, telephone number, date and place of birth, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, awards received in school, and most recent previous school attended.**

**Revised: August, 1995**

### **Notification of Rights under FERPA for Elementary and Secondary Schools**

The Family Educational Rights and Privacy Act (FERPA) affords parents and students over 18 years of age ("eligible students") certain rights with respect to the student's education records. These rights are:

(1) The right to inspect and review the student's education records within 45 days of the day the School receives a request for access.

Parents or eligible students should submit to the School principal [or appropriate school official] a written request that identifies the record(s) they wish to inspect. The School official will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected.

(2) The right to request the amendment of the student's education records that the parent or eligible student believes are inaccurate.

The parent of a student whose records are covered by this policy may ask the District to amend the student's record if the parent believes it contains information that is inaccurate, misleading, or in violation of the student's right of privacy or other rights. If the District decides not to amend the education records requested, it shall inform the parent of its decision and his or her right to a hearing to challenge the content of the student's education records. If the District decides to amend the records as a result of the hearing, it shall inform the parent in writing. If, as a result of the hearing, the District decides not to amend the records, it shall inform the parent of the right to place a statement in the records commenting on the contested information and/or stating why the parent disagrees with the decision of the District. Any explanation shall be maintained with the contested part of the record for as long as the record is maintained and shall be disclosed whenever the contested portion of the record is disclosed.

(3) The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent.

One exception, which permits disclosure without consent, is disclosure to school officials with legitimate educational interests. A school official is a person employed by the School as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the School Board; a person or company with whom the School has contracted to perform a special task (such as an attorney, auditor, medical consultant, or therapist); or a parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks.

A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

(4) The right to file a complaint with the U.S. Department of Education concerning alleged failures by the *School District* to comply with the requirements of FERPA. The name and address of the Office that administers FERPA are:

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202-5901



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# **BELLVILLE INDEPENDENT SCHOOL DISTRICT 2013-2014 STUDENT CODE OF CONDUCT & DISCIPLINE MANAGEMENT PLAN**

## **I. DESIGNATED CAMPUS DISCIPLINE PERSONNEL**

The campus discipline personnel on each of the campuses shall be the Principal or the Assistant Principal. The duties of this campus discipline person shall include the following, subject to the provisions of this Code of Conduct and other applicable law:

1. Assist in the implementation of the campus discipline management program.
2. Remove a student from campus to an alternative education program.
3. Remove a student from campus for reasons other than to an alternative education program.
4. Suspend or expel a student for disciplinary infractions.
5. Act as the Board of Trustees' or Superintendent's designee for student discipline.

## **II. GENERAL EXPECTATIONS**

Students are expected to follow the rules and regulations established by the school district, the school, and the classroom teacher. Students are expected to conduct themselves in a manner that is neither disruptive nor disrespectful and which does not violate the rights of others. This means that the student should become familiar with and observe the laws, policies, rules, and regulations that concern student conduct. In general, the student is expected to behave in a manner that permits uninterrupted learning to take place. Students are expected to cooperate with and assist the school staff in maintaining safety, order, and discipline.

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

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

This Code remains in effect for the entire 2013-14 school year, during summer school and at all school-related events and activities outside of the school year until an updated version adopted by the Board becomes effective for the next school year. A copy of this Code is available at each campus and the District's Web site: <http://www.bellvilleisd.org/>.

### III. RIGHTS AND RESPONSIBILITIES

#### A. Of Students

All students are entitled to the basic citizenship rights recognized and protected by law for persons of their age and maturity. Bellville Independent School District schools shall foster a climate of mutual respect for the rights of others. Each student is expected to respect the rights and privileges of other students, of teachers, and of other district staff and comply with rules established for the orderly conduct of education.

Student responsibilities for achieving a positive learning environment shall include, but are not limited to, the following:

1. Attend all classes on time.
2. Prepare for class with assigned work and appropriate materials.
3. Account for his or her own work.
4. Dress in a neat, clean, and well-groomed manner in accordance with the district's established dress code and policies.
5. Conduct himself or herself in a safe and responsible manner.
6. Show respect for all individuals and property.
7. Seek help from school personnel when having school or personal problems.
8. Pay required fees and fines, unless they are waived.
9. Seek changes in school policies and regulations in an orderly and responsible manner, through appropriate channels.
10. Cooperate with staff in investigation of disciplinary cases by providing accurate information when the student has knowledge relating to any offense.
11. Avoid loitering on the school campus before or after school.
12. Identify himself/herself to school personnel when asked.
13. Refrain from any form of criminal activity.
14. Follow the rules and regulations established by the classroom teacher, the school, and as set forth in the District policies and this code.

#### B. Of Parents

Parent responsibilities for contributing to the educational process shall include but are not limited to the following:

1. Establish and maintain, in the home, a positive attitude toward education.
2. Show an active interest in the child's schoolwork and progress through regular communication with the school.
3. Assist the child with dressing in a neat, clean, well-groomed manner in accordance with the District's established dress code policies.
4. Keep the school informed of changes of address and phone number.
5. Send the child to the school serving the family's residence.
6. Ensure the child's regular daily attendance.

7. Keep the child out of school when the child is obviously ill.
8. Arrange for the child to get to school on time with needed materials and leave campus on time.
9. Report and explain any absence and tardy to the school promptly and in writing within 5 days of the date of absence.
10. Cooperate with school personnel when the child is involved in a disciplinary matter.
11. Cooperate with school personnel in the maintenance of the child's physical and emotional health.
12. Make every effort to provide for the physical needs of the child.
13. Encourage and lead the child to develop proper study habits at home.
14. Keep informed of school policies and academic requirements of school programs.
15. Bring to the attention of school authorities any learning problem or condition that may relate to his or her child's education.
16. Be sure the child attends school tutorials as the need arises.
17. Notify the teacher(s) if the child is unable to receive help at home.
18. Submit a signed statement that he or she understands and consents to the responsibilities outlined in this plan.
19. Control his or her child. Under Family Code § 33.01, a student's parent is legally liable for property damage proximately caused by a) the negligent conduct of the student if such conduct is reasonably attributable to the negligent failure of the parent to exercise that duty or b) the willful or malicious conduct of a student who is at least 12 but under 18 years of age.
20. Review and encourage the child to adhere to the procedures set forth in District policies and this code.

Parent rights shall include, but are not limited to, the following:

1. Petition the board of trustees about the designation of the child's assigned school.
2. Have reasonable access to the school principal or a designated administrator to request reassignment or change of class or teacher.
3. Have the right to request that the parent's child participate in graduation ceremonies earlier than the child would normally graduate, if the child completes all courses required for graduation and if the child has not inappropriately violated the Student Code of Conduct.
4. Have the right to request that a child be permitted to attend a class for credit above the child's grade level unless the board's designated representative expects that the child cannot perform satisfactorily in the class.
5. Access to all written records concerning the parent's child.
6. Access to a copy of each state assessment instrument.
7. Review of all teaching materials, textbooks and other teaching aids used in the classroom of the parent's child, including each test administered after its administration.
8. Access to any board of trustees meeting, except a closed meeting.

9. Provide written consent for the district to conduct psychological examinations, tests, or treatment, unless required under Section 38.004.
10. Remove the parent's child temporarily from a class or other school activity that conflicts with the parent's religious or moral belief if the parent presents a written statement authorizing the removal. The parent may not remove a student to avoid the student's taking a test or to prevent the child from taking a subject for an entire semester.

C. Of Teachers

Teacher responsibilities for achieving a positive learning environment shall include, but are not limited to, the following:

1. Prepare and implement lesson plans and learning activities, which provide an effective educational program for each student.
2. Participate in the development of a campus discipline management plan that supports the District's Code of Conduct.
3. Review the Student Code of Conduct and discipline management plan.
4. Communicate with students and parents about poor academic and/or conduct behavior.
5. Enforce school rules on campus and at all school sponsored activities.
6. Maintain an orderly classroom.
7. Address discipline problems consistently, reasonably, fairly, and patiently.
8. Ensure good student discipline by being in regular attendance and on time.
9. Ensure student safety by providing direct supervision of classrooms and hallways as appropriate.
10. Establish communication and an effective working relationship with parents, students, and other staff members. Help students to strive toward appropriate self-discipline.
11. Serve as an appropriate role model for students.
12. Report suspected child abuse.
13. Maintain records and, in a timely manner, complete any and all appropriate documentation related to student discipline.
14. Adhere to the procedures set forth in the District policies and this Code.

Teacher rights include, but are not limited to, the following:

1. Send a student to the principal's office to maintain effective discipline in the classroom.
2. Remove a student from class who interferes with the teacher's ability to communicate effectively with the students in the class or with the ability of the student's classmates to learn.
3. Remove a student from class whose behavior is so unruly, disruptive, or abusive that it seriously interferes with the teacher's ability to communicate effectively with the students in the class or with the ability of the student's classmates to learn.

4. Perform instructional and supervision duties without verbal or physical abuse or threats.

D. Of Administrators

Administrator responsibilities for achieving a positive learning environment shall include, but are not limited to, the following:

1. Plan a flexible curriculum and activities to meet the needs of all students and provide the resources necessary to implement those plans.
2. Implement policies, rules, and regulations to facilitate the establishment and maintenance of an atmosphere conducive to good behavior and teaming.
3. Ensure an effective instructional program for all students.
4. Establish guidelines for student discipline.
5. Attempt to solve school-related problems or conflicts of students, staff, parents, and community.
6. Develop and maintain a plan to provide for the safety and welfare of students and faculty.
7. Develop and maintain communication with students and parents, including participation in required parent-teacher conferences.
8. Ensure that the rights of students are protected.
9. Respond to discipline problems referred to him or her.
10. Provide appropriate assistance to students in learning appropriate discipline.
11. Assume responsibility and instructional leadership for discipline and for evaluation of the discipline management plan.
12. Serve as an appropriate role model for students.
13. Report suspected child abuse.
14. Adhere to the procedures set forth in District policies and this code.

E. Of the Board of Education

Board of Education responsibilities for achieving a positive learning environment shall include but are not limited to the following:

1. Enact policies, rules, and regulations to facilitate the establishment and maintenance of an atmosphere conducive to good behavior and learning.
2. Provide the necessary trained and dedicated leadership and personnel to assure quality education for every student.
3. Provide the necessary equipment, materials, and other fiscal support to assure quality education for every student.

#### IV. CONFERENCES

- A. A principal or administrative designee shall conduct one or more conferences with a student's parent(s)/guardian(s) when:
  - 1. After appropriate documentation, the teacher officially and formally removes a student from the classroom.
  - 2. The student is assigned to a disciplinary alternative education program.
- B. These conferences will generally be conducted in person, but where impractical, may be conducted by telephone. If these methods fail, the conference may be by letter. The district shall document its attempts to schedule and conduct required parental conferences.
- C. Teachers or other school employees (principal, assistant principal, vice-principal, or counselor) may request a conference with a student's parent(s) whenever the teacher or employee (principal, assistant principal, vice-principal, or counselor) perceives the need for parental cooperation in enforcing the student code of conduct.
- D. Parents/guardians may request a conference with the student's teachers, counselor, or administrator when there is a concern about the student's educational progress. These conferences should be scheduled in advance.

#### V. SCHOLASTIC PENALTIES

- A. A student removed from his or her regular classes for any reason other than expulsion will receive an excused absence if course work is completed within a time designated by the school administration. No academic penalty will be assessed based solely on disciplinary infractions except for the following:
  - 1. Truancy
  - 2. Cheating
- B. Upon return to school, the student who receives an unexcused absence shall request missing assignments from each teacher. Work completed and returned within the time designated by the teacher(s) will be accepted with a maximum grade of 90.
- C. Pending the exhaustion of the appeals process, students who meet the campus requirements for requesting, completing, and returning assignments will be allowed to remain current on all course work. Students with disabilities under the I.D.E.A. will receive educational services during expulsion as determined by the Admission, Review, and Dismissal (ARD) committee.

## VI. STUDENT CODE OF CONDUCT

- A. The district has jurisdiction over its students during the regular school day and while going to and from school on district transportation. The district's jurisdiction includes, but is not limited to, any activity during the school day on school grounds, certain conduct within 300 feet of school property as measured from any point on the school's real property boundary line, attendance at any school-related activity, regardless of time or location, and any school-related misconduct, regardless of time or location. The District also has jurisdiction during lunch periods in which a student is allowed to leave campus. The District also has jurisdiction over students when they engage in conduct punishable as a felony or based on retaliation, regardless of time or location.

The District also has jurisdiction over students when they engage in conduct on school property of another district or while attending a school-sponsored or school-related activity of a school in another school district, regardless of time or location. In addition, the District has jurisdiction over a student when the student is required to register as a sex offender. The District has jurisdiction over criminal mischief that is committed on or off school property or at a school-related event.

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

The District has the right to search a student's locker, a student's purse, a student's gym bag, a student's desk or any other item carried by or belonging to the student, in an area under the control by the student, and/or in the locker assigned to the student whenever there is reasonable cause to believe that it contains articles or materials prohibited by the District.

Bellville ISD is a Gang-Free School Zone, under Penal Code section 71.028. This section establishes Gang-Free School Zones and provided for enhanced punishment for gang-related criminal activity occurring in, on, or within 1,000 feet of any real property that is owned, rented, or leased by a school or school board. Under the act punishment for certain offenses is increased to the punishment prescribed for the next highest category of offense if the actor is 17 years of age or older and it is shown beyond a reasonable doubt on the trial of the offense that the actor committed the offense at a location that was owned, rented, or leased by a school or school board.

- B. This Code of Conduct is based on several premises:
1. Certain student behaviors are appropriate because they facilitate effective teaching and learning; other behaviors are inappropriate because they interfere with effective teaching and learning.
  2. It is reasonable to expect students to behave appropriately and for the school personnel to take measures to prevent students from behaving inappropriately.
  3. It is to the advantage of the student to behave appropriately; it is more rewarding for the student and more productive for the school.
  4. It is recognized that most students do behave appropriately.
  5. Those students who behave inappropriately should be penalized for inappropriate actions, subject to applicable laws and policies.
  6. The discipline techniques outlined in this Code may be used for prevention/intervention to change inappropriate student behaviors and to promote positive student behaviors.
  7. The use of illicit drugs and unlawful possession and use of alcohol is wrong and harmful. The unlawful possession or use of illicit drugs or alcohol is wrong and harmful.
- C. The Code of Student Conduct describes the behavior that is expected of students.

#### ASSAULTS AND AGGRAVATED ASSAULTS

Students are prohibited from assaulting anyone on school property, within 300 feet of school property or at any school-related event or activity.

#### ATTENDANCE

Every child who resides in this District who is as much as six years of age, or who is less than six years of age and has previously been enrolled in first grade, and who has not reached the age of eighteen (18), shall be required to attend a public school in the District.

Regular attendance and punctuality are required of every student. Acceptable excuses for absences and tardies include personal illness, sickness or death in the immediate family, quarantine, weather or road conditions making travel dangerous, required legal business approved in advance by the principal, religious holy days (if, *before the absence, the parent, guardian, or person having custody or lawful control of the student submits a written request for the excused absence*), a temporary absence resulting from health care professionals if the student commences classes or returns to school on the day of the appointment, or any unusual cause acceptable to the principal or the superintendent. No student is permitted to leave the school campus during school hours without an excuse, in writing or by telephone, from the parent or guardian. These excuses must be approved by the principal or person designated by the principal or District. Once a student arrives on campus before regular school hours, he/she is expected to remain on campus unless permission to leave has been granted by an administrator.



Board policy and State law provide that no student shall be given credit for a class or promoted to the next grade if he has not been in attendance at least 90% of the days the class is offered. A student and the student's parent or guardian shall be given written notice prior to and at such time when a student's attendance in any class drops below 90% of the days the class is offered. A student who has an "excused" absence is not in violation of the compulsory attendance law but can still be denied credit for a class if those excused absences comprise more than 10% of the days instruction is offered. Written documentation of a student's absence must be submitted by a parent/guardian within five days after the date of the absence for the absence to be considered to be excused. When a student's attendance drops below 90% of the days the class is offered, the student, parent, or representative may request award credit by submitting a written petition to the appropriate attendance committee. The attendance committee shall review the student's entire attendance record and the reasons for absences, and shall determine whether to award credit. Petitions may be filled at any time the student receives notice, but in any event, no later than 30 calendar days after the last day of classes. An attendance committee appointed by the Board may give credit if there were extenuating circumstances for the absences.

"Extenuating circumstances" are the following:

1. Board-approved extracurricular activity or public performance subject to limitations in FDD (LEGAL).
2. Required screening, diagnosis, and treatment for Medicaid-eligible students.
3. Documented health care appointment, if the student begins classes or returns to school on the same day as the appointment.
4. Temporary absence resulting from any cause acceptable to the teacher, principal, or Superintendent.
5. Juvenile court proceeding documented by a probation officer.
6. Absence required by state or local welfare authorities.
7. Family emergency or unforeseen or unavoidable instance requiring immediate attention.
8. Approved college visitation.

Absences for which the student has shown extenuating circumstances and completed routine make-up work shall be considered days of attendance for computing the required percentage of days of attendance.

A student may miss a class in a course only thirteen times in a year for participation in extracurricular activities; absences for participation for more than ten days could result in loss of credit.

#### BICYCLE/SKATEBOARDS/ROLLERBLADES/SCOOTERS/WHEELIES

Students who ride bicycles that are parked in places not designated for bicycle parking, are ridden during the school day, or are ridden on sidewalks are subject to disciplinary

action. It is strongly recommended that bicycles be kept locked. Schools are not responsible for lost or stolen bicycles. Skateboards, scooters, roller blades, skates, and wheelies are prohibited from use at all times on all Bellville ISD campuses.

### BULLYING, CYBER-BULLYING and SEXTING

Bullying, Cyber-bullying and “Sexting” is prohibited including off school property, if the conduct causes a substantial disruption to the educational environment.

### BUS PRIVILEGES

Bus service is a privilege for students provided by the school district. Since the district’s primary responsibility in transporting students in district vehicles is to do so as safely as possible, the operator of the vehicle must focus on driving and not have his or her attention distracted by student misbehavior. Therefore, when appropriate disciplinary management techniques fail to improve student behavior or when specific misconduct warrants immediate removal, the principal and/or assistant principal may restrict or revoke a student’s transportation privileges, in accordance with law. A bus driver may refer a student to the principal’s office to maintain effective discipline on the bus. The principal must employ additional discipline management techniques, as appropriate, which can include restricting or revoking a student’s bus riding privileges.

In addition to the rules for good conduct expected of each student at school, each student is also expected to:

1. Remain ten (10) feet from the bus loading location.
2. Wait quietly until the bus has stopped and the bus door has opened before entering the bus.
3. Refrain from hanging onto the bus before boarding or after leaving the bus
4. Board the bus with objects limited to the size that can be transported on the lap.
5. Refrain from bringing animals and/or glass containers on the bus.
6. Bus driver is authorized to assign seats. Sit in seat assigned by bus driver.
7. Go to your seat immediately upon entering the bus and be seated, facing forward.
8. Refrain from extending any part of the body out of bus window.
9. Refrain from throwing objects on or off the bus.
10. Refrain from eating or drinking on the bus.
11. Each bus has a trash can available for the disposal of materials as students are boarding or leaving the bus;
12. Never dispose of trash out the bus window or on the ground at the bus stop
13. Ride assigned bus unless provisions for an exception have been made in writing through the campus
14. Leave the bus only at the designated bus stop unless provisions for an exception have been made.

## BUS STOP GUIDELINES

1. Arrive at the bus stop five minutes before scheduled pick-up time.
2. Follow all school rules at and around the bus stop.
3. Respect other people's property and keep your bus stop clean.
4. Enter the bus quietly and move directly to your seat.
5. During unloading, move away from the bus quickly.
6. After exiting the bus, stand on the side of the road, at least ten (10) feet in front of the bus and wait until the driver signals before crossing the street.

Bus rules are posted in all of our buses. Failure to follow bus rules and bus stop guidelines will result in a bus discipline referral being completed describing the student's behavior. This referral will be forwarded to the campus administrator for further action. A copy will be maintained on file with the transportation department.

The steps taken to discipline a student are as follows:

Minor offenses such as being too loud or moving about more than the driver considers safe will result in a verbal reminder warning issued by the bus driver

Continued disrespect for the bus rules, as referenced in the Student Transportation Rules and Policies, will result in a written referral to the student's campus administrator

Major offenses such as fighting, serious insubordination / disrespect or endangerment will result in immediate referral to the student's campus administrator

### Referrals to the Campus Administrator

First Offense:	Warning; Student conference and parent notification
Second Offense:	Parent/Student conference with campus administrator; student subject to 3-5 school days suspension of bus privileges
Third Offense:	Student subject to up to ten (10) school days suspension of bus privileges
Fourth Offense:	Student subject to suspension of bus privileges for remainder of semester, remainder of the school year or possibly permanent removal.

Under certain circumstances, the first offense may result in immediate removal from the bus. Examples of such behavior may include but are not limited to: fighting, profanity, destruction of property, and endangerment.

## COMPUTER RESOURCES

1. Users shall not erase, rename, or make unusable anyone else's computer files.
2. Users shall not let other persons use their name, logon, password, or files for any reason.
3. Users shall not use or try to discover another user's password.
4. Users shall not use Bellville ISD's computers or networks for any non-instructional or non-administrative purpose (e.g., games or activities for personal profit).
5. Users shall not use a computer for unlawful purposes, such as the illegal copying or installation of software.

6. Users shall not copy, change, or transfer any software or documentation provided by Bellville ISD, teachers, or another student without permission from the campus principal.
7. Users shall not write, produce, generate, copy, propagate, or attempt to introduce any computer code designed to self-replicate, damage, or otherwise hinder the performance of any computer's memory, file system, or software. Such software is known as, among other names, a bug, virus, worm, or Trojan Horse.
8. Users shall not deliberately use the computer, the Internet, or other electronic communications to threaten, annoy, impersonate or harass students, employees, or volunteers with language or images. Users shall not deliberately access or create any obscene or objectionable information, language, or images. This conduct is punishable if it occurs off school property if the conduct causes a substantial disruption to the educational environment.
9. Users shall not intentionally damage the system, damage information belonging to others, misuse system resources, or allow others to misuse system resources.
10. Users shall not tamper with computers, networks, printers, or other associated equipment except as directed by the teacher or administrator.
11. Users shall not take home technology equipment (hardware or software) without written permission of the teacher and evidence of appropriate insurance.
12. Users shall not violate the school district's Internet use policy.
13. Users shall not attempt to access or circumvent passwords or other security-related information of the district, students, or employees or upload or create computer viruses, including off school property if the conduct causes a substantial disruption to the educational environment.
14. Users shall not attempt to alter, destroy, or disable district technology resources including but not limited to computers and related equipment, district data, the data of others, or other networks connected to the District's system, including off school property if the conduct causes a substantial disruption to the educational environment.
15. Users shall not send, post, or possess electronic messages that are abusive, obscene, sexually oriented, threatening, harassing, damaging to another's reputation, or illegal, including cyberbullying and "sexting," either on or off school property, if the conduct causes a substantial disruption to the educational environment.
16. Users shall not use e-mail, websites, or other electronic applications to engage in or encourage illegal behavior or threaten school safety, including off school property if the conduct causes a substantial disruption to the educational environment.

#### DATING VIOLENCE

Dating violence is prohibited by students on or off campus.

## DISRUPTIONS

### Disruptive Activities

Discipline and order shall be maintained during school hours and at school events.

No person may willfully or recklessly engage in disruptive activity or disrupt a lawful assembly on the campus or property of any public school. "Disruptive activity" is defined by the Texas Education Code, Section 37.123 as:

1. Obstructing or restraining the passage of a person 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 purpose 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 force or violence any lawful assembly authorized by the school administration so that a person attempting to participate due to the use of force or violence or due to a reasonable fear that force or violence is likely to occur.
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 ingress or egress of any person from said property or campus without the authorization of the administration of the school.
6. These provisions shall not be construed to infringe upon any rights of free speech or expression guaranteed by the Constitutions of the United States or of this state.

### Disruption of Classes

A person commits an offense if the person, on school property or on public property within 300 feet of school property, alone or in concert with others, intentionally disrupts the conduct of classes or other school activities.

An offense under this section is a Class C misdemeanor.

In this section:

- (1) "Disrupting the conduct of classes or other school activities" includes:
  - a. emitting noise of an intensity that prevents or hinders classroom instruction

- b. enticing or attempting to entice a student away from a class or other school activity that the student is required to attend
  - c. preventing or attempting to prevent a student from attending a class or other school activity that the student is required to attend
  - d. entering a classroom without the consent of either the principal or the teacher, and, through either acts of misconduct or the use of loud or profane language, disrupting class activities.
- (2) "Public property" includes a street, highway, alley, public park, or sidewalk.
- (3) "School property" includes a public school campus or school grounds on which a public school is located and any grounds or buildings used by a school for an assembly or other school-sponsored activity.

#### Disruption by False Alarm or Terroristic Threat

- (1) A person commits an offense if the person engages in conduct involving a public school that contains the elements of the offense of false alarm or report under Section 42.06, Penal Code, or terroristic threat under Section 22.07, Penal Code.
- (2) An offense under the Section 42.06 of the Penal Code is a state jail felony. An offense under Section 22.07 of the Penal code may range from a Class B misdemeanor to a third degree felony, depending on the conduct.

#### Disruption by Exhibition of Firearms

- (1) A person commits an offense if the person, by exhibiting, using, or threatening to exhibit or use a firearm in a manner intended to cause alarm or personal injury to another in or on any property, including a parking lot, parking garage, or parking area owned by a school or portion of a campus or of a school bus being used to transport children to or from school sponsored activities of a private or public school. (Section 37.125)
- (2) An offense under this section is a third degree felony.

#### Disruption of Transportation

Except as provided by Education Code section 37.125, a person commits an offense if the person intentionally disrupts, prevents, or interferes with the lawful transportation of children to or from school or an activity sponsored by a school on a vehicle owned or operated by a county or independent school district.

## DRESS AND GROOMING

Acceptable dress and grooming at school or while representing the school shall be neat, clean, and appropriate for the school situation.

Appropriate dress and grooming shall let students be free from distraction of other students and/or the learning process. The building principal reserves the right to make individual decisions concerning student dress that might be necessary to maintain appropriate discipline.

Changing trends in fashion necessitate periodic revisions in the District's dress code. However, extreme styles shall be recognized as being inappropriate for school wear.

## BOYS' GROOMING

### Boys' Hair:

1. Must be trimmed to the base of the collar on a normal dress shirt and may extend to the base of the earlobe, if it is kept clean, neatly combed and trimmed, and out of the eyes. Hair may not be worn in a ponytail, rattail, etc.
2. Must not extend beyond approximately two (2) inches from the head. (example: Afro, spikes, etc.)
3. Sideburns may not extend over one-half inch below the ear and are limited to approximately one (1) inch in width.
4. No mustaches, beards, or goatees are acceptable.
5. Wigs will not be worn at school, except for medical reasons.
6. Extreme hairstyles and/or colors that are distracting to the learning environment are not allowed.

### Boys' Clothing:

Clothing shall conform to the following:

1. Shirts shall be buttoned to within one button of the collar or to an equivalent position.
2. Shirts classified as undershirts or without distinguishable sleeves and collar shall not be acceptable for school wear.
3. Sleeveless shirts must come to the point of the shoulder and must be designed to be worn that way. Sleeves torn off are not acceptable.
4. Fashionable garments are permissible at school. Their length must come ***no higher than four (4) inches*** above the top of the kneecap when measured from the standing position.
5. Hats, caps, bandanas, headbands, and/or head coverings shall never be worn at school.
6. Warm-ups made for the sole purpose of athletic participation are not acceptable wear. Full-cut fashion warm-ups are acceptable as long as

appropriate undergarments are worn with warm-ups. In addition, pajama bottoms are not acceptable in grades Pre-K through 12.

7. Earrings are not to be worn at school or while representing the school.
8. Pants/shorts must be worn in a secured manner at the waist and shall not “sag”. They are to fit the student in an acceptable and appropriate manner with extreme styles (too baggy/too tight/too wide-legged) not permitted at school.
9. Clothing that is identifiable with gang related attire or trench coats shall not be worn at school.
10. Tattoos, piercing of the body, and body painting in a noticeable or inappropriate manner are not permitted at school or while representing the school.

### GIRLS’ GROOMING

1. Appropriate undergarments will be worn at all times.
2. All fashionable garments shall be worn *no shorter than four (4) inches* above the kneecap when measured from the standing position.
3. Warm-ups made for the sole purpose of athletic participation are not acceptable wear. Full-cut fashion warm-ups are acceptable as long as appropriate undergarments are worn with warm-ups.
4. Revealing or low-cut apparel is not acceptable, including backless garments.
5. Bare shoulders are not acceptable.
6. Tank tops, yoga pants, and/or pajama bottoms are not acceptable in grades PreK-12.
7. Wigs will not be worn at school, except for medical reasons.
8. High-slashed skirts are not acceptable.
9. A sweater with a deep v-neck is not acceptable.
10. No bare skin shall be exposed between the top of the pants and bottom of the top article of clothing at any time (*e.g.* crop tops).
11. Clothing that is identifiable with gang related attire or trench coats shall not be worn at school.
12. Pants/shorts must be worn in a secured manner at the waist and shall not “sag”. They are to fit the student in an acceptable and appropriate manner with extreme styles (too baggy/too tight) not permitted at school.
13. Tattoos, piercing of the body, and body painting in a noticeable or inappropriate manner are not permitted at school.
14. Hats, caps, bandanas, headbands, and/or head coverings shall never be worn at school.
15. Extreme hairstyles or colors that are distracting to the learning environment are not allowed.



SPECIFICALLY UNAUTHORIZED FOR BOTH BOYS AND GIRLS AS INAPPROPRIATE DRESS AT SCHOOL:

1. Tight, form-fitting, low-slung pants
2. House shoes
3. Military uniforms or parts thereof
4. Ragged, torn or cut jeans
5. After-five clothes, see through garments, visible undergarments
  
6. Form-fitting garments other than pants (*example*: clinging or excessively tight clothing)
7. Pictures, emblems, or writing on clothing that are lewd, offensive, vulgar, obscene, or that depict or advertise tobacco products, alcoholic beverages of any kind, drugs or any other substance prohibited under policy FNCF (L)
8. Any dress or grooming prohibited by this code or that, in the principal's judgment, may reasonably be expected to interfere with normal school operations are not allowed.

A student whose clothing violates the dress codes may be assigned to in-school suspension for the remainder of the day.

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

DRUG/ALCOHOL USE [Board Policy FNCF (L)]

No student shall possess, use, transmit, or attempt to possess, use, or transmit, sale or attempt to sale, or be under the influence of any of the following substances, without regard to amount, on school premises during any school term on or off school premises at a school-related activity, function, or event:

1. Any controlled substance or dangerous drug as defined by the Texas Health and Safety Code, Section 481.002, without regard to amount, including but not limited to marijuana, any narcotic, drug, hallucinogen, stimulant, depressant, amphetamine, or barbiturate.
2. Alcohol or any alcoholic beverage.
3. Any abusable volatile chemical listed under sections 485.031 through 485.034 of the Texas Health and Safety Code
4. Any other intoxicant, or mood-changing, mind-altering, or behavior-altering drug.
5. Drug paraphernalia as defined in Texas' Health and Safety Code, Section 481.002.

A student who appropriately uses a drug authorized by a licensed physician through a prescription specifically for that student's use shall not be considered to have violated this policy. Students who use prescription drugs on school property shall give the prescription

medication, in the original container and properly labeled, to the school nurse when they arrive at school with a written request to administer the medication from the parent, legal guardian, or other person having legal control of the student.

Students who violate this policy shall be subject to disciplinary action and criminal prosecution.

Cars, lockers, common areas and classrooms may be searched for alcohol and drugs in accordance with Board Policy.

District personnel may administer a "breathalyzer test" in accordance with District's Student Code of Conduct and Drug and Alcohol Abuse Prevention Policy upon request by authorized school personnel, which is based on reasonable cause to believe that a student has violated this section.

Refusal to submit to a breathalyzer test that is requested based on reasonable cause is an offense punishable to the same degree as prohibited alcohol use.

#### TOBACCO USE

All Bellville ISD property shall be smoke-free.

Students shall not possess or use tobacco products, including but not limited to cigarettes, cigars, pipes, snuff, dip, or chewing tobacco, on school premises or at school-related functions.

#### GANGS

A student is prohibited from being a member of, pledging to become a member of, joining, or soliciting another person to join or pledge to become a member of a public school fraternity, sorority, secret society, or gang.

An offense under this section is a Class C misdemeanor.

*Definition:* **Public school fraternity, sorority, secret society, or gang** means an organization composed wholly or in part of students of public primary or secondary schools that seeks to perpetuate itself by taking in additional members from the students enrolled in the school on the basis of the decision of its membership rather than on the free choice of a student in the school who is qualified by the rules of the school to fill the special aims of the organization. The term does not include an agency for public welfare, including Boy Scouts, Girl Scouts, scholarship societies, or other similar educational organizations sponsored by state or national education authorities.

## HARASSMENT

Engaging in harassing behavior, including conduct that threatens to cause harm or bodily injury to another student, subjects another student to physical confinement or restraint, or maliciously and substantially harms another student's physical or emotional health or safety is strictly prohibited.

## HAZING

Hazing is prohibited by students on or off campus.

**Hazing** means any intentional, knowing, or reckless act, occurring on or off the campus of an educational institution, by one person alone or acting with others, directed against a student, that endangers the mental or physical health or safety of a student for the purpose of pledging, being initiated into, affiliating with, holding office in, or maintaining membership in an organization. The term includes activities defined by Section 37.151 of the Texas Education Code.

Students shall have prior approval from the Principal or designee for any type of "initiation rites" of a school club or organization.

## HIT LIST

Making hit lists is prohibited by students on or off campus.

**Hit list** means 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.

## MOTOR VEHICLE PRIVILEGES

Students who drive motor vehicles to school are required to park on school property. Students who drive vehicles to school must purchase and display a current parking decal. Students who are parked improperly, illegally, and/or do not display the proper identification are subject to disciplinary action. Vehicles parked improperly or illegally on school property may be towed at owner's expense. Vehicles parked off school property may be towed at the property owner's discretion.

All vehicles are subject to search upon reasonable cause.

Schools are not responsible for vandalism to or burglary of items contained in motor vehicles parked on school property.

## PAGING DEVICES / CELLULAR TELEPHONES / PORTABLE ELECTRONIC DEVICES

**Paging device** means a telecommunications device that emits an audible signal, vibrates, displays a message, or otherwise summons or delivers a communication to the possessor.

A student shall not possess a paging device on school property or while attending a school-sponsored or school-related activity on or off school property, unless the student is in attendance as an active member of a volunteer firefighting organization or a volunteer emergency medical services organization. A school district employee shall confiscate the paging device.

The district will contact the student's parents and the company whose name and address or telephone number appears on the device with intent to dispose of the device within two weeks after the conclusion of the regular school year. In order for the device to be released to the owner, a \$15.00 administrative fee will be assessed before it will be returned.

Bellville Independent School District is committed to assisting students and staff in creating a 21st century learning environment. The District has a BYOD (Bring Your Own Device) policy at Bellville High School which will assist our district in reaching this goal. We will now be incorporating the use of such items as laptops, iPads, tablets, netbooks and cell phones with browsing capabilities for **educational purposes only**. For intentions of BYOD, "Device" means a privately owned wireless and/or portable electronic hand held equipment that includes, but is not limited to, existing and emerging mobile communication systems and smart technologies, portable internet devices, Personal Digital Assistants (PDAs), iPads, tablets, Smart phones, hand held entertainment systems or portable information technology systems that can be used for word processing, wireless Internet access, image capture/recording, sound recording and information transmitting/receiving/storing, etc. Students will follow the BYOD Student Guidelines. Students may bring their own technology devices and utilize personal electronic communication devices at school in the classroom when the teacher deems them appropriate for educational purposes. All devices must remain off and put away unless being used within a lesson during class time. The same procedures and school rules apply to using students' cell phone and other electronic devices during class. If students are participating in the BYOD program, the students' teacher will monitor and give permission for them to use their device at certain times in class. The students are only permitted to use their mobile device for programs, websites, and tools specified by their teacher. If the students' teacher finds them using their mobile device for off-task activities then they may lose their privilege to use their mobile device at their teacher's discretion. Students and parents/guardians participating in BYOD must adhere to the Student Code of Conduct, as well as all Board policies, particularly the Internet Acceptable Use and Internet Safety Policies. Responsibility to keep the device secure rests with the individual owner. **The School System, or its staff or employees, is not liable for any device stolen or damaged on campus.** If a device is stolen or damaged, it will be handled through the administrative office similar to other personal artifacts that are impacted in similar situations.

Violation of this policy will result in the following consequences: Cell phone will be confiscated. A \$15.00 administrative fee will be assessed each time the phone is confiscated. Parent must pick up phone from a campus administrator. **Continued violation of this policy may result in disciplinary action, as deemed appropriate by the campus administrator.**

### PUBLICATIONS

The distribution of the school newspaper, yearbook, and similar publications is encouraged on a school campus. In addition to school-sponsored publications, students are entitled to express in writing their opinions and may distribute handwritten, duplicated, or printed material on school premises or at school sponsored activities at other locations in accordance with the following conditions:

1. The distribution of the following is prohibited on the grounds of any school or any school building or at any school-sponsored activity at other locations:
  - a. Material consisting wholly or primarily of commercial advertising
  - b. Libelous material
  - c. Obscene material
  - d. Material advocating illegal action or disobedience to the published Code of Student Conduct
  - e. Any other material if the Principal has convincing and credible evidence that the distribution of the written material will result in or significantly contribute to the substantial and material interference with normal classroom activity or a normal school function.
2. The distribution of other material is in accordance with School Board Policy FMA and campus rules and regulations.

### RESPECT FOR PERSONS AND PROPERTY

Students shall not vandalize or otherwise damage, deface, or remove any property, including furniture and other equipment, belonging to or used by the district, district schools, or district employees. Parents or guardians of students guilty of damaging such property shall be notified of the damage and shall be liable for damages in accordance with the law. Students shall be responsible for the care and return of owned and district-owned textbooks and other materials/equipment and may be charged for the replacement of lost/damaged items.

## SEXUAL HARASSMENT

Students shall not engage in any unwanted and unwelcome verbal or physical contact of a sexual nature directed toward another student or a District employee. This prohibition applies whether the conduct is by word, gesture, or any other sexual conduct, including requests for sexual favors. All students are expected to treat other students and District employees with courtesy and respect; to avoid any behaviors known to be offensive; and to stop these behaviors when asked or told to stop. Any student violation of this paragraph will result in appropriate disciplinary action.

## TERRORISTIC THREAT

Terroristic threat is defined as threatening to commit any offense involving violence to any person or property with intent to

1. cause a reaction of any type to the threat 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).

## VIDEOTAPING

An employee of the school district may make a videotape of a child or authorize the recording of a child's voice if the videotape or voice recording is to be used only for:

1. purposes of safety, including the maintenance of order and discipline in common areas of the school or on school buses;
2. a purpose related to a co-curricular or extracurricular activity;
3. a purpose related to regular classroom instruction; or
4. media coverage of the school, subject to applicable laws regarding parental consent.

## WEAPONS

A student shall not go on the school premises or attend a school related function in possession of any weapon, including a knife, box cutter, tire deflation device, razor, chain (when used in a way that threatens or inflicts bodily injury), gun, air gun or BB gun, ammunition, pocketknife or small knife, mace or pepper spray, stun gun, instrument or article (including fireworks) or any replicas of any weapon that might be injurious to person or property. The student shall not interfere with normal activities, or use of any

building or portion of the campus by exhibiting, using, or threatening to exhibit or use the firearm, explosive, weapon, or knife. The possession of weapons or items represented to be weapons is prohibited under this rule.

Students are also prohibited from bringing to school or a school-related activity any other weapons. This prohibition will not normally apply to school supplies such as pencils, compasses, and the like, unless they are used in a menacing or threatening manner.

The possession or use of articles not generally considered weapons may be prohibited when, in the Principal's or designee's judgment, a reasonable apprehension of danger exists to the student in possession, other students, staff, or school property by virtue of possession or use.

### OTHER VIOLATIONS

In addition to the specific offenses proscribed by the Code of Conduct, students are prohibited from other acts of misbehavior such as, but not limited to, the following:

1. Cheating (giving or receiving answers) or copying the work of another student
2. Throwing objects that can cause bodily injury or damage property
3. Leaving school grounds when not permitted to do so
4. Directing profanity, vulgar language or using obscene gestures towards students or school personnel
5. Substantially interfering with classes or school activities, i.e. through boycotts, sit-ins, or trespassing
6. Failing to comply with lawful directives issued by school personnel and/or school policies, rules and/or regulations
7. Committing robbery, theft, or arson
8. Engaging in misconduct, as defined by school district policies or regulations, on school buses
9. Fighting
10. Hazing
11. Damaging or vandalizing property owned by others
12. Possessing fireworks of any kind, smoke or stink bombs, or any other pyrotechnic device
13. Possessing or using an electronic cigarette or e-cigarette
14. Defacing or damaging school property – including textbooks, furniture, and other equipment – with graffiti or by other means
15. Discharging a fire extinguisher without valid cause
16. Inappropriately pulling a fire alarm
17. Possessing razors, switchblades, box cutters, chains, or any other object used in a way that threatens or inflicts bodily injury to another person

18. Possessing or selling “look-alike” weapons
19. Possessing air guns, BB guns, or stun guns
20. Possessing a pocket knife or other small knife
21. Possessing mace or pepper spray
22. Possessing or using articles not generally considered to be weapons, including school supplies, when the principal or other campus administrator determines that a danger exists
23. Gambling
24. Making bomb threats
25. Making false threats, hoaxes or accusations regarding school safety
26. Committing extortion, coercion, blackmail, i.e. obtaining money or other objects of value from an unwilling person, or forcing an individual to act through the use of force or threat of force
27. Engaging in verbal abuse, i.e. name-calling, ethnic or racial slurs, or derogatory statements addressed publicly to others which may precipitate substantial disruption of the school program or incite violence
28. Engaging in inappropriate sexual contact disruptive to other students or the school environment
29. Engaging in any other conduct that disrupts the school environment or education process and that meets the criteria for serious or persistent misbehavior
30. Engaging in any conduct punishable as felony, on or off school property
31. Engaging in conduct that constitutes sexual harassment or sexual abuse whether the conduct is by work, gesture, or any other sexual conduct, including requests for sexual favors
32. Inappropriate or indecent exposure of a student’s private body parts
33. Possessing or using matches or a lighter
34. Possessing, smoking, or using tobacco products
35. Possessing or selling look-alike drugs or items attempted to be passed off as drugs and contraband
36. Possessing or selling seeds or pieces of marijuana in less than a usable amount
37. Possessing, using, giving, or selling paraphernalia related to any prohibited substance
38. 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.
39. Abusing over-the-counter drugs.
40. Being under the influence of prescription or over-the-counter drugs that cause impairment of the physical or mental faculties
41. Having or taking prescription drugs or over-the-counter drugs at school other than provided by District policy



42. Possessing or using a laser pointer for other than an approved use
43. Violating computer or internet use policies, rules, or agreements signed by the student, and/or agreement signed by the student's parent or guardian
44. Attempting to access or circumvent passwords or other security-related information of the District, students, or employees or upload or create computer viruses, including off school property if the conduct causes a substantial disruption to the educational environment
45. Attempting to alter, destroy, or disable District computer equipment, District data, the data of others, or other networks connected to the District's system, including off school property if the conduct causes a substantial disruption to the educational environment
46. Using the Internet or other electronic communications to threaten District students, employees, or volunteers, including off school property if the conduct causes a substantial disruption to the educational program
47. Sending or posting messages that are abusive, obscene, sexually oriented, threatening, harassing, damaging to another's reputation, or illegal, including off school property if the conduct causes a substantial disruption to the educational environment
48. Engaging in verbal (oral or written) exchanges that threaten the safety of another student, a school employee, or school property
49. Possessing published or electronic material that is designed to promote or encourage illegal behavior or could threaten school safety
50. Possessing material that is pornographic
51. Falsifying records, passes, or other school-related documents
52. Violating dress and grooming standards as communicated in the student handbook
53. Violating extracurricular standards of behavior
54. Repeatedly violating other communicated campus or classroom standards of behavior
55. School officials may also prohibit by policy other conduct which is likely to result in substantial disorder or invasion of the rights of others

Consequences for the aforementioned misbehavior include up to any of those outlined in Section VII of the Discipline Management Plan including, within the discretion of the campus discipline personnel, assignment to a disciplinary alternative education program or expulsion.

## VII. OFFENSES AND CONSEQUENCES

- A. Discipline shall be designed to improve conduct and to encourage students to adhere to their responsibilities as members of the school community. Disciplinary action shall draw on the professional judgment of teachers and administrators and on a range

of discipline management techniques. Discipline shall 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.

- B. In deciding whether to order suspension, removal to a DAEP or expulsion regardless of whether the decision concerns a mandatory or discretionary action under the Texas Education Code, the District will take into consideration: 1) self-defense; 2) intent or lack of intent at the time the student engaged in the conduct; 3) the student's disciplinary history, and 4) a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct. These disciplinary actions apply equally to all students, except as provided under Board Policy and legal requirements related to students with disabilities.
- C. In considering self-defense, self-defense may be considered as a mitigating circumstance only when the student has a reasonable belief that the student's response is immediately necessary to protect himself/herself against the other's use or attempted use of improper force that could result in serious bodily injury. Reasonable belief in the school setting means a belief that would be held by the school principal or other appropriate administrator in the same circumstances as the actor. Each student is responsible for making every effort to avoid the use of any force and is expected to remove himself or herself from the situation if at all possible. The District does not condone or authorize students to use force against another individual, even if that individual provokes or instigates a fight or altercation.
- E. A student's parent or guardian will be notified in writing of a violation of the student code of conduct committed by the student that results in suspension, removal to a disciplinary alternative education program, or expulsion.
- F. This section of the Discipline Management Plan provides a description of a wide range of behaviors considered to be misconduct. The behaviors described here are representative of the misconduct which most frequently causes disruption of the education process. The list does not include all types of misconduct included in Board Policy and Administrative Procedures. The student who commits an act of misconduct which is not listed will be subject to the disciplinary authority of the campus staff.

### **Class A Offenses: Most Serious Offenses**

#### **MANDATORY EXPULSION**

A student age 10 or older shall be expelled from school for any of the following offenses if committed on school property or while attending a school-sponsored or school related activity on or off of school property.

1. Using, exhibiting, or possessing a firearm as defined in Section 46.01(3), Penal Code; an illegal knife as defined in Section 46.01(6), Penal Code; a club as defined by Section 48.01(1), Penal Code; a prohibited weapon as defined in Section 46.05, Penal Code; or a tire deflation device as defined in 46.01 of the Penal Code.
2. Engaging in conduct that contains the elements of the offense of aggravated assault as defined in Section 22.02, Penal Code; sexual assault as defined in Section 22.011, Penal Code; aggravated sexual assault as defined in Section 22.021, Penal Code.
3. Engaging in conduct that contains the elements of the offense of arson under Section 28.02, Penal Code.
4. Engaging in conduct that contains the elements of murder as defined in Section 19.02, Penal Code; capital murder as defined in Section 19.03, Penal Code; criminal attempt to commit murder or capital murder as defined in Section 15.01, Penal Code.
5. Engaging in conduct that contains the elements of indecency with a child as defined in Section 21.11, Penal Code or continuous abuse of a young child or children.
6. Engaging in conduct that contains the elements of aggravated kidnapping as defined in Section 22.04, Penal Code.
7. Engaging in conduct that contains the elements of aggravated robbery under Penal Code Section 29.03.
8. Engaging in conduct that contains the elements of manslaughter under Penal Code Section 19.04
9. Engaging in conduct that contains the elements of criminally negligent homicide under Penal Code Section 19.05.
10. Engaging in conduct that constitutes continuous sexual abuse of a young child or children.
11. Selling, giving, delivering, possessing, using, or being under the influence of marijuana or a controlled substance as defined by Chapter 481, et seq. of the Texas Health and Safety Code, or by 21 United States Code (U.S.C.) Section 801 et seq.; a dangerous drug, as defined by Chapter 483 et seq., Texas Health and Safety Code *if the conduct as punishable as a felony*. Students are advised that if “reasonable suspicion” exists that a student has violated this paragraph, the student may be tested for evidence of the potential violation. If the student

refuses to cooperate with the testing, then the consequences of violating this paragraph will attach and apply to the student.

12. Selling, giving, delivering, possessing, using, or being under the influence of an alcoholic beverage as defined by Section 1.04, Alcoholic Beverage Code; committing a serious act or offense while under the influence of alcohol if *the offense is punishable as a felony*. Students are advised that if “reasonable suspicion” exists that a student has violated this paragraph, the student may be tested for evidence of the potential violation, including, but not limited to, a "breathalyzer test". If the student refuses to cooperate with the testing, then the consequences of violating this paragraph will attach and apply to the student.
13. Engaging in conduct that contains the elements of the offense of criminal mischief under Section 28.03, Penal Code, if the offense is punishable as a felony under that section.

A student shall be expelled for the following offense if committed on school property or while attending a school-sponsored or school related activity on or off school property:

14. Possessing a firearm, as defined by 18 U.S.C., Section 921.

If a student under the age of ten engages in any of these behaviors, the student shall not be expelled, but shall be placed in a DAEP. A student under age six shall not be placed in DAEP unless the student commits the federal firearm offense.

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

Note: A student may not be expelled solely on the basis of the student’s use, exhibition, or possession of a firearm that occurs: (a) at an approved target range facility that is not located on a school campus; and (b) while participating in or preparing for a school-sponsored shooting sports competition or a shooting sports educational activity that is sponsored or supported by the Parks and Wildlife Department or a shooting sports sanctioning organization working with the department. This paragraph does not authorize a student to bring a firearm on school property to participate in or prepare for a school-sponsored shooting sports competition or a shooting sports educational activity.

#### DISCRETIONARY EXPULSION

At the District’s discretion, a student age 10 or older may be expelled for any of the following offenses, if committed while on school property or within 300 feet of school property as measured from any point on the school’s real boundary line, or while attending a school-sponsored or school-related activity on or off school property:

1. Engaging in documented serious misbehavior that violates the district's student code of conduct, despite documented behavioral interventions while placed in a disciplinary alternative education program. For purposes of discretionary expulsion from a DAEP, serious misbehavior means: deliberate violent behavior that poses a direct threat to the health or safety of others; extortion, meaning the gaining of money or other property by force or threat; conduct that constitutes coercion, as defined by Section 1.07, Penal Code; or conduct that constitutes the offense of:
  - a. Public lewdness under Section 21.07, Penal Code;
  - b. Indecent exposure under Section 21.08; Penal Code;
  - c. Criminal mischief under Section 28.03, Penal Code;
  - d. Personal hazing under Section 37.152; or
  - e. Harassment under Section 42.07(a) (1), Penal Code, of a student or district employee.
2. Criminal mischief, if punishable as a felony whether committed on or off school property or at a school related event.
3. The use, gift, sales, delivery, possession, or being under the influence of alcohol, marijuana, other controlled substances, dangerous drugs, or abusable volatile chemicals even if not a felony. Students are advised that if "reasonable suspicion" exists that a student has violated this paragraph, the student may be tested for evidence of the potential violation, including, but not limited to, a "breathalyzer test". If the student refuses to cooperate with the testing, then the consequences of violating this paragraph will attach and apply to the student.
4. Engaging in conduct that contains the elements of assault as described in Section 22.01 (a)(1), Texas Penal Code, against a school district employee or a volunteer.
5. Engaging in conduct that contains the elements of assault as described in Section 22.01(a)(1), Texas Penal Code, against a school district employee or a volunteer in retaliation for or as a result of the person's employment or association with the school district, without regard to whether the conduct occurs on or off of school property or while attending a school-sponsored or school related activity on or off of school property.
6. Engaging in conduct involving a public school that contains the elements of the offense of false alarm or report under Section 42.06 of the Penal Code, or terroristic threat under Section 22.07 of the Penal Code.
7. Engaging in conduct that contains the elements of the offense of deadly conduct under Penal Code Section 22.05.
8. Engaging in expellable conduct under TEC 37.007(a) (mandatory expellable offenses) or possesses a firearm, as defined by 18 U.S.C. Section 921 within 300 feet of school property as measured from any point on the school's real boundary line.

9. Engaging in expellable conduct under TEC 37.007(a) (2) (A) or (C) (aggravated assault, sexual assault, murder, etc.) or the offense of aggravated robbery under Penal Code Section 29.03, against another student, without regard to whether the conduct occurs on or off of school property or while attending a school sponsored or school-related activity on or off school property.
10. Engaging in the elements of one of the following offenses against another student, without regard to where the conduct occurs: aggravated assault, sexual assault, murder, capital murder, criminal attempt to commit murder or capital murder, aggravated robbery, breach of computer security.
11. Engaging in the following conduct within 300 feet of school property, as measured from any point on the school's real property boundary line: aggravated assault, sexual assault, or aggravated sexual assault; arson; murder, capital murder, or criminal attempt to commit murder or capital murder; indecency with a child, aggravated kidnapping, manslaughter, criminally negligent homicide, or aggravated robbery; continuous sexual abuse of a young child or children; felony drug or alcohol related offense; or the use, exhibition, or possession of a firearm (as defined by state law), an illegal knife, club, or prohibited weapon, or possession of a firearm (as defined by federal law).

*Consequence(s):*

**Students age 10 or older guilty of the Most Serious Discipline Offenses** may be expelled for up to one year if the student committed the offense on school property or while attending a school-sponsored or school related activity on or off school property. Students under the age of 10 guilty of the Most Serious Discipline Offenses shall be placed in an Alternative Education Program. Students guilty of the federal firearm offense shall be expelled for one calendar year as required by Federal Law. After a period of expulsion, the District may assign a student to an alternative education program upon return to school. A student under age 10 shall be expelled for a federal firearm violation, but the student will be provided educational services in an Alternative Education Program.

**Class B Offenses: Critical/Serious Offenses**

**MANDATORY REMOVAL TO AN ALTERNATIVE EDUCATION PROGRAM**

A student shall be placed in an Alternative Education Program if the student commits any of the following offenses on school property, within 300 feet of school property, or while attending a school-sponsored or school related activity on or off school property.

1. Engaging in any conduct punishable as a felony other than the Class A Offenses.
2. Engaging in conduct that contains the elements of the offense of assault as defined in Section 22.01 (a)(1), Penal Code.

3. Engaging in conduct that contains the elements of a false alarm or report (including a bomb threat) or a terrorist threat as defined in Section 22.07, Penal Code.
4. Selling, giving, delivering, possessing, using, or being under the influence of marijuana or a controlled substance, as defined in Chapter 481, Texas Health and Safety Code or by 21 U.S.C. Section 801; a dangerous drug as defined in Chapter 483, Texas Health and Safety Code, unless the student is expelled (Expellable school related drug offenses are addressed in the expulsion section in this Student Code of Conduct.). Students are advised that if “reasonable suspicion” exists that a student has violated this paragraph, the student may be tested for evidence of the potential violation. If the student refuses to cooperate with the testing, then the consequences of violating this paragraph will attach and apply to the student.
5. Selling, giving, delivering, possessing, using, or being under the influence of an alcoholic beverage as defined in Section 1.04, Alcoholic Beverage Code; committing a serious act or offense while under the influence of alcohol, unless the student is expelled (Expellable school related drug offenses are addressed in the expulsion section in this Student Code of Conduct.). Students are advised that if “reasonable suspicion” exists that a student has violated this paragraph, the student may be tested for evidence of the potential violation, including, but not limited to, a "breathalyzer test." If the student refuses to cooperate with the testing, then the consequences of violating this paragraph will attach and apply to the student.
6. Engaging in conduct that contains the elements of an offense related to an abusable volatile chemical under sections 485.031 through 485.034 of the Texas Health and Safety Code.
7. Engaging in conduct that contains the elements of the offense of public lewdness under Section 21.07 of the Penal Code.
8. Engaging in conduct that contains the elements of the offense of indecent exposure as defined in Section 21.08 of the Penal Code.
9. Engaging in conduct that contains the elements of the offense of retaliation against any school employees as defined in Section 36.08 of the Penal Code.
10. Engages in expellable conduct and is between six and nine years of age.
11. Engaging in conduct that includes the elements of false alarm or report under Section 42.06 of the Penal Code.
12. A student shall also be removed from class and placed in an Alternative Education Program based on conduct occurring off campus and while the student is not in attendance at a school-sponsored or school related activity if:
  - a. the student received deferred prosecution under Section 53.03, Family Code, for conduct defined as a felony offense in Title 5, Penal Code. These offenses

include; criminal homicide; murder; capital murder; manslaughter; criminally negligent homicide; false imprisonment; kidnapping; aggravated kidnapping; indecency with a child; sexual assault; aggravated assault; aggravated sexual assault; injury to a child, elderly individual, or disabled individual; abandoning or endangering child; deadly conduct; terroristic threat; aiding suicide; tampering with consumer product. Some offenses listed above are not punishable as a felony in all situations. For the discipline listed above to occur, the student must have engaged in conduct which is defined as a felony; or,

- b. court or jury finds that the student has engaged in delinquent conduct under Section 54.03, Family Code, for conduct defined as a felony offense in Title 5, Penal Code; or
- c. the Superintendent or the Superintendent's designee has a reasonable belief that the student has engaged in a conduct defined as a felony offense in Title 5, Penal Code.

#### DISCRETIONARY REMOVAL TO AN ALTERNATIVE EDUCATION PROGRAM

The Board, the Board's designee or any appropriate administrator may place a student in an Alternative Education Program who is found to have been:

1. Involved in gang activity, including participating as a member of pledge, or soliciting another person to become a pledge or member of a gang,
2. Engaging in conduct that contains the elements of the offense of assault under Section 22.01(a)(2) or (a)(3) of the Texas Penal Code;
3. Engaging in conduct related to placing graffiti on school property;
4. A student may also be removed from class and placed in an alternative education program based on conduct occurring off campus and while the student is not in attendance at a school-sponsored or school related activity if:
  - a. the Superintendent or the Superintendent's designee has a reasonable belief that the student has engaged in conduct defined as a felony offense other than those defined in Title 5, Penal Code, listed above; and
  - b. the continued presence of the student in the regular classroom threatens the safety of other students or teachers or will be detrimental to the educational process.

In determining whether there is a reasonable belief that a student has engaged in conduct defined as a felony offense by the Penal Code, the Superintendent or the Superintendent's designee may consider all available information, including the information furnished under Article 15.27, Code of Criminal Procedure.

*Consequence(s):*



**Students guilty of Critical/Serious Discipline Offenses** shall/may be removed to the Disciplinary Alternative Education Center or to another Alternative Education Program. The length of removal will depend on the offense and the circumstances under which it was committed. Students placed in a Disciplinary Alternative Education Program shall not attend or participate in any school sponsored or school related activity. Students guilty of a second Critical/Serious Offense or other violation(s) of the Student Code of Conduct while assigned to the Alternative Education Center or other Alternative Education Program may be expelled. A principal or other appropriate administrator may remove a student to a disciplinary alternative education program for off-campus conduct for which removal is required under this section even if the principal or other appropriate administrator does not have knowledge of the conduct before the first anniversary of the date the conduct occurred.

Students must complete the assigned alternative education program before returning to the sending campus.

**Class C Offenses: Significant Offenses**

1. Possessing or using drug paraphernalia, as drug paraphernalia is defined by the Texas Controlled Substances Act (Article 4476-15, Vernon's Texas Civil Statutes).
2. Selling, distributing, possessing, or using substances or items portrayed as being drugs (without regard to amount), drug paraphernalia or alcohol. Students are advised that if “reasonable suspicion” exists that a student has violated this paragraph, the student may be tested for evidence of the potential violation. If the student refuses to cooperate with the testing, then the consequences of violating this paragraph will attach and apply to the student.
3. Using or possessing any instrument including, but not limited to, any weapon, knife, or gun which does not fit the Penal Code definition under Most Serious Offenses (example: pocket knife or fake gun), fireworks, ammunition, and instruments of the martial arts that might reasonably cause bodily harm, but has not been used as threat of bodily harm.
4. Engaging in conduct that contains the elements of the offense of assault as defined in Section 22.01 (a)(2) or (a)(3), Penal Code.
5. Extorting or attempting extortion through use of threat or force.
6. Committing theft, robbery or burglary or attempting to commit such act(s).
7. Committing sexual acts that do not qualify as public lewdness or indecent exposure.
8. Tampering with, changing or altering records or documents of the District by any method including, but not limited to, computer access or other electronic means.

9. Damaging and/or destroying and/or altering school computer hardware and/or software by any method including, but not limited to, the use of computer software viruses or other electronic means.
10. Planning and/or organizing and/or instigating and/or participating in an activity that causes substantial disruption of the education program including, but not limited to, gang/cult activity.
11. Vandalizing property including, but not limited to, the use of computer software viruses or other electronic means.
12. Fighting.
13. Sexual harassment or dating violence.
14. Exhibiting serious or persistent misbehavior.
15. Use of computers or computer software or the Internet to obtain, view, download or possess pornography or obscene or inappropriate pictures, video, documents, audio, or other electronic information or to participate in non-school related chat room discussions over the Internet.
16. Disruptive activity including, but not limited to, interfering with the movement of people in an exit, an entrance, or a hallway of a District building without authorization of an administrator; interfering with an authorized activity by seizing control of all or part of a building; using force, violence or threats to prevent participation in an authorized assembly; using force, violence or threats to cause disruption during an assembly; interfering with the transportation of students in District vehicles.
17. Bullying, Harassment, or making hit lists (See Definitions for all three terms)

*Consequence(s):*

**Students guilty of Significant Discipline Offenses:**

1. May be suspended (maximum three days per offense) and/or assigned to in-building suspension (IBS) for more than 10 days and up to the remainder of the school year unless the misconduct occurred during the last six weeks of the school year, in which case the student may be placed in IBS at the beginning of the next school year.
2. Students guilty of Significant Discipline Offenses may also be assigned to the Alternative Education Program.
3. A second Significant Discipline Offense or succeeding violations of the student code of conduct may lead to expulsion.

## **Class D Offenses: Other Offenses**

1. Use, possession, or distribution of tobacco products.
2. Disruption of school activities including, but not limited to, boycotts or sit-ins and the posting or distribution of unauthorized communicative materials.
3. Hazing.
4. Lying or giving of false information either verbally or in writing to a school staff member.
5. Defiance/disrespect of authority of the teacher, principal, bus driver, supervisor, or other.
6. Directing profanity, vulgar language, obscene gestures or verbal abuse (name calling, ethnic/racial slurs) towards other students or school personnel.
7. Gambling.
8. Tardiness or truancy.
9. Littering of school grounds.
10. Trespassing or loitering in unauthorized areas.
11. Inappropriate use of a paging/telecommunications/electronic device.
12. Dress/grooming code violations.
13. Failure to abide by rules and regulations at extracurricular and/or co-curricular activities (including but not limited to fighting, running, throwing objects from stands, etc.).
14. Failure to comply with the reasonable request(s) of any school staff member, including failure to identify self upon request.
15. Selling or soliciting for sale any merchandise on the school campus without the authorization of the school authorities.
16. Behavior symptomatic of or associated with gangs or cults, or participating in illegal campus organizations (i.e., fraternity, sorority, or secret society).
17. Chewing gum, eating, drinking in unauthorized areas.
18. Running or making excessive noise in the halls.
19. Unauthorized or disruptive behavior in classrooms, hallways and campus walkways.
20. Coming to class without necessary supplies (i.e., paper, pen, book, gym clothes, homework).
21. Parking or bike-riding or skateboarding violations.
22. Possession of video games, radios, portable CD players, portable cassette players, portable DVD players, etc...
23. Inappropriate public display of affection.
24. Cheating (giving or receiving answer) or copying the work of another student.
25. Violation of the District Internet Use policy.
26. Possession or use of laser pointers or similar device. Laser pointers will be confiscated.

### *Consequence(s):*

**Students guilty of a first Class D Offense** may receive any of the discipline management techniques, appropriate for the situation as determined by the school administrator including, but not limited to, the following:

1. Conference: teacher, student, counselor, parent or administrator (as appropriate), including verbal and/or non-verbal correction or warning
2. Temporary confiscation of items that disrupt the education process
3. "Time out" or "Cooling off" period
4. Assignment to teacher detention
5. Contact with parent/guardian
6. Withdrawal of privileges including, but not limited to, extra-curricular activities, and honorary positions)
7. Assigned school duties other than class tasks
8. Restitution or restoration, as applicable
9. Lunch detention
10. Referral to Administrator, school auxiliary staff, social worker, outside professional, or outside agency
11. Removal to an alternative education program
12. Assignment to in-school suspension program
13. Confiscation and forfeiture of property to school district
14. Corporal punishment (is permitted in order to preserve an effective educational environment, free from disruption, unless the student's parent or guardian has provided a signed statement prohibiting its use.)

**A second Class D Offense:**

1. May result in suspension (maximum three days per offense)
2. An additional assignment to in-building suspension up to the remainder of the semester, unless the misconduct occurred during the last six-weeks of the semester, in which case the student may be considered for assignment to an in-building suspension until the end of the following semester.
3. Multiple Class D Offenses may result in assignment to the Alternative Education Program or expulsion.

**Parental Notification:** A student's parent or guardian will be notified in writing of a violation of the student code of conduct committed by the student that results in suspension, removal to a disciplinary alternative education program, or expulsion.

## VIII. DETERMINING SERIOUS OR PERSISTENT MISBEHAVIOR

- A. To find a student guilty of serious or persistent misbehavior, the Board's designee must find:
  - 1. That the student has engaged in a Class B offense or that the student's continued presence in the regular classroom program or at the student's regular campus presents danger of physical harm to the student or another individual; or
  - 2. That the student has engaged in multiple Class C or Class D offenses.
- B. The Board's designee may conclude that a student is guilty of serious or persistent misbehavior if the student, while under the district's jurisdiction, has committed one or more critical/serious offenses as previously defined.

## IX. DISCIPLINARY ALTERNATIVE EDUCATION PROGRAMS

The district shall make reasonable efforts to provide for the continuing education of a student removed to an alternative education program. A student placed in a mandatory alternative education program is prohibited from attending or participating in building sponsored or school-related activities.

- A. Nature of a Disciplinary Alternative Education Program
  - 1. Is provided in a setting other than a student's regular classroom;
  - 2. Is located on or off a regular school campus;
  - 3. Provides for the students who are assigned to the disciplinary alternative education program to be separated from students who are not assigned to the program;
  - 4. Focuses on English language arts, mathematics, science, history, and self-discipline;
  - 5. Provides for students' educational and behavioral needs;
  - 6. Provides for supervision and counseling;
  - 7. Provides a student removed to a disciplinary alternative education program an opportunity to complete a foundation curriculum course in which the student was enrolled at the time of removal and which is required for graduation before the beginning of the next school year. The school district may provide the student an opportunity to complete coursework through any method available, including a correspondence course, distance learning, or summer school. The district may not charge the student for a course provided under this subsection.
  - 8. May provide for a student's transfer to
    - a. a different campus;
    - b. a school-community guidance center; or
    - c. a community-based alternative school;

9. May provide a disciplinary alternative education program jointly with one or more districts.
10. Is not required to provide a course necessary to fulfill a student's high school graduation requirement. However, the parent or guardian of a student placed in DAEP shall be given written notice of the student's opportunity to complete foundation curriculum course required for graduation, at no cost to the student. The notice shall include information regarding all available methods for completing the coursework.
11. A student younger than six (6) years of age may not be removed from class and placed in the Alternative Learning Center.
12. An elementary school student may not be placed in the Alternative Learning Center with any other student who is not an elementary school student.

B. Types of Alternative Education Programs

1. Detention halls (before or after school, or at lunch)
2. In-building suspension
3. Saturday detention
4. Alternative Learning Center

C. Disciplinary Alternative Education Program (DAEP) Requirements

1. Conference:

A conference shall be held not later than the third class day after the day on which a student is removed from class by the teacher [§ 37.002(b)] or by the school principal or other appropriate administrator [§ 37.006], the student's parent or guardian, the teacher removing the student (if any), and the student.

- a. The student is entitled to written or oral notice of the reasons for the removal, an explanation of the basis for the removal to the DAEP, and an opportunity to respond to the reasons for the removal.
  - b. Following the conference, and whether or not each requested person is in attendance after valid attempts to require the person's attendance, the principal or other appropriate administrator shall order the placement of the student as provided in § 37.002 or § 37.006 of the Texas Education Code, as applicable, for a period consistent with this Student Code of Conduct.
  - c. The decision of the Board's designee is final and may not be appealed
2. Before a Board's designee places a student in a disciplinary alternative education program for a period that extends beyond the end of the school year, the Board's designee must determine that:

- a. the student's presence in the regular classroom program or at the student's regular campus presents a danger of physical harm to the student or to another individual; or
  - b. the student has engaged in serious or persistent misbehavior that violates the district's Student Code of Conduct.
3. A student placed in a disciplinary alternative education program in another district that enrolls in Bellville ISD before the expiration of the period of placement will continue disciplinary alternative education program placement until the term of placement expires. Bellville ISD may also place a student in a disciplinary alternative education program if
- a. the student was placed in a disciplinary alternative education program by an open-enrollment charter school under section 12.131 and the charter school provides to the district a copy of the placement order; or
  - b. the student was placed in a disciplinary alternative education program by a school district in another state and
    - 1) the out-of-state district provides to the district a copy of the placement order; and
    - 2) the grounds for the placement by the out-of-state district are grounds for placement in Bellville ISD.

If a student was placed in a disciplinary alternative education program by a school district in another state for a period that exceeds one year and if that placement is continued, Bellville ISD shall reduce the period of the placement so that the aggregate period does not exceed one year unless, after a review, the district determines that:

- 1) the student is a threat to the safety of other students or to district employees; or
  - 2) extended placement is in the best interest of the student.
4. A student placed in an alternative education program shall be provided a review of the student's status including a review of the student's academic status by the Board's designee at intervals not to exceed 120 days. In the case of a high school student, the Board's designee, with the student's parent or guardian, shall review the student's progress toward graduation and establish a specific graduation plan for the student. The District is not required to provide in the District's DAEP a course not specified under Texas Education Code § 37.008. At the review, the student or the student's parent or guardian must be given the opportunity to present arguments for the student's return to the regular classroom or campus. To assess a student's academic growth in the District DAEP, the District shall administer to a student placed in a program for a period of 90 school days or longer an assessment instrument approved by the commissioner for that purpose.

5. The decision of the Board's designee to remove a student to an alternative education program is not appealable. In determining the length of assignment for the student, the principal, or assistant principal may consider the seriousness of the offense, the discipline record of the student, the age of the student, the effect of the misconduct on the school environment, and/or previous assignments of other students for similar misconduct. Discipline assignments will not exceed one calendar year absent a finding that the student is a threat to the safety of other students or to district employees, or that extended placement is in the best interest of the student.
6. For seniors who are eligible to graduate and are assigned to a DAEP at the time of graduation, the placement in the program will continue through graduation, and the student will not be allowed to participate in the graduation ceremony and related graduation activities, unless otherwise specified in the DAEP placement order.
7. If a student withdraws from the district before an order for placement in a disciplinary alternative education program is entered, the principal or Board, as appropriate, may complete the proceedings and enter an order. If the student subsequently enrolls in the district during the same or subsequent school year, the district may enforce the order at that time, except for any period of the placement that has been served by the student on enrollment in another district that honored the order. If the principal or Board fails to enter an order after the student withdraws, the next district in which the student enrolls may complete the proceedings and enter an order. If, during the term of a placement ordered, a student engages in additional conduct for which placement in a disciplinary alternative education program or expulsion is required or permitted, additional proceedings may be conducted regarding that conduct and the principal or Board, as appropriate, may enter an additional order as a result of those proceedings.
8. Regarding DAEP placements, if the Superintendent or the Superintendent's designee receives notice under Article 15.27(g), Code of Criminal Procedure, i.e. the office of the prosecuting attorney or the office or officer designated by the juvenile court notifies the District that prosecution of the student's case was referred for lack of prosecutorial merit or insufficient evidence; or the court or jury found the student not guilty or made a finding that the student did not engage in delinquent conduct or conduct indirectly aimed for supervision and the case is dismissed with prejudice; the Superintendent or designee shall review the student's placement in the DAEP. The student may not be returned to the regular classroom pending the review.

The Superintendent or designee shall schedule a review of the student's placement with the student's parent or guardian not later than the third class



day after the Superintendent or designee receives notice from the office or official designated by the court. After reviewing the notice and receiving information from the student's parent or guardian, the Superintendent or designee may continue the student's placement in the DAEP if there is reason to believe that the presence of the student in the regular classroom threatens the safety of other students or teachers.

The student or the student's parent or guardian may appeal the Superintendent's decision described above to the Board of Trustees. The student may not be returned to the regular classroom pending the appeal. The Board shall, at the next scheduled Board meeting, review the notice provided under Article 15.27(g) of the Code of Criminal Procedure, and receive information from the student, the student's parent or guardian, and the Superintendent or designee and confirm or reverse the decision described above. If the Board confirms the decision of the Superintendent or designee, the Board shall inform the student and the student's parent or guardian of the right to appeal to the Commissioner of Education. The student may not be returned to the regular classroom pending an appeal to the Commissioner. This appeal process does not apply to placement to the DAEP made in accordance with § 37.006(a), but only to off campus felony removals described above.

#### D. Appeals Procedures for DAEP Assignments

1. In order to appeal, the student or his/her parent or guardian must notify the campus administrator in writing of the desire to do so within two (2) school days from the date he/she or they were informed of the decision for the placement in a DAEP. If no appeal is taken within two (2) school days, the decision of DAEP placement shall be final.
2. The Board designates the Superintendent or the Superintendent's designee to hear appeals of DAEP assignments.
3. In the event of an appeal, the official who conducted the conference shall immediately notify the Superintendent's designee who shall arrange a time for hearing the appeal. The notification to the Superintendent's designee shall be accompanied by a report of the conference. The Superintendent's designee shall notify the parent or guardian of the time and place of the hearing. The hearing shall be held within ten (10) school days of the date of filing the intention to appeal, unless the parent or guardian agrees to an extension.
4. Pending the appeal, the student shall be assigned to the DAEP.
5. At the hearing of the appeal, the Superintendent's designee shall confer with the Principal and the student and his/her parent or guardian, review the record,

and determine whether the DAEP placement should be sustained or reversed, or if the period of time of the assignment should be modified.

6. The student's parent or guardian shall be notified in writing within five (5) school days of the date of the hearing of the decision of the Superintendent's designee.
7. The decision of the Board's designee to place a student in a disciplinary alternative education program is final and not appealable.

E. Emergency Placement and/or Emergency Expulsion

Emergency Placement

The principal or appropriate administrator may order a student to be immediately placed in an alternative education program if it is reasonably believed that the student's behavior is so unruly, disruptive, or abusive that it interferes with:

1. A teacher's ability to communicate effectively with students in a class;
2. The ability of the student's classmates to learn;
3. The operation of the school or school sponsored activity; or
4. If the appropriate administrator reasonably believes that eminent harm is likely.

At the time of the emergency placement the student shall be given oral notice of the reasons for emergency placement in a DAEP. The reason must be a reason for which placement in a disciplinary alternative education program may be made on a nonemergency basis. Within a reasonable time, but not later than the 10<sup>th</sup> day after the date of the placement, the student will be afforded appropriate due process as outlined in this code. The principal or appropriate administrator shall not be liable for civil damages for an emergency placement.

Emergency Expulsion

The principal or appropriate administrator has the right to order the immediate expulsion of a student for any reason for which expulsion may be made on a nonemergency basis.

At the time of the emergency expulsion the student shall be given verbal notice of the reason for the emergency expulsion. The reason must be a reason for which placement in a disciplinary alternative education program or expulsion may be made on a nonemergency basis. The student shall be given the appropriate due process required for a student facing expulsion. The principal or appropriate administrator is not liable for civil damages for an emergency expulsion.

## X. SUSPENSION OF STUDENTS

- A. The Board's designee may suspend a student who engages in misconduct as outlined in this Code.
- B. A suspension may not exceed three school days; however, there is no limit on the number of suspensions an individual student may receive.
- C. Upon return to school, the student shall request his or her missing assignments from each teacher. Work completed and returned within the time designated by the teacher, with the time allowed not to exceed one day for each day of suspension, will be accepted with a maximum grade of 80. The student will be counted present toward meeting the 90% attendance rule.
- D. The decision of the Board's designee to suspend a student is final and not appealable. However, notice of the reason(s) for suspension and an informal opportunity for the student to give his or her side of the story is required.

## XI. APPEAL PROCEDURES FOR CAMPUS-LEVEL DISCIPLINE

As outlined in this Code of Conduct, an appropriate school administrator may assign campus-level discipline to a student who violates the Student Code of Conduct. Campus-level discipline includes, but is not limited to, any and all discipline management techniques described in the Class C and Class D offense consequences sections of this Code. The Board designates the campus principal, vice-principal or other appropriate campus-level administrator to hear any appeal regarding campus-level discipline. The decision of the campus-level administrator who hears the appeal is final and not appealable.

## XII. EXPULSION

### Length of expulsion

- 1. In determining the length of expulsion for the student, the principal, or assistant principal may consider the seriousness of the offense, the discipline record of the student, the age and grade level of the student, the student's attitude, the effect of the misconduct on the school environment, and/or previous expulsion terms of other students for similar misconduct, along with all applicable statutory requirements. The duration of a student's expulsion shall be determined on a case-by-case basis. Discipline assignments will not exceed one calendar 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. If a student is expelled for bringing a firearm, as defined by 18 U.S.C. Section 921, the student must be expelled for a period of at least one year. However, the superintendent or other appropriate administrator

may modify the length of the expulsion on a case-by-case basis. A student under age 10 shall be expelled for a federal firearm violation, but will be provided educational services in an Alternative Education Program.

2. A student who, before the date on which a juvenile justice alternative education program for the county in which the student resides begins operation, engages in conduct requiring mandatory expulsion shall be expelled for a period not to exceed one year.
3. If the student enrolls in another school district before the expiration of the period of expulsion, a copy of the expulsion order shall be provided to that district at the same time other student records are provided.
4. The District shall decide on a case-by-case basis the placement of a newly enrolled student in Bellville Independent School District who has been expelled from another school district or open-enrollment charter school.
5. The expulsion of a student who was expelled by a school district in another state will be continued if
  - a. the out-of-state district provides to the district a copy of the expulsion order; and
  - b. the grounds for the expulsion are also grounds for expulsion in Bellville ISD.
  - c. If a student was expelled by a school district in another state for a period that exceeds one year, Bellville ISD shall reduce the period of the expulsion or placement so that the aggregate period does not exceed one year, unless, after a review, the district determines that:
    - (1) the student is a threat to the safety of other students or to district employees; or
    - (2) extended placement is in the best interest of the student.
6. If a student withdraws from the district before an order for expulsion is entered, the principal or Board, as appropriate, may complete the proceedings and enter an order. If the student subsequently enrolls in the district during the same or subsequent school year, the district may enforce the order at that time, except for any period of the expulsion that has been served by the student on enrollment in another district that honored the order. If the principal or Board fails to enter an order after the student withdraws, the next district in which the student enrolls may complete the proceedings and enter an order.
7. If, during the term of expulsion ordered, a student engages in additional conduct for which expulsion is required or permitted, additional proceedings may be conducted regarding that conduct and the principal or Board, as appropriate, may enter an additional order as a result of those proceedings.
8. Expelled students are prohibited from being on school grounds or attending school-sponsored or school-related activities during the period of expulsion.

### XIII. APPEAL PROCEDURES FOR EXPULSION

Before a student may be expelled, the Board or its designee 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 is entitled to 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. If the District makes a good-faith effort to inform the student and the student's parent or guardian of the time and place of the hearing, the District may hold the hearing regardless of whether the student, the student's parent or guardian, or another adult representing the student attends. If the decision to expel a student is made by the Board's designee, the decision may be appealed through the district's appeals process to the Board. The decision of the Board may be appealed by trial de novo to a district court of the county in which the school district's central administrative office is located.

The Board's designee shall send to the student and the student's parent or guardian a copy of the expulsion order.

After the school district notifies the parents or guardians of a student that the student has been expelled, the parent or guardian shall provide adequate supervision of the student during the period of expulsion.

#### A. Expulsion procedure

1. The student may only be expelled by written order setting the term of expulsion.
2. Before the expulsion, the Board's designee must provide the student a hearing at which the student is afforded due process which shall include the following:
  - a. prior notice of the charges and the proposed sanctions as to afford a reasonable opportunity for preparation;
  - b. right to a full and fair hearing before the Board or its designee;
  - c. right to an adult representative or legal counsel, though after providing notice to the student and parent of the hearing, the district may hold the hearing regardless of whether the student's parent attends;
  - d. opportunity to testify and present evidence and witness in his or her defense;
  - e. opportunity to examine the evidence presented by the school administration and to question the administration's witness; and
  - f. pending the expulsion hearing, a student will be suspended provided that the hearing shall be held within a reasonable time from the date of the offense.
  - g. 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.

B. Appeals Procedure

1. The student or his/her parent or guardian may appeal the decision of the Superintendent's designee to the Board of Trustees. In order to appeal, the student, his/her parents or guardian must notify the Superintendent in writing of the desire to appeal within seven (7) days from date they were informed of the decision of the Superintendent's designee. Otherwise, the act of removal shall be final and be put into effect upon the next school day. If an appeal is submitted, the superintendent must provide the student or parent a date, time and place for the hearing. The Board shall 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 shall base its decision on the evidence in the record and any statements made by the parties at the review. The Board shall then affirm the decision of the Superintendent's designee or reverse it, communicating its decision orally at the end of the presentation. If affirmed, the order shall be put into effect beginning on the first school day thereafter. The decision of the Board of Trustees shall be the final decision of the school district. Consequences shall not be deferred pending the outcome of the hearing.

XIV. PLACEMENT AND/OR EXPULSION FOR SERIOUS OFFENSES

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

A. Registered Sex Offenders

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

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

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

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

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

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

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

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

B. Title 5 Felonies

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

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

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 interests 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.

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;
3. The student completes the term of the placement or is assigned to another program.

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.

#### XV. TEACHER REMOVAL OF STUDENTS FROM CLASS

A. A teacher may send a student to the principal's office to maintain effective discipline in the classroom. The principal shall respond by employing appropriate discipline management techniques consistent with the Student Code of Conduct.

B. A teacher may remove from class a student:

1. who has been documented by the teacher to interfere repeatedly with the teacher's ability to communicate effectively with the students in the class or with the ability of the student's classmates to learn; or
2. whose behavior the teacher determines is so unruly, disruptive, or abusive that it seriously interferes with the teacher's ability to communicate effectively with the students in the class or with the ability of the student's classmates to learn.



- C. A teacher shall remove from class and send to the principal for placement in an alternative education program or for expulsion, as appropriate, a student who engages in conduct described under Section 37.006 or 37.007, of the Texas Education Code.
- D. If 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. The teacher may not be coerced to consent.

#### XVI. DISCIPLINARY ACTIONS REGARDING STUDENTS WITH DISABILITIES

- A. Students with disabilities served under IDEA will be disciplined in accordance with state and federal law. 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. The Discipline Management Plan and the Student Code of Conduct apply to all students, including a student with disabilities.
- B. Students with disabilities served pursuant to Section 504 (“Section 504 students”) will be disciplined in accordance with state and federal law. The Discipline Management Plan and Student Code of Conduct apply to all students, including Section 504 students.

To the extent that any conflict exists between this Code and state and/or federal law, state and/or federal law shall prevail.

#### XVII. EXTRACURRICULAR ACTIVITIES, CLUBS, AND ORGANIZATIONS

Student clubs and performing groups such as, but not limited to, band, choir, cheerleading, and drill and athletic teams may establish standards of behavior – including consequences for misbehavior – that are stricter than those for students in general. If a violation is also a violation of school rules, the consequences specified by the Student Code of Conduct or by local policy will apply in addition to any consequences specified by the organization(s). All standards of behavior and any related consequences established or specified by the applicable organization(s) are adopted and incorporated herein.

## XVIII. SEXUAL ASSAULT AND CAMPUS ASSIGNMENTS

If a student has been convicted of or placed on deferred adjudication for sexual assault or aggravated sexual assault against another student on the same campus, and if the victim or the victim's parents request that the board transfer the offending student to another campus, the offending student shall be transferred to another campus in the District. If there is no other campus in the District serving the grade level of the offending student, the offending student will be transferred to a DAEP.

## XIX. DEFINITIONS

The following terms are defined for the purposes of the entire Bellville ISD Discipline Management Plan and Student Code of Conduct as follows:

1. **Bullying** occurs when a student or group of students engages in written or verbal expression, expression through electronic means, or physical conduct that occurs on school property, at a school-sponsored or school-related activity, or in a vehicle operated by the district and a school district's board of trustees or the board's designee determines that the behavior: (1) Has the effect or will 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) Is sufficiently severe, persistent, and pervasive enough that the action or threat creates an intimidating, threatening, or abusive educational environment for a student.

This conduct is considered bullying if it:

- 1) Exploits an imbalance of power between the student perpetrator who is engaging in bullying and the student victim through written or verbal expression or physical conduct; and
- 2) Interferes with a student's education or substantially disrupts the operation of a school

Bullying may include, but is not limited to, intimidation by name-calling, using ethnic or racial slurs, or derogatory statements that could disrupt the school program or incite violence.

2. **Controlled substance/illicit drug means:**
  - (a) marijuana or a controlled substance, as defined by Chapter 481, Health and Safety Code;
  - (b) a dangerous drug, as defined by Chapter 483, Health and Safety Code;
  - (c) an abusable volatile chemical under sections 485.031 through 485.034 of the Texas Health and Safety Code; or
  - (d) an alcoholic beverage, as defined by Section 1.04, Alcoholic Beverage Code.
3. **Cyberbullying** is defined as the use of any electronic communication device to engage in bullying or intimidation.
4. **Dating violence** occurs when a person in a current or past dating relationship uses physical, sexual, verbal or emotional abuse to harm, threaten, intimidate, or control another person in the relationship. Dating violence also occurs when a person commits these acts against a person in a marriage or dating relationship with the individual who is or was once in a marriage or dating relationship with the person committing the offense, as defined by Section 71.0021 of the Family Code.
5. **Graffiti** is making marks with paint, an indelible pen or marker, or an etching or engraving device on tangible property without the effective consent of the owner. The markings may include inscriptions, slogans, drawings, or paintings.
6. **Hazing** involves any knowing, intentional, or reckless act, occurring on or off the campus, by one person alone or action with others, directed against a student, that endangers the mental or physical health or safety of a student for the purposes of pledging, initiation into, affiliation with, holding office in, or maintaining membership in an organization.
7. **Harassment** involves engaging in harassing behavior, including conduct that threatens to cause harm or bodily injury to another student, subjects another student to physical confinement or restraint, or maliciously and substantially harms another student's physical or emotional health or safety is strictly prohibited.
8. **Hit list** means 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 injury.
9. **Illicit drug use** means the use of illegal drugs and the abuse of other drugs and alcohol.
10. **Paraphernalia** are devices that can be used to inhale, ingest, inject, or otherwise introduce a controlled substance into a human body.
11. **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; telecommunications or

electronic devices; or any other school property used by the student, including but not limited to a locker or desk.

12. **School Activities** means an activity officially sponsored by the Bellville Independent School District.
13. **School premises** are defined as school property or public property within 300 feet of school property.
14. **Sexting** means using a cell phone, smart phone, iPad, tablet or any other type of communication device to send text or email messages or video or electronic transmissions or possessing text or email messages or video or electronic transmissions containing images reasonably interpreted as indecent or sexually suggestive or depicting sexual conduct or meeting the definitions or elements of any aspect of Texas Penal Code § 43.261 while at school or at a school related function. In addition to any disciplinary action, phones and other communication devices may be confiscated and/or searched and students should be aware that any images suspected to violate criminal laws will be referred to law enforcement authorities.
15. **Student** means an individual registered or enrolled for credit or non-credit in a course or program offered by the Bellville Independent School District.
16. **Under the influence** means lacking the normal use of mental or physical faculties. Impairment of a person's physical or mental faculties may be evidenced by a pattern of abnormal or erratic behavior, the presence of physical symptoms of drug or alcohol use, or by admission. A student "under the influence" need not be legally intoxicated to trigger disciplinary action.
17. **Use** means voluntarily introducing into one's body, by any means, a prohibited substance.

## BELLVILLE INDEPENDENT SCHOOL DISTRICT

### Network/Internet Acceptable Use Policy

Network/Internet access is available to students, teachers and staff in Bellville ISD. The Internet is a network connecting millions of computer users all over the world. The Internet enables worldwide connection to electronic mail, discussion groups, databases, software, and other information sources, such as libraries and museums. Bellville ISD provides Network/Internet access to promote educational excellence in the District by facilitating resource sharing, innovation, and communication. Bellville ISD firmly believes that the valuable information and interaction available on the Network/Internet far outweighs the possibility that users may procure material that is not consistent with the educational goals of the District.

#### District Philosophy

**Risk.** Sites accessible via the Network/Internet may contain material that is illegal, defamatory, inaccurate or controversial. Although the District will attempt to limit access to most of this objectionable material, controlling all materials on the Network/Internet is impossible. With global access to computers and people, a risk exists that students may access material that may not be of educational value in the school setting. The district does provide filtering software, but no filtering program is 100% effective

**User Responsibilities.** Network/Internet users, like traditional library users, are responsible for their actions in accessing available resources.

**Mandatory training.** To educate new users on proper Network/Internet conduct, a mandatory training session is required before access will be allowed.

#### Network/Internet - Terms and Conditions

**Acceptable Use.** Network/Internet access may be used to improve learning and teaching consistent with the educational goals of Bellville ISD. Bellville ISD's network has been established for limited educational purpose. The term "educational purpose" refers to classroom activities and limited high-quality self-discovery activities. The District's network has not been established as a public access service or a public forum. The District has the right to place reasonable restrictions on the material users access. Users are also expected to follow the rules set forth in the District's Discipline Handbook. The District expects legal, ethical and appropriate use of the Network/Internet

**Privilege.** Access to the Bellville ISD Network/Internet is a privilege, not a right. Assignments of Accounts: Network/Internet accounts will only be issued to approved Bellville ISD teachers and staff. Students may be allowed to use the local network with campus permission, but may only use the Internet with parent permission. Student Internet access will be through a teacher/staff member account, and under the direction and guidance of the teacher or staff member. Any other means of access to the Network/Internet is not acceptable.

**Voluntary.** Use of a District Network/Internet account is voluntary on the part of the student or teacher.

**Publishing on the Internet.** With parental permission, student work may be "published" on the Internet so that other users around the world can view it.

**Subject to Administration.** All Bellville ISD Network/Internet account usage is subject to the Administrator or designee's perusal for inappropriate use. This perusal may include activity logging, virus scanning, and content scanning.

**Inappropriate Use.** Inappropriate use includes, but is not limited to, those uses that violate the law, that are specifically named as violations in this document, that violate the rules of network etiquette, or that hamper the integrity or security of this or any networks connected to the Network/Internet. The use of the Network/Internet for purposes other than educational (classroom activities) or high quality self-discovery activities as determined by the administrator or designee is considered inappropriate use.

**Violations of Law.** Transmission of any material in violation of any US or state law is prohibited. This includes, but is not limited to copyrighted material; threatening, harassing, or obscene material; or material protected by trade secret. Any attempt to break the law through the use of a Bellville ISD Network/Internet account may result in litigation against the offender by the proper authorities. If such an event should occur, Bellville ISD will fully comply with the authorities to provide any information necessary for the litigation process.

## APPENDIX A

**Commercial Use.** Use for commercial, income-generating or "for-profit" activities, product advertisement, or political lobbying is prohibited. Sending unsolicited junk mail, or chain letters, is prohibited.

**Vandalism/Mischief.** Vandalism and mischief are prohibited. Vandalism is defined as any malicious attempt to harm or destroy data of another user, the Network/Internet, or any networks that are connected to the Network/Internet. This includes, but is not limited to, the creation or propagation of computer viruses. Any interference with the work of other users, with or without malicious intent is construed as mischief and is strictly prohibited. Any physical damage of the computer system is considered vandalism/mischief.

**Electronic Mail.** Students may not check, send, or receive electronic mail on BISD computers. The use of e-mail is limited to staff.

**File/Data Violations.** Deleting, examining, copying, or modifying files and/or data belonging to other users, without their permission, is prohibited.

**System Interference/Alteration.** Deliberate attempts to exceed, evade or change resource quotas are prohibited. The deliberate causing of network congestion through mass consumption of system resources is prohibited.

**Consequences of Agreement Violation.** Any attempt to violate the provisions of this agreement may result in revocation of the user's access to the Network/Internet, regardless of the success or failure of the attempt. In addition, school disciplinary actions, IBS, suspension, withdrawal of network privileges for the remainder of the year, and/or appropriate legal action may be taken.

**Final determination.** The administrator or designee will make the final determination as to what constitutes inappropriate use.

**Denial, Revocation, or Suspension of Access Privileges.** With just cause, the administrator or designee, may deny, revoke, or suspend Network/Internet access as required, pending an investigation.

### Security.

**Reporting Security Problems.** If a user identifies or has knowledge of a security problem on the Network/Internet, the user should immediately notify an administrator or designee. The security problem should not be shared with others.

**Impersonation.** Attempts to log on to the Network/Internet impersonating an administrator or designee or Bellville ISD employee will result in revocation of the user's access to Network/Internet.

**Other Security Risks.** Any user identified as having had access privileges revoked or denied on another computer system may be denied access to the Bellville ISD Network/Internet.

### Disclaimer.

This agreement applies to stand-alone computers as well as computers connected to the Network/Internet. Bellville ISD makes no warranties of any kind, whether expressed or implied, for the services it is providing and is not responsible for any damages suffered by users. This includes loss of data resulting from delays, non-deliveries, mis-deliveries, or service interruptions caused by its negligence or user errors or omissions. Bellville ISD is not responsible for phone/credit card bills or any other charges incurred by users. Use of any information obtained via the Network/Internet is at the user's own risk. Bellville ISD specifically denies any responsibility for the accuracy or quality of information obtained through its services.

**Bellville Independent School District does not discriminate against any student, employee, or applicant because of race, color, religion, sex, national origin, age, marital or veteran status, or the presence of non-job related condition or impairment disability. Mr. Mike Coker, Superintendent (979) 865-3133, has been designated to coordinate compliance with the nondiscrimination requirements of Title IX of the Educational Amendments of 1972. Mr. Mike Coker (979) 865-3133, has been designated to coordinate compliance with the requirements of Section 504 of the Rehabilitation Act of 1973.**